



STATELESSNESS  
**INDEX**

THEMATIC BRIEFING | UPDATED JULY 2020

## Birth registration and the prevention of statelessness in Europe:

identifying good practices and remaining  
barriers

## The Statelessness Index

The Statelessness Index (<https://index.statelessness.eu/>) is an online comparative tool developed and maintained by the European Network on Statelessness (ENS),<sup>1</sup> that assesses European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice. ENS has worked with its members to research and compile comparative information on statelessness in 24 countries in Europe so far, with some further countries to be added in future annual updates. For information on the Statelessness Index methodology and how country data is gathered and analysed, see: (<https://index.statelessness.eu/about/methodology>).

### How is birth registration assessed in the Statelessness Index?

The Statelessness Index and country analysis presented in this briefing use the following set of benchmarks to assess countries' law, policy and practice on birth registration. The benchmarks are drawn from international and regional human rights standards, soft law, relevant reports, and consultation with experts. These benchmarks and their sources can be viewed in more detail in the country surveys available for download from each country page on the Statelessness Index website.

1. Law and practice provide that all children are registered immediately upon birth regardless of the residence or documentation status of their parents or family members.
2. Documentary proof of birth is issued to parents regardless of their or family members' residence or documentation status.
3. Any official determination of the child's nationality where the child may otherwise be stateless is carried out by a competent authority with the necessary expertise, in line with good practice, and an established procedure that adheres to the best interests of the child.
4. There are no mandatory reporting requirements for public officials that could discourage migrant parents from approaching birth registration authorities.
5. Free and prompt birth registration is assured in law and practice even if the period within which the birth should have been declared has expired.

The Index assessment for each of the 24 countries is intended to reflect their overall performance on birth registration across the five benchmarks. Elements of good practice from different countries as well as barriers to realising birth registration are highlighted throughout this briefing. These examples are illustrative and, given country performance varies both within and across the different benchmarks, they do not necessarily reflect the country's performance and consequent assessment on birth registration overall. The Statelessness Index data is updated on an annual basis, so the overall assessment may change from year-to-year. This briefing was published in April 2020 based on Index data, which is accurate as of January 2020. All sources for the assessments and examples presented in this briefing can be found in the Statelessness Index country surveys.

## 1. BIRTH REGISTRATION AND PREVENTING STATELESSNESS

Most, but not all of us, have had our births registered. Lack of birth registration is not the same as statelessness, yet it heightens the risk of leaving children without a nationality. Given the key information birth registration provides about individuals and their links to a State, either through the parents or place of birth, not having a birth registered or a birth certificate evidencing registration can contribute to difficulties establishing these links and consequently expose them to the risk of statelessness.<sup>7</sup> Children in this situation face severe disadvantages accessing rights and services, including school, healthcare and social security, whilst also facing an increased risk of exploitation, such as child marriage, trafficking, forced recruitment and child labour.

Whilst regional data suggests that Europe as a whole has high rates of birth registration,<sup>8</sup> data analysis from the Statelessness Index demonstrates that barriers to birth registration in some countries in Europe persist, preventing universal birth registration from being realised across the region.<sup>9</sup> There is no standardised procedure nor regional harmonisation of birth registration. As a consequence, some children continue to be at risk of statelessness and prevented from realising their rights in Europe.

This briefing is the first in a series of thematic briefings and summarises how the 24 countries featured in the Statelessness Index perform against international norms and good practice in their birth registration law, policy and practice. It introduces the relationship between birth registration and the prevention of statelessness, provides an overview of norms and good practices on birth registration, and presents a state of play analysis on birth registration law, policy and practice in Europe using the data from the Statelessness Index. It highlights groups who are disproportionately affected by discriminatory barriers to birth registration and suggests key action areas for ensuring universal access to immediate, free birth registration as a way of safeguarding every child's right to a nationality and preventing childhood statelessness in Europe.

### Stateless person

A stateless person is defined in international law as someone "who is not considered as a national by any state under the operation of its law".<sup>2</sup> This definition is part of customary international law and has been authoritatively interpreted by UNHCR as requiring "a mixed question of fact and law".<sup>3</sup>

### Person at risk of statelessness

A person who either is not stateless but may become so; or whose statelessness may become evident over time. Hidden statelessness can come to light in an immigration detention context, as well as at different stages in migration or international protection procedures.

### Birth registration

Birth registration is the official recording of a birth by a country's civil registrar within the civil registry, which records both the incidence of the birth and its characteristics (such as the place of birth, and the parents).<sup>4</sup> Birth registration takes place in line with a country's legal requirements and authenticates a person's existence in law, providing legal proof of and information about the person's identity, which is vital information for securing the acquisition of a nationality.

### Birth certificate

A birth certificate is a document issued by a country's civil registrar. It provides proof that the child has had their birth registered and is essential evidence of a child's family ties as well as their place of birth. These are key aspects of identity and can be critical to establishing the child's nationality, as nationality is usually acquired either through the parents (*jus sanguinis*), the place of birth (*jus soli*), or a combination of the two. A birth certificate, therefore, acts as proof that the birth registration took place and of the child's legal identity.<sup>5</sup>

### Legal identity

Legal identity is defined by the UN as the basic characteristics of a person's identity, such as, name, sex, place and date of birth conferred through birth registration and the issuance of a birth certificate by an authorised civil registration authority. In the absence of birth registration, legal identity may be conferred by a legally recognised identification authority.<sup>6</sup>



## 2. BIRTH REGISTRATION NORMS AND GOOD PRACTICES

The right to birth registration for all is enshrined in various international and regional human rights instruments, with three frameworks relevant to the European context: the United Nations, Council of Europe and European Union. The majority of countries in Europe are Council of Europe members. Of the 47 Council of Europe Member States, 27 are also members of the European Union. Within each framework, different instruments may or may not apply, depending on whether the State in question is party to them.

### Article 7 of the Convention on the Rights of the Child (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** [...].
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**.

