



STATELESSNESS & HUMAN RIGHTS

The Convention on the Rights of the Child

“In a world where the principle of non-discrimination was fully realised, nationality would not matter. Nationality would not affect access to basic services such as health care and education, or to place related activities such as crossing an international border, or moving freely within a state. This is not the world we live in. Despite three quarters of a century of global human rights norms and two decades of near universal child rights principles, nationality matters. And it matters for children as much as it matters for adults.”

**Jackie Bhabha, Professor of the Practice of Health and Human Rights
Harvard University, in an essay for the Institute on Statelessness and Inclusion,
The World's Stateless: Children, 2017**

Cover photo © Allison J. Petrozziello (OBMICA)

A Dominican girl of Haitian origin living in the Dominican Republic, who holds up her drawing depicting herself in the present and the future. On the left, she is frowning next to the words “age 12, me and God”, whereas on the right she is a smiling doctor.

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KEY MESSAGES

- Statelessness is a global phenomenon, affecting millions of children across all regions of the world. Being stateless has a detrimental impact on children, obstructing their enjoyment of other fundamental rights and affecting their well-being.
- Childhood statelessness is most often a result of the inheritance of statelessness, from parent to child, but it can also be caused by gender and other forms of discrimination in nationality laws, lack of adequate safeguards or gaps in birth registration.
- CRC Article 7 is complemented by the Convention's Guiding Principles, including non-discrimination (Article 2) and the best interests of the child (Article 3). Also relevant is CRC Article 8, which obligates states to respect the right of the child to preserve his or her nationality. Accordingly, no child should be deprived of or lose his or her nationality, for any reason. CRC Article 7 affirms the right of every child to acquire a nationality and requires states to implement measures to ensure that no child is left stateless. If CRC Article 7 is universally implemented, no child will be stateless and statelessness in the world will largely be eradicated in a generation.
- The child's right to a nationality is also contained in other core UN human rights treaties (ICCPR, CEDAW, CERD, CRMW) as well as several regional treaties. Childhood statelessness has received attention from different UN treaty bodies, the UN General Assembly and Human Rights Council and the Universal Periodic Review process.
- Ensuring that every child acquires a nationality will help states to achieve the development targets agreed in the Sustainable Development Goals (SDGs). Stateless children are much more likely to be "left behind" and fulfilling children's right to a nationality helps to realise the promise of a legal identity for all.
- The Committee on the Rights of the Child plays an important role in guiding states on how to implement their obligations to prevent childhood statelessness. Since its inception, the CRC Committee issued 139 recommendations on the content of children's right to acquire a nationality. A further 240 recommendations have been made on measures of implementation that States should take to improve the protection of children's right to a nationality.
- Civil society plays a crucial role in the CRC Committee's review process. Alternative reports provide the Committee with additional information about the situation on the ground, helping to ensure that it can raise relevant issues with the state party. This can strengthen the focus and content of concluding observations, which in return help to reinforce civil society advocacy on issues of concern and build momentum for change.

Key messages

Introduction

Childhood statelessness: The global picture

Every child's right to a nationality

Leave no child behind: Childhood statelessness and the SDGs

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The role of the Committee on the Rights of the Child

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How can the child's right to nationality be realised?

How have other UN human rights bodies engaged on this issue?

Case study: South Africa

Tips for advocacy and next steps



The baby in this photograph was born stateless. Through no fault of her own she was unable to acquire the nationality of either her parents or country of birth. Photo © Greg Constantine, for his project 'Stateless in Holland'.

INTRODUCTION

Article 7 of the Convention on the Rights of the Child (CRC), the world's most widely ratified human rights treaty, affirms every child's right to a nationality. When a child lacks a nationality, this creates a situation of severe disadvantage, vulnerability and marginalisation. Even though child rights should be enjoyed by all children, regardless of whether they have a nationality or not, in our modern world, nationality often operates as a legal or practical gateway to the enjoyment of other rights. Statelessness undermines the child's opportunity to develop to his or her full potential.

Article 7 CRC not only affirms the right of every child to acquire a nationality, it also requires states to ensure the implementation of this right and that no child is left stateless. In spite of this clear obligation, millions of children around the world are currently stateless. The United Nations High Commissioner for Refugees (UNHCR) estimates that a child is still born stateless every 10 minutes.¹

This booklet draws on a comprehensive analysis of the work of the CRC Committee to explore and contextualise the obligations contained in CRC Article 7. It sets out why the right to a nationality is so important to protecting and fulfilling a range of other fundamental rights and in achieving the targets of the Sustainable Development Agenda. It looks at the CRC Committee's interpretation of Article 7, the recommendations it has made to states on implementation, and how they relate to, and are complemented by, the work of other human rights mechanisms. Finally, it provides an insight into the mechanics of the CRC Committee process, offering key information and helpful tips for engagement by civil society actors.

