

Written Statement
Committee on the Rights of the Child, 97th Pre-Sessional Working Group
Pre-session on Georgia, Geneva, 5 February 2024

This statement focuses on children's rights, particularly in the context of statelessness. It is delivered by the human rights NGO Rights Georgia and the European Network of Statelessness, a civil society alliance committed to addressing statelessness in Europe.

The statement addresses two key issues related to Georgia's international commitment to prevent and reduce statelessness and to safeguard the right of stateless children living in Georgia:

1. The right to acquire a nationality of children born stateless in Georgia;
2. The right to birth registration

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

Every child has the right to a nationality and to be registered immediately after birth. These are core principles of international law which, if applied in a comprehensive and non-discriminatory manner, would result in the prevention and reduction of statelessness.

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. 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. Minors with refugee status born in Georgia or stateless minors who have resided continuously in the country for five years, can acquire Georgian nationality through the standard naturalisation process, but they are exempt from additional requirements and the application is free of charge. Until the five-year residence requirement is fulfilled, these children are unable to obtain Georgian nationality, and their documents indicate 'nationality unknown'.

Georgia currently does not recognise same-sex marriages and, 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 that could create a legal challenge to having a child's Georgian nationality recognised through jus sanguinis. Therefore, issues regarding both the determination or acquisition of nationality and the registration/recognition of both parents in the birth certificate could create a risk of statelessness for the child.

Georgia has made significant progress in fulfilling the obligations outlined in the 2016-2020 Migration Strategy. Notably, legislative amendments were enacted to streamline the nationality acquisition process, alongside "door-to-door" campaign designed to identify and provide stateless people with the required documentation. These efforts led to a reduction in the number of undocumented individuals, but there still are unaddressed needs and challenges. While the 2020-2030 Migration Strategy places a strong emphasis on stateless persons, it lacks concrete policies or legal remedies to address challenges.

Therefore, we call upon the Committee to recommend Georgia the following:

- 1. 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, preferably automatically.**
- 2. 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

Lack of birth registration heightens the risk of leaving children without a nationality. 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. However, legislation does not offer clear guidance on the procedure for late birth registration, which is often resorted to by individuals belonging to vulnerable groups. 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. 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.

The abovementioned lack of recognition of same-sex marriages or surrogacy agreements contracted abroad also results in the lack of clarity on the 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 in these situations.

In Georgia, a significant part of the Roma community faces a risk of statelessness and is often among the most marginalised, primarily due to the absence of birth and identification documents, which limits their access to crucial services like healthcare and education. The extent of this problem is difficult to measure accurately due to incomplete official statistics. Discrimination, language barriers, and a lack of trust in government authorities further discourage participation in essential processes like birth registration and nationality applications. The Georgian Government should conduct a comprehensive analysis of the situation, needs, and obstacles faced by the Roma community, to adopt a community-based approach, implement targeted awareness campaigns and realise the fundamental rights of all children.

Therefore, we call upon the Committee to recommend Georgia the following:

- 1. 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.**
- 2. 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.**