

Written input to the
Committee on the Rights
of the Child

Committee on the Rights of the Child

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Group**

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GEORGIA

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European
Network on
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Written Input to the Committee on the Rights of the Child
at the 97th Pre-Sessional Working Group
on the State Report

GEORGIA

Civil society submission on the right of every child to acquire and preserve a nationality under Article 7 and 8 CRC in accordance with the Guiding Principle to the Convention

Introduction

1. Rights Georgia and the European Network on Statelessness (ENS) welcome the opportunity to provide this written input to the Committee on the Rights of the Child, focusing on Georgia's compliance with the right of every child to acquire a nationality under Article 7 and to preserve their nationality under Article 8 of the Convention on the Rights of the Child (CRC). This submission also draws on the Guiding Principles of the CRC, including freedom from discrimination (Article 2) and best interests of the child (Article 3), and may relate to other rights which often affect stateless children, including CRC Articles 10 (family reunification), 16 (privacy), 22 (special protection for migrants, IDPs, refugees and others in need of protection), 24 (health), 27 (standard of living), 28 (education), 30 (protection of minorities), 35-36 (protection from trafficking and other exploitation), 37 (protection from inhumane treatment and deprivation of liberty), and 39 (recovery from trauma). The submission focuses on:
 - I. The right to acquire a nationality of children born stateless in Georgia;
 - II. The right to birth registration
2. The submitting organisations hope the Committee will address recommendations to the Georgian government to further prevent and reduce childhood statelessness and protect stateless children.
3. This submission is structured to highlight key challenges faced by children affected by statelessness in Georgia. Each section includes suggested recommendations the Committee may draw on in formulating its Concluding Observations on Georgia.
4. There are two annexes to this submission:
 - I. Annex I highlights Georgia's international obligations.
 - II. Annex II provides information about the co-submitting organisations.

Previous CRC and UN Treaty bodies' recommendations to Georgia relating to childhood statelessness and nationality

5. In 2017, the Committee on the Rights of the Child recommended that Georgia '*set a realistic timeline for effective birth registration throughout the country and address administrative obstacles, with special attention paid to minority groups, refugees, stateless persons and families living in high mountain areas*' and '*continue and strengthen ongoing efforts to establish institutional structures, such as mobile registration centres, [...] in order to attain equal rates of birth registration for minority groups*'.¹ The Committee further recommended that Georgia '*address possible obstacles to the implementation [of], especially with regard to international surrogacy arrangements*', '*ensure that a child born through surrogacy motherhood will be able to get access to the information about his or her origin*', '*amend the law on the legal status of aliens and stateless persons to fully comply with*' the 1954 Convention relating to the Status of Stateless Persons, '*establish an effective and efficient identification and referral mechanism for children who are undocumented and at risk of statelessness*', and accede to the 1997 European Convention on Nationality and the 2006 Council of Europe Convention on the avoidance of statelessness in relation to State succession.² Finally, the Committee recommended that Georgia '*allocate sufficient human, technical and financial resources for the implementation of the migration strategy and action plan for the period 2016-2020 to facilitate local integration of refugee and asylum-seeking children and their access to naturalization*'.³
6. Georgia has received several recommendations via the Universal Periodic Review. For example, during the Third Cycle, Georgia noted a recommendation from Chile to '*ensure that all stateless persons, including children born in the territory, can acquire Georgian nationality without discrimination*'.⁴ During the Second Cycle, Georgia accepted recommendations to '*improve the birth registration system to guarantee registration for every child with the issuance of a birth certificate*',⁵ in particular for children belonging to minorities,⁶ including Roma,⁷ and without discrimination on the basis of race, ethnicity or nationality, sex or religion.⁸ During the First Cycle, Georgia accepted a recommendation from Australia to '*establish institutional structures to ensure birth registration throughout the country, including of the IDP population*'.⁹ Georgia noted recommendations to accede to the 1954 Convention relating to the Status of Stateless

¹ CRC Concluding observations on the fourth periodic report of Georgia, 9 March 2017, CRC/C/GEO/CO/4, paragraph 18. The CRC had made a similar recommendation in 2008, see CRC, Concluding observations on Georgia, 23 June 2008, CRC/C/GEO/CO/3, paragraph 28.