If you are working in the field of children's rights, to promote enjoyment of the right to a nationality or to combat statelessness – or if you are simply interested in how nationality and statelessness issues relate to CRC – this booklet is for you. It is part of our **statelessness essentials** booklet series, which includes introductory booklets on statelessness and how it relates to human rights, development and other issues. To learn more about this series and other available or forthcoming titles, please visit our website

www.institutesi.org

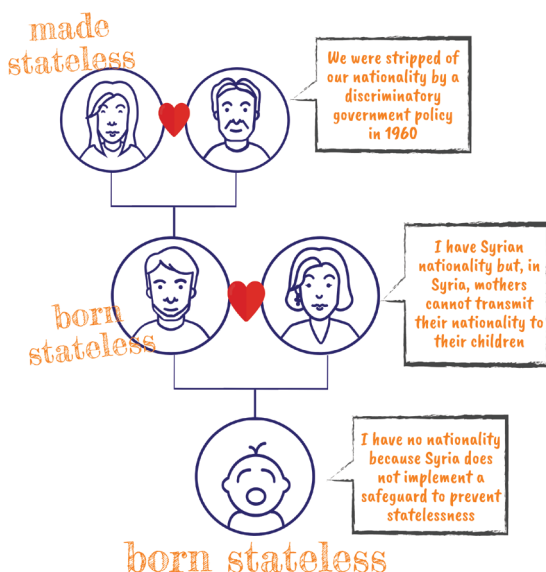
“The CRC provides a powerful framework through which gaps in law, policy and practice that continue to undermine children's right to acquire a nationality and create statelessness can be identified, understood and addressed.”

Benyam Dawit Mezmur, Committee on the Rights of the Child

CHILDHOOD STATELESSNESS: THE GLOBAL PICTURE

“Statelessness” is the term used to describe the lack of nationality. It is a global phenomenon, affecting millions of people of all ages, across all regions of the world. Statelessness has a detrimental impact on children, often obstructing their enjoyment of other rights. Every year, tens of thousands more children are born into statelessness.

INHERITING EXCLUSION: the example of Syria



The main reason that so many children are missing out on a nationality is that statelessness is often passed on, from parent to child. Many contemporary situations of statelessness among children have their roots in history – a child’s parents, grandparents or great-grandparents were rendered stateless when their country became independent, during the first registration of citizens or when a government adopted a decree to strip a whole group of nationality.²

These situations of statelessness endure and even grow over time because the states concerned have not put any measures in place to stop statelessness being passed from parent to child – or do not implement existing measures to that effect. Stateless children and their families are often trapped in poverty and grow up knowing only discrimination and marginalisation.

Other causes of childhood statelessness

GENDER DISCRIMINATION

In 25 countries including Lebanon, Nepal and Barbados, women cannot pass their nationality to their child on an equal basis as men, which can leave children stateless.

When I consider that my son has no ID, I feel so bad, emotionally, but if I start to cry how will my son think of me? So, I hide my tears (...) I feel very bad for my son. If my son has no citizenship then his future is going where? I don't know.³

BIRTH REGISTRATION

Lack of documentation can create a barrier to obtaining nationality or recognition as a citizen. Where minority or indigenous groups, migrants or refugees lack birth registration, this can create a risk of statelessness.

My biggest fear is that my children will never see their country. If they cannot prove that they are Syrian, they may never be allowed back. I want them to be Syrian. I want them to be able to go back.⁴

GAPS & CONFLICTS IN NATIONALITY LAW

When the nationality laws of different states are at odds with each other, statelessness can arise in situations of migration or when people from different countries parent a child together. Gaps in law, like failing to ensure access to nationality for an abandoned child – a ‘foundling’ – can also cause statelessness.

