

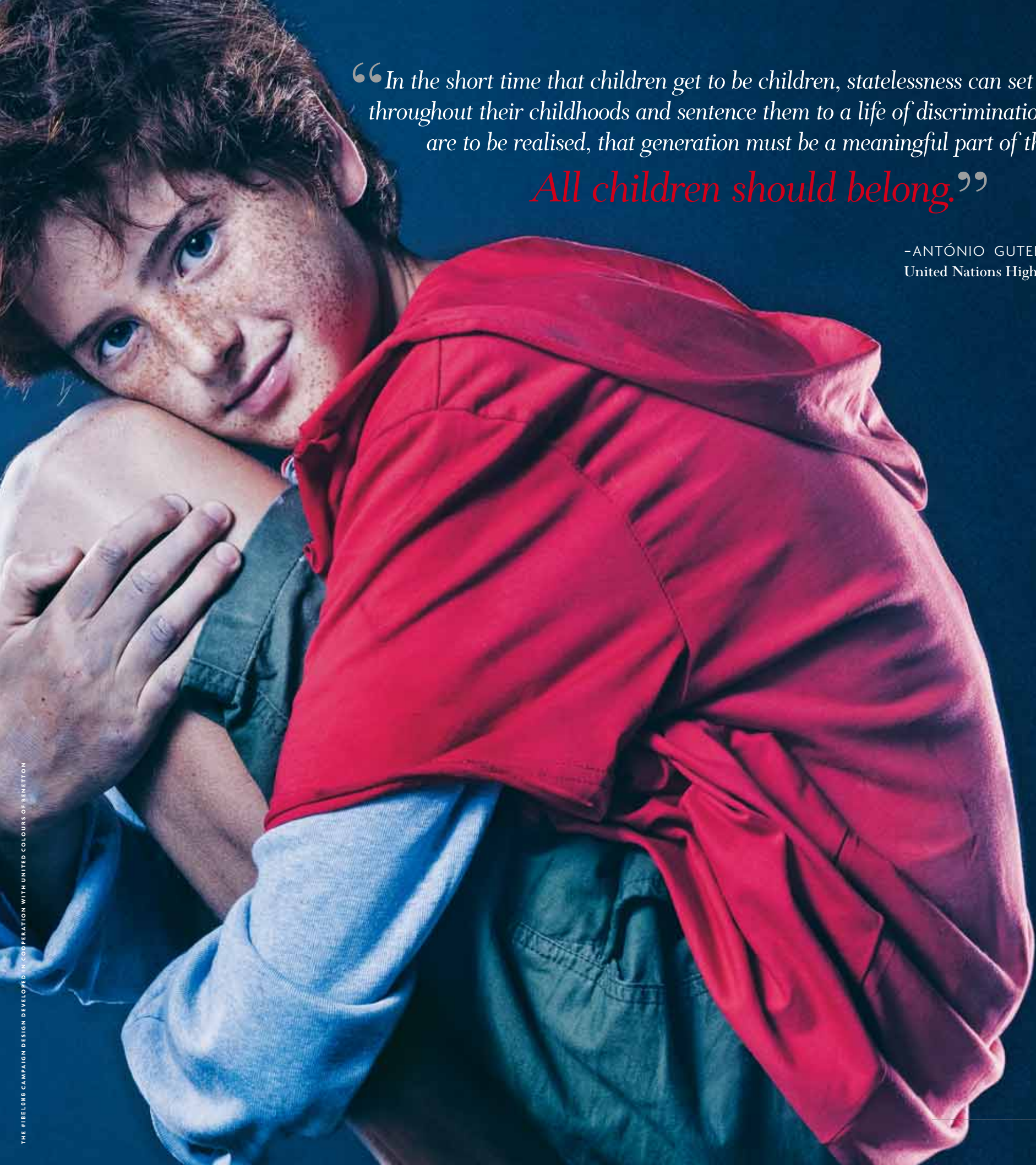


# I AM HERE, I BELONG

THE URGENT NEED TO END  
CHILDHOOD STATELESSNESS

# #IBELONG





*“In the short time that children get to be children, statelessness can set in stone grave problems that will haunt them throughout their childhoods and sentence them to a life of discrimination, frustration and despair. If our hopes for the future generation are to be realised, that generation must be a meaningful part of the present. None of our children should be stateless.*

*All children should belong.”*

—ANTÓNIO GUTERRES

United Nations High Commissioner for Refugees

**Stateless children** are born into a world in which they will face a lifetime of discrimination; their status profoundly affects their ability to learn and grow, and to fulfil their ambitions and dreams for the future.

