

Our Children, Our Future: Belonging and Identity

International and Regional Legal Framework

October 2016

Overview: Traditions of Protection

The Arab region has demonstrated its strong commitment to upholding standards of protection by:

- Universally ratifying the **Convention on the Rights of the Child (CRC)**, **Convention on the Elimination of Discrimination against Women (CEDAW)**, and other key instruments
- Adopting several **Regional Instruments** that reinforce the rights and safeguards in these treaties

**The right of all children to a legal identity*

CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

- **Article 7:** All children have the right to birth registration, a name, a nationality, and to know and be cared for by their parents
- **Article 8:** The right to **identity** includes the child's name, nationality and family relations

**The right of all children to a legal identity*

COVENANT ON THE RIGHT OF THE CHILD IN ISLAM

Reinforces and expands on the CRC

- **Article 7:** “Safeguard the child’s **identity**, including his/her name, nationality and family relations”
- Register all children at birth
- Make **every effort** to resolve childhood statelessness

****Everyone has the right to a nationality***

****No one shall be arbitrarily deprived of their nationality***

- Universal Declaration of Human Rights, Article 15
- Arab Charter on Human Rights, Article 29

**The nationality rights of women and children*

This principle is recognized both by universal and regional instruments

CEDAW

Article 9(2): Allow children to acquire nationality from their mothers on an equal basis as from their fathers

ARAB CHARTER ON HUMAN RIGHTS

Article 29: Allow a child to acquire the mother's nationality, with regard to the best interests of the child and domestic law on nationality

1961 CONVENTION ON THE REDUCTION OF STATELESSNESS

✓ Purpose: **Prevent** and **Reduce** Statelessness

Safeguards to ensure children enjoy their right to acquire a nationality

Safeguards to prevent statelessness through the loss or withdrawal of nationality later in life

1954 Convention relating to the Status of Stateless Persons

- ✓ Purpose: **Identify** and **Protect** Stateless People
- Defines a “stateless person” in international law
- Core Principle: *Treat stateless people at least as favorably as foreigners who do possess a nationality.*
- Establishes rights to **identity & travel documents**; encourages naturalization “as far as possible”

1961 Convention on the Reduction of Statelessness

Preventing Statelessness at Birth

- Grant nationality to **foundlings** (children of unknown parentage found in the country)
- Grant nationality to **children born in the country, who would otherwise be stateless** (Art 1)

Good Practices: Nationality Laws in MENA

Safeguarding the Right of All Children to Acquire a Nationality:

- All Nationality Laws in MENA grant citizenship to foundlings – *in line with Article 3 of the 1961 Convention on the Reduction of Statelessness*

Good Practices: Nationality Laws in MENA

Protecting the nationality rights of women:

- All Nationality Laws protect women from losing their nationality on the basis of a change in personal or marital status
- *In line with Article 5 of the 1961 Convention on the Reduction of Statelessness*
- *In line with Article 9(1) of the CEDAW*