



Childhood Statelessness

This factsheet provides an overview of childhood statelessness.

a. How many children are stateless and what does this mean?

According to the UNHCR, over 10 million people worldwide are stateless, and approximately one third of the global stateless population are children.¹ However, the Institute on Statelessness and Inclusion suggests that there may be at least 15 million people who are stateless.² It is estimated that a child is born stateless ‘at least every ten minutes’.³

A person is stateless if they are ‘not considered as a national by any State under the operation of its law’.⁴ For a general introduction to statelessness and its impacts, see our factsheet, [An Overview of Statelessness](#).

b. Why does nationality matter for children?

Nationality ‘serves as the basis for legal recognition and for exercise of other rights’, and as such, many basic human rights are often denied to stateless people.⁵ Stateless children can face insecurity and exclusion in all aspects of life. Without nationality, stateless children may be unable to go to school, access health care, find work, and may also be at a heightened risk of exploitation. Even activities most children take for granted, such as extracurricular sport, can be inaccessible to stateless children without the necessary documentation.⁶

c. How is the right to nationality for children protected in international law?

The right to nationality is found in Article 15 of the *Universal Declaration of Human Rights*.⁷ More specifically, the *1961 Convention on the Reduction of Statelessness* (‘1961 Convention’) places an obligation on each state party to ‘grant its nationality to a person born in its territory who would otherwise be stateless’.⁸

Additionally, several international instruments protect the right to nationality specifically for children:

- Article 7 of the *Convention on the Rights of the Child* (‘**CRC**’) provides that children have the right to acquire a nationality;⁹
- Article 24(3) of the *International Covenant on Civil and Political Rights* (‘**ICCPR**’) provides the right of every child to acquire a nationality;¹⁰
- Article 9(2) of the *Convention on the Elimination of All Forms of Discrimination against*

Women requires that women be granted equal rights with men in regards to their children's nationality;¹¹

- Article 18 of the *Convention on the Rights of Persons with Disabilities* provides that children with disabilities have the right to acquire a nationality 'on an equal basis with others' and not be 'deprived of their nationality arbitrarily or on the basis of disability'.¹²

All United Nations Member States, except the United States of America, are parties to the CRC – 'the most widely ratified human rights treaty'.¹³ However, several countries currently have reservations entered in relation to article 7:

- **Malaysia** entered a reservation with respect to article 7, indicating that the provision 'shall be applicable only if [it] is in conformity' with Malaysia's laws and policies;
- The **United Arab Emirates** entered a reservation due to its view that 'the acquisition of nationality is an internal matter' to be 'established by national legislation';
- **Monaco** declared that 'this Convention, especially article 7, shall not affect the rules laid down in Monegasque legislation regarding nationality'.¹⁴

The Committee on the Rights of the Child has not issued any General Comments regarding article 7, however, it has issued 139 recommendations to individual States Parties between 1993 and 2018, relating to the right to nationality.¹⁵ Additionally, the Human Rights Committee has provided guidance regarding article 24(3) of the ICCPR, noting that 'States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when...born', without discrimination.¹⁶

d. What are some of the causes of childhood statelessness?

For general information on the various causes of statelessness more broadly, see our factsheet, [How Does Someone Become Stateless?](#).

Discrimination

Discrimination is currently the greatest cause of statelessness, and the UNHCR estimates most stateless persons are part of minority groups already experiencing vulnerability.¹⁷ Discrimination may be based for example, on ethnicity, gender, religion, or language.

In particular, gender discriminatory nationality laws still exist in 24 countries, precluding women from passing on nationality to their children in circumstances where men would have this right. Even where nationality laws appear neutral, policies may also operate in a discriminatory way against women. In these situations, if a child is unable to attain the father's nationality, they may be left stateless. For further information, see our factsheet, [Gender Discriminatory Nationality Laws](#).

Gaps in nationality laws

Parents may not be able to pass on nationality to their children due to experiencing statelessness themselves, which can result in inter-generational statelessness.¹⁸ The laws of approximately 60% of countries 'allow children born in their territory to acquire their nationality if they do not acquire any other nationality at birth'.¹⁹ However, this means that a significant number of countries do not provide children born in their territories (either abandoned, or born to non-citizen parents) with nationality.

Some countries do not allow children to gain citizenship or nationality by descent if they are born outside the country of which their parents are nationals, placing such children at risk of statelessness. This is particularly relevant for displaced persons and children born to refugees. Highlighted in the Syrian context, as of 2016 ‘over 300,000 children had been born in exile to refugee parents’ who had fled Syria.²⁰ Through a combination of gender discrimination, displacement and insufficient legislative protections against statelessness in Syria and neighbouring countries, these children are vulnerable to statelessness.²¹

Lack of birth registration

Approximately 166 million children under age 5 have not had their births registered.²² A lack of birth registration does not itself render a child stateless, however, birth registration provides a record of the country a child was born in, and their parentage. Without this, a birth certificate cannot be issued. In turn, proving identity or ‘relevant links to a State’ in order to acquire nationality or citizenship may become difficult, and can ultimately lead to statelessness.²³

There are many barriers to successful birth registration, including awareness, costs, complexity of procedures, language, discrimination, or the distance required to access such services.²⁴ The significance of this issue is reflected by the target to ‘provide legal identity for all, including birth registration’ as part of Sustainable Development Goal 16 – Peace, Justice and Strong Institutions.²⁵

e. How can childhood statelessness be reduced and prevented?