Even though I am a Malaysian citizen, my daughter is still considered stateless. We know nothing of her biological parents and she has no birth certificate or documents of any sort to tell us who and where her parents are from. She is a foundling, a child who had fallen into the hands of people who insisted on selling her.⁵

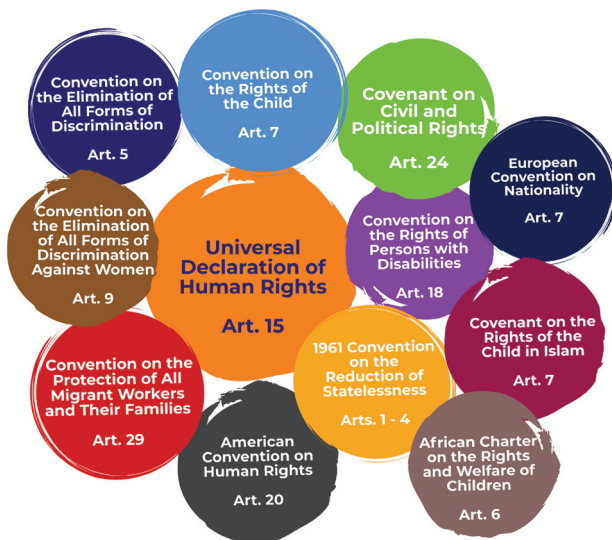
Why nationality matters!

Among child rights advocates, the right to a nationality has received relatively little attention. Nationality is a less tangible concept than, for example, education or protection from child labour – but it is incredibly important! For all people, including children, nationality is a right that is of fundamental importance to well-being and the ability to lead a dignified life. Denying children a nationality can have a significant impact on all other child rights, including their access to education, healthcare, free movement and family life. The very nature of statelessness as an extreme form of exclusion pushes stateless children to the very margins of society, from where it is very difficult to make their voices heard. As a result of these different problems, statelessness also has a significant impact on a child's sense of belonging and self-worth.

I don't know, I can't explain the feeling because the feeling is like you are less than everyone. Less. I am still someone, but less.⁶

EVERY CHILD'S RIGHT TO A NATIONALITY

The Universal Declaration of Human Rights recognises the right to a nationality. This right is reaffirmed specifically for children across many core UN human rights conventions and UN treaties, and regional treaties. The right of every child to a nationality has also been recognised and further elaborated through the decisions of regional human rights courts and committees, as illustrated in the quotes below.



States have the obligation not to adopt practices or laws concerning the granting of nationality, the application of which fosters an increase in the number of stateless persons.

Inter-American Court of Human Rights
(Yean and Bosico Case, para. 142)

Applicants face a worrying uncertainty as to the possibility of obtaining recognition of [nationality]... That uncertainty is liable to have negative repercussions on the definition of their personal identity.

European Court of Human Rights
(Mennesson v. France, para. 97)

Statelessness is particularly devastating to children in the realisation of their socio-economic rights such as access to health care, and access to education. In sum, being stateless as a child is generally antithesis to the best interests of children.

African Committee of Experts on the Rights and Welfare of the Child (Nubian children v. Kenya, para. 46)

LEAVE NO CHILD BEHIND: CHILDHOOD STATELESSNESS AND THE SDGS

The Sustainable Development Goals (SDGs), adopted by the UN in 2015, encompass universal targets aimed to end poverty and to promote prosperity, while protecting the planet. There are 17 SDGs, which all governments have committed to implement, with 169 targets aimed at stimulating action across the globe from 2015 until 2030.

The SDGs aspire to “leave no one behind” and to reach the furthest behind first. This means that special attention must be paid to those groups most in need and addressing structures that engender exclusion, disadvantage and impoverishment. The achievement of many SDGs will be hindered as long as children are denied their right to a nationality, including Goal 1 (Poverty), Goal 2 (Hunger), Goal 3 (Health), Goal 4 (Education), Goal 8 (Employment) and Goal 11 (Housing). Access to services such as healthcare, education, or the right to own property and to lawfully work is often out of reach for the stateless. Being stateless means being stuck in a cycle of poverty.

The SDGs also provide important entry points to address the root causes of childhood statelessness. Goals 5 (gender equality), 10 (reduced inequalities) and 16 (peace, justice and strong institutions) are particularly relevant.

I am stateless because my mother could not pass her nationality to me

5 GENDER EQUALITY



CEDAW (Art 9) prohibits gender discrimination in nationality law.

I am stateless because particular races or ethnic groups are denied nationality in my country

10 REDUCED INEQUALITIES



ICERD (Art 5) prohibits race & ethnic discrimination in the enjoyment of the right to nationality.

Convention on the Rights of the Child (Art 7.1) protects every child's right to acquire a nationality.

I am stateless because my right to a nationality was not fulfilled and I was denied access to justice.

16 PEACE, JUSTICE AND STRONG INSTITUTIONS



ARTICLE 7 CRC: A RIGHT THAT UNLOCKS OTHER RIGHTS

The CRC was adopted in 1989, recognising that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection”. The right to a nationality (Art. 7 CRC), holds an important place in the convention because nationality is, in practice, key to unlocking access to other fundamental rights set out in the CRC. It is therefore often referred to as an “enabler” right.