With a stateless child being born somewhere in the world at least every 10 minutes, this is a problem that is growing. In countries hosting the 20 largest stateless populations, at least 70,000 stateless children are born each year.

The effects of being born stateless are severe. In more than 30 countries, children need nationality documentation to receive medical care. In at least 20 countries, stateless children cannot be legally vaccinated.

This report aims to go beyond these statistics, providing direct testimony of children and young people and how being stateless affects them.

In July and August 2015, UNHCR spoke with more than 250 children and youth,<sup>1</sup> and their parents and guardians, in seven countries around the world about their experiences of childhood statelessness.

This is the first geographically diverse survey of the views of stateless children and youth. Many of the children and young people had never spoken to anyone about what it was like to be stateless.

The report highlights how not being recognized as a national of any country can create insurmountable barriers to education and adequate health care and stifle job prospects. It reveals the devastating psychological toll of statelessness and its serious ramifications not only for young people, whose whole futures are before them, but also for their families, communities and countries. It powerfully demonstrates the urgency of ending and preventing childhood statelessness.

<sup>1</sup> Up to the age of 24 years.

EDUCATION

*“It should be the right of every child to study and learn. This is the most important thing.”*

—BOON, 16, THAILAND

UNHCR’s consultations with stateless children and youth found that they confronted myriad challenges when it came to pursuing their education. In some cases, schools denied non-nationals entry to the classroom or demanded the far higher fees applicable to foreigners, making education unaffordable. In others, stateless children were refused admission to final exams or had their diplomas and graduation certificates withheld, halting their progress to higher education and better job prospects. Such children also frequently found themselves ineligible for scholarships or student loans. Whatever the obstacle, the outcome was the same: another young person unable to reach his or her potential.

HEALTH

*“Why do I have to suffer this way?”*

—PRATAP, 15, MALAYSIA

Many young stateless people and their parents were forced to forgo professional treatment, even in cases of serious illness or injury. Travel restrictions, the prohibitively high medical costs imposed on foreigners, discrimination and lack of health education often conspired to impede access to health care for the young people who UNHCR spoke to. In some cases, lack of nationality documents meant that stateless mothers gave birth at home rather than in a hospital, thereby also complicating access to birth registration. Even those who were able to acquire nationality as adults continued to pay a psychological toll as a result of their stateless childhoods.

BEING A CHILD

*“I don’t play baseball this summer.”*

—JOE, 13, DOMINICAN REPUBLIC

In addition to denying children their rights to education and health, statelessness also threatened the freedom of many to feel secure, to play, to explore – to simply be children. Labelled as outsiders in what they saw as their own country, many had to deal with discrimination from an early age. Some had already lived through experiences that had forced them to grow up far too quickly, such as working from a young age, living in insecure housing arrangements or suffering harassment by the authorities. In more extreme cases, stateless girls and boys were vulnerable to exploitation and abuse.

EMPLOYMENT

*“The doors of the world are closed to me.”*

—JIRAIR, 19, GEORGIA

Left unresolved, statelessness created new and insurmountable roadblocks for many of the young people moving from adolescence to adulthood who were interviewed. The single most-cited frustration of the young stateless women and men consulted for this report was the lack of jobs that matched their ability, ambition and potential. Barriers to education and freedom of movement played a major role in limiting job opportunities and denied many the chance to break previous cycles of poverty and marginalization – the impacts of statelessness being passed from one generation to the next. All the young stateless adults consulted had settled for a life that allowed them to meet their basic needs but fell far short of the future they had imagined for themselves.

SOLUTIONS

# I am here, I belong



The strongest message to emerge from the consultations with the children and youth was their sense of identification with the countries in which they had been born and had lived all their lives. In almost all cases the best solution to statelessness is to turn a child’s existing links with his or her country of birth and upbringing into the legal bond of nationality. It is vital that this be achieved as early as possible so that no child grows up with the indignities and harm caused by statelessness.