The right to a nationality is a right that is 'essential for the protection of every child'.<sup>10</sup> As signatories to the CRC, all States in Europe must implement Article 7 to provide the right of every child to be registered immediately after birth and acquire a nationality, and Article 8 to respect the right of the child to preserve his or her identity, including nationality, in compliance with their obligations under relevant international instruments. Obligations deriving from the 1961 Convention on the Reduction of Statelessness require States to grant nationality to children who would otherwise be stateless and must be interpreted in light of the CRC.<sup>11</sup> This includes the underlying principles of (i) non-discrimination (CRC Art 2) and (ii) that all actions concerning children, including in the area of nationality, must be undertaken with the best interests of the child as a primary consideration (Art 3). Birth registration is key to preventing statelessness and securing the child's right to a nationality, due to the information it provides about a person's links to a State.<sup>12</sup> It is therefore key to implementing both the Convention on the Rights of the Child and the 1961 Convention.



## International & regional norms and good practice



### United Nations

- Convention on the Rights of the Child Art 7 & 8
- 1954 Convention Relating to the Status of Stateless Persons
- 1961 Convention on the Reduction of Statelessness
- International Covenant on Civil and Political Rights Art 24(2)
- Convention on the Rights of Persons with Disabilities Art 18
- Convention on the Protection of Rights of All Migrant Workers and Members of Their Families Art 29
- Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration
- Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return
- Human Rights Council Resolution 20/4 (2012) The Right to a Nationality: Women and Children
- UNHCR Guidelines on Statelessness
- UNHCR Global Action Plan to End Statelessness 2014-2024 Action 7
- UN Guiding Principles on Internal Displacement Principle 20
- Executive Committee of the High Commissioner's Programme, Conclusion on Children at Risk No. 107 (LVIII) - 2007
- Sustainable Development Goal 16.9
- Global Compact on Refugees Civil Registries
- Global Compact on Safe, Orderly and Regular Migration Objective 4



### Council of Europe

- European Convention on Human Rights Art 8 & 14
- European Convention on Nationality
- Council of Europe Recommendation CM/Rec(2009)13 on the Nationality of Children
- Parliamentary Assembly of the Council of Europe, Resolution 2099 (2016) The need to eradicate statelessness of children



### European Union

- Charter of Fundamental Rights of the European Union
- European Parliament Resolution on the Protection of Children in Migration
- European Parliament Minimum Standards for Minorities in the EU
- European Parliament Resolution on Children's Rights

### 3. BIRTH REGISTRATION IN EUROPE: A REGIONAL OVERVIEW

According to global estimates, one quarter of children under the age of five have not had their births registered.<sup>13</sup> Children are not always provided with proof of birth registration, meaning an estimated 237 million children under the age of five do not have birth certificates.<sup>14</sup> Regional data suggests that birth registration levels in Europe are high, with estimates ranging from 99–100% suggesting that no child under the age of five in Western Europe is without a birth certificate.<sup>15</sup> However, there is a lack of available, comparable and recent data in the region, and evidence from the Statelessness Index suggests that these estimates may mask some barriers to birth registration in the region.

Analysis of the Statelessness Index data demonstrates that, whilst some countries in Europe perform well across most international norms and good practices on birth registration, there are still barriers preventing children in some countries from realising their right to immediate birth registration. Very little change has been reported over the past two years among the countries added to the Statelessness Index in 2017 and 2018, suggesting that progress towards achieving universal birth registration in Europe is slow, and new challenges may even be emerging.

Stringent evidentiary requirements, and access to birth registration procedures being conditional on parents' residence or documentation status mean that some children are prevented from having their births registered and are not being provided with a birth certificate in some countries. Fees and additional requirements, such as complex court procedures, proof of paternity or DNA testing, create further barriers to accessing free and prompt birth registration after the deadline for registration has passed.

Some countries lack formal procedures for determining whether the child has acquired a nationality in cases where they may 'otherwise be stateless'. In some cases, countries insert an assumed nationality (or 'unknown nationality') at the point of birth registration or on the birth certificate, which can be very difficult to change later and may mean that States are unaware or don't identify that a child born on their territory may be stateless. This has implications for the functioning of safeguards to ensure every child's right to acquire a nationality. Laws that require health professionals and civil registry officials to report people who are undocumented or with irregular residence status to immigration authorities, as well as reports of this happening in practice in some countries where there is no such requirement, also deter parents from approaching registration authorities and hinder access to birth registration for children in migration. Due to discrimination, certain groups are disproportionately affected by these barriers to birth registration including members of minority groups such as Romani people, refugees and migrants, and children of same-sex couples.

#### Measuring birth registration

There is a critical difference between so-called registration "completeness", a measure used by statisticians, and the achievement of Universal Birth Registration. On the UN Statistics Division website, for example, statistics only show whether countries have birth registration rates of more than 90% of vital events being registered.<sup>16</sup> Whilst less than 10% of births remaining unregistered may not appear statistically significant, it is essential to interrogate these statistics further to understand who is still falling through the gaps and why. The way birth registration rates are measured may also mean that some children are not captured in national birth registration data. In particular, marginalised populations are more likely to face barriers to birth registration, such as migrants and refugees, minority groups, undocumented people, or families living in areas or circumstances less likely to be captured in national household survey data, such as those living in orphanages, residential care homes or hospitals, in refugee or internal displacement camps, asylum reception centres, informal settlements, or homeless or nomadic people.<sup>17</sup> This briefing uses the definition of 'universal birth registration' to assess countries' law, policy and practice, which goes beyond aggregate birth registration rates and considers the principle of non-discrimination, in other words, whether every person is "registered regardless of their race, religion, national origin, sex or any other trait".<sup>18</sup>

## Birth registration: How Statelessness Index countries compare



**POSITIVE**



PORTUGAL



SPAIN



**SOMEWHAT  
POSITIVE**



AUSTRIA



CZECH  
REPUBLIC



NORWAY



POLAND



SLOVENIA



**POSITIVE  
AND  
NEGATIVE**



BELGIUM



BULGARIA



FRANCE



GERMANY



GREECE



HUNGARY



ITALY



LATVIA



MALTA



NETHERLANDS



SWITZERLAND



UKRAINE



UNITED  
KINGDOM



**SOMEWHAT  
NEGATIVE**



CYPRUS



MOLDOVA



NORTH  
MACEDONIA



SERBIA



**NEGATIVE**

## 4. IMMEDIATE, FREE BIRTH REGISTRATION

According to international norms and good practice, national law and practice should provide that all children are registered immediately after birth regardless of the residence status or documentation of the child or their parents.<sup>19</sup> The requirement under Article 7 of the Convention on the Rights of the Child to register the child ‘immediately after birth’ implies the need to register the birth as soon as possible and act with urgency, in a matter of days rather than months.<sup>20</sup> Registration is more likely to happen immediately after the child is born and doing so increases the likelihood of accurately recording information about the birth.<sup>21</sup>

