

FUTURES DENIED



STATELESSNESS
AMONG
INFANTS,
CHILDREN,
AND YOUTH

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A stateless girl awaits medical care at Mae Tao clinic that provides services for unrecognized Burmese refugees in Thailand.

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ABOUT REFUGEES INTERNATIONAL

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<p>The goal of this report, which is dedicated to the promise and potential of all children, is increased recognition of every child's right to a nationality and the actions that can be taken to give them a brighter future.</p>	<p>EXECUTIVE SUMMARY</p> <p>Statelessness, or the lack of effective nationality, impacts the daily lives of some 11-12 million people around the world. Perhaps those who suffer most are stateless infants, children and youth. Though born and raised in their parents' country of habitual residence, they lack formal recognition of their existence. A few key steps taken by individual countries and UN agencies can help reduce statelessness among infants and children and prevent millions of youth from growing up isolated from society. The goal of this report, which is dedicated to the promise and potential of all children, is increased recognition of every child's right to a nationality and the actions that can be taken to give them a brighter future.</p> <p>A number of legal instruments have been created to regulate the status and treatment of stateless persons. The primary international covenants are the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, which define statelessness and create rules for attribution of nationality where statelessness would otherwise occur. However, only 63 states are party to the 1954 Convention, and only 35 to the 1961 Convention.</p> <p>Children may become stateless as a result of political change or when states deliberately write laws excluding minority groups from citizenship, such as in the Dominican Republic, Burma, Estonia and Latvia. When state systems linked to registration are destroyed during conflict or disasters, people may lose access to their birth records and citizenship documents. Families who leave homes and possessions during political crises may flee without identification or lose proof of citizenship. It can also be difficult for children to acquire their parents' nationality when refugee mothers give birth outside their home countries. In addition, countries that determine citizenship exclusively by the father's nationality create problems for children born out of wedlock, separated from their fathers, or whose fathers are stateless.</p> <p>Statelessness has innumerable consequences on children and there are few agencies addressing their plight. Unlike refugees, stateless children receive neither international recognition nor aid, and they don't have the option of returning to a country of origin like migrants do. The situation can lead to poor home environments and family separation. For example, in Bangladesh some 160,000 stateless Bihari live in severely overcrowded settlements with sometimes a dozen or more family members living in a single small room. In Malaysia, children in Sabah whose migrant parents have been arrested and detained or deported end up living and working on the street.</p> <p>Birth registration establishes a child's legal identity and the state's responsibility for that child. But without a permanent identity, children will have limited access to health care and to primary education; and are almost universally restricted from receiving public secondary education. In Kuwait, stateless people are denied the right to officially register a birth, marriage, or death. One father said he was able to obtain a birth certificate for his first-born child in 1997. However, when he produced the birth announcement for his second child some ten years later, the Ministry of Health refused to issue a birth certificate. Without one, this man's younger child will be able to attend school only as long as he can afford to pay private school tuition. In other cases, families may be told their children can attend school only if space is available after citizens' children have registered.</p> <p>Unable to prove their true age, stateless children may be susceptible to exploitation or to punishment as adults. Statelessness may lead to forced or early marriage, harassment, sexual and physical violence, and trafficking. One stateless girl from northern Thailand responded to</p>
<p>i</p>	<p>FUTURES DENIED: STATELESSNESS AMONG INFANTS, CHILDREN, AND YOUTH</p>

a job offer in a Bangkok restaurant and ended up trafficked to Malaysia for commercial sexual exploitation in a brothel. She and others were eventually rescued, but then she languished for months in a detention center while states argued where she belonged. Traffickers of stateless children also cannot be taken to court when children are without proper documents that prove their age or resident status.

Stateless children are also frequently unable to obtain passports, to travel freely, or acquire jobs in the formal sector as they get older. Some resort to the use of smugglers to remove themselves from difficult situations or in hopes of supporting themselves and their families. One interviewee in Syria knew a family with five children who were smuggled to Egypt and left stranded there for six months until they agreed to pay the smugglers SYP 1 million (US \$20,000) to go to Europe.

The primary responsibility for ending statelessness rests on governments and Refugees International urges all states to respect the fundamental human right of all children to have a nationality. In recent years, the governments of Bangladesh, Mauritania, Nepal, Sri Lanka, and the United Arab Emirates have or are taking steps to provide citizenship to formerly stateless people. In addition, other nations are proactive in preventing statelessness. The Swedish Citizens Act passed in 2000, for example, allows a stateless child born in Sweden to become a citizen if the child is under age five and permanently resides in Sweden.

Some key actions that can be taken now are ensuring that every child is registered at birth, and identifying cases of disputed nationality and grant citizenship when a child would otherwise be stateless. (See page 21 for a full list of recommendations.) The United Nations can support such efforts by strengthening UNHCR to fulfill its mandate on statelessness, organizing a comprehensive survey to identify stateless populations, including children, and reinforcing UNICEF efforts surrounding birth registration and childhood education. As a world leader and international donor, the U.S. should make the prevention and reduction of statelessness among children part of the U.S. human rights agenda and provide financial and diplomatic support to UNHCR and UNICEF for their efforts to prevent and reduce statelessness.



For these boys in a Dhaka camp for Urdu-speaking Biharis, Bangladesh is the only country they have ever known and Bengali is the language they have learned. Sometimes two, three, or even four generations suffer the deleterious impact of statelessness.

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**“TO DENY CHILDREN THEIR LEGAL DOCUMENTATION,
THEIR NAMES, THEIR IDENTITY IS TO
JEOPARDIZE THEIR VERY LIVES AND TO
DENY THEM A FUTURE AS CITIZENS.”**

– Harry Belafonte, September 2004 (for UNICEF)

FUTURES DENIED:

STATELESSNESS AMONG INFANTS, CHILDREN, AND YOUTH

"I left school to concentrate on sports," the stateless boy in Syria began his story. "Later on my coach told me that I would have to stop playing. 'You are Ajanib (foreigner),' he reminded me. 'You can't be on our team.'" The boy recalled, "I was devastated. Sports are the thing I loved to do most. I even chose soccer over school, despite the fact education is very important in our culture. Now I can't do anything," he lamented quietly. "I can scream, but I am the only one who hears me."

INTRODUCTION

All people, adults and children alike, have the right to a nationality.¹ Moreover, nationality is an essential component of contemporary life.² But statelessness, or the lack of effective nationality, impacts the daily lives of some 11-12 million people around the world.³ Perhaps those who suffer most are stateless infants, children, and youth.

Most stateless children have not been forced out of their home or country. They have been born and raised in their parents' country of habitual residence but lack records or formal recognition of their existence by that country. Through no fault of their own, they inherit a

difficult reality that limits their potential and gives them an uncertain future. In countries as diverse as Bangladesh, the Dominican Republic, Côte d' Ivoire, Kuwait, and Estonia stateless children are born, live, and die as practically invisible people. Few manage to escape that status and the stigma associated with statelessness.

Ignoring the issue of stateless children allows millions of youth to grow up poor, uneducated, and isolated from society. There are simple steps that individual countries, including the U.S., and the United Nations can take now to continue reducing this problem. In particular, ensuring that all children are registered in the



A young girl looks at the demolished and empty land in a section of S.B. Nagar Camp in Chittagong, Bangladesh. Though legal orders protect the camps, twenty families were evicted and relocated to a much smaller camp nearby to make way for private development.

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country of their birth would be a major step forward in reducing statelessness and ensuring that children can live full and productive lives as official members of society. In recent years the governments of Bangladesh, Mauritania, Nepal, Sri Lanka, and the UAE have taken steps to provide citizenship to formerly stateless people, helping to reduce the magnitude of the problem. These are welcome steps, but far more action is still needed around the world.