The prevention and resolution of childhood statelessness is one of the key goals of UNHCR’s Campaign to End Statelessness in 10 Years, or by 2024. To achieve this goal, UNHCR urges all States to take the following steps in line with the Global Action Plan to End Statelessness:

- Allow children to gain the nationality of the country in which they are born if they would otherwise be stateless.
- Reform laws that prevent mothers from passing their nationality to their children on an equal basis as fathers.
- Eliminate laws and practices that deny children nationality because of their ethnicity, race or religion.
- Ensure universal birth registration to prevent statelessness.

# INTRODUCTION

In July and August 2015, UNHCR spoke to more than 250 children, young people,<sup>2</sup> their parents and guardians, civil society and governments in seven countries: Côte d'Ivoire, the Dominican Republic, Georgia, Italy, Jordan,<sup>3</sup> Malaysia and Thailand,<sup>4</sup> about the experience of childhood statelessness. It was the first time that such a comprehensive and geographically encompassing consultation on the views of stateless children and youth had ever been undertaken. It was also the first time that most of these young people had ever spoken to *anyone* about what it was like to be stateless.

Drawing on individual testimonies collected during these consultations, this report demonstrates how statelessness can significantly impair the ability of children to learn, grow, play and lead productive and fulfilling lives. It highlights how statelessness can create insurmountable barriers that prevent access to education and adequate health care and stifles job prospects. It reveals the devastating psychological toll that statelessness can take not only on young people but also their families, communities and countries.

Today, several million children are watching their childhoods slip away without the sense of belonging and protection that comes with a nationality. This is all the more startling given how robust the international human rights framework is when



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it comes to protecting children's rights, including the right of every child to a nationality. This right is protected under Article 7 of the United Nations Convention on the Rights of the Child, a treaty ratified by 194 out of 196 countries. It is also reflected in numerous other international and regional instruments. As the African Committee on the Rights and Welfare of the Child re-

cently concluded: "[B]eing stateless as a child is generally the antithesis of the best interests of children."<sup>5</sup>

No child needs to be stateless. Whether a child has been left stateless because of discriminatory nationality laws or other reasons, childhood statelessness is entirely preventable. Recognizing the harm that childhood statelessness inflicts, and implementing straightforward legal and practical measures to prevent it, will allow governments to ensure that children's very real connections to their countries are recognized through the grant of nationality.

**Consultations with stateless children and youth in Malaysia in progress.**

<sup>2</sup> Up to the age of 24.

<sup>3</sup> In Jordan, the consultations were limited to the prevention of statelessness amongst Syrian refugee children.

<sup>4</sup> These countries were selected because of the existence of known stateless or at risk populations (Jordan), taking into account geographical diversity.

<sup>5</sup> African Committee on the Rights and Welfare of the Child, Nubian Minors v. Kenya, Decision, 22 March 2011.

## THE MAIN CAUSES OF CHILDHOOD STATELESSNESS

### DISCRIMINATION

Discrimination – for example, on the basis of ethnicity, race, religion or gender – is the major cause of statelessness globally. The majority of the world's known stateless populations belong to a minority group, and at least 20 countries maintain nationality laws which deny nationality or permit the withdrawal of nationality on the grounds of ethnicity, race or religion.

In some countries, even where the law is discrimination-free, the practice can be very different. For example, in the Dominican Republic, despite a clear entitlement to nationality under the law, individuals of Haitian descent have frequently been denied Dominican nationality by the civil registry.

Worldwide, 27 countries have nationality laws that do not allow women to pass their nationality to their children on the same basis as men. This can leave a child stateless in situations where the father is stateless, has died, has abandoned the family or is unwilling or unable to transmit his nationality. “My children don't have nationality because their grandfather was stateless and their father is stateless too and I can't do anything for my children. In the Lebanese system, the mother cannot transmit nationality to her chil-

dren or husband [...] If my children's situation doesn't change, they have no future,” says Amal, a Lebanese national and mother of nine-year-old Rama, who is stateless.