² CRC Concluding observations on the fourth periodic report of Georgia, 9 March 2017, CRC/C/GEO/CO/4, paragraph 19.

³ CRC Concluding observations on the fourth periodic report of Georgia, 9 March 2017, CRC/C/GEO/CO/4, paragraph 37.

⁴ Human Rights Council, Report of the Working Group on the Universal Periodic Review on Georgia, 1 April 2021, A/HRC/47/15, paragraph 148.266.

⁵ Human Rights Council, Report of the Working Group on the Universal Periodic Review on Georgia, 13 January 2015, A/HRC/31/15, recommendation from Turkey, paragraph 117.88.

⁶ Human Rights Council, Report of the Working Group on the Universal Periodic Review on Georgia, 13 January 2015, A/HRC/31/15, recommendation from Panama, paragraph 117.89.

⁷ Human Rights Council, Report of the Working Group on the Universal Periodic Review on Georgia, 13 January 2015, A/HRC/31/15, recommendation from Nigeria, paragraph 118.33.

⁸ Human Rights Council, Report of the Working Group on the Universal Periodic Review on Georgia, 13 January 2015, A/HRC/31/15, recommendation from Paraguay, paragraph 117.87.

⁹ Human Rights Council, Report of the Working Group on the Universal Periodic Review on Georgia, 16 March 2011, A/HRC/17/11, paragraph 105.11.

Persons and the 1961 Convention on the Reduction of Statelessness,¹⁰ which it has since done.

7. In 2016, the Committee on the Elimination of Racial Discrimination (CERD) recommended that Georgia '*intensify efforts to provide identity documents to all members of the Roma community*',¹¹ '*take effective measures to reduce the risk of statelessness and ensure that all stateless persons, including children born in the State party who would otherwise be stateless, are granted nationality without undue administrative obstacles*'.¹² It further recommended that Georgia '*expedite the process of repatriation of persons who were forcibly removed from the territory of [Georgia] in 1944, in particular the Meskhetian Turks, without undue administrative constraints [hindering the process of obtaining citizenship], including with regard to renunciation of foreign citizenship*'.¹³

Snapshot of Statelessness in Georgia

8. Data on statelessness in Georgia is limited. As of 15 June 2023, 527 persons officially held the status of a stateless person in Georgia, of which three were children between 12-17 years old, according to a freedom of information request.¹⁴ Identification and accurate data collection on statelessness is challenging due to issues such as the lack of awareness of stateless people about statelessness and bureaucratic requirements to be granted status or nationality, as well as the fear of detention or expulsion linked to the absence of documentation.
9. The main cause of statelessness in Georgia can be attributed to the dissolution of the Soviet Union and the difficulties in the civil registration process that followed, as well as the lack of proper birth registration resulting in statelessness mostly in rural areas, where the financial and bureaucratic requirements of the law may be more burdensome than in urban areas.
10. Georgia, being party to both the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, has made significant progress in improving the legal framework and working towards eliminating statelessness. It has implemented most aspects of the pledges made in 2019 at the High-Level Segment on Statelessness.¹⁵ In 2012, Georgia established a dedicated statelessness determination procedure (SDP),¹⁶ and in 2022 it amended the legislation to facilitate naturalisation and improve protection for recognised stateless persons.

¹⁰ Human Rights Council, Report of the Working Group on the Universal Periodic Review on Georgia, 16 March 2011, A/HRC/17/11, recommendations from Slovakia, paragraph 106.11, and Bolivia, paragraph 106.12.

¹¹ Committee on the Elimination of Racial Discrimination (CERD), Concluding observations on the sixth to eighth periodic reports of Georgia, 22 June 2016, CERD/C/GEO/CO/6-8, paragraph 15.

¹² CERD, Concluding observations on the sixth to eighth periodic reports of Georgia, 22 June 2016, CERD/C/GEO/CO/6-8, paragraph 23.

¹³ CERD, Concluding observations on the sixth to eighth periodic reports of Georgia, 22 June 2016, CERD/C/GEO/CO/6-8, paragraphs 16-17.

¹⁴ Official statistical data received from the Public Service Development Agency following a freedom of information request.

¹⁵ UNHCR, [Results of the High Level Segment on Statelessness](#).