The arbitrary denial and deprivation of nationality that leads to childhood statelessness may result from deliberate state practice targeted against specific individuals or populations based on ethnicity, race, or religion. It may stem from an unwillingness to recognize children of parents displaced by armed conflict or those affected by creation of a new state or the realignment of borders. Children also may become stateless due to a lack of the financial means to document their birth or due to discriminatory laws relating to birth registration, especially when nationality is based solely on descent (often only that of the father).⁴

Under international law, stateless children possess almost all rights granted to other children but in practice they are often unable to exercise these rights due to national laws

and practices. Statelessness, whether *de jure* (by right, according to law) or *de facto* (in fact, in actual existence), has innumerable and immeasurable consequences on children.⁵ Without a legal identity, children are not only deprived of their right to a nationality and related rights, but also cannot take steps to ensure their future democratic rights, including the right to vote and stand for election. They cannot access their social or economic rights including education, healthcare, and certain forms of employment. Missing education and poor access to health care has repercussions not only on early childhood development but across the lifespan. Families are needlessly separated, sometimes permanently.

This report attempts to identify some of the common causes and consequences of statelessness among infants, children, and youth. Findings are based on Refugee International field visits focused on groups of stateless people in Bangladesh, Côte d’Ivoire, Dominican Republic/Haiti, Estonia, Ethiopia, Kazakhstan, Kenya, Kyrgyzstan, Kuwait, Malaysia, Senegal/Mauritania, Syria, Thailand, and the United Arab Emirates. The paper concludes with recommendations to governments, the United Nations, and the U.S. with the goal of strengthening and changing policies to protect every child’s right to a nationality.

Most government leaders, including those in Nairobi, Kenya pictured here, have signed the Convention on the Rights of the Child. Nevertheless, Kenyan citizenship law does not protect orphans and street children of unknown origin. As David Weissbrodt, former UN Special Rapporteur on the Rights of Non-citizens has stated, “There is a large gap between the rights that international human rights laws guarantee to non-citizens and the realities they face.”

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**INTERNATIONAL LAWS
REGULATING STATELESSNESS**

In addition to the fundamental recognition of nationality by the Universal Declaration of Human Rights, a number of legal instruments have been created to regulate the status and treatment of stateless persons. The primary international covenants are the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Originally intended as a Protocol to the 1951 Convention relating to the Status of Refugees, the 1954 Convention was instead adopted separately to deal with stateless persons not already covered by the 1951 Refugee Convention. The 1954 Convention relating to the Status of Stateless Persons identifies as stateless any individual “who is not considered as a national by any state under the operation of its law.”⁶ That person may also be a refugee.

The 1961 Convention on the Reduction of Statelessness is the only global instrument which seeks to comprehensively address causes of statelessness by creating rules for attribution of nationality and preservation of nationality where statelessness would otherwise occur. At present only 63 states are party to the 1954 Convention relating to the Status of Stateless Persons and 35 are party to the 1961 Convention on the Reduction of Statelessness.⁷

A number of other international instruments also refer to nationality: the Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, the Convention on the Nationality of Married Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention on the Elimination of Discrimination Against Women, and the Convention on the Rights of the Child.

The 1966 International Covenant on Civil and Political Rights states in Article 24: “Every Child shall be registered immediately

after birth and shall have a name” and “Every child has the right to acquire a nationality.”⁸

Framers of the 1989 UN Convention on the Rights of the Child (CRC) clearly recognized the importance of identity and nationality. Article 7 indicates all children should be provided protection against statelessness indicating that 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 or her parents; and that 2) State Parties shall ensure the implementation of these rights in accordance with their national laws and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless. Article 8 of the CRC says 1) State Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference, and 2) Where a child is illegally deprived of some or all of the elements of his or her identity, State Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Only 63 states are party to the 1954 Convention relating to the Status of Stateless Persons and 35 to the 1961 Convention on the Reduction of Statelessness.

PATHS TO CHILDHOOD STATELESSNESS

To understand statelessness, it is necessary to know the main paths to citizenship: by blood, by birth, and by naturalization. Through citizenship by blood (*jus sanguinis*), a newborn child can obtain nationality through one or both parents. This means one can obtain a parent's nationality regardless of one's country of birth. Alternatively, a newborn child obtains nationality from the country of birth regardless of parental citizenship through citizenship by birthplace (*jus soli*). One can also obtain citizenship through naturalization, a process by which a state regulates how a person can change from one nationality to another. Requirements to do so may include years of residency in the host country, passing a test or tests, economic status, or marrying a person who is a citizen of that country.

While perhaps the most obvious reason children may have difficulty accessing an

effective nationality is that they are simply too young to act on their own behalf, sometimes the processes through which a child can obtain nationality malfunction. Or, like adults, children can become stateless when a state collapses. Newly formed nations may write laws excluding minorities or ethnic groups from citizenship.

Families who leave homes and possessions during political crises expecting to return may flee their country without identification or lose proof of citizenship and find themselves stranded.⁹ A child can become stateless if his or her birth record is lost or destroyed and thus there is no other formal documentation to link them with a particular country. The upheaval and confusion of mass population movement can overwhelm authorities in the original country as well as the host country. Many government agencies do not have good facilities or storage systems for the safekeeping of citizenship documents, and state systems linked to registration, such as birth

In parts of Central Asia, such as this border community, unrecognized refugees who can neither return to their homelands nor achieve legal status through regular channels are forced to go underground upon the expiry of their passports. They work illegally, marry unofficially, and give birth to unregistered children.

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<p>certificates, census, and surveys, may be destroyed or suspended during conflict or disasters.¹⁰ Separated or abandoned children may be left without any proof of lineage or nationality.</p> <p>Lack of birth registration is another important cause of statelessness, though it is important to note that the majority of undocumented children are not stateless. The global problem of undocumented children raises a host of issues since the degree of overlap between the lack of birth registration and <i>de jure</i> or <i>de facto</i> statelessness is not presently known. Universal birth registration may be a means to measure and then reduce the size of particular groups, whereas absence of a universal system may lead to a refusal of citizenship.</p> <p>Nationality of a child born to parents from different countries is a particular concern when laws treat men and women differently. In countries where citizenship is determined exclusively by the father's nationality, children born out of wedlock, those whose mothers are living apart from their fathers, or whose fathers are stateless face a number of problems. If a woman is unable to extend citizenship to her spouse, statelessness may be imposed on her and all children from that union. The father may be unable to confer nationality under the law of his country of nationality or unable/unwilling to take the administrative steps his country requires for his children to acquire his nationality.</p> <p>A woman's right to pass on her nationality to her children is protected by Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which states that women shall be granted "equal rights with men with respect to the nationality of their children."¹¹ Currently 185 countries are party to the Convention, and since it came into force in 1981, at least 20 countries have changed their citizenship laws to give women the right to pass on their nationality to their children.¹²</p> <p>It can be difficult for a child to acquire his or her parent's nationality when refugee</p>	<p>mothers give birth outside their home countries. In principle, states hosting refugees should grant nationality to refugee children who would otherwise be stateless because they are unable to acquire the nationality of a parent's country of origin. International conventions call for states to facilitate the naturalization of refugees granted asylum, and then children should be able to acquire the nationality of the country of asylum with their parents.</p> <p>Legitimacy may also be a factor in determining a child's nationality. The CRC Committee has suggested that a child born out of wedlock should acquire the mother's nationality if the child is not legally recognized by the father, since otherwise a child may become stateless.¹³ Furthermore, a child can become stateless if a father abandons the child before nationality is confirmed on a birth certificate, if he refuses to admit paternity or divorces the mother, or if a mother cannot prove the father's nationality.¹⁴</p> <p>In other situations, children lacking proof of nationality were not registered because parents feared the attention that might be directed towards their own lack of citizenship status. Officials may also refuse to create birth certificates if certain timelines are missed or fees not paid. Youth who belong to unpopular ethnic minorities may find that their birth records have been lost or destroyed by the state.¹⁵</p> <p>Children with parents that come from a country that recognizes <i>jus sanguinis</i> will have the right to citizenship from their parents' country of origin even when the family migrates. However, in practice children cannot always access this form and may instead become <i>de facto</i> stateless in a country where they have grown up. It has been suggested that the arrival of a whole generation of stateless children may result from the vulnerability of irregular migrants' children to lack of birth registration.¹⁶</p>
<p>WWW.REFUGEESINTERNATIONAL.ORG</p>	<p>Separated or abandoned children may be left without any proof of lineage or nationality.</p> <p>5</p>

