

Children and Statelessness

Information Package (updated 21 January 2014)

Note: This Package is for information purposes only and is not an exhaustive list of documentation.

UNHCR Guidelines on Statelessness on Ensuring Every Child's Right to Acquire a Nationality

These Guidelines examine the actions required by states to ensure that every child acquires a nationality. They are intended to provide interpretative legal guidance for governments, NGOs, legal practitioners, decision-makers and the judiciary, as well as for UNHCR staff and other UN agencies.

UNHCR, *Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness*, 21 December 2012, HCR/GS/12/04, available at: <http://www.refworld.org/docid/50d460c72.html>

Preventing and reducing statelessness, and protecting stateless children

A document co-published with Plan International examining the urgent need to protect stateless children. It identifies the causes of statelessness, the experience of statelessness for stateless children, and the legal framework that can protect stateless children. It also provides information on birth registration as a preventative measure.

UNHCR, *Under the Radar and Under Protected: The Urgent Need to Address Stateless Children's Rights*, June 2012, available at: <http://www.refworld.org/docid/514acd3e2.html>

Gender Discrimination and its impact on Children's Right to Nationality

UNHCR has surveyed nationality laws and identified those States which do not allow women to confer nationality to their children on equal terms with men.

UNHCR, *Revised Background Note on Gender Equality, Nationality Laws and Statelessness*, 8 March 2013, available at: <http://www.refworld.org/docid/4f59bdd92.html>

In 2011, UNHCR co-organized, with CRTD.A, a dialogue with women and family members affected by discrimination against women in nationality laws. The testimonies from the dialogue have compelling information on the impact of statelessness on children.

UNHCR, *UNHCR and CRTD.A Regional Dialogue on Gender Equality, Nationality and Statelessness: Overview and Key Findings*, January 2012, available at: <http://www.refworld.org/docid/4f267ec72.html>

The workshop with the ASEAN Intergovernmental Commission on Human Rights reviewed a number of the known situations of statelessness in the region, before considering the international legal framework that exists in the region. Various good practices adopted by ASEAN Member States to address statelessness were identified, with a particular focus on successful approaches that had been taken to prevent and reduce statelessness among women and children.

UNHCR, *UN High Commissioner for Refugees and ASEAN Intergovernmental Commission on Human Rights, Report of the ASEAN Regional Workshop on Statelessness and the Rights of Women and Children*, 19 November 2011, available at: <http://www.refworld.org/docid/50f674c42.html>

More detailed information about many of the issues discussed at the AICHR/UNHCR workshop is set out in this paper:

UNHCR, *Regional Expert Roundtable on Good Practices for the Identification, Prevention and Reduction of Statelessness and the Protection of Stateless Persons in South East Asia*, 2 March 2011, available at: <http://www.refworld.org/docid/4d6e09932.html>

Universal Periodic Review (UPR) Recommendations

The first fifteen full sessions of the UPR show a steady increase in the number of recommendations relating to statelessness, going from one recommendation in the first session to 30 in the 15th. The most common themes are birth registration (109 recommendations), reform of nationality laws, including to ensure children acquire a nationality (95 recommendations), and accession to the statelessness conventions (70 recommendations).

UNHCR, *Compilation of recommendations relating to statelessness made during the first cycle (1st - 12th sessions) of the Human Rights Council's Universal Periodic Review*, 11 July 2013, available at: <http://www.refworld.org/docid/51dfaf484.html>

UNHCR, *Compilation of recommendations relating to statelessness made during the Second Cycle (13th - 16th sessions) of the Human Rights Council's Universal Periodic Review*, 11 July 2013, available at: <http://www.refworld.org/docid/51dfb0ee4.html>

Selected International Case Law Relating to Stateless Children

Case of the Yean and Bosico Children v. The Dominican Republic, Inter-American Court of Human Rights (IACtHR), 8 September 2005, available at: <http://www.refworld.org/docid/44e497d94.html>

Institute for Human Rights and Development in Africa (IHRDA) and Open Society Justice Initiative (on behalf of Children of Nubian Descent in Kenya) v. the Government of Kenya, Decision No 002/Com/002/2009, African Committee of Experts on the Rights and Welfare of the Child (ACERWC), 22 March 2011, available at: <http://www.refworld.org/docid/4f5f04492.html>

Selected Documents on Birth Registration

UNHCR, *Birth Registration: A Topic Proposed for an Executive Committee Conclusion on International Protection*, 9 February 2010, EC/61/SC/CRP.5 [briefly sets out the link between birth registration and nationality] available at: <http://www.refworld.org/docid/4b97a3242.html>

A Passport to Protection: A Guide to Birth Registration Programming
http://www.unicef.org/media/files/UNICEF_BRHandbook_Web_single_pages.pdf

Every Child's Birth Right - Inequities and trends in birth registration
http://www.unicef.org/media/files/Embargoed_11_Dec_Birth_Registration_report_low_res.pdf

Videos on Statelessness

Zeinab and Manal, the testimony of two women who are stateless because they could not acquire the nationality of their mother due to discriminatory provisions of the nationality law: "It is an obstacle to everything: marriage, work... everything." <http://unhcr.org/v-4f587d216>