

Human Rights Comittee - Rexha and Fasliu v. Albania

Communicated case to the Human Rights Committee concerning 'immediate birth registration' by Albanian authorities who refuse on the basis of lack of a birth certificate in the form required by law.

Case name (in original language) : Rexha and Fasliu v. Albania

Case status: Decision pending

Case number: Case n° 3602/2019

Citation: Case n° 3602/2019

Date of decision: 14/08/2019

State: Albania

Court / UN Treaty Body: Human Rights Committee

Language(s) the decision is available in: English

Applicant's country of birth: Albania

Applicant's country of residence: Albania

Legal instruments: International Covenant on Civil and Political Rights (ICCPR)

Key aspects: Birth registration

Relevant Legislative Provisions:

The authors claim that Albania breached the following provisions of the Covenant:

- Article 24(2) ICCPR, for not having them registered immediately after birth and not granting their right to have a name;
- Article 24(3) ICCPR for denying their right to Albanian nationality; and
- Article 24(1) ICCPR for having been discriminated against based on their ethnicity.
- Article 16 ICCPR
- Article 17 ICCPR
- Article 25 ICCPR
- Article 26 ICCPR

Facts

The Albanian authorities refuse to proceed with the registration of birth of the victims because the victims cannot provide Greek birth certificate in the form required by Albanian law: a legalised act translated into Albanian and notarised. The victims cannot have their Greek birth certificate legalised because they are incomplete; in particular, their names are missing. The reason given by the Greek authorities for not including the names on the birth certificates is the parents' undocumented status in Greece at the time the children were born there. This prevents the victims from being registered "*immediately after birth*" and from having a name.

Legal arguments by the applicant

Although there seems to be little jurisprudence on the requirement of immediate birth registration, it is clear that this is a fundamental principle of international human rights law:

- According to the Committee, Article 24(2) "*should be interpreted as being closely linked to the provision concerning the right to special measures of protection and it is designed to promote recognition of the child's legal personality...* ".[\[1\]](#)
- Article 7(1) of the UN Convention on the Rights of the Child, to which Albania is also a State Party, provides that "*The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents*

". The Committee on the Rights of the Child has stated in its General Comments that *"Birth registration should be free and universally accessible"*.
[\[2\]](#)

- The Human Rights Council has called on States *"to ensure free birth registration, including free or low-cost late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures without discrimination of any kind"*.[\[3\]](#)

[\[1\]](#) General comment No. 17 (1989), § 7.

[\[2\]](#) CRC General comment No. 11 (2009), § 41.

[\[3\]](#) UN Human Rights Council, Birth registration and the right of everyone to recognition everywhere as a person before the law, 3 April 2012, A/HRC/RES/19/9

Decision & Reasoning

Case under review by the Human Rights Committee.