THE IMPACT OF STATELESSNESS ON INFANTS, CHILDREN, AND YOUTH

Statelessness has innumerable consequences on children. From the youngest age, infants may bear the brunt of a lack of pre-natal care for their mother and may not receive appropriate post-natal medical care, including immunizations. Young children may have ad hoc access to primary education. Older children and youth are almost universally restricted from accessing public secondary education. Statelessness may mean forced or early marriage, harassment, sexual and physical violence, trafficking, and the denial of one's inheritance. Children may face discrimination and social exclusion because of their non-citizen status. They may be unable to obtain passports, to travel freely, or to acquire jobs in the formal sector as they get older — or may only do so with great difficulty. Unable to prove their true age, stateless children may be susceptible to exploitation or to punishment as adults.

While some issues may be shared with refugees and migrants, stateless children in their usual country of residence have additional problems. Unlike refugees, they receive neither international recognition nor aid, and they don't have the option of returning to a country of origin like migrants do. The deleterious impact of statelessness during infancy, childhood, and youth does not diminish across the life span. These and other vulnerabilities faced by stateless children are examined below.

Difficulty Acquiring Documentation and Its Consequences

Perhaps the most obvious and fundamental issue is a child's ability to obtain a permanent identity and documented proof of such. Birth registration is the official record of a child's birth by the administration of the state and a government's first acknowledgement of a child's existence.¹⁷ It also establishes a child's legal identity and the state's responsibility for that child. It is a means to citizenship and

This slum outside Kota Kinabalu in Malaysia is home to many stateless youngsters. Children who possess documents are able to attend private schools and some public primary level schools. Those who don't are shut out of most public programs. Children without documents are often denied access to even the most basic healthcare and education.

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<p>participation in society, and the foundation of many other human rights integral to a child's development and well-being. UNICEF's fact sheet on birth registration identifies these rights and needs, including:</p> <ul style="list-style-type: none"> • Providing access to health care, including immunizations; • Ensuring that children enroll in school at the right age; • Enforcing laws relating to minimum age for employment; • Countering the problem of girls forced into marriage before they are legally eligible; • Ensuring that children in conflict with the law are given special protection; • Protecting young people from underage military service; • Protecting children from harassment by police or other law enforcement; • Securing the child's right to a nationality, at the time of birth or at a later stage; • Protecting trafficked children and those repatriated and reunited with family; and • Getting a passport, opening a bank account, voting or finding employment.¹⁸ <p>Birth registration is a crucial first step in building a culture of child protection.¹⁹ It is the permanent impossibility of getting documentation that makes stateless children more vulnerable.</p> <p>The government of Thailand, for example, has signed the CRC but has reservations on Articles 7 and 22 concerning registering the birth of and granting citizenship to refugee children, who are viewed as illegal aliens. Thus most Burmese families fleeing arbitrary arrest, forced labor, assault, rape, and attacks by the military in their country of origin arrive at the border of Thailand only to be prohibited from gaining refugee</p> <p>status due to Thailand's narrow definition of "refugee."²⁰</p> <p>Likewise, the Burmese government disavows its responsibility to refugees who flee and refuses to give citizenship to children of Burmese parents born in Thailand. The reasons the Burmese government has given for refusing citizenship to Burmese refugees' children are: 1) the children do not have birth certificates; 2) the parents have left Burma illegally; and/or 3) the parents themselves were never provided with proper citizenship papers. Neither recognized by the Burmese government nor by the Thai government, many of the children are stateless and will live their young lives in limbo.</p> <p>In Kuwait, stateless people are denied the right to officially register a birth, marriage, or death.²¹ <i>Bidun</i>, the Arabic word meaning "without" and short for <i>bidun jinsiya</i> (without citizenship), are longtime residents of Kuwait who lack a nationality. They became stateless because either their ancestors did not understand the importance of citizenship, preferred not to belong to any one country, were living outside the city walls, were illiterate, or simply could not furnish adequate proof that they were settled in the country. Regarding registration, one <i>bidun</i> father reported, "Someone who has connections in the Ministry of Interior asked me to pay him KD 1,000 (approximately US \$3,772) to issue a birth certificate. That means I would have to pay KD 3,000 for my three children (around \$11,000)." Another parent said he was able to obtain a birth certificate for his first born child in 1997. However, when he produced the birth announcement for his second child in 2006, the Ministry of Health refused to issue a paper document. His child is not eligible for public education without a birth certificate. This man's school-age children will be able to attend school only as long as he can afford to pay private school tuition.</p> <p>The plight of stateless refugees in Senegal began between 1989 and 1990 when Mauritanian leaders and many of the majority of</p>	<p>Birth registration is a crucial first step in building a culture of protection. It is the permanent impossibility of getting documentation that makes stateless children more vulnerable.</p>
<p>WWW.REFUGEESINTERNATIONAL.ORG</p>	<p>7</p>

<p>“I was expelled from my country Mauritania to Senegal because I was born in a Dakar hospital. If I get my son a Senegalese birth certificate, they could expel him.”</p>	<p>the nation’s lighter-skinned population of Arab-descent began a campaign to “purify” the nation.²² Some 75,000-100,000 individuals of sub-Saharan descent were stripped of their citizenship and driven from Mauritania bound for Senegal and Mali, and 15,000 nomadic Mauritians who were in Senegal during this period were not allowed to return to Mauritania. Until recent years, Mauritanian refugee parents in Senegal remained divided about whether to register their children. In theory, Mauritanian children born in Senegal could become citizens, but some refugees are unwilling to do so as they would rather wait to return to Mauritania and regain recognition of their citizenship there. One father told Refugees International, “I was expelled from my country Mauritania to Senegal because I was born in a Dakar (Senegal) hospital. If I get my son a Senegalese birth certificate, they could expel him.” Others who tried to register the births of their children in Senegal have been told to return to the office repeatedly or were asked for fees and payments beyond their means.</p> <p>Undocumented migrants in Malaysia are targets for arrest and deportation. In some cases this has left children alone on the street when parents were removed. In Malaysia, it is necessary to produce a valid passport for each parent and a certificate of marriage to obtain a birth certificate. These are documents that many migrants do not possess. In addition, those who work in rural areas may not be able to travel to the national registration authority to apply for a birth certificate. The absence of a birth certificate does not mean that a child is stateless. However, when a child does not have a birth certificate and has no other way of tracing the family’s country of origin to apply for a passport, then the child may indeed be stateless or at risk of statelessness.²³ In addition, if a child’s parents have been deported and thus have no other family ties in Malaysia, it may be difficult for a child to trace her or his heritage back to a parents’ country of origin in order to apply for a passport. If no government recognizes these children as nationals, they are stateless with all the vulnerabilities of that condition.</p> <p>In Syria, denationalized Kurds today number approximately 300,000 people and are in a unique situation in relation to the larger Kurdish population.²⁴ Kurdish male nationals who marry women who are labeled as foreigners, or “Ajanib,” are able to register their marriages and pass their status to their children. All other marriages cannot be registered officially, even if a court decree is obtained recognizing the marriage. This includes marriages between a stateless man and a woman who is a Syrian national, or those between Ajanib and “Maktoumeen,” or those who are unregistered and lack any sort of identity documents.</p> <p>Married couples in such families are listed on their identity cards as “single,” which poses problems for the registration of children on family identity cards. When parents do not have a marriage certificate it is difficult to obtain birth certificates for their children. Today many Kurdish families who have Syrian nationality refuse to allow their children to marry Ajanib or Maktoumeen because it perpetuates and magnifies statelessness.</p> <p>Harsh Living Conditions and Family Separation</p> <p>Statelessness can lead to poor home environments and family separation. The impact of these factors on child growth and development is damaging, though not yet systematically evaluated.</p> <p>For example, in Bangladesh since 1971, an estimated 160,000 stateless Bihari live in severely overcrowded settlements. Sometimes a dozen or more family members live together in a single room no larger than eight by ten feet. Lack of water and co-habitation with animals, combined with poor drainage and sanitation systems contribute to a variety of medical problems. In one camp only two working wells supply water to 650 families. In Mirpur’s Millat Camp, there was only one</p>
<p>8</p>	<p>FUTURES DENIED: STATELESSNESS AMONG INFANTS, CHILDREN, AND YOUTH</p>