¹⁶ Legislative Herald of Georgia, Law of Georgia on the Legal Status of Aliens and Stateless Persons ([Georgian version – fully consolidated](#); [English version of the law consolidated up to 30.03.2021](#)); Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia ([Georgian version – fully consolidated](#); [English version](#)).

11. In 2022, the Public Service Development Agency of the Ministry of Justice of Georgia, in collaboration with UNHCR, carried out a comprehensive “door-to-door” campaign in various regions aimed at identifying stateless individuals, determining their nationality status, and providing identity documents at no cost to undocumented individuals.¹⁷ Throughout the campaign, the process was simplified for identified individuals so they did not have to go through any of the bureaucratic requirements otherwise mandated by the law. The implementation of the campaign was a direct response to the commitment made by the Government of Georgia in 2019 during the High-Level Segment on Statelessness. The campaign identified 38 individuals who were granted Georgian nationality, while around 700 individuals’ foreign nationality (Russian, Armenian, or Azerbaijan) was confirmed. Only 4 cases are still being processed at the Public Service Development Agency.
12. Despite such progress, issues remain. In particular, the law does not include a safeguard to grant Georgian nationality to all otherwise stateless children born on the Georgian territory. There are obstacles remaining to the birth registration of some children, which can hinder their access to a nationality.

The right to acquire a nationality of children born stateless in Georgia

13. Every child has the right to a nationality and to be registered immediately after birth.¹⁸ These are core principles of international law which, if applied in a comprehensive and non-discriminatory manner, would end childhood statelessness.¹⁹ States should have provisions in law to prevent statelessness at birth, including for children born to nationals abroad, foundlings, in the context of adoption, and provisions to grant nationality to all children born on the territory who would otherwise be stateless.²⁰
14. The List of Issues Prior to Reporting²¹ included a question for Georgia to ‘describe the steps taken to amend the law on the legal status of aliens and stateless persons to comply fully with the provisions of the Convention relating to the Status of Stateless Persons by including a provision in the law regulating cases where a child may be at risk of statelessness at birth’ (paragraph 17). In the State Report,²² Georgia highlighted that ‘the Organic Law of Georgia on Citizenship of Georgia establishes mechanisms to prevent and reduce the statelessness of minors’ (paragraph 113) and ‘the minor refugees born in Georgia are granted Georgian citizenship under a simplified procedure. According to the Organic Law of Georgia on Citizenship of Georgia, Article 13 (3), a minor having a refugee status born on the territory of Georgia who has been residing in Georgia for at least 5 years shall be granted Georgian citizenship in ordinary manner without checking the grounds for refusing naturalization provided for in the same law.’

¹⁷ Public Service Development Agency, [Public Service Development Agency Has Signed an Agreement with UNHCR on the Implementation of the "Door to Door" Campaign](#); Statelessness Portal, ["Door-to-door" Campaign Was Implemented to Identify and Document Stateless Persons in Georgia](#).

¹⁸ UN Convention on the Reduction of Statelessness, 1961, Articles 1 and 4; International Covenant on Civil and Political Rights, 1966, Article 24(2); Convention on the Rights of the Child, 1989, Articles 3 and 7; UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7; UN Sustainable Development Goal 16.9.

¹⁹ See Article 7 of the UN Convention on the Rights of the Child, read in conjunction with Articles 2 and 3.

²⁰ See, e.g., UN Convention on the Reduction of Statelessness, 1961: Articles 1-4. European Convention on Nationality, 1997: Articles 2 and 6.

²¹ Committee on the Rights of the Child, [List of Issues Prior to submission of the combined fifth and sixth periodic reports of Georgia](#), 6 December 2021, CRC/C/GEO/QPR/5-6.

²² Committee on the Rights of the Child, [Combined fifth and sixth periodic reports submitted by Georgia under article 44 of the Convention, due in 2023](#), 4 September 2023, CRC/C/GEO/5-6.

(paragraph 114).