### Good practice

Of the 24 countries featured in the Statelessness Index, almost half demonstrate good practice in this area, with the law providing that all births in the country are registered regardless of the status of the child’s parents, and reporting this law as being implemented in practice. A key good practice in this area is the provision in law for flexibility in documentation requirements for groups less likely to be able to present certain documents (for example, accepting photocopies where original documentation has been lost or destroyed, or waiving documentation requirements and instead accepting declarations or witness statements).<sup>22</sup> Some countries, such as **Austria**, the **Czech Republic** and **Portugal** provide for this, enabling parents who are less likely to be able to provide certain documents, such as refugees and asylum seekers, to register the birth of their child. Since August 2018, a new law in **Greece** provides that undocumented mothers about to give birth must be admitted to public hospitals and issued with an ad-hoc ID including their personal information based on a statement, in order to assist with the registration of the child’s birth.



### Flexible documentation requirements in the Czech Republic

In the **Czech Republic**, different documents are required to register a child’s birth depending on the situation. In most cases, registration is carried out automatically by the health facility where the child was born. If the child is born at home and the parents are married, one must present their ID or passport; if they are unmarried, both present their birth certificates; if the father is unknown, the mother presents her birth certificate. The obligation to present documentation for birth registration can be waived in special circumstances, such as in the case of refugees and asylum seekers, with a solemn declaration provided instead, facilitating access to birth registration procedures.<sup>23</sup>

## Barriers to immediate, free birth registration

### *Conditions relating to the documentation or residence status of the parents*

Just over half of countries in the Statelessness Index demonstrated some barriers to immediate, free birth registration either in law, policy or practice. The barriers identified include strict and numerous evidential requirements, and access to birth registration being dependent on the parents’ residence or documentation status in some countries. In **Latvia**, **North Macedonia**,



**Moldova, Serbia and Ukraine**, a child can only be registered if the parents (particularly the mother) are able to submit certain identification documents. In the **Netherlands**, a valid identification document is required for registration and, although certain options are provided for registering the birth of a child for parents who do not have residence status, if they are undocumented, it is difficult in practice to register the child.

According to **Germany's** Civil Status Act, children must be registered immediately, but certain documents such as parents' birth certificates, marriage certificates and recognised passports may be required. Although the law allows for some flexibility, whether this flexibility is implemented in practice varies widely. If there is no marriage certificate, German officials may only register the name of the mother, which could lead to a risk of statelessness if the laws of her country of origin do not allow women to confer their nationality to their children (and the child does not acquire German or any other nationality).

In **Greece**, birth registration for asylum-seeking and refugee children in some regions is particularly difficult and people who do not speak Greek may be turned away from the civil registry office if they arrive without an interpreter. In **Cyprus**, there have been reports of undocumented parents being asked to present passports before allowing birth registration to take place. In **Switzerland** and **France**, parents who lack documents have also reportedly faced barriers or delays to birth registration in practice.

Such evidential requirements clearly impact on access to birth registration for refugees and migrants whose documents may have been left behind, lost, destroyed or never issued in the first place. Conditionality of birth registration on the parents' residence status also hinders access for migrants with irregular residence status. Children born en route to Europe face barriers to birth registration, as few European states have provisions in place for these children to acquire a birth certificate or equivalent documentation.<sup>24</sup>

The strict and numerous evidential requirements for registering children's births in some countries disproportionately impact on Romani and other minority communities who face difficulties meeting these documentation requirements, as is the case in **North Macedonia, Serbia and Ukraine**. Romani communities (including Ashkali, Egyptian and other communities) face intergenerational barriers to accessing documentation and are less likely to have their births registered than other populations in Europe. Despite legislative amendments and policy changes in recent years in attempts to simplify procedures and improve access to birth registration, challenges remain for Romani people, including deep-rooted antigypsyism, discriminatory legislation and policies, and prejudicial attitudes of registry officials. Barriers to reproductive healthcare faced by Romani women also create difficulties for birth registration. Living in rural areas far from health centres, undocumented status and/or lack of health insurance or financial means may lead to Romani women giving birth at home, leading to reduced access to birth registration due to the additional documentation required.<sup>25</sup>



### Barriers to immediate birth registration in Serbia disproportionately impacting Romani population

Legislative amendments passed in **Serbia** in 2012 introduced a court procedure to facilitate access to late birth registration for people who have been unable to register their births in the birth registries. However, bylaws on birth registration requiring parents to present birth certificates and identity documents to register the birth of a child immediately after birth remained in force and continue to disproportionately impact on the Romani population. Children born in Serbia to undocumented mothers still cannot be issued with a birth certificate at birth.<sup>26</sup>

## 5. DOCUMENTARY PROOF OF BIRTH

International norms and good practice require States to issue documentary proof of birth to children regardless of their or their family members' documentation or residence status.<sup>27</sup> In the authoritative guidance provided in their recent joint general comments, the UN Committee on the Rights of the Child and the Committee on the Protection of Migrant Workers have urged States to ensure that all children not only have their births registered immediately, but are also issued with birth certificates, irrespective of their or their parents' migration status.<sup>28</sup>

### Good practice

Only half of the 24 countries featured in the Statelessness Index demonstrate good practice in this regard. All children, regardless of their or their parents' documentation or residence status should be issued with birth certificates upon birth registration, and States should take all necessary measures to ensure a birth certificate is provided for every child. In **Austria, Bulgaria, Cyprus, the Czech Republic, France, Hungary, Italy, the Netherlands, Slovenia, Spain and Switzerland**, all children are issued a birth certificate upon registration, without any further action being required by the child or the parents. In **Portugal**, a free certificate is provided either digitally or on paper to all children after registration.