In Italy, a personally prepared application or an individual's declaration of willingness is required to acquire nationality through naturalization. Christina, born stateless in Italy but now entitled to Italian nationality because she has reached the age of 18, is physically and intellectually disabled. It is difficult for her to understand the concept of citizenship, let alone consent to acquiring Italian nationality or prepare a personal application. As a result, she has been denied the opportunity to submit an application for nationality, something that her stateless Roma father, Sandokan, finds impossible to accept: “For my daughter, the right to nationality is the only right she has.”

Annick, 13,  
Côte d'Ivoire.



Christina, 18,  
and her family, Italy.

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### GAPS IN NATIONALITY LAWS

Safeguards in nationality laws against statelessness at birth prevent statelessness from being passed down from one generation to the next. They also help to avert statelessness where parents have a nationality but are unable to confer it on their child, or where a child has been abandoned and the parents are unknown. More than half the States in the world lack or have inadequate safeguards in their nationality laws to grant nationality to children born stateless in their territory. In certain cases, nationality laws may include safeguards, but there may be gaps in their application. This is a major cause of childhood statelessness – at least 70,000 stateless children are born each year in the countries hosting the 20 largest statelessness situations.

Abandoned children whose parents cannot be identified (foundlings) are another group at risk of statelessness. Nearly one third of all States lack provisions in their nationality laws to grant nationality to such children found in their territory. In Côte d'Ivoire, for example, the absence of this safeguard combined with the country's history of immigration and civil war means that out of an estimated stateless population of 700,000 individuals, some 300,000 are thought to be foundlings.

Annick (13) was left in the care of her grandparents in Côte d'Ivoire when she was very young. A few years later, her grandparents died. She was then placed in

the care of a family from the same ethnic group. As her birth was never registered, there is no official proof of her parentage. Her foster family has tried to trace anyone who could testify with regard to her parentage, to no avail. The authorities consider Annick's parentage to be unknown, which means she cannot be considered an Ivorian national and remains stateless.

### LACK OF BIRTH REGISTRATION

Lack of birth registration can make it difficult for individuals to prove that they have the relevant links to a State that entitle them to nationality, and therefore creates a risk of statelessness. This is because birth registration indicates where a person was born and who his or her parents are – key pieces of information needed to establish which country's nationality a child can acquire.

Lack of birth registration creates a particularly high risk of statelessness for specific groups, such as refugees and migrants, as well as nomadic and border populations. Birth registration is therefore of vital importance to, for example, Syrian refugee children born in countries of asylum, many of whom have been separated from their parents or families; it would help prevent statelessness among these children, ensure they are recognized as Syrian nationals and allow them to return to Syria when conditions permit.

## EDUCATION

**The stateless children and youth** consulted for this report confronted numerous challenges when it came to pursuing an education. In some cases, schools denied non-nationals entry to the classroom or demanded fees applicable to foreigners, rendering an education beyond reach. In others, stateless children were refused admission to final exams or had their diplomas and graduation certificates withheld, halting their progress to higher education and better jobs. They frequently found themselves ineligible for scholarships or student loans. Even when other factors were favourable, educational opportunities were cut short because stateless youngsters were denied permission to move within or beyond their countries' borders. Whatever the obstacle, the outcome was the same: another young stateless person unable to reach his or her potential.

### PRIMARY EDUCATION – NOT ALWAYS A RIGHT

Virtually all of the young stateless people that UNHCR spoke to had been able to attend primary school. While the Dominican Republic, Italy, Malaysia and

Thailand do not restrict access to primary education for stateless children, in Côte d'Ivoire and Georgia identity documents are officially required. Despite this, almost all those consulted had found a way to go to primary school, although not without struggle and often reliant on the flexibility and goodwill of school principals and teachers.

A number of the parents and children recounted having to persuade school staff regularly to keep the door to the classroom open. "If you don't have documents you are bothered about it at school all the time and you feel embarrassed. But I was able to finish school with the help of my teachers," says Isabella, a young stateless woman of Haitian descent in the Dominican Republic.

This too was the case for Ketí (19), in Georgia. She says she was only able to attend school because the school director took pity on her. She recalled the strong sense of gratitude that she felt towards this official, as he would have been personally liable had authorities discovered that he was permitting an undocumented stateless child to attend the school.

Thida,  
18, Thailand.