15. In Georgia there is no provision automatically granting Georgian nationality to all children born in the country who would otherwise be stateless. Children born in Georgia automatically acquire Georgian nationality only when (a) their parents have been recognised stateless in Georgia; (b) they were born through surrogacy and the countries of nationality of the parents do not recognise the child as a national; or (c) one parent has been recognised stateless in Georgia and the other is unknown.²³ There is no safeguard to grant nationality to children born stateless who fall outside one of these categories, and such children must resort to other routes.
16. Some children may acquire Georgian nationality by application. A minor with refugee status born in Georgia, or a stateless minor who has resided in Georgia for a continuous period of five years can acquire Georgian nationality through the usual naturalisation process, without the need to fulfil other requirements, and the application is free of charge. Before the residence requirement of five years is met, these children will not be able to acquire Georgian nationality, and the relevant field in their documents indicates 'nationality unknown'.²⁴
17. The lack of a legislative provision which would grant Georgian nationality to otherwise stateless children born in Georgia is a major concern and adopting such a provision would align national law with the 1961 Convention on the Reduction of Statelessness.
18. As per Georgian law, which defines marriage as a union between a woman and a man, Georgia currently does not recognise same-sex marriages.²⁵ Accordingly, nor does Georgian law provide the opportunity for same-sex couples to have a child through surrogacy or assisted reproduction technology. Situations may arise where a child is born abroad to same-sex parents through a surrogacy arrangement or assisted reproduction technology, or the child's birth occurs in Georgia following an agreement contracted abroad, and the parents seek to have their child's Georgian nationality recognised through *jus sanguinis*. In those cases, issues regarding both the determination or acquisition of nationality and the registration/recognition of both parents in the birth certificate could arise, which create a risk of statelessness for the child. While such cases have not been reported in practice so far, Georgian legislation does not provide any solutions to address the risk of statelessness and the discriminatory denial of Georgian nationality to children of same-sex parents.
19. Georgia has made significant progress in fulfilling the obligations outlined in the 2016-2020 Migration Strategy.²⁶ Notably, legislative amendments were enacted to streamline the nationality acquisition process, alongside the above-mentioned "door-to-door" campaign designed to identify and provide stateless people with the required documentation. These efforts have resulted in a reduction in the number of undocumented individuals. However, despite these positive developments, there are still unaddressed needs and challenges. The 2020-2030 Migration Strategy places a strong emphasis on stateless persons. Nevertheless, it lacks concrete policies or legal remedies to address challenges encountered by this group.²⁷

²³ Legislative Herald of Georgia: [Organic Law of Georgia on Georgian Citizenship](#) (Articles 10 and 13).

²⁴ Ibid.

²⁵ [The Constitution of Georgia](#) (Article 30(1)).

²⁶ State Commission on Migration Issues, Migration Strategy of Georgia 2016-2020, <https://nsc.gov.ge/pdf/5fe59e559befd.pdf/Migration%20Strategy%202016-2020.pdf>.

²⁷ [Ordinance No 810 on the Approval of the 2021-2030 Migration Strategy of Georgia](#), 30 December 2020.

Considering the above, we hope the Committee will consider making the following recommendations to Georgia:

- a. Enact legislation to ensure that all children born in Georgia who would otherwise be stateless acquire a nationality as soon as possible after birth, regardless of the status or identity of their parents.
- b. Take measures to ensure that the non-recognition of same-sex marriage or partnership by Georgian legislation does not prevent universal birth registration, including of children born to same-sex parents, nor the determination or acquisition of the child's nationality as soon as possible after birth.

The right to birth registration

20. Lack of birth registration heightens the risk of leaving children without a nationality. 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.
21. Positively, Georgian law provides that all children are registered immediately upon birth regardless of the migration or residence status of the parents and children are issued with birth certificates upon registration. The birth certificate includes information about the child's and the parents' nationality.²⁸
22. While there are no mandatory requirements for health or civil registry authorities to report undocumented migrants, there is no clear firewall to prohibit the sharing of information by these entities with immigration authorities. This could deter undocumented parents from coming forward to register their children.
23. The deadline for birth registration depends on the entity with the obligation to apply for the registration of civil acts regarding the birth of a child. Medical institutions and other authorised persons assisting the mother in childbirth are required to apply within five working days after the child's birth. The guardianship and care authority, educational institutions, or a person authorised by the mayor of the Municipality has a one-month deadline to apply to the registration authority from the notification of the child's birth. Moreover, the child's parent is required to apply to the Civil Acts Registration Authority regarding the child's birth within one month from the birth. Birth registration should be explicitly completed no later than the next working day after contacting the authorised person unless otherwise specified by law.²⁹
24. Furthermore, legislation does not offer clear and unambiguous guidance on the procedure for late birth registration. While the civil registration process permits the registration of late births through the determination of facts of legal significance, the precise steps and responsible authorities remain ambiguously defined.³⁰ This lack of

²⁸ Legislative Herald of Georgia: [Law of Georgia on Civil Status Acts](#) (Articles 10, 20 and 22); Public Service Development Agency: [Birth Registration](#).