### Issuance of birth certificates in Austria

All births in **Austria** must be communicated (usually by the hospital/doctor/midwife) to the civil registry office in the place of birth within seven days, regardless of nationality and legal status. Austrian civil registry offices are obliged to immediately register all births notified to them and issue birth certificates containing details of the place and time of birth, the name of the child and the (legal) parents. Parents must submit documents confirming their nationality and civil status but if documents cannot be presented, civil registrars can conduct *ex officio* investigations or oral hearings and should be flexible to facilitate birth registration for parents who cannot provide the required evidence.

## Barriers to issuing documentary proof of birth to parents

### *Conditions relating to the documentation or migration status of the parents*

In some countries, not all children receive a birth certificate or documentary proof of their birth, largely due to the parents' residence or documentation status. Lack of access to birth registration impedes access to a birth certificate. In **Latvia**, **North Macedonia**, **Serbia**, **Ukraine** and **Moldova**, for example, children of undocumented parents who cannot have their births registered will not receive a certificate. Birth certificates in **Greece** are only issued to people registered with a municipality, and only Greek nationals are allowed by law to register with a municipality.<sup>29</sup>



### Provision of extracts from the birth registry in Germany

In **Germany**, if the required documents cannot be presented, parents do not receive a birth certificate but are instead issued with an extract from the birth register, which contains the notes 'identity not established' and 'name not established'. Court rulings have demonstrated that this can lead to practical problems as the extract does not have the same evidentiary value as a birth certificate and could prevent access to different parental entitlements, preventative healthcare and the automatic issuance of a tax number, which in turn prevents access to certain social security entitlements.<sup>30</sup> No international version of the extract is issued, so it is only in German, and an extract (as opposed to an original birth certificate) may not be accepted by the authorities in another country for the purpose of civil registration or acquiring a nationality. Although some civil registry offices collect data on the number of children issued with extracts, data is not collected nationally, so it is unclear how many children in Germany are affected.

### *Issuance of birth certificate requires additional action from the parents*

In some countries where birth registration is possible regardless of the residence status of the parents, documentary proof is still not issued automatically to parents. In **Belgium**, all birth certificates are kept in the civil status register and are only issued to parents on request. As of May 2019, birth certificates are no longer automatically issued to all children in **Norway**. Instead, parents receive a confirmation of registered Norwegian national identity number and name, which is automatically sent to the parents' *Altinn*, an online tax administration account which is inaccessible to anyone without a residence permit in Norway. Ordering a birth certificate requires at least one parent to have both an Altinn account and a BankID (an online login for accessing banking and public services), which requires a bank account at a Norwegian bank account. This is virtually impossible for non-Norwegians without a valid passport. This means that parents without a residence permit in Norway or a valid passport are not automatically issued with documentary proof of birth and must go through additional steps to request a birth certificate from the Tax Administration.

### *Non-recognition of same-sex parents*

The enjoyment of LGBTIQ\* rights varies across Europe, including the recognition of same-sex partnerships or marriages and the recognition of legal parentage between children and their non-biological LGBTIQ\* parents.<sup>31</sup> As a result, LGBTIQ\* families in Europe can face problems with birth registration and access to birth certificates, putting the children in these families at risk of statelessness in some cases. Issues may arise from the failure of authorities in one State to recognise birth certificates issued in another State, which include the names of both same-sex parents on the certificate. In other cases, national legislation and policy mean that it is not possible to register the birth of the child where they have same-sex parents, or to include both parents on a birth certificate.

The Network of European LGBTIQ\* Families Associations (NELFA) has been collecting cases demonstrating issues faced by rainbow families when crossing borders, including those related to the recognition of birth certificates and risks of statelessness for children of same-sex parents.<sup>32</sup> The examples collected demonstrate good practice in **Spain**, with both same-sex parents being included on issued birth certificates, recognising and providing proof of the child's links to both parents.

### *Children born in conflict settings or areas of territorial dispute*

Children born in areas of territorial dispute or conflict settings can face barriers to accessing a birth certificate or documentary proof of their birth. Children born in the non-government controlled areas of Ukraine, for example, face additional challenges in obtaining civil registration documents, as the documents issued in these areas are considered invalid by the Government of Ukraine and procedures aimed at resolving this issue have not been implemented in practice. The Ministry of Justice has estimated that only 45% of children reported to have been born in the areas of Donetsk and Luhansk and 12% in Crimea have obtained a birth certificate.<sup>33</sup> There is a judicial procedure that must be used to register the birth of a child born in non-government controlled areas, but this is costly and often lengthy.<sup>34</sup>

## **6. ESTABLISHING WHETHER A CHILD WOULD 'OTHERWISE BE STATELESS'**

International norms for the prevention of statelessness establish that children who would otherwise be stateless shall acquire the nationality of the State where they were born. However, to establish if a child would 'otherwise be stateless' and meet their obligations under the Convention on the Rights of the Child and the 1961 Convention on the Reduction of Statelessness, States must be able to determine whether the child has acquired the nationality of another State. There is a lack of international norms and guidance on the determination of the child's nationality, resulting in diverse national practices and uncertainty as to good practice to follow, with more research, information and common guidance needed.

Drawing on the limited available international norms and guidance, experts recommend that the child's nationality should only be registered at birth if the following conditions are cumulatively met: a) the nationality in question is that of the European State where the child was born, b) the child's parent is also a national of the same State, and c) the State in question allows a parent to pass on their nationality to their child without limitation (*jus sanguinis*). This situation encompasses most births in Europe and in these cases, the child's nationality can clearly be established without any in-depth legal or factual analysis.



In all other cases, the examination of whether the child would otherwise be stateless should be carried out separately by a competent authority with the necessary expertise, through an established procedure for determining the child's nationality or whether they would otherwise be stateless.<sup>355</sup> The child's nationality or statelessness should be determined and resolved immediately after birth registration or as soon as possible.<sup>36</sup> The nationality of the child should be considered 'unknown', 'undetermined' or 'under investigation' for as short a period as possible and never longer than five years. Children with undetermined nationality should enjoy their human rights on equal terms with children who are nationals,<sup>377</sup> and if a State grants its nationality automatically at birth to children who would otherwise be stateless, then the child should be treated as a national of the State unless and until the possession of another nationality is proven.<sup>388</sup>

All actions involved in determining whether a child would otherwise be stateless must be undertaken with the best interest of the child as a primary consideration.<sup>399</sup> The procedure should be free of charge and regulated by transparent guidance. The authority responsible for such a procedure should ensure that its decision-making staff are trained on nationality and statelessness law and have the legal and language knowledge necessary to conduct the assessment of foreign nationality laws.