Article 8 CRC ensures that a child’s right to preserve their identity, including their nationality, name and family relations, must be protected. Not only should these be protected, but where a child has not obtained, or has had any aspect of their identity taken away from them, the state must make efforts to remedy this and help them re-establish their identity.

In interpreting the content of the rights protected under the CRC, particular consideration must be given to the four “Guiding Principles” that inform the implementation of all CRC articles. This is also true of article 7, as set out below:

Non-discrimination (Article 2)

Children have the right to acquire a nationality, irrespective of the child’s or his or her parents’ or legal guardians’ race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Best interests of the child (Article 3)

The application of this principle implies, among other things, that a child must acquire a nationality at birth or as soon as possible after birth, children must not be left stateless for an extended period of time, nor with their nationality status undetermined.

Right to life, survival and development (Article 6)

Children must have the opportunity to develop fully in all areas of life, i.e. physically, mentally, spiritually, morally, and socially. Nationality helps in accessing the rights and services needed for self-development, reinforcing the importance of preventing statelessness among children.

Respect for the views of the child (Article 12)

Children have the right to give their opinion and adults must listen and take this into account when making decisions that concern them, including if this impacts their nationality.

Article 7 CRC

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligation under the relevant international instruments in this field, in particular where the child would otherwise be stateless.



Non-discrimination and best interests of the child are two guiding principles that must inform the implementation article 7 CRC



Illustrations © Dian Pu

THE ROLE OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

The CRC Committee is a body of 18 independent experts that monitors implementation of the CRC and its optional protocols. Under this mandate, it issues authoritative guidance on the content of CRC provisions through the publication of “General Comments” on particular articles or thematic issues. The Committee also organises “Days of General Discussion”, on a biennial basis, to further the understanding of specific child rights issues. With the entry into force of the Third Optional Protocol on a communications procedure (OPIC), in April 2014, the Committee is also able to consider individual complaints alleging violations of the Convention.⁸

As the UN treaty body mandated to interpret and monitor States Parties’ compliance with the CRC, the work of the Committee is central to gaining a better understanding of States Parties’ obligations under Article 7 of the Convention. To date, the child’s right to acquire a nationality has yet to be the subject of a General Comment, Day of General Discussion or any individual complaints.⁹

Nevertheless, the interpretation of Article 7 CRC has received significant attention as part of the regular monitoring of States Parties’ implementation of their obligations and the “Concluding Observations” issued to States Parties by the Committee. In fact, in the past quarter century, the CRC Committee has paid attention to at least nine distinct problems or themes through which it has helped to explain how article 7 CRC is to be interpreted and applied by state parties. For example, the Committee has issued eight recommendations in relation to deprivation of nationality among children. It asked, for instance, in the case of the Dominican Republic that the state “ensure the restoration of nationality to all individuals, including children, born before the Constitution of 2010 who are affected by the Constitutional Court’s Ruling of 23 September 2013”.



The 3 themes on which the Committee has adopted most recommendations are...

To end gender discrimination in nationality law

The Committee recognises that gender discrimination in nationality remains a serious concern worldwide and has clarified in its recommendations to states that they have the obligation under articles 2 and 7 CRC to ensure the equal rights for men and women to pass their nationality to their children. Children should have equal opportunity to access their mother or father's nationality, regardless of whether they are born in or out of wedlock, the nationality of the other parent, or the place of birth of the child.

"The Committee urges the State Party to take immediate action to ensure gender equality in the 1959 Nationality Act in order for all children born to a Kuwaiti mother and non-Kuwaiti father to automatically acquire their mother's nationality"

– CRC Committee Recommendation to Kuwait

To grant nationality to stateless children born in the territory

The CRC Committee has clarified that article 7 CRC requires states to grant nationality to all children born on their territory if they would otherwise be stateless, regardless of:

- The parents' legal status, including residence status
- The parents' sex, race, religion or ethnicity, social origin or status
- The parents' past opinions or activities
- The child's belonging to a(n) (ethnic) minority group

This interpretation of how to ensure the right of a child to nationality is one of the most effective ways to prevent childhood statelessness, whether it results from inheritance of statelessness or arises from a conflict of nationality laws.

To register all births, to help protect the right to nationality

The CRC Committee acknowledges that not being registered at birth can prevent access to a nationality and lead to statelessness. Birth registration provides official evidence of key facts relating to a child's birth, including birthplace and parentage, without which the child may face difficulties proving his/her entitlement to nationality under the law and may not be considered as a national by the state.

"The Committee recommends that the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions."