latrine for 6,000 people. Few medical clinics exist and several camps have no health care at all.²⁵ Families are able to only work in the informal economy and often need the labor of their children to survive.

In Malaysia, raids are conducted in areas of Sabah where migrants live and in the markets and public areas where many work. Children whose parents have been arrested and deported and who do not have any other family or guardians in Sabah end up living and working on the street. A community worker told RI, “It’s those who have nobody who are there [in the fish markets].”

Statelessness also divides families. The children of a Kuwaiti woman and a bidun husband are also bidun. However, the child of a divorced Kuwaiti woman or widow can acquire her citizenship, so there is an incentive for couples to divorce to guarantee their children’s future. “Our family was destroyed for the sake of papers,” lamented one young

woman, the articulate and outspoken daughter of a Kuwaiti mother and a stateless father who divorced for the sake of their children. This woman’s parents made the painful decision to divorce when she and her brother were unable to enroll in college.

At a briefing on the topic of stateless children in the U.S. Congress in 2007, a representative of Amnesty International related the case of one stateless family detained in the U.S. A man, his pregnant wife and four of their five children were arrested by Immigration and Customs Enforcement and placed in detention centers hundreds of miles away from each other. The U.S. Board of Immigration Appeals had denied their asylum claims and ordered their removal. The family’s five-year-old daughter was placed in a cell with her mother, but her eight-year-old and fourteen-year-old sisters were detained elsewhere together. The fifteen-year-old son was held separately from his siblings. Their father was separated from



In Kuwait, many of the bidun live in virtual exile in neglected neighborhoods like this one. Due to a lack of status and formal employment, they frequently live in overcrowded squalid housing projects in Sulaibiya and Jahra, in Ahmadi and the rundown urban neighborhood of Jilib ash-Shiyukh.

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<p>Early childhood education gives children tools to understand the world and participate in society.</p>	<p>his family by hundreds of miles. The couple’s three-year-old daughter was not taken in the raid because she is a U.S. citizen.²⁶ According to UN guidelines, minors who are asylum-seekers should not be detained, but if they are, arrangements must be made for living quarters which are suitable for children and their families.²⁷</p> <p>Abandonment is another issue some stateless children and youth face. Children fathered by soldiers sent from a second country during times of conflict may be shunned, especially where interracial relationships are traditionally not accepted.^{28,29} Already abandoned by fathers who return to their place of habitual residence, many of these children are later abandoned by their mothers because of social pressure or the lack of resources to care for them.</p> <p>Hampered Education</p> <p>Through the aforementioned Universal Declaration of Human Rights (Article 26), the CRC, the International Covenant on Economic, Social and Cultural Rights (CESCR), and other measures such as the Millennium Development Goals, the international community has recognized primary education as a right because it has such an important and positive impact on people’s lives and on society. Primary schooling must be free of charge and compulsory for every child. Early education gives children tools to understand the world and participate in society. Girls benefitting from early education tend to marry later. Education helps in the fight against child labor and exploitation and against HIV/AIDS. Education is also vital for economic development, as it gives individuals the chance to earn more and be more productive, lays a foundation for using new technology, and enables people to have a voice in politics and society</p> <p>For stateless children, as for refugee and migrant children, access to education is a critical issue. Education may be limited or unavailable. Some families are told their children can attend school only if space is available after citizens’ children have registered. In developing countries, some governments feel that offering stateless children an education is too costly. In other cases, parents may be forced to pay high tuition fees so children can attend the public school.³⁰ Few are able to afford private schools.</p> <p>For stateless Bihari children in Bangladesh, education has become a luxury. Among the 116 settlements throughout the country, there are only 10 schools. In Geneva camp, Dhaka’s largest, one school presently serves an estimated 18,000 residents. Some Bihari attend local community school but fear discrimination and may not report incidences of bullying when they occur. Many children do not attend school at all. In other cases, teachers go unpaid, students study in shifts, and requests to the Minister of Education for new books are turned down. Lack of education, combined with an already impoverished economy, provides little opportunity for employment. The way is not easy even for those who do manage to find a way to secure an education. In a family of six daughters, five girls worked so one sister could attend college. A young man explained, “My brother struggled a lot to send me and my sisters in school. To get higher education, I had to pretend to be a Bengali person.”</p> <p>At one Mauritanian settlement in Senegal all children over six attend school. At another settlement of 1,700 residents, however, only about 50 of the children were reported to be attending school. A 13-year-old boy told RI he would like to be a teacher but his job grinding grain and finding water made it hard to study. He had no birth certificate or refugee documentation. “I want to be helped with my documents,” he said, since that might give him access to public education. The good news is that under a tripartite agreement signed in 2007 some of these families once stripped of their citizenship can now return as refugees to Mauritania.</p> <p>In Sabah, Malaysia, Refugees International interviewed children of migrants of Filipino and Indonesian descent. Those with <i>orang</i></p>
<p>10</p>	<p>FUTURES DENIED: STATELESSNESS AMONG INFANTS, CHILDREN, AND YOUTH</p>



In some communities, religious or community organizations offer private education at a reduced cost, as seen at this madrasa in Bangladesh. In other cases, parents are forced to pay high tuition fees so families must often choose which one or two of their children to educate. One young man explained that he was picked over his sister because he was a boy. A family with six daughters selected the most scholastically promising girl and the other five took up full-time work to support her.

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asing (foreigner) on their birth certificates, as well as those who do not possess a birth certificate, cannot go to government schools. Private school is an option but the cost is prohibitive. Church and community organizations offer private education at a reduced cost. One non-governmental agency has worked to educate almost 5,000 undocumented children in eastern Sabah, including those on the oil palm plantations, with the support of local authorities.³¹

The Thai Ministry of Education is supposed to issue the Regulation on Evidence of a Child’s Birth for School Admission in honor of Article 29 of the Convention of the Rights of the Child. Unfortunately, not all of the children receive this document which is needed to attend Thai schools. One stateless child stated, “I don’t want to pick chilies and onions in the plantation. I want to go to school. I want to wear a school uniform proudly and learn the materials in a proper classroom like [Thai students].”