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## OBSTACLES TO HIGHER EDUCATION

Though the majority of the young people consulted expressed a strong desire to graduate from secondary school and attend university, very few had been able to achieve either of these ambitions. In Côte d'Ivoire and the Dominican Republic, passing the national exams at the end of primary school is a prerequisite for admission to high school. However, the ability to sit for such exams is often limited to those who can prove nationality.

In Thailand and Italy, attending school after ninth grade is often challenging. In Thailand, although there are no formal barriers to higher education, those interviewed explained how travel restrictions

imposed on stateless people in the country and the lack of access to scholarship programmes and student loans reserved for Thai nationals, obstructs their access to higher education. "I get pretty good grades," says Patcharee (15), a stateless hill-tribe girl in Thailand. "Maybe I am even at the top of the class. But every time there is a scholarship, it is given to someone who has a national ID card." Her classmate Boon (16), echoes a sentiment expressed by many of the children who were interviewed in all the countries: "It should be the right of every child to study and learn. This is the most important thing."

## NEGATIVE IMPACT ON SELF-ESTEEM AND BEHAVIOUR

Having to negotiate one's way through the school system frequently results in delays in starting school or moving on to the next term, putting stateless children and youth several years behind their peers. This will often have an impact on them even after they have been able to confirm their nationality. Maria, a young woman in the Dominican Republic, says: "I was not able to attend school for four years because I didn't have a birth certificate. When I finally received my birth certificate I was relieved, but also felt like I had lost four years of my life."

Sometimes, arbitrary practices by the authorities leave even children within the same family with different nationality status – and therefore different opportunities. "Some of my siblings have documents and have been able to go to university. I'm from the same parents but I can't go to university because I don't have documents," says Alejandra, a young stateless woman born in the Dominican Republic.

A few children have seen their lack of nationality, and inability to attend school, lead to serious social problems. In the case of Edwin (16), a stateless boy of

Tamil origin in Malaysia, the impact of being deprived of the discipline and socializing benefits of school was stark. Orphaned at a young age, he grew up in a foster home without proper care or support. Unable to attend school because of the high 'foreigners fees' imposed on those without an ID card, he fell in with the wrong crowd and became addicted to drugs and alcohol.

Now on the road to rehabilitation, Edwin draws a strong connection between his situation and his lack of nationality: "If I had a document showing that I was a national I probably wouldn't be where I am today. I probably wouldn't have mixed with the wrong company and wouldn't have picked up bad habits. I would be in school and on my way to chasing my dreams of being a football player for Malaysia. I have my own style. It's called the Edwin style. It's better than Ronaldo's style, although he did inspire it."

BOON,  
16, THAILAND

Edwin, 16,  
Malaysia.

*"It should be the right of every child to study and learn. This is the most important thing."*

More than 30 countries require documentation to treat a child at a health facility. In at least 20 countries, stateless children cannot be legally vaccinated. Travel restrictions, the prohibitively high medical costs levied on non-nationals and discrimination conspired to impede access to health care services by many of the stateless children and youth surveyed. This not only affected their ability to participate in preventive child-health programmes, it also prompted decisions to defer or forgo professional treatment even for serious illness or injury. The psychological toll of childhoods spent stateless also had

PRATAP,  
15, MALAYSIA

“Why do I have to suffer this way?”

King,  
18, Thailand.

serious consequences for the self-esteem and future prospects of some of the young people, even if they were able to acquire nationality during adulthood.

OBSTACLES TO TREATMENT

Many participants in the consultations said they had difficulties in accessing health care due to lack of national identity documents. In Italy, Roma parents noted that because their stateless children were not able to use public paediatric services or child health education, they had resorted to taking them to the emergency departments of public hospitals, even for basic ailments. Sandokan, the stateless Roma father of disabled Christina, says: “It’s important for parents

daughter’s health and ability to take care of herself without State support. “While I am around I can look after her,” he says, “but I won’t be able to look after a disabled child for another 30 or 40 years.”

COST BARRIERS

The most significant barrier to accessing health care highlighted by participants in the consultations was the high cost of treatment. Although States frequently offer subsidized or even free health services to their nationals, a person who is stateless will often have to pay the higher fees imposed on foreigners. This often puts much-needed treatment out of reach. For some of the parents interviewed, the

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