²⁹ Legislative Herald of Georgia: [Law of Georgia on Civil Status Acts](#) (Article 23); [Order No. 18 of the Minister of Justice of Georgia On Approval of the Procedures for Civil Registration](#) (Article 25').

³⁰ Legislative Herald of Georgia: [Order No. 18 of the Minister of Justice of Georgia On Approval of the Procedures for Civil Registration](#) (Article 17).

clarity raises questions about whether the process should be administered by an administrative body or resolved by courts. It is crucial to acknowledge that individuals requiring late birth registration often belong to vulnerable groups. This lack of clarity and the potential bureaucratic hurdles, coupled with the need for potential court representation, can impose significant burdens and obstacles that prevent late birth registration.

25. In its State Report,³¹ Georgia outlines the procedure for registering the birth of children born through surrogacy, specifically in paragraphs 107-112. Generally, this procedure is clear and detailed, but there are still some significant obstacles. One notable issue is the recent deterioration of the legal regime, restricting access to surrogacy services and limiting it only to heterosexual couples, as opposed to the previous regulations that also allowed single parents to pursue this option. The main problem lies in the ambiguity of the applicable law and the fact that Georgian legislation does not officially recognise same-sex marriages or surrogacy agreements contracted abroad. This lack of recognition extends to the absence of a clear procedure for registering a child born to a same-sex couple through surrogacy. Consequently, the birth registration process can remain incomplete or may be substantially hindered for children of same-sex couples.³²
26. In Georgia, a significant part of the Roma community is at risk of statelessness due to the lack of documentation. This issue is particularly detrimental as it hinders their access to essential services such as healthcare and education. The heart of the problem lies in the lack of birth documentation and identification documents among the Roma community, which perpetuates their marginalisation.³³ The scale of this issue is difficult to ascertain accurately due to the absence of comprehensive data. Official statistics primarily focus on individuals with statelessness status, providing an incomplete picture. Beyond this, a significant number of Roma individuals lack any form of identity documentation and nationality.
27. Members of the Roma community who are at risk of statelessness due to lack of documentation are often among the most marginalised, and barriers such as discrimination, language barriers, and lack of trust in government authorities all contribute to discourage participation in vital processes such as birth registration and nationality applications.
28. To effectively address the challenges faced by the Roma community in obtaining identification documents and nationality, the Georgian Government should conduct a comprehensive analysis of the situation, needs, and challenges of the Roma community, in order to formulate effective policies to address their unique circumstances. It must also adopt a community-based approach, working closely with community leaders and organisations to identify and support individuals who lack essential documentation; establish language-appropriate communication channels to ensure effective engagement and comprehension for the Roma community; acknowledge Georgian legislation that grants them the right to nationality and opportunities in accordance with Georgian law; and conduct targeted awareness-raising campaigns and outreach initiatives to promote birth registration and documentation. These measures can pave

³¹ Committee on the Rights of the Child, [Combined fifth and sixth periodic reports submitted by Georgia under article 44 of the Convention, due in 2023](#), 4 September 2023, CRC/C/GEO/5-6.

³² Legislative Herald of Georgia: [Order No. 18 of the Minister of Justice of Georgia On Approval of the Procedures for Civil Registration](#) (Article 19).

³³ Sandra Veloy Mateu, [Challenges and problems of young Roma living in Georgia](#), 2017, 5.

the way for an effective realisation of the right to a nationality and other fundamental rights of all individuals, including the Roma population.

Considering the above, we hope the Committee will consider making the following recommendations to Georgia:

- a. Ensure that policies and practices remove all practical barriers to birth registration, taking into account UNHCR guidance, with a particular focus on minoritised groups including Roma communities and children of same-sex parents, so that all children are registered immediately regardless of their parents' documentation or residence status, gender or sexual identity.**
- b. Ensure that all children on the territory, including members of Roma communities, have access to fundamental rights in law and in practice without any discrimination, including through the adoption of a community-based approach to design policies and solutions to address the discrimination and marginalisation of Roma communities.**