## ANNEX I: Previous recommendations to Sweden on the child’s right to a nationality

***United Nations* Committee on the Elimination of Discrimination Against Women, 24 November 2021**

**Concluding Observations of the 10th Periodic Report of Sweden (CEDAW/C/SWE/CO/10)**

*29. The Committee welcomes the measures taken by the State party to prevent and reduce statelessness, including of women and girls, and the fact that the State party has granted nationality to more than 22,000 stateless persons since 2014. However, the Committee notes with concern that approximately 14,000 stateless persons, including many women and girls, are currently living in the State party. It further notes with concern that children, including girls, who are born stateless in the State party must apply for citizenship before reaching adulthood.*

*30. Recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party adopt legislative and policy measures for the reunification of families and ensure equal access to health, legal and social services to mothers of stateless children. It also recommends that the State party systematically collect data, disaggregated by sex, age and gender, on the extent of statelessness in the State party.*

***United Nations* Committee on Economic, Social and Cultural Rights, 16 November 2020**

**List of issues prior to submission of the seventh periodic report of Sweden (E/C.12/SWE/QPR/7)**

*A(3). Please provide information on the additional social security programmes established to mitigate the impact of the coronavirus disease (COVID-19) pandemic on the enjoyment of economic, social and cultural rights, particularly by disadvantaged and marginalized individuals, and specify the scope and level of benefits, target groups and uptake rates of such programmes. Please also provide information on the analysis conducted by the Agency for Health and Care Services Analysis on the impact of the COVID-19 pandemic on the social services provided in individual and family care and on the follow-up measures taken. Furthermore, please indicate the measures taken to ensure access, without any form of direct or indirect discrimination, to all such benefits and assistance by disadvantaged and vulnerable persons and groups, including stateless persons and migrants in an irregular situation.*

*23. Please provide statistical data, disaggregated by ethnic and national origin, age, sex and socioeconomic status, on school enrolment and completion rates at primary, secondary E/C.12/SWE/QPR/7 5 and tertiary levels of education. Please also provide information on the measures taken to ensure equal access to inclusive education by children with disabilities and children of migrants, asylum seekers, refugees and stateless persons*

**Report of the Working Group on the Universal Periodic Review: Sweden, 18 March 2020 (A/HRC/44/12)**

68. Moreover, over the past five years, over 22,000 stateless persons had been granted Swedish nationality. Against this background, an inquiry on nationality had been appointed. One measure being examined was whether certain children who were born stateless in Sweden could acquire Swedish nationality automatically at birth.

156.297 Further strengthen efforts in helping refugees, asylum seekers and, most importantly, stateless persons, especially children (Somalia);

156.298 Establish a dedicated statelessness determination procedure to identify stateless persons within the territory and facilitate their protection, particularly regarding stateless children (Brazil);

**Commissioner for Human Rights of the Council of Europe**

Report by Nils Muižnieks following his visit to Sweden from 2 to 6, October 2017

*56. The Commissioner recommends the establishment of a statelessness determination procedure, so that those persons who are entitled to the protection regime of the 1954 Convention can be identified, and be granted a legal status as a stateless person. Useful guidance in this regard is provided by UNHCR’s Handbook on Protection of Stateless Persons.*

*57. The Commissioner further recommends that persons identified as stateless be granted a permanent residence permit on the ground of their statelessness, with all the rights to which they are entitled under the 1954 Convention.*

*58. The Commissioner stresses that automatic acquisition of nationality at birth is the most effective way of preventing statelessness and safeguarding the right for all children to have a citizenship at birth or shortly after birth, as enshrined in the UN Convention on the Rights of the Child. He encourages the authorities to consider adopting a system of automatic granting of citizenship at birth to children who would otherwise be stateless.*

## ANNEX II: The LOIPR and Sweden’s Report to the Committee

For ease of reference, the relevant paragraphs from the Committee’s LOIPR to Sweden on the child’s right to acquire a nationality, are quoted below:

***Statelessness and nationality***

*15. Please provide information on the following:*

*(a) Any legislative measures taken or envisaged to ensure that all Stateless children born in the State party, irrespective of residency status, have access to citizenship*

*(b) The policy regarding the citizenship of children born abroad to a Swedish parent and of children taken abroad to join in hostilities.*

***Civil Rights and Freedoms (arts. 7, 8 and 13-17)***

*39. Please provide data, disaggregated as described in paragraph 34 above, on the following:*

