



Submission to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on the African Union’s “Africa’s Agenda for Children 2040: Fostering an Africa Fit for Children”

Submitted by: The SADC Citizenship Rights in Africa Network (The SADC CRAI Network)

The SADC CRAI Network is a branch of the Citizenship Rights in Africa Initiative (CRAI). CRAI is a coalition of civil society organisations in Africa campaigning to end statelessness and the arbitrary denial of nationality in Africa. More information as well as our work and resources may be found at the following web address: <http://citizenshiprightsafrika.org/>

The SADC CRAI Network hereby makes the following contributions focusing mainly on Aspiration number 3: Birth registration, nationality and statelessness.

Inclusion of article 6(3) and 6(4) of the ACRWC in Aspiration 3

1. In Aspiration number 3, entitled “Every child’s birth and other vital statistics are registered” we suggest adding an explicit reference to Article 6(3) and 6(4) ACRWC. Article 6(3) states: *“Every child has the right to acquire a nationality”*. Article 6(4) states: *“States Parties to the present Charter shall undertake to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child’s birth, he is not granted nationality by any other State in accordance with its laws”*.
2. Aspiration 3 (as is) focusses on birth registration which is crucial, but does not explicitly refer to the fact that children, even some with birth certificates, are nonetheless born stateless in African countries for various reasons. The section should ideally also refer to each State Party’s obligation to provide citizenship to children who are born in their territory and are otherwise stateless. The section should also specifically highlight the fact that children have the right to acquire a nationality.
3. We further recommend that the Committee’s (ACERWC) general comment on Article 6 be referred to in Aspiration 3 and that a recommendation be made that all States’ legislation comply with the general comment.

4. In the sentence “*While not all children born without birth registration are stateless, **those born to, for example, refugee or asylum-seeking parents, a lack of birth registration can cause statelessness.***” We suggest an amendment of the structure of the sentence in order to avoid confusion to the effect: “*While not all children born without birth registration are stateless, **for those born to, for example, refugee or asylum-seeking parents, a lack of birth registration can cause statelessness***”.

A more specific action point on childhood statelessness to be reached by 2040

5. The last action point or goal in Aspiration 3 (“no child is born stateless”) seems rather a result than an action. We suggest adding a specific recommendation to the effect: “All legal systems contain an effective and accessible provision ensuring that a child shall acquire the nationality of the State in the territory of which he/she has been born if, at the time of the child’s birth, he/she is not granted a nationality by any other State in accordance with its laws” in line with article 6(4) or the Charter.

Aspiration 2

6. In the section on aspiration 2, entitled “An effective child-friendly national legislative, policy and institutional framework is in place in all State Parties”, we suggest adding a recommendation to the effect: “The national legal orders of all State Parties domestically implement all international human rights of children recognized by the State Parties on the universal, regional or sub-regional levels, including the children’s individual human right to a nationality”.

Background to the Agenda

7. The background section to the Agenda recommends that African States should ratify certain treaties. We suggest that the following treaties are added to the list in order to ensure that the final goal of Aspiration 3 is reached (No child is born stateless):
 - a. The 1954 UN Convention on the Status of Stateless Persons
 - b. The 1961 UN Convention on the Prevention of Statelessness

These are our contributions. We hope these will be considered by the committee.

Kind regards



Liesl H Muller

Lawyers for Human Rights (South Africa) on behalf of SADC CRAI Network

The following organisations are represented by the SADC CRAI network:

- a) Jesuit Refugee Services (JRS), Angola – Confirmed endorsement

- b) Bonela, Botswana
- c) Ditshwanelo, Botswana
- d) Transformation Resource Centre (TRC), Lesotho
- e) Focus Development, Madagascar – Confirmed endorsement
- f) Centre for Human Rights and Rehabilitation (CHRR), Malawi – Confirmed endorsement
- g) Catholic Commission for Justice and Peace (CCJP-Malawi), Malawi – Confirmed endorsement
- h) Mozambican Mine Workers Association (AMIMO), Mozambique – Confirmed endorsement
- i) Legal Assistance Centre (LAC), Namibia – Confirmed endorsement
- j) Lawyers for Human Rights (LHR), South Africa – Confirmed endorsement
- k) Scalabrini Centre of Cape Town, South Africa – Confirmed endorsement
- l) Swaziland Lawyers for Human Rights, Swaziland – Confirmed endorsement
- m) Greater Hope, Swaziland
- n) Save the Children, Swaziland – Confirmed endorsement
- o) Legal Resources Foundation, Zambia
- p) National Legal Aid Clinic for Women, Zambia
- q) Zimbabwe Lawyers for Human Rights (ZLHR), Zimbabwe
- r) Justice for Children, Zimbabwe – Confirmed endorsement
- s) Zimbabwe National Council for the Welfare of Children, Zimbabwe – Confirmed endorsement
- t) Consortium for Refugees and Migrants in South Africa (CoRMSA) – Confirmed endorsement
- u) Save the Children, Southern Africa – Confirmed endorsement
- v) Southern African Litigation Centre (SALC)
- w) Voluntary Service Overseas - Regional HIV and AIDS Programme in Southern Africa (VSO-RHAISA)
- x) Southern Africa Trade Union Coordination Council (SATUCC)