– CRC Committee Recommendation to the Netherlands

Importantly, the right to birth registration is especially stressed for specific disadvantaged groups that are more likely to be affected by statelessness such as, refugee and asylum-seeking children, ethnic minority children, children born out of wedlock, and children born abroad.

CRC COMMITTEE ENGAGEMENT ON THE RIGHT TO A NATIONALITY

139

Between 1993 and mid- 2018, the Committee made 139 recommendations relevant to children's right to acquire a nationality

Earliest relevant recommendation was made in 1997, to Syria

2000

The Committee underlines that the right to be registered and to acquire a nationality should be guaranteed to all children under the Syrian Arab Republic's jurisdiction without discrimination of any kind, irrespective, in particular, of the child's or his or her parents' or legal guardians' race, religion or ethnic origin, in line with article 2 of the Convention.

With the turn of the millennium, the Committee's Concluding Observations became more detailed, tailored and direct. Before 2000, the Committee had made only fourteen recommendations on the issue. Since then, the frequency with which the issue is raised has increased.

240

Between 1993 and mid-2018, the Committee made 240 recommendations on implementing measures, focusing on how to realise recommendations

In 2017, the Committee issued the following recommendation to Cameroon:

The Committee recommends that the State party amend the Nationality Code to repeal discriminatory provisions relating to the acquisition of nationality by children born out of wedlock and relating to the naturalisation of children with disabilities.

This varies from acceding to the statelessness conventions to reviewing national legislation and monitoring groups at risk of statelessness

116

ACCESSION TO UN STATELESSNESS CONVENTIONS

The Committee has repeatedly expressed concern about the phenomenon of childhood statelessness and made 116 recommendations to accede to the UN Statelessness Conventions

33

BIRTH REGISTRATION

Birth registration has been central to the Committee's recommendations and in 33 recommendations it has explicitly mentioned statelessness as a related issue to be addressed

61

DISCRIMINATION

The Committee has asked States on 61 occasions to prevent childhood statelessness as a result of discrimination

In 2017, the Committee issued the following recommendation to Yemen:

The Committee urges the State party to repeal any discriminatory provisions against children with disabilities [...] and ensure that all children without discrimination of any kind have the right to acquire nationality.

HOW CAN THE CHILD'S RIGHT TO NATIONALITY BE REALISED?

State parties to the CRC are required to develop General Measures of Implementation to fulfil the rights set out in the convention.⁹ These measures are all about “making reality of the human rights of children”. They are the “how” rather than the “what” in terms of states’ obligations under the CRC. In the recommendations it has issued, the CRC Committee has outlined a wide range of implementing measures that states may be required to put in place, as relevant, to realise the right of every child to a nationality.



HOW HAVE OTHER UN HUMAN RIGHTS BODIES ENGAGED ON THIS ISSUE?

ACCESSION TO UN STATELESSNESS CONVENTIONS

The CEDAW Committee has recognised that gender discriminatory nationality laws are a cause of childhood statelessness.

It has made 30 recommendations to states to accede to the UN Statelessness Conventions.

30

31

REGISTRATION OF BIRTHS

Birth registration has been central to the CEDAW Committee's recommendations on 31 instances.

Five of such recommendations explicitly mentioned statelessness as a related issue to be addressed.

19

25

CEDAW

Committee on the Elimination of All Forms of Discrimination Against Women

19 of the 25 countries that still deny women equal rights with men to confer nationality to their children, received recommendations from the CEDAW Committee to resolve this.

Under the first two cycles of the UPR, 47 recommendations were made on ensuring the right to acquire a nationality for stateless children born on the territory of the state.

141 UPR recommendations were made that related to gender discrimination in nationality law.

216 UPR recommendations were made on birth registration.

UPR
Universal Periodic
Review

CASE STUDY: SOUTH AFRICA

Daniella was born in South Africa in 2010, the daughter of two Cuban citizens. Her parents live and work in South Africa and are deemed by Cuba to be ‘permanent emigrants’ because they have resided abroad for more than 11 months. When Daniella was born and her parents approached the Cuban embassy to register her, they learned that being a ‘permanent emigrant’ meant that they could not pass on their Cuban nationality. As a result,



Daniella would be left stateless. To address this, they applied for South African citizenship for Daniella, in line with a special provision in the Citizenship Act that grants nationality to stateless children born in the territory. But the Department of Home Affairs refused to recognise that Daniella was stateless and denied access to South African citizenship.