The Syrian government recognizes the right of Kurdish children to primary education, but not to primary education in their native Kurdish. Stateless Kurds face difficulties

enrolling in secondary schools. Enrolling in university proves to be an even more arduous task. Foreigners, or “Ajanib,” are required to obtain a report from state security in order to attend university and again upon graduation. It is next to impossible for those unregistered in Syria, or “Maktoumeen” to access higher education. Not only must the children go through considerable administrative processes and delays in registering for primary education, but they must also obtain permission from the state security agency to attend secondary school.

Maktoumeen children do not receive a diploma from secondary school, preventing their university enrollment. One such Maktoumeen was reported as having the highest marks in his high school class, but upon graduation was not provided with a diploma and was unable to apply for college. He is now working selling tea in front of the University of Damascus, which he had dreamed of one day attending. Some parents even report listing their children under the names of relatives who have nationality in order to facilitate their access to school. No stateless Kurds, even those at the top of their class, can access government scholarships

<p style="text-align: center;">Stateless youth who wish to study or travel internationally cannot do so without a passport and are essentially trapped... This impaired travel inhibits access to specialized medical services.</p>	<p>for post-graduate education abroad. They are barred from receiving government loans or stipends for their undergraduate university education. Stateless Kurds with a disability cannot obtain state-funded special education.</p> <p>Earlier this year, Human Rights Watch reported that in the Yanbian Korean Autonomous Prefecture in eastern Jilin province, northeast China, thousands of North Korean children and children of Chinese fathers and North Korean mothers live in legal limbo. Chinese law stipulates that a child born in China is entitled to citizenship if either parent is a Chinese citizen. But because registering a child would expose the identity of the mother, Chinese men who have had children with North Korean women are faced with an awful choice. They can register their child at the risk of exposing their mothers, who could be arrested and repatriated to North Korea as “illegal” economic migrants, or they can decide not to register the child—leaving the child without access to education.³²</p> <p>Stateless children permitted to attend school can also face disadvantages in accessing education due to their religion or language. Rohingya children in northwest Burma have a hard time in school because they do not speak Burmese and many of the instructors do not take into consideration that they are Muslims in a predominantly Buddhist country.³³ They can’t travel for education inside or outside of the country without government permission.</p> <p>Limited Healthcare</p> <p>For stateless children, medical care may be less readily available or more costly than for citizens, and they are not in the situation of refugees or internally displaced people who may be offered healthcare services by UN or international organizations.³⁴ Children without birth certificates cannot be legally vaccinated in at least twenty countries and over thirty countries require documentation to treat a child at a health facility.³⁵</p> <p>Infants are especially vulnerable to diseases such as measles, tuberculosis, and malaria. Government assistance programs offering</p> <p>needed food or medical attention to nationals, particularly impoverished families, frequently will not serve the stateless or their families. Even services intended to respond to HIV/AIDS are not guaranteed to stateless families. This issue is especially critical to pregnant women who have HIV due to the high risk of child infection at the time of birth.³⁶ Statistics of stateless groups can be absent though accurate numbers of births, deaths by age and sex, and causes of death are crucial for public-health decision-making.³⁷</p> <p>Stateless people, or bidun, in the United Arab Emirates are descendents of both Arab and non-Arab families who settled in the Gulf generations ago as merchants or workers. The bidun children and youth have limited access to medical services. Without passports and other basic identity documents they are restricted in their movement both inside and outside the country. One young bidun told RI about being left with a permanent disability as the result of his inability to access specialized medical care outside the country.</p> <p>Forced Movement; Restricted Travel</p> <p>Without passports or proper identification documents, stateless children and youth may face restrictions on movement, expulsion from a country, and trafficking. Some resort to the use of smugglers to remove themselves from difficult situations or in hopes of supporting themselves and their families. Stateless youth who wish to study or travel internationally cannot do so without a passport and are essentially trapped in a confined area or region. They cannot visit family or friends located in other countries. This impaired travel also inhibits access to specialized medical services.</p> <p>For years, Human Rights Watch has documented the situation of ethnic Nepalis from Bhutan.³⁸ Many of them became eligible for Bhutanese citizenship under a 1958 Nationality Law, though by the late 1970s the ethnically, culturally, and politically dominant Drukpa establishment had come to see the Nepali speakers as a threat to Bhutan’s cultural</p>
<p>12</p>	<p>FUTURES DENIED: STATELESSNESS AMONG INFANTS, CHILDREN, AND YOUTH</p>

identity and to their own privileged position. Increasingly, the government asserted that the majority of the Nepali speakers in Bhutan were not in fact citizens. The government put in place discriminatory measures aimed at the political, economic, and cultural exclusion of Bhutan's Nepali speakers, including passing two citizenship acts. As the impact of these measures began to accumulate, Nepali speaking Bhutanese fled the country as refugees to Nepal, with the largest movement taking place in the early 1990s. These Bhutanese, numbering around 100,000, have been living in camps in Nepal for more than 15 years. They are now starting to be resettled to the United States.

In Côte d'Ivoire, it is estimated that more than a quarter, and possibly more than a third, of the country's 18 million inhabitants do not have effective nationality. This is mainly true among the large numbers of migrants who responded to an invitation by the first president who promised land to those who cultivated it.³⁹ As the country's economy declined, politicians were able to manipulate the migrant labor issue, producing xenopho-

bia. Many Ivoirians lacked documents or had documents destroyed during civil unrest. The Prime Minister's office created a mobile pilot program entitled "*Audiences Foraines*" in 2006 to document people over 13 years of age who lacked birth certificates or other proof of citizenship. The Prime Minister then drew on this program to suggest the transitional government stipulate that documents from these *Audiences*, in particular the "*jugement supplétif*," would constitute a birth certificate but not evidence of nationality. The President's party refused to cooperate.

Life for the undocumented in Côte d'Ivoire is difficult. Refugees International was told that police and military personnel routinely abuse and harass those deemed non-citizens or northerners. In an Abidjan slum, two internally displaced women explained how their family of seven fled their home leaving their agricultural and small businesses behind. The family lived in the bush for two years and later found their way to Abidjan by bus. Initially an uncle had opened his door to the women and their children, but he asked them to leave when costs became pro-

Nationality and identity are at the root of the conflict in Côte d'Ivoire, where these families are from. In this camp for internally displaced people who fled attacks and violence, resourceful women had undertaken livelihood initiatives, but youth had little to do.

