

UNHCR NGO Consultations 2016 Food for Thought Session: Statelessness

Stateless children and youth – an overview

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The right to a nationality

I would like to start by emphasizing that, while we still lack data about the situation of stateless youth, we do know that most stateless youth were born stateless – and that, therefore, by ensuring that every child has the right to a nationality, we would be able to contribute to preventing statelessness among youth.

Children have a right to acquire a nationality as enshrined in article 7 of the UN Convention on the Rights of the Child.

Yet, despite the Convention on the Rights of the Child being the most widely ratified international treaty, ratified by 196 States, this right remains unfulfilled for many children around the world.

Statistics / trends

According to UNHCR, there are approximately 10 million stateless people worldwide, over a third of whom are children. This figure does not include stateless Palestinians and stateless refugees.

Unfortunately, this is still a growing phenomenon around the world. In fact, UNHCR estimates that at least 700,000 stateless children are born every year in the countries hosting the 20 largest populations. Currently, a stateless child is born at least every ten minutes.

Select causes of childhood statelessness

There are several causes of childhood statelessness including:

- **Discrimination**

Most stateless children around the world belong to an ethnic, religious or linguistic minority. Discrimination based on race, ethnicity or religion may be overt in the law or may manifest in practice when laws are implemented.

Furthermore, as we heard yesterday at the side meeting on *Women's Equal Nationality Rights in Law and Practice* gender discrimination persists and over 50 countries deny women equal rights with men in their ability to acquire, change, retain or confer their nationality. Equality between men and women relating to conferral of nationality upon children has not yet been attained in 27 countries in almost all parts of the world.

- **Lack of birth registration**

Without proof of birth, that is, without birth registration and a recognised birth certificate, it may be difficult for a child to establish their identity (including where he or she was born or who his or her parents are) and thus to acquire a nationality.

- **Lack of Safeguards**

Orphaned and abandoned children often do not have a confirmed nationality. Children born outside of marriage may also be prevented from acquiring nationality.

- **Conflict of laws**

Problems may arise when nationality legislation in one State conflicts with that of another State, leaving a child without the nationality of either State.

- **State succession**

In situations of State succession, individuals may become stateless in if they fail to acquire nationality under the new legislation or new administrative procedures, or if they are denied nationality because of a reinterpretation of previously applicable laws and practices.

Impact on Children

The impact of statelessness on children and youth is manifold.

Children and youth who are stateless face many violations of their rights.

On a daily basis they often encounter discrimination and barriers to essential rights such as education and healthcare.

In particular, even in cases where children have been able to attend compulsory education, the transition into adolescence often means the end of their education – with no possibilities for accessing higher education or vocational training – with no pathway for them to further develop, to contribute to their society and to make a living.

They often live on the margins of society without an adequate standard of living, in situations where inter-generational poverty and exclusion is reinforced.

Their lack of nationality strongly affects their sense of self-worth along with their imagined and real prospects for the future – their ability to secure meaningful work and to found a family of their own.

Many face limitations on their freedom of movement – in some cases, their lack of documentation preventing them from travelling – in worst cases, the threat of arbitrary detention and abuse if discovered by the authorities.

Their lack of options and the insecurity they face may make them particularly vulnerable to exploitation and abuse. For example, by being subjected to the worse forms of child labour or being compelled to migrate and falling into the hands of traffickers.

The questions gathered from stateless youth for this session speak to many of these issues – challenges that we can and should address together in the future.

Proposals for Solutions

...because childhood statelessness is a challenge that we can prevent and eradicate.

While States are not obliged under international law to grant their nationality to every child born on their territory, they are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he or she is born or as soon as possible after birth – as it is certainly in the best interests of every child to have a nationality.

The prevention and resolution of childhood statelessness is one of the key goals of UNHCR's Campaign to End Statelessness by 2024.

In order to achieve this goal, and in line with international law and good practice, **civil society actors have a crucial role to play in advocating with States to:**

Accede to the UN 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

There has been great progress in recent years to increase ratifications of the Statelessness Conventions – including recent accessions by Belize, Italy, Mali and Sierra Leone. This brought the total number of States parties to the 1954 Convention relating to the Status of Stateless Persons to 88 and to the 1961 Convention on the Reduction of Statelessness to 67.

Address discrimination by:

- eliminating laws and practices that deny nationality to children because of their ethnicity, race or religion;
- reforming discriminatory provisions in law that prevent mothers from passing their nationality on to their children in line with the Convention on the Elimination of All Forms of Discrimination against Women;
- ensuring that universal birth registration is free and accessible and issuing birth certificates to all children born on their territory, without discrimination and irrespective of the parents' nationality or statelessness, residence or other legal status.

Ensure safeguards are in place:

- in law and practice that will grant nationality to children born on their territory who would otherwise be stateless;
- and that will ensure the right to nationality for foundlings as prescribed in article 2 of the 1961 Convention on the Reduction of Statelessness;

Still, we all know that **changes in law and policy are not enough.**

We need to reach out to stateless youth in order to better understand their situation, their priorities and to empower them to claim their rights.

We must build coalitions that monitor implementation, identify and promote good practice, build capacity, and hold governments accountable – including through strategic litigation / judicial engagement at the national and regional levels.

At the international level, there are also several important opportunities where we can raise awareness and advocate for an end to statelessness:

- through alternative reporting to the UN treaty monitoring bodies
 - especially with the Committee on the Rights of the Child
 - using guidance from new ISI CRC Toolkit
- by contributing to the Universal Periodic Review process
- and by ensuring that progress will be made on Sustainable Development Goal 16.9 – target: By 2030, provide legal identity for all, including birth registration.

The aim of this session is not only to raise awareness, but also to consider what is and could be our role – in the short-term and in the long-term – at the national, regional and international levels – to respond to questions like those raised by the youth who contributed to this session from around the world.