UNHCR has stressed that, in the determination of whether a child would otherwise be stateless, decision-makers must adopt an appropriate standard of proof (for example, "to a reasonable degree") and all relevant evidence must be assessed, including statements from the parents or experts and any information on how national legislation is applied in practice.<sup>40</sup> In this regard, cooperation between States is essential to avoid statelessness.<sup>41</sup> The competent authority should be able to directly contact consular representatives of other States to confirm the foreign nationality of a child, if necessary, except in cases where security or refugee law-related considerations would prohibit such contact. In these cases, special rules should be adopted for determining the nationality of the child and, where the child would otherwise be stateless, they should acquire the nationality of the State in which they were born.<sup>422</sup> Where determination of nationality requires an application procedure, information on how to apply must be provided to individuals whose children would otherwise be stateless or of undetermined nationality.<sup>433</sup>

### Existing procedures for establishing whether a child would otherwise be stateless

A handful of countries in the Statelessness Index have procedures or guidance on determining a child's nationality in place, but very limited information is available about how they are implemented in practice and to which children they apply, so it is unclear whether they meet the standards outlined above. It is also unclear how well-known these procedures are among authorities, parents or guardians, what information is available about how to initiate them, and how well-used they are in practice.

In **Greece, Germany, Latvia, Norway** and the **Czech Republic**, nationality determination procedures or guidance exist, but whether and when these apply to children who might otherwise be stateless is somewhat unclear. It is also often unclear what happens in the case of children born to refugees where the child should acquire a nationality from their parents through *jus sanguinis*, but the parents are unable to contact the authorities of their country of nationality because they are seeking or have been granted international protection. Some countries have provisions in place to ensure that children born to refugees can acquire a nationality. For example,

in **Belgium**, parents who are unable to apply to the diplomatic or consular authorities of their country of origin because they are refugees are exempt from doing so as a prerequisite for their child born in Belgium to acquire Belgian nationality.



### Determining the nationality of children born in Greece

There is a clear legal framework and procedure for determining Greek nationality, which was amended and improved in March 2019. However, it is unclear whether all children born in **Greece** whose nationality is unclear or undetermined, or who may otherwise be stateless, will be identified and have their entitlement to Greek nationality determined under the procedure. It is also unclear what safeguards are in place to ensure that all children born in Greece acquire a nationality (whether Greek or otherwise).

### Issues arising from the lack of procedures to identify whether a child would otherwise be stateless

Many countries in the Statelessness Index lack formal procedures for determining whether a child born on their territory to non-nationals would otherwise be stateless. In some countries the nationality of the child (and/or parents) is recorded at birth registration, and in others it is not. In countries where the child's nationality is routinely recorded at birth registration, officials often have discretion and little guidance as to what to record in the nationality field where parents are non-nationals. This can lead to varying practice and a risk that statelessness remains unidentified. In some countries, the nationality field is simply left blank (for example in **Slovenia**, **Cyprus** and **North Macedonia**) and no further action taken; in others, the child is recorded as having 'unknown' nationality (for example in **Hungary**); and in others, nationality may be assumed without verification based on a parent's (usually the mother's) nationality. In many countries, the children of married and unmarried parents are treated differently, and, in some cases, fathers must take additional steps to prove paternity (for example, in **Malta**, **Slovenia** and **Germany**).

In **Hungary**, where officials determine a child's nationality at birth registration, if none can be proven, the child is recorded as having 'unknown nationality' with no procedure in place to later determine the child's nationality. This creates a worrying gap when the child's parents are refugees and cannot contact their consular authorities to obtain proof of their nationality or register the child. In **Bulgaria**, **Serbia**, **Italy** and **Norway**, civil registry officials attribute the child a nationality based on the nationality of the parents (usually the mother). In **Italy**, the child's nationality is recorded at the time of registration in the Municipal Population Registry and is automatically recorded on the basis of the parents' nationality. If this is unclear, practice shows that civil registry officials tend to record a presumed nationality, such as that of the parents' country of origin. In such cases in **Italy** where the child's nationality is presumed, the National Association of Civil Registrars (ANUSCA) is expected to issue instructions to civil registrars on how to record such cases in the registry.<sup>44</sup>

In some cases, the practice of attributing the child's nationality based on that of their parents appears to have evolved through a lack of guidance, in others, officials are explicitly instructed to do this in law or guidance. **Norway's** National Registry Handbook instructs officials to register children born to non-Nordic parents with different nationalities with the mother's

nationality (unless otherwise highlighted in the birth notification). In **Bulgaria, Italy** and **Norway**, there are procedures in place to later correct the child's record, but such practices create a worrying risk that childhood statelessness may go unidentified where the laws of the mother's country of nationality prevent her from conferring her nationality to her child born abroad due to gender discrimination.<sup>455</sup>

In countries where nationality is not recorded on the birth certificate, there is also a risk that statelessness may be missed if there is no later procedure for determining the child's nationality. In the **UK** and **Ukraine**, for example, most people will only have their nationality determined at the point of requesting a passport, meaning that any nationality problems may only emerge when a person is at the point of starting work, higher education or seeking to travel. In **Portugal**, where a child is born to non-nationals, the birth registry must indicate the nationality of the parents, which would seem to be good practice, but it is unclear whether a procedure exists to determine whether the child has acquired a nationality.

Issues with recognition of paternity are evident in **Malta, Slovenia** and **Germany**. In **Slovenia**, for children born to foreign nationals, there are reports of administrative practice preventing the registration of paternity. There are also reports of issues in **Germany** with recognition of paternity for non-married parents, including fees, suspension of paternal recognition due to credibility issues, and difficulties securing appointments with Civil Registries and Child Welfare Offices.