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Dawn Calabia



<p style="text-align: center;">Children may be caught in a situation where they are unable to stay in the country where they have been detained but are also unable to go home.</p>	<p>hibitive. On the day RI visited, a 16-year-old boy stood quietly and partially hidden in the shadows. He only stepped forward to help when the baby or one of the younger children needed attention. One sister said, “We don’t have papers for him. The government will not issue a paper to a child not born in this place. He hasn’t been to school, so we don’t know what we can do. Without a birth certificate he cannot travel alone or he would have to pay a lot of money as bribes. We cannot return to Man [their city of origin].”</p> <p><i>Vulnerability to Exploitation and Trafficking</i></p> <p>Every child is entitled to state protection against exploitation and abuse. Stateless children, however, have no guaranteed protection. Proving their age is difficult for young people without legal documents. Without these records, children cannot be protected by child labor laws as they cannot prove minor status.⁴⁰</p> <p>The UN Convention on the Rights of the Child calls for signatories to prevent the abduction of, the sale of, and the trafficking of all children.⁴¹ However, the situation becomes especially difficult when law enforcement cannot prosecute traffickers because there are no documents to prove the victim’s age.</p> <p>A 13-year-old stateless girl slave who escaped from her Thai owner recounted, “I was sold for less than 800 baht (about US \$20) to work as a housemaid. I have to get up before 5 a.m. to prepare the shop. My owner makes me eat 5-10 chilies to wake me up. I don’t sleep until I have cleaned everything (at 11 p.m. or midnight). I ran away because they were going to sell me to work in the sex trade.”</p> <p>Trafficking victims who find themselves outside of their country of habitual residence may find it impossible to return, while at the same time having no legal status in the country where they now reside. The 2008 U.S. State Department Trafficking in Persons Report highlighted the case of a fifteen-year-old stateless girl from northern Thailand. She responded to a job offer to work in a restaurant in Bangkok and ended up trafficked to Malaysia for commercial sexual exploitation. She and others were rescued by Malaysian police and a Thai NGO after months of confinement in a brothel, but then she languished for months in a detention center while states argued who was responsible for taking her. Eventually a Thai Cabinet resolution established guidelines for the return of stateless trafficking victims, who can prove prior residence in Thailand.⁴²</p> <p>Some stateless Kurd families and individuals seek opportunities abroad in light of the few options available to ensure their survival in Syria or to overcome the depressed prospects they face. One estimate offered to Refugees International was that up to 50,000 Kurds, the majority of who are stateless, have now left Syria. While no official statistics are available, it is said most families have had at least one member smuggled to another country. Foreign officials confirm that individuals making asylum requests say they use traffickers. One young Ajanib student described a family he knew with five children who were smuggled to Egypt and were left stranded there for six months until they agreed to pay the smugglers SYP 1 million (US \$20,000) to go to Europe. They would not return to Syria because they feared arrest and prolonged detention.</p> <p><i>Defenseless to Deportation, Abuse, and Injustice</i></p> <p>Deportation is one of the greatest fears of stateless children. Facing forced removal from a country is particularly daunting because most of these youth do not speak the language of another country nor have any other country of association. They fear separation from their families and communities and facing life in a place where they feel no connection other than possibly an ancestral heritage.</p> <p>Children may be caught in a situation where they are unable to stay in the country where they have been detained but are also unable to go home. In Sweden, it is reported that approximately 70 percent of asylum seekers</p>
<p>14</p>	<p>FUTURES DENIED: STATELESSNESS AMONG INFANTS, CHILDREN, AND YOUTH</p>

entering the country do not possess any identity documents, which complicates the investigation of individual cases and the provision of appropriate protection, especially in the case of children.⁴³

Amnesty International reports that the U.S. Office of Refugee Resettlement is authorized to place stateless children seeking asylum outside detention facilities whenever possible when they enter the country.⁴⁴ However, if an order of removal is issued against stateless children while immigration officials try to locate a country willing to accept them, they are subject to mandatory detention. Unfortunately, foreign states often refuse to issue stateless children travel documents. Without such documents stateless children may remain incarcerated for six months or more without adequate psychological, medical or educational services.

Street children in Sabah, Malaysia who work at the fish markets are wary of outsiders and under the constant threat of raids. In 2006, police arrested about 160 children who were

placed in detention. Those with family contacts were eventually released, but there is no information on the whereabouts of the others.⁴⁵

If a stateless young person lands in legal trouble and lacks proof of minor status, he or she could be prosecuted as an adult. A young person may not have the opportunity for a fair trial or even a trial at all when arrested or charged for a criminal act. Conversely, without proper documents to prove the age or resident status of victims, traffickers cannot be taken to court because law enforcers cannot prove whether the child is legal. Moreover, stateless youth are not treated equally with other juveniles, and stateless children cannot be safely returned home because there is no proof of their nationality and even their existence.

Parents often are not able to pass on their inheritance or land rights to their children in situations where residency status is absent or questionable. Children cannot inherit anything from their parents under most



In Thailand, unrecognized Burmese asylum seekers and their children are greatly at risk of hazardous or exploitive labor conditions, such as scavenging at this garbage dump in Mae Sot. For many stateless people, employment in the regular economy is impossible. Even employment in the informal economy is difficult to find, and may be poorly compensated and unpredictable due to discrimination.

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national laws unless they have proper documentation that proves that they are related. Without legal documents, that is not possible for stateless children. Hence a stateless child's inheritance may be taken away by the government, neighbors, or relatives.

Discrimination, Social Exclusion, and the Psychology of Not Belonging

The ties and influences that result from belonging to a particular territory are critical, even for very young children. The place of residence has pervasive impacts and life-long consequences: it affects children's life expectancy, their physical and psychological development, their material prospects, and their general standard of living... Belonging, legally and psychologically, to a country fundamentally affects the manner of exercise of a child's family and private life. Yet children, particularly young children, are often considered parcels that are easily moveable across borders with their parents without particular cost to them.

– J. Bhabha, Harvard Law School⁴⁶

States sometimes decide to discriminate based on national ancestry, ethnicity, or religion. In the Dominican Republic, exploitative migrant labor agreements and years of unregulated migration have created a permanent underclass of people of Haitian descent.⁴⁷ In theory, the Dominican constitution grants citizenship to everyone born on its territory. However, the Dominican Supreme Court has ruled that Dominican-born Haitians are not eligible for citizenship because they are “in transit,” despite the fact that many of them, their parents and grandparents have lived and worked in the country for decades. In October 2005, the Inter-American Court of Human Rights issued a landmark judgment, Yean and Bosico v. the Dominican Republic, which found that the Dominican Republic had denied citizenship on the basis of race, thereby rendering children of Haitian descent effectively stateless.

Sonia Pierre, who has received the 2006 R.F. Kennedy Human Rights award for her work on behalf of stateless children in

In March 2007 the government of the Dominican Republic, where this stateless girl lives, required registry offices to investigate any birth certificates that had been issued to children of foreigners “who had not proved their legal residence or status in the Dominican Republic.” This is leading to the denationalization of Haitians’ descendants.

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<p>the Dominican Republic, has said, “Many times these children have a hate for their origins. One’s identity, roots, and values are what make you a human being. This is not the internal problem of one state. We live in a global world, so we are talking about world citizens.” However, a Dominican Government official responded to a question regarding birth registration for the children of asylum seekers by saying such children are entitled to their parents’ status and that they should register births at the Haitian embassy. This is despite the fact that they are entitled to nationality in the Dominican Republic and often have few or no ties with Haiti because one or both parents were born in the DR or have been resident there for decades. Indeed, many people of Haitian origin born in the Dominican Republic do not have access to Haitian nationality under Haitian law. The experiences of individuals reflect a different reality. “Our sons and daughters of refugees are in a state of limbo,” an affected individual concluded.</p> <p>Rendered stateless by the Burma Citizenship Law of 1982, the Rohingyas in Burma experience systematic discrimination and repression on the basis of their ethnicity and religion. Persecution is the primary cause of their flight out of the country, though food insecurity also compels them to leave. Once they have departed the country, Burma does not readmit them. It is estimated that up to 50 percent of self-settled Rohingyas in Bangladesh were formerly registered camp refugees.⁴⁸ While constitutional provisions guarantee legal protection to every person living in Bangladesh, issues of concern include indefinite detention for Rohingyas arrested for illegal entry, targeted violence against women and girls, vulnerability to human trafficking and exploitation at work, including child labor.</p> <p>When the Baltic States of Estonia and Latvia broke away from the Soviet Union in the early 1990s, they enacted citizenship laws designed to bar many Russian-speaking</p>	<p>residents from becoming citizens. In Estonia, about 500,000 individuals or a third of the 1.5 million people became non-citizens.⁴⁹ Even though the numbers have since dropped, the remaining stateless persons in Estonia face difficult conditions. Mines, industrial complexes, and former Soviet military bases have either closed or relocated in the predominantly ethnic Russian north-eastern part of the country, but the stateless cannot emigrate. The Russian-speaking minority is over-represented among children in orphanages.⁵⁰</p> <p>In Kuwait, the older generation of bidun who once served or still serve in the military and police force are reluctant to protest their plight too strenuously. Their children, however, are more impatient. Feelings of distress, frustration, resentment, disappointment and anger are palpable among bidun youth. They are unable to afford the cost of tuition and are therefore prevented from accessing higher education. Barred from employment in the public sector, they have to accept work that is poorly paid and intermittent. Older youth are reluctant to even envision marriage because they cannot support a family and fear that their children would face the same hardships.</p> <p>A Uighur mother who fled China gave birth shortly after her arrival in Kyrgyzstan. A sympathetic Kyrgyz man gave the child his last name to disguise her identity and provide the young child a semblance of legitimacy. Tearfully, the child now age 12, explained that once she turns 16 she will apply for citizenship under her assumed name. For right now, though, she says, “I’d rather share my mother’s name and stop hiding.”</p>
<p>WWW.REFUGEESINTERNATIONAL.ORG</p>	<p>Older youth are reluctant to even envision marriage because they cannot support a family and fear that their children would face the same hardships.</p> <p>17</p>