*(a) Stateless children*

In its State Report under LOIPR Sweden responded with the following:

*(a) The Citizenship Act (2001:82) was amended on 20 June 20 2021 where certain stateless children and young adults, born in Sweden and having lived in the country for a certain period, are exempted from the previous requirement for a residence permit to be permanent in order to obtain Swedish citizenship.*

*(b) A child automatically obtains Swedish citizenship at birth if a parent of the child is a Swedish citizen or if a deceased parent of the child was a Swedish citizen at the time of death.*

*The final report on amended rules in the Citizenship Act, which was submitted in July 2021, included reviewing whether a system should be introduced with automatic acquisition of citizenship for certain stateless children born in Sweden. The inquiry deemed that such a system should not be introduced, because this group can obtain citizenship by application. The report proposes that the provisions on renunciation from Swedish citizenship should be expanded with a requirement for children’s consent and that renunciation must not be in conflict with the child’s best interests. The report is now being circulated for formal consultations with a final response date of 4 November 2021.*

Sweden’s response fails to sufficiently address the issues raised under the LOIPR. Of particular concern is the failure to ensure that all stateless children born in the State party, irrespective of residency status, have access to Swedish citizenship automatically at birth, or as soon as possible after birth.

## ANNEX III: Sweden’s International Obligations

In addition to the UNCRC, Sweden is a party to the core international human rights treaties. This includes the ICCPR, ICESCR, ICERD, CEDAW, CRPD, and CAT. Additionally, Sweden has signed and ratified the 1954 Convention Relating to the Status of Stateless Persons (with reservations to articles 12.1, 24.3, 25.2), the 1961 Convention on the Reduction of Statelessness, and has entered the European Convention on Nationality into force. Sweden has signed but not ratified the CED and has not signed the 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession. Sweden has also not signed the Convention on the Rights of Migrant Workers and Families.

In line with the obligations established in the above-mentioned Conventions, Sweden must respect and guarantee the following obligations in relation to the child’s right to a nationality and to prevent childhood statelessness:

a. Every child has the right to acquire a nationality[[1]](#footnote-1), particularly where the child would otherwise be stateless.[[2]](#footnote-2)

b. The acquisition of nationality by foundlings found on its territory who would otherwise be stateless;[[3]](#footnote-3)

c. The acquisition of nationality by children born on its territory who do not acquire another nationality, either at birth or as soon as possible after birth if they remain stateless;[[4]](#footnote-4)

d. The Guiding Principles of the CRC including the prohibition of discrimination against any child or their parents or guardians and ensuring that the best interests of the child are a primary consideration for authorities in dealing with all the matters above. [[5]](#footnote-5)

e. Particular protections are afforded to children with disabilities and girls[[6]](#footnote-6) to ensure that they have equal access to acquire a nationality.

f. Children should not be stripped of their nationality where it would render them stateless.[[7]](#footnote-7)

Under the Universal Periodic Review and CEDAW, the following key issues relating to the child’s right to acquire a nationality and prevention of childhood statelessness have been raised:

a. The automatic acquisition of nationality at birth for certain stateless children, and the creation of a dedicated statelessness determination procedure to identify and protect stateless children.[[8]](#footnote-8)

b. The impact of national laws that require applications for citizenship to be made, rather than automatic acquisition of citizenship for children including girls.[[9]](#footnote-9)

c. The need to systematically collect data, disaggregated by sex, age and gender, on the extent of statelessness in the State party.[[10]](#footnote-10)

Furthermore, during the Ministerial Intergovernmental Event on Refugees and Stateless Persons organised by UNHCR in December 2011, Sweden made several pledges in order to further address statelessness.[[11]](#footnote-11)

Moreover, at the High-Level Segment on Statelessness in October 2019 Sweden pledged, inter alia, the following:

*“Sweden has a pending government decision on establishing a government led Inquiry on Nationality. The inquiry will, among other issues, look at further measures to limit statelessness, including if certain children born stateless in Sweden could acquire nationality automatically at birth, instead of through the current simplified notification process.”*

*“The UNHCR report on the assessments made in the mapping of statelessness in Sweden has been examined in the Government Offices. In order to make improvements in our efforts to address statelessness we have initiated measures to ensure that challenges highlighted in the study will be addressed. In particular, the government has initiated a dialogue with the responsible national agencies to discuss registration of statelessness, nationality and “unknown” nationality. Through increased cooperation and consultation between the authorities our belief is that improvements will be made to limit the existing inconsistencies in registration. The government follows the progress made.”*