### Discriminatory practices in recognition of paternity in Malta

In **Malta**, there is no clear legal framework for determining a child's nationality in cases where they may 'otherwise be stateless'. Practice suggests that there is no automatic assessment procedure, and there is discrimination in recognition of paternity. When the parents are married and both are Maltese, or when they are unmarried and the mother is Maltese, the assumption is that the child is Maltese. Where only the father is Maltese, a procedure must be triggered requiring evidence of paternity or else Maltese nationality is not automatically recognised for the child. In the 2014 *Genovese* case, the European Court of Human Rights found Malta's decision to deny nationality to a person born to an unmarried Maltese father and British mother to be in violation of Article 14 in conjunction with Article 8 of the European Convention on Human Rights.<sup>466</sup>

## 7. MANDATORY REPORTING REQUIREMENTS THAT DETER PEOPLE FROM ACCESSING HEALTH AND/OR CIVIL REGISTRATION SERVICES

In order to ensure that all children have their births registered regardless of their or their parents' residence status, international norms and good practice urge States to prohibit data-sharing between health or registration officials and immigration enforcement authorities.<sup>477</sup>

### Good practice

Most countries featured in the Statelessness Index do not have mandatory reporting requirements for public officials to report people with irregular residence status to immigration authorities, but few explicitly prohibit this in law or guidance, like **Switzerland** does. An explicit

firewall between immigration authorities and public services is the safest way to ensure that people can access their rights to healthcare, civil registration and other public services, free from the fear of being subject to immigration enforcement actions in practice.<sup>488</sup>



### Firewall between registry officials and immigration authorities in Switzerland

In **Switzerland**, an Instruction to the Civil Registry Ordinance on the registration of non-nationals explicitly prohibits public officials from reporting people with irregular residence status to the migration authorities when registering births.<sup>499</sup>

## Reporting of people with irregular residence status to immigration authorities

Three countries in the Statelessness Index have mandatory measures in place that require public officials to report certain immigration matters to the enforcement authorities (**Belgium**, **Germany** and the **UK**). The fear that this creates among migrants with irregular residence status can be a significant barrier to parents approaching public services to register births or to accessing public health services to give birth, which can complicate the birth registration process. In **Belgium**, public servants including civil registrars are required by law to report undocumented migrants to the immigration authorities. Similarly, in **Germany**, registry officials are required to report people subject to deportation, who breach geographic restrictions or who have irregular residence status to immigration authorities.



### Barriers to healthcare for undocumented migrants in the UK

Health officials in the **UK** are required to report certain immigration matters to the immigration authorities and undocumented migrants are subject to charging for healthcare, which may combine to prevent them from accessing health services and registering the birth of their child.

In **Bulgaria** and **North Macedonia**, although there are no mandatory reporting requirements, health authorities may decide to report undocumented migrants to the authorities and there are instances of this happening in practice.

## 8. ACCESS TO LATE BIRTH REGISTRATION

Free and prompt birth registration should be assured in law and practice, even if the period within which the birth should have been declared has expired, to ensure that no child is left unregistered. Any barriers that might prevent access to late birth registration, such as financial penalties, should be avoided.<sup>50</sup>



## Good practice

Less than half of countries in the Statelessness Index demonstrate good practice in facilitating access to free and prompt birth registration after the deadline for registration has passed. However, some good practice can be identified, including no fines or penalties, no action being taken to prevent late registration, or explicit safeguards like *ex officio* registration where parents fail to register a child. There are also initiatives to implement electronic or automatic registration by health institutions. In **Norway**, the doctor or midwife present at the birth is required to give notification of the birth to the National Registry Authority when the child is born. If the child is born without assistance from a midwife or doctor, the mother must notify the National Registry Authority within one month, but there is nothing in law or practice that suggests late birth registration would not be possible.



### Facilitating birth registration after the deadline has passed in Spain

Although deadlines for registration exist in **Spain** (72 hours, 10 days and 30 days), even when these are surpassed, it is possible to file for a late registration before the civil registry. In no case would a birth remain unregistered. The only additional requirement is the need to file for an out of time registration before the competent authority.

## Barriers to late birth registration

Late registration fees, complex court procedures, and other additional requirements for registering a birth after a national deadline prevent universal birth registration in some countries featured in the Statelessness Index.

### *Fees or fines for late birth registration*

In several countries in the Statelessness Index, the law provides for fees or fines to be levied to register a birth after the deadline has passed. The amounts vary significantly, from a €10-25 fee charged for issuance of a birth certificate after two years in **Austria**, to a potential €3750 fine and six-month prison sentence in **France** if the birth is not declared by someone who attended the birth. It is not clear whether such penalties are simply intended as a deterrent, or whether they are implemented in practice. **Portugal**, for example, provides in law for fines to be administered where the birth is not registered within the statutory deadline, but these are not then implemented in practice.<sup>51</sup>



### Fees for registering a birth after the statutory deadline in Cyprus

In **Cyprus**, the deadline for the completion of birth registration is 15 days after the child's birth. Late registration is possible by law but subject to late registration fees. If a child is registered within 15 days of birth, €5 is charged for the issuance of the birth certificate. Between 15 days and three months after birth, a late registration fee of €30 is charged, which doubles to €60 after three months.

### *Additional evidence requirements for late birth registration*

Certain countries have additional requirements for late birth registration. In **Germany** and **Latvia**, access to late birth registration is dependent on the documentation or residence status of the parents. In **Germany**, stateless people must have habitual residence and present a travel document.<sup>52</sup> A refugee passport is accepted, but if this has been issued on the basis of the holder's statement, its evidentiary value will be limited, and the registrar may only issue an extract from the birth registry rather than a birth certificate. In **Latvia**, parents must have identification documents to be able to register their child's birth late. In **Austria**, late birth registration is possible for nationals abroad, refugees, stateless people, or those with undetermined nationality who have habitual residence in **Austria** (habitual residence can often be proven after a six month stay). Whilst there are no reported barriers to meeting the habitual residence requirement in practice, the lack of identification of statelessness by civil registry officials continues to create barriers to late birth registration in **Austria**. This is due to there being no legal definition of 'statelessness' or 'undetermined nationality' in domestic law and the Ministry of the Interior's non-binding guidance for civil registry officials applies a narrow definition of statelessness. This can often lead to mis-categorisation and varying practice.