RESPONDING TO STATELESSNESS AMONG CHILDREN

It must be recognized that primary responsibility for ending statelessness rests on governments. A sampling of some of the global efforts made on behalf of stateless children follows:

UNHCR noted in recent years that the Committee on the Convention of the Rights of the Child has “increasingly and more systematically looked into the issue of statelessness.” The Committee has expressed concerns “that Pakistani refugee and Mohajir

children residing in India (Rajasthan and Andhra Pradesh, respectively) are stateless” and “recommend[ed] that the state party take measures to provide these children with a nationality.” The Committee also expressed concern with regards to Burma where “some 850,000 Muslim residents in northern Rakhine State and large numbers of persons of Chinese or Indian descent... remain stateless” and recommended the government allow children and families who have returned to Burma and are stateless to acquire Burmese citizenship via naturalization.⁵¹

In May 2008, the High Court of Bangladesh, where these children live, held that most Urdu speakers — including those born in the country or who have permanently resided in Bangladesh since 1971 — are citizens “by operation of law.” The decision should help end nearly four decades of political and socio-economic exclusion.

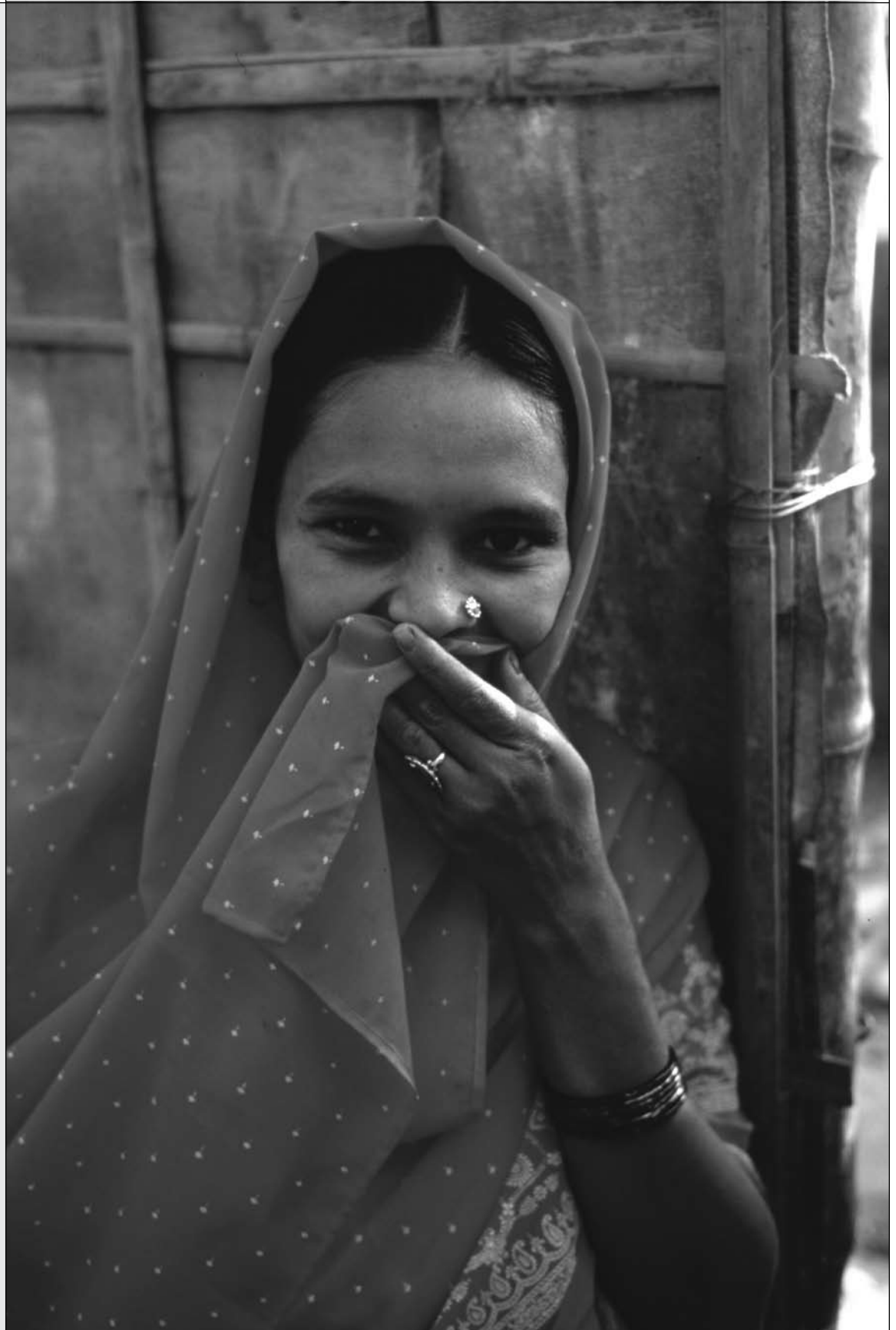
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<p>The Human Rights Committee (HRC) of the UN International Covenant on Civil and Political Rights expressed concern about the way in which the Dominican Republic interprets the nationality provisions in its Constitution and “its abuse of the legal notion of ‘transient aliens.’”⁵² The HRC also told Latvia to prevent the perpetuation of a situation where a sizeable group is classified as “non-citizens,”⁵³ expressed concern about the numbers of stateless persons in Estonia,⁵⁴ recommended that Thailand continue to implement measures to naturalize stateless persons living under its jurisdiction,⁵⁵ and urged Syria to facilitate applications for citizenship to resolve the situation of stateless children.⁵⁶ While there has been little response by these states, the international attention and pressure is a welcome first step towards resolving the problem.</p> <p>UNHCR’s 2006 Executive Committee conclusion on statelessness calls on states “to facilitate birth registration and issuance of birth or other appropriate certificates as a means to providing an identity to children.”⁵⁷ A 2007 UNHCR conclusion on children at risk “(r)ecognizes that individual, careful and prompt registration of children can be useful for states, UNHCR and other relevant agencies and partners in identifying children at heightened risk” and recommends that “states, UNHCR and other relevant agencies and partners...register births and provide children with birth or other appropriate certificates as a means of providing an identity.”⁵⁸</p> <p>For decades, international conventions have attempted to address nationality problems faced by adopted children. The 1930 Convention on Certain Questions Relating to the Conflict of Nationality Laws includes a provision that adoption shall not cause loss of nationality unless the adopted child acquires the nationality of the person(s) by whom the child is adopted,⁵⁹ as do the 1961 Convention on the Prevention and Reduction of Statelessness, the 1967 European Convention on Adoption of Children,⁶⁰ and the European</p>	<p>Convention on Nationality.⁶¹ Usual methods of citizenship acquisition can result in non-acquisition by adoptees, particularly inter-country adoptions. The U.S. Child Citizenship Act of 2000, for example, was enacted to confer citizenship automatically and retroactively on foreign-born children adopted by U.S. citizens.⁶²</p> <p>The Swedish Citizens Act passed in 2000 lets a stateless child born in Sweden become a citizen if the person is under age five and permanently resides in Sweden. A stateless child that has moved to Sweden can become a citizen if she or he has lived in Sweden for three years and is under 18.⁶³</p> <p>Since 2006, the Inter-American Development Bank (IDB), the United Nations Children’s Fund (UNICEF) and the Organization of American States (OAS) have built an alliance to disseminate good practices and raise awareness of the importance of rightfully documented citizens in Latin America and the Caribbean. The alliance seeks to promote registration of birth certificates as a vehicle to combat the economic, political and social exclusion of undocumented citizens.</p> <p>In August 2008, the Seoul-based North Korean Human Rights Campaign Organizing Committee said it was concerned about stateless children born to North Korean refugee women and Chinese men and that it would launch a campaign to help the more than 10,000 children who have been born in China over the past decade.</p>
<p>WWW.REFUGEESINTERNATIONAL.ORG</p>	<p>It must be recognized that primary responsibility for ending statelessness rests on governments.</p> <p>19</p>