## ANNEX IV: About the co-submitting organisations

1. The Swedish Organization Against Statelessness (SOAS) is the first and only non-governmental organisation in Sweden to work solemnly on the issue of preventing and eradicating statelessness. Through campaigns, advocacy work and information-sharing, the organisation seeks to amplify the experiences and problems that persons affected by statelessness face in Sweden.
2. ISI is an independent non-profit organisation committed to promoting the human rights of stateless persons and fostering inclusion to ultimately end statelessness. Addressing childhood statelessness is one of the core thematic priorities of ISI.[[12]](#footnote-12) As part of this work, ISI has made around 20 country submissions to the Committee,[[13]](#footnote-13) developed a range of resources on the child’s right to a nationality and childhood statelessness, including a Toolkit on *Addressing the Right to a Nationality through the Convention on the Rights of the Child,[[14]](#footnote-14)* Statelessness Essentials Booklets on *Childhood Statelessness,[[15]](#footnote-15) the Convention on the Rights of the Child[[16]](#footnote-16)* and other related issues,[[17]](#footnote-17) *The 2017 World’s Stateless Report: Children;[[18]](#footnote-18)* and a range of resources for children, which can be found online.ISI has also contributed its expertise and information towards General Recommendations of the Committee as well as Joint General Recommendations by the Committee and the CMW.

1. 1989 Convention on the Rights of the Child Article 7(1), 1966 International Covenant on Civil and Political Rights article 24(3). [↑](#footnote-ref-1)
2. 1989 Convention on the Rights of the Child Article 7(2), 1961 Convention on the Reduction of Statelessness 1(1). [↑](#footnote-ref-2)
3. 1997 European Convention on Nationality article 6(1)(b), 1961 Convention on the Reduction of Statelessness Article 2. [↑](#footnote-ref-3)
4. 1997 European Convention on Nationality, Article 6(2)(b); 1961 Convention on the Reduction of Statelessness, Article 1(2)(b). [↑](#footnote-ref-4)
5. 1989 Convention on the Rights of the Child Article 2 and 3 [↑](#footnote-ref-5)
6. 2006 Convention on the Rights of Persons with Disabilities Article 18(2), 1979 Convention on the Elimination of Discrimination Against Women, article 9(1). [↑](#footnote-ref-6)
7. 1961 Convention on the Reduction of Statelessness Article 6 - 8, Convention on the rights of the Child Article 2(2),3(1),7(1),8(1). [↑](#footnote-ref-7)
8. Human Rights Council, Report of the Working Group on the Universal Periodic Review (2020) A/HRC/44/12, [68] and 156.298. [↑](#footnote-ref-8)
9. Committee on the Elimination of Discrimination Against Women, ‘Concluding Observations on the tenth periodic report of Sweden’ (2021) CEDAW/C/SWE/CO/10, [30]. [↑](#footnote-ref-9)
10. Id. [↑](#footnote-ref-10)
11. Pledges 2011, Ministerial Intergovernmental Event on Refugees and Stateless Persons https://www.unhcr.org/4ff55a319.pdf [↑](#footnote-ref-11)
12. See <https://www.institutesi.org/focus-areas/children> [↑](#footnote-ref-12)
13. See <https://www.institutesi.org/core-activities/human-rights-advocacy-crc> [↑](#footnote-ref-13)
14. Institute on Statelessness and Inclusion (2016), *Addressing the Right to a Nationality through the Convention on the Rights of the Child: A Toolkit for Civil Society, available at:* <https://files.institutesi.org/CRC_Toolkit_Final.pdf> [↑](#footnote-ref-14)
15. Institute on Statelessness and Inclusion (2018), *Statelessness Essentials, Childhood Statelessness,* available at: <https://files.institutesi.org/childhood-statelessness.pdf> [↑](#footnote-ref-15)
16. Institute on Statelessness and Inclusion (2018), *Statelessness Essentials, Statelessness & Human Rights, The Convention on the Rights of the Child,* available at: <https://files.institutesi.org/statelessness-and-CRC.pdf> [↑](#footnote-ref-16)
17. For all the *Essentials Booklets,* see <https://www.institutesi.org/core-activities/statelessness-essentials-booklet-series> [↑](#footnote-ref-17)
18. Institute on Statelessness and Inclusion (2017), *The World’s Stateless Children,* available at: <https://files.institutesi.org/worldsstateless17.pdf> [↑](#footnote-ref-18)