### *Court or administrative procedure required for late birth registration*

In some countries, civil registries do not have authority to register a birth beyond the statutory deadline. Late birth registration may require approval by a higher administrative body, be subject to a different administrative procedure or to court proceedings. These procedures tend to be lengthy and require additional evidence, creating further obstacles for birth registration and potentially deterring parents from initiating the procedure to register a child.

In **Serbia**, administrative and court procedures for late birth registration are free, but the length of these procedures is reported as a frequent problem, prohibiting access to prompt birth registration after the deadline for registration has passed. In the **Netherlands**, late birth registrations are usually seen by a judge before the birth is confirmed which causes delays and costs extra money. **North Macedonia** does not stipulate in law what facts and proof are required to evidence and determine the fact of a birth in a late registration procedure, meaning that officials have discretion to request different documents as evidence, which can prove cumbersome. Although late birth registration is possible in North Macedonia, it involves a complex administrative procedure and puts additional requirements on parents that are not easily met.

## 9. Conclusion and key actions

This briefing has demonstrated the links between birth registration and the child's right to a nationality, as well as providing an overview of the current state of play on birth registration law, policy and practice in Europe. Drawing on data from the Statelessness Index, it has highlighted some of the good practices in ensuring every child has access to immediate, free birth registration and is provided with a birth certificate, whilst also presenting some of the persisting barriers that prevent universal birth registration from being realised in some countries and, as a result, continue to expose children to the risk of statelessness.

### *Key action areas*

The following four key action areas highlight where urgent attention is needed from policy and decision-makers to address remaining barriers to birth registration, prevent statelessness and ensure every child born in Europe acquires a nationality. Action is needed from regional institutions, including the European Union and Council of Europe, to promote and facilitate universal access to birth registration in Europe and beyond; by States, to ensure national law and policy meets international and regional standards; and by local authorities with competence in these key action areas, to ensure appropriate procedures, guidance and capacity are in place at local level.

1

### Access to immediate, free birth registration and certification for all children, regardless of their parents' documentation or residence status, or other aspects of their identity

- Allow for flexibility (in law and practice) in the documentation required for birth registration
- Build the capacity of civil registry officials to identify and eliminate discrimination and take necessary steps to facilitate registration for those who cannot meet requirements
- Issue birth certificates to all children regardless of parents' documentation or residence status, or any other aspects of their identity (including sexual orientation or gender identity)
- Remove barriers to reproductive healthcare preventing women from giving birth in public health facilities and registering the births of their children
- Facilitate late registration after the deadline has passed by simplifying procedures, removing punitive fines or fees and ensuring flexibility where documentation or other requirements cannot be met
- Provide accurate, targeted and accessible public information about birth registration procedures

2

## Remove mandatory reporting requirements that deter people from accessing healthcare and/or civil registration

- Remove any requirements for public officials to report people with irregular residence status to immigration authorities and monitor practice to ensure this does not happen
- Introduce legal safeguards ('firewalls') to prohibit public officials from reporting people to immigration authorities when accessing healthcare or civil registration services
- Issue targeted, accessible, public information to inform people about their rights to access healthcare and civil registration services

3

## Improve procedures to determine the child's nationality and identify where they would otherwise be stateless

- Ensure full legal safeguards are in place so that any child born on the territory who would otherwise be stateless can acquire a nationality
- Build the capacity of civil registry officials through training and guidance to identify (the risk of) statelessness during birth registration
- Ensure mechanisms are in place for civil registry officials to refer identified cases for nationality determination to a clear procedure under a designated competent authority with the necessary expertise and safeguards
- Ensure that children are treated as nationals for the purposes of accessing their fundamental rights while their nationality is determined as soon as possible and in line with their best interests
- Improve research, standards, guidance, and information about law and policy frameworks for the determination of the child's nationality

4

## Improve local, national and regional data on birth registration

- Improve cooperation between local, national, regional and international institutions to collect and publish accurate birth registration data
- Increase efforts to gather and publish data on birth registration rates among populations disproportionately facing barriers to registration, including undocumented migrants, refugees, members of minority groups, people in residential care, immigration detention or prisons, asylum reception centres, informal settlements, and homeless people.



## REFERENCES

1. <https://www.statelessness.eu/>
2. UN Convention Relating to the Status of Stateless Persons 1954, Article 1(1)
3. UNHCR Handbook on Protection of Stateless Persons Under the 1954 Convention Relating to the Status of Stateless Persons, Geneva, 2014: [https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/04/CH-UNHCR\\_Handbook-on-Protection-of-Stateless-Persons.pdf](https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/04/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf)
4. UNICEF, December 2019, Birth Registration for Every Child by 2030: <https://data.unicef.org/resources/birth-registration-for-every-child-by-2030/>
5. ibid
6. The UN Operational Definition of Legal Identity and further information on legal identity are available at: <https://unstats.un.org/legal-identity-agenda/>
7. UNHCR Good Practices Paper - Action 7: Ensuring birth registration for the prevention of statelessness <https://www.refworld.org/docid/5a0ac8f94.html>
8. UNICEF, October 2018, Percentage of Children Under Age 5 Whose Births Are Registered (By Sex): <https://data.unicef.org/topic/child-protection/birth-registration/>
9. <https://index.statelessness.eu/>
10. UNHCR (2018) Ensuring the right of all children to acquire a nationality: Connecting the Dots between the Convention on the Rights of the Child and the Convention on the Reduction of Statelessness: <https://www.refworld.org/docid/52206aa54.html>
11. UNHCR Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness: <https://www.refworld.org/docid/50d460c72.html>
12. UNHCR and UNICEF (2017) Convention on the Rights of the Child Quick Reference Guide: Statelessness and Human Rights Treaties: <https://www.unhcr.org/ibelong/wp-content/uploads/UNHCR-CRC-02-UNHCR-UNICEF.pdf>
13. See 4
14. ibid
15. ibid
16. See UNSD, Demographic and Social Statistics, Civil Registration and Vital Statistics: <https://unstats.un.org/unsd/demographic-social/crvs/#coverage>
17. See 4
18. ibid
19. Convention on the Rights of the Child, Article 7, International Covenant on Civil and Political Rights, Article 24(2), Council of Europe (2009) Recommendation to Member States on the Nationality of Children, Principle 23, UNHCR Guidelines on Statelessness No. 4 (2012): V(c), UNHCR Global Action Plan to End Statelessness 2014-2024: Action 7, UN Sustainable Development Goal 16.9
20. Convention on the Rights of the Child
21. UNICEF (2013) Every Child's Birth Right: Inequities and Trends in Birth Registration: [https://www.unicef.org/publications/files/Birth\\_Registration\\_11\\_Dec\\_13.pdf](https://www.unicef.org/publications/files/Birth_Registration_11_Dec_13.pdf)
22. For more examples of good practice on birth registration, see UNHCR (2017) Good Practices Paper - Action 7: Ensuring birth registration for the prevention of statelessness: <https://www.refworld.org/docid/5a0ac8f94.html>
23. Czech Republic Act on Birth Registry no. 301/2000 Sb. 16.6: [https://aplikace.mvcr.cz/sbirka-zakonu/SearchResult.aspx?q=301/2000&typeLaw=zakon&what=Cislo\\_zakona\\_smlouvy](https://aplikace.mvcr.cz/sbirka-zakonu/SearchResult.aspx?q=301/2000&typeLaw=zakon&what=Cislo_zakona_smlouvy)
24. EMN (2020) Statelessness in the EU: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00\\_eu\\_inform\\_statelessness\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform_statelessness_en.pdf)
25. ENS, ISI, ERRC and Tirana Legal Aid Society. Roma Belong: Statelessness, Discrimination and Marginalisation of Roma in the Western Balkans and Ukraine. February 2018, p. 34: <https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/roma-belong.pdf>
26. Praxis, ENS, ISI and ERRC. Alternative report concerning Serbia to the CEDAW Committee for consideration at the 72nd Pre-Sessional Working Group (23-27 July 2018). July 2018: <https://www.statelessness.eu/resources/joint-alternative-report-serbia-committee-elimination-all-forms-discrimination-against>
27. Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return: <https://www.refworld.org/docid/5a12942a2b.html>
28. Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return: <https://www.refworld.org/docid/5a12942a2b.html>