Daniella’s situation came to the attention of Lawyers for Human Rights (LHR), a civil society organisation that offers legal assistance to individuals who face immigration or citizenship problems. LHR initiated legal proceedings to obtain a court order declaring Daniella to be a citizen of South Africa, in the hope of also clarifying the legal issues and setting a precedent for all stateless persons born in the country. Indeed, LHR often encounters the problem of childhood statelessness at its legal clinics: discriminatory attitudes, lack of regulations and gaps in implementation mean that despite guarantees in the law, the right to a nationality is not always respected in practice.

While Daniella’s case was still pending, South Africa came under review by the CRC Committee. This presented an opportunity for LHR to supplement its national advocacy and litigation with international engagement. LHR submitted a joint alternative report with the Institute on Statelessness and Inclusion (ISI), and participated in the CRC Committee’s pre-session. After the Committee dialogue with South Africa in September 2016, it issued several strong and concrete recommendations on the child’s right to a nationality. The recommendations call on South Africa to ensure birth registration for all children within its jurisdiction, including those born to non-nationals, and to sort out challenges regarding the granting of nationality to otherwise stateless children.

“Put in place regulations to grant nationality to all children in the jurisdiction of the State party who are or at risk of being stateless”

CRC Committee recommendation to South Africa, 2016

In the same month that the CRC Committee issued its recommendations to South Africa, LHR's litigation resulted in the Supreme Court ordering the authorities to implement the legal safeguard against statelessness for Daniella and to grant her citizenship. This ruling and the recommendations issued by the CRC have been used to bolster advocacy efforts to promote the right of every child to a nationality in South Africa.

“Making a submission to the CRC Committee helped us fulfil our mandate to effect legislative change in South Africa and to raise awareness on the subject”

LHR Attorney Liesl Muller

LHR developed an informational booklet, “Childhood Statelessness in South Africa”, to boost the awareness of the obstacles that stateless children face in accessing a nationality – explaining the difficulties with the implementation of the law through the lens of a series of concrete case studies. Several thousand copies of this brochure were distributed, helping to educate children and officials on the issues and providing important support to other in-country efforts.¹⁰

Seeing clear value to engagement with UN human rights mechanisms, LHR continued to work with ISI to bring the problems faced by their clients in South Africa to the attention of the international community. A joint submission was made to the Universal Periodic Review (UPR) of South Africa and advocacy efforts undertaken in Geneva and in South Africa. These joint

efforts resulted in twelve states choosing to make recommendations relating to nationality and statelessness to South Africa during this review in May 2017 – issuing a total of fourteen recommendations in all.¹¹

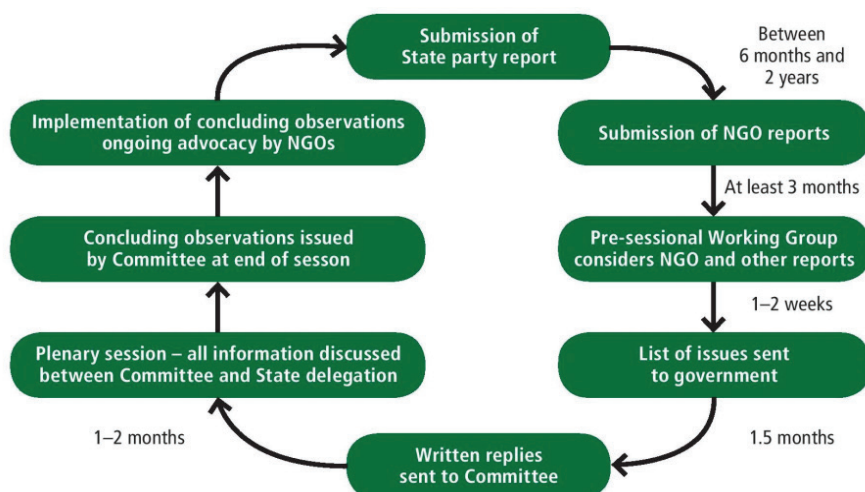


“The days are coming close for me to write my exams and I do not have a plan or anything I can do to write if I do not have ID”

Caleb, stateless in South Africa

TIPS FOR ADVOCACY AND NEXT STEPS

State parties are obliged to submit an initial report to the CRC Committee two years after acceding to the Convention, and to submit subsequent periodic reports every five years. Alternative reporting is the formal entry-point for civil society actors into the process. Alternative reports provide the CRC Committee with a different perspective to that presented by the State in its report, and are a crucial element of the process, helping to ensure that the Committee receives comprehensive information on the issues at hand. The quality and scope of information received by the CRC Committee during this stage is beyond the Committee's control but crucial to the outcome, so it is very important that civil society actors address the child's right to a nationality in their reporting.



