

Abstract

Stateless Children and the Right to a Nationality

One of the most pressing problems with respect to the avoidance of statelessness concerns securing children's right to a nationality.

Children are often especially vulnerable to statelessness, or the lack of a nationality. This results from a number of reasons, such as the potential for legal conflict in attributing nationality to a newborn child, the situation of children born to migrants, or lack of birth registration.

Childhood statelessness threatens access to education, to an adequate standard of living, and to social assistance, as well as to health care. In many areas childhood statelessness has also an impact on the country's development. For these reasons, a child's right to acquire a nationality is laid down in numerous international legal instruments, including the 1989 Convention on the Rights of the Child, the 1961 Convention on the Reduction of Statelessness as well as under Council of Europe standards.

Yet, new cases of childhood statelessness surface constantly around the world, raising the issue of whether international standards are adequate.

This lecture will look at the scope and implementation of the right to a nationality, both generally and from the specific perspective of the avoidance of childhood statelessness. I will address the challenges to childhood statelessness through specific issues such as the attribution of nationality to foundlings and children born in a migration or displacement context.

After presenting a complex legal picture, I discuss a set of propositions to address childhood statelessness.