29. Law 344/1976 (Article 20-21) on Birth Certificates, Official Gazette of the Hellenic Republic 143/A/11.06.1976 & its amendments
30. Bundesgerichtshof Beschluss vom 17. 5. 2017 – XII ZB 126/15 (in German): <http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&az=XII%20ZB%20126/15&nr=78613>
31. NELFA. The Cross-Border Legal Recognition of Rainbow Families Under EU Law. February 2020: <http://nelfa.org/inprogress/wp-content/uploads/2020/02/NELFA-Rainbow-families-and-EU-Law-Tryfonidou-final.pdf>
32. Network of European LGBTIQ\* Families Associations (NELFA) Freedom of movement in the European Union: Obstacles, cases, lawsuits... Available from: <http://nelfa.org/inprogress/wp-content/uploads/2020/01/NELFA-fomcasesdoc-2020-1-1.pdf>
33. United Nations Ukraine, Briefing Note: Birth Registration, January 2020: [https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration\\_2020.pdf](https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration_2020.pdf)
34. ibid
35. UNHCR, Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness, 21 December 2012, HCR/GS/12/04, available at: <https://www.refworld.org/docid/50d460c72.html>
36. Ibid, para. 11
37. Convention on the Rights of the Child, Article 2; Committee on the Rights of the Child General Comment No. 6 (2005) Treatment of Unaccompanied and Separated Children Outside their Country of Origin IV (b) non-discrimination, available from: <https://www.refworld.org/docid/42dd174b4.html>
38. ibid
39. ibid
40. UNHCR, Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness, 21 December 2012, HCR/GS/12/04, para. 20-21, available at: <https://www.refworld.org/docid/50d460c72.html>
41. Council of Europe (2009) Recommendation to Member States on the Nationality of Children, Principle 6.
42. ibid
43. ibid
44. Information about forthcoming ANUCSA guidance provided by UNHCR Italy in May 2020.
45. For further information on gender discriminatory nationality laws and the 25 countries worldwide that prevent women from passing their nationality to their children on an equal basis with men: <https://equalnationalityrights.org/>
46. Genovese v. Malta, application no. 53124/09, European Court of Human Rights: <http://hudoc.echr.coe.int/eng?i=001-106785>
47. Joint General Comment No. 4 (2017 of the Committee on the Protection of the Rights of All Migrant Workers and their Families & No. 23 (2017) of the Committee on the Rights of the Child: <https://www.refworld.org/docid/5a12942a2b.html>
48. Austria, Cyprus, France, Greece, Hungary, Italy, Latvia, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Serbia, Slovenia, Spain, Switzerland and Ukraine do not have mandatory reporting requirements for public which may prohibit migrants from approaching birth registration authorities, and do not allow this to happen in practice.
49. Instruction to the Civil Registry Ordinance on the registration of nonnationals with regard to legal stay in the country (January 2011): <https://www.bj.admin.ch/content/da%20m/data/bj/gesellschaft/zivilstand/weis%20ungen/weisungen-07/10-11-01-02-%20d.pdf>
50. Joint General Comment No. 4 (2017 of the Committee on the Protection of the Rights of All Migrant Workers and their Families & No. 23 (2017) of the Committee on the Rights of the Child (21); UN Human Rights Council Resolution 20/4. The Right to a Nationality: women and children (8).
51. See Portugal's Statelessness Index country survey for more information: [https://index.statelessness.eu/sites/default/files/Statelessness\\_Index\\_Survey\\_Portugal.pdf](https://index.statelessness.eu/sites/default/files/Statelessness_Index_Survey_Portugal.pdf)
52. Art 36 Personenstandsgesetz vom 19. Februar 2007 (BGBl 2007 I, 122), zuletzt geändert durch Artikel 17 des Gesetzes vom 20. November 2019 (BGBl 2019 I, 1626) [Civil Status Act] (in German): <https://www.gesetze-im-internet.de/pstg/PStG.pdf>

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**Front cover photo:** Bosnia and Herzegovina. Lawyer from UNHCR's free legal aid implementing partner is holding the birth certificate which Roma family didn't previously have; © UNHCR/Midhat Poturovic



**The Statelessness Index is a comparative tool that assesses European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice.**

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