This girl in Bangladesh will likely benefit from a new High Court decision that granted Urdu speaking minorities the right to Bangladeshi citizenship – a major success in the campaign to end statelessness around the world. Every child has the right to a nationality and should have equal promise of a bright future.

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<p>CONCLUSION AND RECOMMENDATIONS</p> <p>Millions of children currently live without an effective nationality. “We want to be children. We want to enjoy our childhood,” declared one stateless boy in Syria. Every child must be allowed to realize their potential and develop as full and productive citizens. To accomplish this goal, the following must occur.</p> <p><i>All States should respect the fundamental human right of all children to have a nationality by enacting the following measures:</i></p> <ul style="list-style-type: none"> • Become party and adhere to international standards to protect stateless persons and reduce statelessness by facilitating acquisition of nationality of infants, children, and youth. • Ensure every child is registered at birth by providing necessary resources to local administration. • Identify cases of disputed nationality and grant citizenship when a child would otherwise be stateless. • Give the same access to nationality at birth to children born to married parents and those born out of wedlock. • Amend nationality legislation to ensure equality between women and men. • Ensure access to free primary education for all stateless children and promote the education of stateless girls, as they are more likely to be excluded from school. • Provide access to healthcare and immunizations for all stateless infants and children. • Enforce laws relating to minimum employment age and assist efforts to prevent child labor among stateless children and youth. • Prevent marriage of stateless young girls before they are legally of age. <ul style="list-style-type: none"> • Protect stateless young people from underage military service or conscription. • Protect stateless children who are trafficked, especially through repatriation and family reunification. • Abolish the policy of detaining stateless children in the interest of preserving their mental and physical health and well-being. • Encourage children, as well as their parents and educators, to know the location of key documents at all times and to maintain family links as possible. • Educate children to be aware of the dangers of trafficking. <p><i>The United Nations should:</i></p> <ul style="list-style-type: none"> • Strengthen UNHCR in accordance with its mandate on statelessness, especially by focusing special attention on issues relevant to child protection and development. • Organize a comprehensive survey to identify stateless populations, including children. • Reinforce UNICEF efforts surrounding birth registration and childhood education. • Utilize all mechanisms of UN Human Rights bodies, particularly as related to preventing and reducing child statelessness. <p><i>As a world leader and international donor, the U.S. should:</i></p> <ul style="list-style-type: none"> • Make prevention and reduction of statelessness among children part of the U.S. human rights agenda around the world. • Provide financial and diplomatic support to UNHCR and UNICEF work on birth registration and prevention of statelessness. • Require the Department of Homeland Security to regularly provide data on children in detention by age, gender, disability, length of time, and nationality status or statelessness. 	<p>“We want to be children. We want to enjoy our childhood,” declared one stateless boy in Syria.</p>
<p>WWW.REFUGEESINTERNATIONAL.ORG</p>	<p>21</p>

ENDNOTES

¹ United Nations. (1948). Universal Declaration of Human Rights. Retrieved from <http://www.un.org/Overview/rights.html>.

² Harvard Law Professor Gerald Neuman says, "In the international context, the two terms [citizenship and nationality] are usually synonyms, both describing the relationship between an individual and the state [in the international sense] of which he or she is a national; or equivalently, the status of being a national of that state."; Black's Law Dictionary states:

nationality. 1. NATION (1). 2. The relationship between a citizen of a nation and the nation itself, customarily involving allegiance by the citizen and protection by the state; membership in a nation. • This term is often used synonymously with citizenship. See CITIZENSHIP.

citizenship, n. 1. The status of being a citizen. 2. The quality of a person's conduct as a member of a community.

³ United Nations High Commissioner for Refugees. (2008). 2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons. Retrieved from http://www.un-ngls.org/site/article.php?id_article=529; Lynch, M. (2005). Lives on Hold: The Human Cost of Statelessness. Washington, DC: Refugees International. Retrieved from <http://www.refugeesinternational.org/content/publication/detail/5051/>.

⁴ Lynch, M. (2003). Fifty Years in Limbo: The Plight of the World's Stateless People. Washington, DC: Refugees International.

⁵ Schacher, A. (2003). Children of a lesser state: sustaining global inequality through citizenship laws, Jean Monnet Working Paper 2/03.

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APPENDIX A: STATES PARTIES TO THE 1954 CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS*

(as of October 2008)

Albania	Croatia	Korea, Republic of	Saint Vincent and the Grenadines
Algeria	Czech Republic	Latvia	Senegal
Antigua and Barbuda	Denmark	Lesotho	Serbia
Argentina	Ecuador	Liberia	Slovakia
Armenia	El Salvador	Libyan Arab Jamahiriya	Slovenia
Austria	Fiji	Liechtenstein	Spain
Australia	Finland	Lithuania	Swaziland
Azerbaijan	France	Luxembourg	Sweden
Barbados	Germany	Macedonia, The Former Yugoslav Republic of	Switzerland
Belgium	Greece	Madagascar ⁺	Trinidad and Tobago
Belize	Guatemala	Mexico	Tunisia
Bolivia	Guinea	Montenegro	Uganda
Bosnia and Herzegovina	Holy See	Netherlands	United Kingdom
Botswana	Honduras	Norway	Uruguay
Brazil	Hungary	Philippines	Zambia
Chad	Ireland	Romania	Zimbabwe
Colombia	Israel	Rwanda	
Costa Rica	Italy		
	Kiribati		

APPENDIX B: STATES PARTIES TO THE 1961 CONVENTION ON THE REDUCTION OF STATELESSNESS*

(as of October 2008)

Albania	Czech Republic	Liberia	Tunisia
Armenia	Denmark	Libyan Arab Jamahiriya	United Kingdom
Australia	Dominican Republic	Netherlands	Uruguay
Austria	Finland	New Zealand	
Azerbaijan	France	Niger	
Bolivia	Germany	Norway	
Bosnia and Herzegovina	Guatemala	Romania	
Brazil	Ireland	Rwanda	
Canada	Israel	Senegal	
Chad	Kiribati	Slovakia	
Costa Rica	Latvia	Swaziland	
	Lesotho	Sweden	

Source: United Nations High Commissioner for Refugees, available at <http://www.unhcr.org/protect/3bbb29d44.html>

* State has ratified, acceded to, or succeeded from, the convention.

⁺ By a notification received by the Secretary-General in April 1965, Madagascar denounced the Convention; denunciation took effect in April 1966.

REFUGEES  INTERNATIONAL

A POWERFUL VOICE FOR LIFESAVING ACTION