This diagram illustrates how the reporting cycle works.¹² After an initial consideration of the information submitted to it at the pre-sessional Working Group and further input by the state and civil society, the CRC Committee meets with the state party for a constructive dialogue during the CRC Session. The CRC Committee then articulates its concerns and recommendations in the so-called “Concluding Observations” that it adopts. These recommendations can help to reinforce civil society advocacy on issues of concern – such as a gender discriminatory nationality law – and to build momentum for change. For more information, visit the Child Rights Connect minisite on

Engaging in the Reporting Cycle of the CRC: <http://crcreporting.childrightsconnect.org/>

Top tip! Research and collate previous Committee recommendations to the state, if any, relating to Article 7 and children's right to a nationality, indicating the extent of implementation of these earlier recommendations. Consult the Institute on Statelessness and Inclusion's Analytical Database to explore previous recommendations made by the Committee: <http://crc.statelessnessandhumanrights.org/tools/analytical-database>

What can be achieved by engaging with the CRC Committee?

Inform the Committee: By providing a different perspective to that of the state's own report, civil society can help to ensure that adequate attention is paid to the problem of childhood statelessness

Influence the “List of Issues”: Drawing attention to information that is not available or has been left out of the state report helps the CRC Committee to articulate questions for the List of Issues which informs its dialogue with the state.

Strengthen the “Concluding Observations”: Convince the CRC Committee of the importance of addressing the issue, and providing information and even suggested language for recommendations, can help to make Concluding Observations more targeted, concrete and useful for follow up.

Tips for advocacy and writing an alternative report

What information should be included in a submission or focused on in advocacy with the CRC Committee? The Institute on Statelessness and Inclusion has developed a toolkit on addressing the right to a nationality through the CRC.¹³ Here are key tips:

- Refer to the state report - highlight any gaps, inaccuracies and counter-perspectives.
- Highlight how the protection of other CRC articles is affected as a result of the violation of the child's right to a nationality: what other rights are impacted?
- Refer to previous Concluding Observations of the Committee and recommendations by other human rights mechanisms, and comment on the State's performance.
- Provide a balanced position based on reliable data, empirical research and your work in the field. Where the State has performed well, it is important to also report this.
- Draw attention to jurisprudence and relevant law and policy provisions. Quote the full provisions and if necessary, annex the relevant laws.
- Include facts and statistical information and data in your submission where possible. Similarly, draw the Committee's attention to the lack of statistical data.
- Case studies, testimonies and human stories can also help to illustrate the issues being addressed by your submission. If it is possible to do so in a meaningful and protection-sensitive way, include the opinions and viewpoints of children.
- Suggest language for the specific recommendations you would like the Committee to issue to the state. Encourage recommendations on the child's right to acquire a nationality and what implementing measures the state should take to realise it!
- Where possible, reinforce and build on CRC advocacy by engaging with other UN treaty bodies or the Universal Periodic Review, as well as pursuing national and regional follow up on recommendations made. Human Rights

FURTHER READING

Below are key resources on childhood statelessness, the right of every child to a nationality and the CRC. All of these resources are available online.

- Institute on Statelessness and Inclusion, Addressing the Right to a Nationality through the Convention on the Rights of the Child: A Toolkit for Civil Society and Analytical Database of CRC Committee Recommendations relating to the child's right to a nationality (www.statelessnessandhumanrights.org).
- Child Rights Connect, The Reporting Cycle of the Committee on the Rights of the Child: A guide for NGOs and NHRIs and microsite Engaging in the Reporting Cycle of the UN Committee on the Rights of the Child (<http://crrreporting.childrightsconnect.org/>)
- Institute on Statelessness and Inclusion, The World's Stateless: Children, 2017, (multiple essays including an interview with Benyam Dawit Mezmur, and contributions by Jacqueline Bhabha, Laura van Waas, Liesl Muller, Hernan Vales, Francesco Cecon and Praxis Serbia - <http://children.worldsstateless.org>)
- UNHCR/UNICEF Coalition on Every Child's Right to a Nationality (<http://www.unhcr.org/ibelong/unicef-unhcr-coalition-child-right-nationality/>)
- Institute on Statelessness and Inclusion, The Girl Who Lost Her Country, 2018 and related website (<http://kids.worldsstateless.org>).

