

NAME AND NATIONALITY WITHIN CONSTITUTIONS

A CONTINUATION OF FINDINGS FROM BERRICK, GLOPPEN, MARGARIDO & SKIVENES (2025)¹

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September 3, 2025



¹ This project has received funding from the Research Council of Norway and University of Bergen under the Research Programme Large-scale Interdisciplinary Researcher Project (Fellesløft IV) (grant no. 324966). Publications from the project reflect only the author's views. The funding agency is not responsible for any use that may be made of the information contained therein. More information about the project is available online: <https://discretion.w.uib.no/projects/child-protection-systems-across-the-world/>

About the Centre and project

The Centre for Research on Discretion and Paternalism is an international research centre at the University of Bergen, Norway. The Centre addresses core themes in the social sciences by examining the government's use of power toward its citizens and the justifications of state interventions into people's lives. Important areas of empirical focus are child welfare and children's rights and the research at the Centre is comparative between nations, systems and individuals. The Centre is interdisciplinary, with researchers from across the world and from many disciplines – including political science, sociology, law, philosophy, psychology, and social work. We use multilevel data sources in our approach, including interviews with experts, laws and regulations, and court judgements. We apply multiple research methods, including interviews, observation, text analysis, survey vignettes and survey experiments. The Centre works to communicate research-based knowledge about child welfare, children's rights, the welfare state, discretion, and state power. Our researchers regularly participate as lecturers and frequently appear in the media. News and research results are also published on our website, Bluesky, and in our monthly newsletter. We also host and co-organise guest lectures, seminars, and conferences. For more information, visit our webpage: <http://www.discretion.uib.no>.

This report is part of the project Child Protection Systems Across the World (CPS-WORLD), which aims to conduct groundbreaking research by examining the empirical foundation of an emerging, global typology of child protection systems. The main objective of the project is to examine defining elements of child protection systems and their boundaries by analyzing public and judiciary perspectives across the world, enabling empirical advancements and theoretical innovations. CPS-WORLD combines innovative methodological approaches and cross-country examinations, applying several data sources and combining survey, vignettes, experiments and text analysis. The project is the most comprehensive cross-country study ever undertaken in this field. It is pioneering in its empirical and critical ambition to explain the decisive factors and mechanisms in child protection systems.

Findings from this report is a supplement to the paper, "A Global Review of Children's Visibility in Constitutions" by Jill D. Berrick, Siri Gloppen, Larissa Cristina Margarido, and Marit Skivenes. The design for the report is made by Professor Marit Skivenes, and she has also reviewed the report and provided comments and revisions. Thanks to Jens Ph. Magnus for proofs and editing.

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1. Introduction

This report is made as a continuation of one part of the paper [“A Global Review of Children’s Visibility in Constitutions”](#) by Jill D. Berrick, Siri Gloppen, Larissa Cristina Margarido, and Marit Skivenes. Berrick et al., (2025), on the prevalence of the right to name and nationality within constitutions. In Berrick et al. (2025) they use *a mention of child or children* (or the equivalent terms) as criteria for identifying visibility. Thereby not including parts of constitutional text that can be assumed to include children, such as when referring to “everybody” or “a person born”. In the article (page 305) it is listed as a limitation that indirect mentions of children, such as “a person born” is not included.

The purpose of this report is to approach the prevalence of name and nationality more broadly by including text that uses the term “born” such as “Any person born of an...” as it is clear by this term that it also includes children. In Berrick et al., 2025, a total of 39 constitutions were listed as having provisions about “Name and nationality”, and with the inclusion of the indirect references to a child an additional 54 constitutions are included.

The right to a name and nationality is important for an individual’s identity and welfare (Berrick et al., 2025). A child’s name and nationality contribute to the individual characteristics that makes a person unique and further should be provided as within the child’s best interests (Giroux and De Lorenzi, 2011). This is especially salient for disenfranchised populations, such as unaccompanied minors or migrants, who demonstrate an ambiguity in their name and nationality, and thus lack government enforceability of their rights (Bhabha, 2009). Without the right to name and nationality, such populations face additional challenges in their rights protection.

2. Background

The conceptualization of children as individuals in need of rights is recent within legal studies, where previously children were considered an extension or property of their parents. The recognition of a child as an individual in need of special protection was formalized by the United Nations Convention on the Rights of the Child (CRC) in the later 20th century (United Nations, 1989). Since its inception in 1989, the CRC is now formalized in all countries across the world (except for the United States) and represents the international consensus for the protection of children’s rights as human rights. The CRC allocates and further emphasizes rights to this population, with these rights often being categorized within Protection, Provision, and Participation (O’Mahony, 2019).

