

***Ensuring the right of all children to acquire a nationality:
Connecting the Dots between the Convention on the Rights of the Child and the
Convention on the Reduction of Statelessness***

Article 7 of the **Convention on the Rights of the Child (CRC)**, and other human rights instruments, provide that it is the right of every child to acquire a nationality – a right that is essential for the protection of every child. In order for this right to be enjoyed, statelessness must be prevented and reduced. This is important because while human rights are generally to be enjoyed by everyone, certain rights may be limited to nationals. For example, only nationals have the unrestricted right to enter and reside in their country of nationality under international law. Statelessness can also make it difficult to enjoy other rights, such as freedom of movement, access to education and healthcare, and can heighten the risks of being trafficked or displaced.

States are responsible for conferring nationality and guaranteeing the right to a nationality. Discharging this responsibility requires the establishment of safeguards in nationality laws. In recognition of the need to prevent statelessness, States developed a series of standards which were adopted in 1961 in the form of the **Convention on the Reduction of Statelessness** (“1961 Convention”). Article 7 of the CRC refers to the 1961 Convention by specifying that States must implement the right to acquire a nationality *in conformity with their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless*. The 1961 Convention is therefore of central importance to full enjoyment of every child’s right to acquire a nationality under the CRC.

Acceding to the 1961 Convention on the Reduction of Statelessness:

- Is a way for States to demonstrate their commitment to human rights and humanitarian standards, including the right of every child to acquire a nationality
- Enables States to address gaps caused by different approaches to the grant of nationality through the recognition of common legal safeguards to prevent statelessness
- Ensures that children are afforded protection as citizens and integrated in society
- Prevents displacement by promoting the enjoyment of the right to a nationality
- Promotes enfranchisement and the full participation of individuals in society
- Helps to mobilize international efforts to prevent statelessness

Under the 1961 Convention, States must grant nationality to children who would otherwise be stateless and have ties with them through either **birth on the territory** or **descent**. Such safeguards are critical for the prevention of statelessness among children. The 1961 Convention does not compel States to confer nationality to all children born on their soil (*jus soli* doctrine) but only to those who would otherwise be stateless. The 1961 Convention also includes a provision to ensure foundlings acquire a nationality. In addition, the Convention requires safeguards in nationality laws to ensure that renunciation, loss and deprivation of nationality do not lead to statelessness.

Since 1995, UNHCR has actively promoted accession to both the 1961 Convention and the 1954 Convention relating to the Status of Stateless Persons (1954 Convention). The UN General Assembly, UN Human Rights Council, UNHCR’s Executive Committee and other international bodies have frequently called upon States to consider acceding to these treaties. Accessions increased after 33 States pledged at a ministerial meeting held in Geneva in 2011 to accede to one or both of the Conventions. The 1954 Convention now has 78 States Parties while the 1961 Convention has 53. The anniversary of the 1954 Convention in 2014 is an opportunity to promote further action to ensure the right of every child to a nationality, including through partnership with stateless people, governments, other UN agencies and NGOs.