ENDNOTES

- 1 UNHCR, I am here, I belong. The urgent need to end childhood statelessness, <http://www.unhcr.org/ibelong/the-urgent-need-to-end-childhood-statelessness/>.
- 2 See further on the impact of statelessness on children, for instance, UNHCR, A Special Report: Ending Statelessness Within 10 Years, November 2014, available at: <http://www.unhcr.org/546217229.html>
- 3 A single mother from Nepal who could not pass her nationality to her son due to gender discrimination in the nationality law, interviewed in The Equal Rights Trust, My Children's Future, September 2015, p. 42.
- 4 Syrian mother of a stateless child, interviewed in Norwegian Refugee Council and the Institute on Statelessness and Inclusion, Understanding Statelessness in the Syria Refugee Context, 2016, p. 10.
- 5 Tini Zainudin, speaking about her personal experience as the mother of a stateless child in "Stateless and Invisible" in Institute on Statelessness and Inclusion, The World's Stateless: Children, 2017, p. 407.
- 6 A now 22-year old stateless woman from Ukraine, who grew up without a nationality in the Netherlands explains how being stateless feels in the Greg Constantine multimedia piece Nationality Unknown, 2014.
- 7 CRC Committee, official website, <https://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>
- 8 Note that the Human Rights Committee has touched on the content of children's right to a nationality in the interpretation of Article 24 of the ICCPR. It has emphasised the particular importance of preventing statelessness and "ensuring that every child has a nationality when he is born". See Human Rights Committee, General Comment 17: Article 24 (Rights of the Child), 7 April 1989, para 8. Available at: <http://www.refworld.org/docid/45139b464.html>.
- 9 CRC Committee, General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child, 27 November 2003, http://www2.ohchr.org/english/bodies/crc/docs/GC5_en.doc.
- 10 Liesl Muller, "Making safeguards work: A perspective from South African legal practice" in Institute on Statelessness and Inclusion, The World's Stateless: Children, 2017.
- 11 LHR Press Statement "States ask South Africa to Give Rights to Stateless Persons" <http://www.lhr.org.za/news/2017/press-statement-states-ask-south-africa-give-rights-stateless>
- 12 Diagram from Child Rights Connect, The Reporting Cycle of the Committee on the Rights of the Child: A guide for NGOs and NHRIs, 2014.
- 13 The Institute on Statelessness and Inclusion has also provided a template for civil society submissions in the toolkit, Addressing the Right to a Nationality through the Convention on the Rights of the Child, 2016.

GLOSSARY OF ABBREVIATIONS

1954 Convention	1954 Convention relating to the Status of Stateless Persons
1961 Convention	1961 Convention on the Reduction of Statelessness
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC Committee	Committee on the Rights of the Child
CRC	Convention on the Rights of the Child
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OHCHR	Office of the High Commissioner of Human Rights
Pre-Sessional Working Group	Meeting prior to Committee meeting where civil Society can present information
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UPR	Universal Periodic Review



This booklet is one of several in the Institute's statelessness essentials series which are dedicated to Statelessness & Human Rights. Other booklets look, for instance, at the role in addressing statelessness of the Convention on the Elimination of All Forms of Discrimination Against Women and the Universal Periodic Review.

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STATELESSNESS & HUMAN RIGHTS

The Convention on the Elimination of All
Forms of Discrimination Against Women

Article 7 of the Convention on the Rights of the Child (CRC)- the most widely ratified UN Convention- obliges states to realise every child's right to acquire a nationality. When a child lacks a nationality, i.e. is stateless, this creates a situation of severe disadvantage, vulnerability and marginalized living circumstances. Statelessness undermines the enjoyment of childhood and the child's opportunity to develop to his or her full potential.

Many stateless children cannot enjoy education and are denied equal access to other rights. In spite of clear treaty obligations, millions of children around the world are currently stateless. The United Nations High Commissioner for Refugees (UNHCR) estimates that a child is still born stateless every 10 minutes.

This booklet draws on a comprehensive analysis of all Concluding Observations and recommendations made by the Committee on the Rights of the Child to explore and contextualise the obligations contained in CRC Article 7. It sets out why children's nationality rights are of such fundamental importance, both as an issue of avoiding statelessness but also to protect and fulfil a range of other fundamental rights and in the implementation of the Sustainable Development Agenda. It looks at the Committee's interpretation and treatment of Article 7, the recommendations it has made in this regard, and how they relate to, and are complemented by, the work of other human rights mechanisms. Finally, it provides an insight into the mechanics of the Committee process, offering key information and helpful tips for engagement by civil society actors.

If you are working in the field of children's rights, to promote enjoyment of the right to a nationality or to combat statelessness - or if you are simply interested in how nationality and statelessness issues relate to CRC - this booklet is for you.

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The Institute on Statelessness and Inclusion is an independent non-profit organisation committed to realising the right to a nationality for all, through our role as expert, knowledge partner, catalyst for action and advocate for change.