The CRC creates the basis for countries to increase their children’s rights within their national laws and legislation. While constitutionalizing these rights is not specifically required by the CRC, this can further ensure the protection of children’s rights. As discussed by many scholars, there exists large variance in how global constitutions consider and protect children’s rights (Berrick et al., 2025; Haugli et al., 2020; O’Mahony, 2019). In part, this is largely due to a myriad of factors, such as administrative principles and culture, that impact the realization of children’s rights in a society (Haugli et al., 2020). Consequently, children’s rights as prioritized by the CRC are actually “poorly reflected” within constitutions (Berrick et al., 2025, pg. 1).

The visibility of children’s rights within the categories of civil rights, political rights, and economic, social, and cultural rights is further explored by Berrick and colleagues (2025). This report instead focuses on the category of political rights, and more specifically on the right to name and nationality as specified within Articles 7 and 8 of the CRC. Article 7.1 highlights the importance that “every child shall be registered immediately after birth and shall have the right from birth to a name [and] the right to acquire a nationality...” Article 8 is particularly important as it goes further in labelling a duty holder as the State, writing, “States Parties undertake to respect the right of the child to preserve his or her identity, including nationality [and] name...” (United Nations, 1989).

Having the right to name and, especially, nationality affords an individual the protections and enforceability of their fundamental rights by their national government (Giroux and De Lorenzi, 2011). These rights are

essential for establishing an individual's legality before the state and enabling access to fundamental services such as education, healthcare, and legal protection. By including the right to name and nationality, constitutions can affirm the state's obligation to recognize and preserve every individual's identity, prevent statelessness, and safeguard the best interests of the child, in line with CRC Articles 7 and 8 (1989). Understanding how, and if, state constitutions delineate these rights for children is necessary for assessing the extent to which legal systems uphold international human rights obligations.

3. Methods and Sample

Data used in the Berrick et al., 2025 study were derived from the Comparative Constitutions Project, which is jointly administered and updated at the University of Texas at Austin, USA, and the University of Chicago, USA. The website allows free and unlimited access to the full text of the world's active constitutions in English, Arabic, and Spanish. In online appendices, there is detailed information about [codes](#) and [coding proceedings](#). A detailed presentation of data collection and coding of the constitutions can be found in the paper [“A Global Review of Children’s Visibility in Constitutions”](#) by Berrick et al. (2025).

In Berrick et al. (2025), name and nationality are coded when there is mentions of inclusion of specifically children's and young people's access to a name (including family name) as their right, and/or specifically their mention of a child's right to a nationality.

As mentioned, in this report a wider approach to name and nationality is employed, as it also includes the mentions of provisions and right of individuals born in a country. “Born” includes all people regardless of age, and thus also children. For example, the 14th Amendment to the U.S. Constitution states that “All persons born or naturalized in the United States... are citizens of the United States and of the State wherein they reside.” Description and details of each code can be found here: <https://discretion.w.uib.no/code-book-children-in-constitutions-project/>

As a continuation of Berrick and colleagues' (2025) methods, the NVivo file including 193 constitutions is used, searching for the term “born”, resulting in 125 constitutions using this term. Each article with the term “born” has been reviewed to establish if it is about children's name and/or nationality. A total of 48 constitutions used the term “born” primarily related to inheritance or royal lineage and thus were excluded for this report.

4. Findings

Berrick et al. (2025) found 39 (20%) constitutions that mention the right to name (n=16) and/or the right to nationality (n=35) using the criteria “children”, or the equivalent included in the article. Results from this additional study show that 77 (40%) constitutions include text related to a person's name (n=2) and/or nationality (n=77) using the search term “born.” All included the right to nationality and two also included the right to name. The results of this study in comparison with Berrick et al. (2025) are presented in Table 1.

Table 1: List of countries coded for name and nationality by both “born” and Berrick et al. (2025).

Countries	“Born” (n=77)		Berrick et al. (n=39)	
	Name	Nationality	Name	Nationality
Albania		x		
Angola		x		x
Antigua and Barbuda		x		
Armenia		x		x
Azerbaijan		x		
Bahamas		x		
Barbados		x		
Belize		x		
Bhutan		x		
Bolivia		x	x	

