

**ANNUAL CONSULTATIONS WITH NGOS  
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**Background Paper**

**Partnerships for futures: Addressing statelessness among children and youth**

*Tuesday 28 June 2011, 14:00 - 15:45, Room 4*

Around the world, more than 12 million people live in a legal limbo of statelessness. Among these people, stateless children are some of the most vulnerable.

The consequences of statelessness among children are numerous and severe. Stateless children are often denied basic services that most of us take for granted: access to education and health care, for example. Many grow up in extreme poverty. A stateless child is also at greater risk of her freedom of movement being restricted because she does not have the right papers to travel, or being subjected to arbitrary deportations or prolonged detentions. Many stateless children suffer from social exclusion, and, in some cases, a greater vulnerability to trafficking and exploitation—including child labor. And yet, this is one human rights issue that rarely gets the urgent attention it needs to make a real and lasting difference to millions of children’s lives.

Addressing statelessness and discrimination in access to nationality among children requires an understanding of the causes of child statelessness. Granting of citizenship according to country of birth is in fact a minority regime among the world’s countries; most grant citizenship by descent, that is, to children of citizens. Thus, statelessness among children is often a direct result of their parents’ stateless status. In other words, statelessness is a vicious circle in which parents hand down their own lack of legal status to their children, which severely compromises their childhood as well as their opportunities to live full, dignified lives as adults.

Statelessness caused by gender discrimination also severely affects children. Many countries around the world still do not have gender-neutral citizenship laws, and leave women unable to pass their citizenship to their children and foreign spouses. In some places the situation is improving, however. Countries like Algeria, Egypt, Morocco and Tunisia have taken significant steps in the last 15 years to end government-sanctioned gender discrimination by amending their citizenship laws to give women the ability to pass their citizenship to their children.

Many children are also stuck in legal limbo due to state succession. Children who belong to ethnic minority groups are particularly vulnerable to statelessness when states break up and new states are created. Frequently, minorities and people who are seen to belong to “the other side” end up being denied nationality in all of the new states. In some cases the motivations are racist or political, and in some cases statelessness is a consequence of unfortunate circumstances that may take years to remedy. In recent history we have seen this in places such as the Former Soviet Union, the Balkans, Eritrea and Ethiopia, and Pakistan and Bangladesh, and many of these situations are only very slowly beginning to be resolved.

The panel on “**Partnerships for Futures: Addressing Statelessness among Children and Youth**” will look at a range of strategies for addressing statelessness among children and youth. The panel will draw on different experiences of actors in this field, including NGOs, the UNHCR, and stateless persons themselves. The participants will look at how cooperation and coordination can help reduce and prevent statelessness, and protect stateless persons.

**Mark Manly**, Head of the Stateless Unit at UNHCR, will speak about UNHCR efforts to address statelessness among children. Mark will discuss UNHCR's mandate in this area, and the relevant provisions in the two statelessness conventions. Mark will also talk about events planned and undertaken in light of the commemorations.

**Jane Bloom**, U.S. Liaison Officer for International Catholic Migration Commission (ICMC) and representing the NGO Committee on Migration on the panel, will focus on the plight of minors caught in the statelessness/migration nexus – a perilous realm fraught with serious protection risks, including trafficking, forced marriage, and other forms of extreme exploitation. Jane will draw on examples of stateless migrant youth in the Asia Pacific region, on whose behalf ICMC—via its partners Sisters of Good Shepherd—is working. The presentation will include a brief discussion of (a) the children of Sabah, Malaysia, born to Indonesian irregular migrants or stateless migrants of Filipino descent, and (b) the region's young “mail order” brides—also known as “migrant breeders”—who are often left stranded and stateless after marriage dissolution, producing children who may face further difficulty in acquiring a nationality.

**Edmund Foley**, Legal Officer at the Institute for Human Rights and Development in Africa (IHRDA), will talk about litigation on behalf of Nubian children in Kenya. In 2008, IHRDA and the Open Society Justice Initiative, with the support of the Kenyan organization Centre for Minority Rights and Development (CEMIRIDE), filed a case on behalf of Nubian children in Kenya at the African Committee of Experts on the Rights and Welfare of the Child (ACERWC). The case alleged violations of the right to nationality of Nubian children and associated violations of the rights to health and education. In March 2011, the ACERWC delivered its decision, finding Kenya in violation of all the articles alleged. The decision is ground-breaking and provides a clear affirmation of the child's right to a nationality in Africa. Edmund's presentation will highlight the journey through the facts of the communication and the key arguments made before the ACERWC. The presentation will also address prospects and challenges for implementation of the decision.

**Railya Abulkhanova**, Professor of language and literature in France, is a stateless woman who lost her Soviet nationality after the break-up of the Soviet Union and has since then been unable to obtain a new nationality. Railya will speak about her personal experience with statelessness.

**Sebastian Köhn**, Program Coordinator for equality and citizenship at the Open Society Justice Initiative, will be moderating the panel.