Countries	“Born” (n=77)		Berrick et al. (n=39)	
	Name	Nationality	Name	Nationality
Botswana		X		
Brazil		X		
Bulgaria		X		
Burundi		X		X
Cape Verde	X	X		
Chile		X		
Colombia			X	X
Costa Rica			X	
Cuba		X		
Cyprus		X		
Dominica		X		
Dominican Republic		X		
Ecuador		X	X	X
Egypt		X	X	
El Salvador		X		
Eritrea		X		
Estonia				X
Eswatini		X		X
Ethiopia			X	X
Federated States of Micronesia		X		
Fiji			X	X
Finland				X
Gambia			X	X
Ghana		X		X
Grenada		X		
Guatemala		X		
Guyana		X		
Haiti		X		
Honduras		X		X
Hungary				X
India		X		
Iraq		X		
Ireland		X		
Jamaica		X		
Kenya		X	X	X
Kiribati		X		
Lesotho		X		
Malaysia		X		X
Malawi			X	X
Maldives		X		X
Marshall Islands		X		
Mauritania		X		
Mauritius		X		
Mexico		X		
Mozambique		X		X
Myanmar		X		
Namibia		X	X	X
Nauru		X		
Nepal		X	X	X
Nicaragua				X
Nigeria		X		
Palau		X		
Panama		X		
Papua New Guinea				X
Paraguay		X		X

Countries	“Born” (n=77)		Berrick et al. (n=39)	
	Name	Nationality	Name	Nationality
Peru		X		
Philippines		X		
Saint Kitts and Nevis		X		X
Saint Lucia		X		
Saint Vincent and the Grenadines		X		
Sao Tome and Principe		X		
Serbia		X	X	X
Seychelles		X		
Singapore		X		X
Solomon Islands		X		
Somalia			X	X
South Africa			X	X
South Sudan		X	X	X
Sudan		X		
Timor-Leste		X		X
Togo		X		X
Trinidad and Tobago		X		
Tuvalu		X		X
Uganda		X		X
United States		X		
Uruguay		X		
Vanuatu		X		
Venezuela		X		
Zambia		X		
Zimbabwe	X	X	X	X

Note: Yellow indicates countries that were coded the same for both “born” and Berrick et al. (2025).

Nationality is most often granted based on the person’s birth location or the person’s parental heritage or citizenship. As with Bulgaria, both options to nationality are clearly stated, “A Bulgarian citizen shall be anyone born of at least one parent holding a Bulgarian citizenship, or born on the territory of the Republic of Bulgaria, should he not be entitled to any other citizenship by virtue of origin” (Article 25, para 1). The same is true for Azerbaijan, “A person born on the territory of the Republic of Azerbaijan is a citizen of the Republic of Azerbaijan. A person whose one parent is a citizen of the Republic of Azerbaijan is a citizen of the Republic of Azerbaijan” (Article 52).

However, as seen by some coded text, nationality is only entitled to a person born to parents who are citizens, with location of birth not mentioned as an entitlement to nationality. For example, in Albania, “Everyone born of at least one parent with Albanian citizenship gains automatically Albanian citizenship” (Article 19). This is also demonstrated by Eritrea, “Any person born of an Eritrean father or mother is an Eritrean by birth” (Article 3, para 1). For Zimbabwe, the person must be born in Zimbabwe, but the lineage extends beyond just parents to include grandparents who are Zimbabwean citizen by birth or decent (Article 36, paras 1-2).

For others, the right to nationality is granted even when born abroad or outside the country. This is seen in Ecuador, “The following persons are Ecuadorians by birth.... Persons born abroad of a mother or father born in Ecuador and their descendants up to the third degree of consanguinity” (Article 7, para 2). Or as with Kenya, “A person is a citizen by birth if on the day of the person's birth, whether or not the person is born in Kenya, either the mother or father of the person is a citizen” (Article 14, para 1).

Ghana provides an example of a broad extension to nationality, extending to those born abroad and even to those with Ghanaian grandparents, “A person born in or outside Ghana after the coming into force of this Constitution, shall become a citizen of Ghana at the date of his birth if either of his parents or grandparents is or was a citizen of Ghana” (Article 6, para 2). In the case of Panama, nationality is also extended to those

adopted, “Persons born abroad who before their seventh birthday were adopted by Panamanian nationals are Panamanians by virtue of the Constitution without need of a naturalization certificate” (Article 11).

5. Concluding Remarks

This report demonstrates that the inclusion of the term “born” expands the identification of constitutional texts related to provisions and rights to nationality and, to a lesser extent, the right to name. While only 20% of constitutions were previously identified as recognizing these rights requiring a reference to child in some way (Berrick et al., 2025), the inclusion of constitutions that used the term “born” to describe these rights increased the total to 90 constitutions (46.6%).

By expanding the analytical lens beyond child-specific terms, this study reveals a broader global commitment to the right to nationality. These findings leave unanswered questions on the practicality of how these rights are then enforced within international constitutions. What are the benefits of granting nationality to persons broadly without specifically using the word child? In practice, who, if anyone, enforces these rights when they are applied to “persons born” and not specifically children? How does this impact a child’s rights and maintain the best interest principle? Understanding how, and if, state constitutions delineate these rights for children is necessary for evaluating whether legal frameworks meet international human rights obligations and further for increasing the protection of children's right to legal identity.

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