The UNCHR’s #IBelong campaign seeks to end statelessness by 2024, and in line with this, key safeguards specifically addressing childhood statelessness are recommended in the UNHCR’s ‘I Am Here, I Belong – The Urgent Need to End Childhood Statelessness’ report:

- Ensure that children are able to acquire the nationality or citizenship of their country of birth;
- Remove gender discriminatory nationality laws and other discriminatory laws preventing children from acquiring nationality;
- Simplify and increase access to birth registration procedures to achieve universal birth registration.²⁶

In October 2019, 39 countries made pledges to adopt measures that will contribute to reducing childhood statelessness as part of the UNHCR’s High-Level Segment on Statelessness, marking the half-way point of the UNCHR’s 10 year #IBelong campaign.²⁷

Suggested further reading:

[UNHCR, I Am Here, I Belong – The Urgent Need to End Childhood Statelessness \(Report, November 2015\)](#)

[UNICEF, Birth Registration for Every Child by 2030: Are we on Track? \(Brochure, December 2019\)](#)

[Institute on Statelessness and Inclusion, Childhood Statelessness \(Report, 2018\)](#)

[UNHCR, Good Practices Paper – Action 2: Ensuring that no child is born stateless \(Report, 20 March 2017\)](#) ❖

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1. [UNHCR, 'Statelessness Around the World' \(Web Page\)](#)
2. [Institute on Statelessness and Inclusion, The World's Stateless -Deprivation of Nationality \(Report, March 2020\) p 14.](#)
3. [UNHCR, I Am Here, I Belong: The Urgent Need to End Childhood Statelessness, \(Report, 2015\) p 1; Institute on Statelessness and Inclusion, Childhood Statelessness \(Report, 2018\) pp 4, 9.](#)
4. Convention Relating to the Status of Stateless Persons, opened for signature 28 September 1954, 360 UNTS 117 (entered into force 6 June 1960) art 1.
5. Michelle Foster, Jane McAdam and Davina Wadley, 'Part One: The Protection of Stateless Persons in Australian Law – The Rationale for the Statelessness Determination Procedure' (2017) 40(2) Melbourne University Law Review 401, 408, quoting Carol A Batchelor, 'Statelessness and the Problem of Resolving Nationality Status' (1998) 10 International Journal of Refugee Law.
6. UNHCR, I Am Here, I Belong – The Urgent Need to End Childhood Statelessness (n 3) pp 16-17.
7. Universal Declaration of Human Rights, GA Res 217A (III), UN GAOR, 3rd sess, 183rd plen mtg, UN Doc A/810 (10 December 1948) art 15(1).
8. Convention on the Reduction of Statelessness, opened for signature 30 August 1961, 989 UNTS 175 (entered into force 13 December 1975) art 1(1).
9. Convention on the Rights of the Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) art 7.
10. International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 24(3).
11. Convention on the Elimination of All Forms of Discrimination against Women, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) art 9(2).
12. Convention on the Rights of Persons with Disabilities, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 18(2).
13. Institute on Statelessness and Inclusion, Childhood Statelessness (n 3) p 14.
14. United Nations Treaty Collection, 'Chapter IV – Human Rights: 11. Convention on the rights of the Child' (Web Page)
15. [Institute on Statelessness and Inclusion, Statelessness and Human Rights: The Convention on the Rights of the Child \(Report, 2018\) pp 11–13.](#)
16. Human Rights Committee, 'General Comment No 17: Article 24 (Rights of the Child)' in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc HRI/GEN/1/Rev.9 (27 May 2008) vol 1, 195 [8]; see also Institute on Statelessness and Inclusion, Statelessness and Human Rights: The Convention on the Rights of the Child (n 15) pp 11, 21.
17. UNHCR, I Am Here, I Belong – The Urgent Need to End Childhood Statelessness (n 3) p 6.
18. Institute on Statelessness and Inclusion, Statelessness and Human Rights: The Convention on the Rights of the Child (n 15) p 5; Institute on Statelessness and Inclusion, Childhood Statelessness (n 3) p 7.
19. [UNHCR, Good Practices Paper – Action 2: Ensuring that no child is born stateless \(Report, 20 March 2017\) p 4.](#)
20. Institute on Statelessness and Inclusion, Childhood Statelessness (n 3) p 18.
21. Ibid; UNHCR, I am Here, I Belong – The Urgent Need to End Childhood Statelessness (n 3) p 23.
22. [UNICEF, Birth Registration for Every Child by 2030: Are we on Track? \(Brochure, December 2019\) pp 16, 20.](#)
23. [UNHCR, I Am Here, I Belong – The Urgent Need to End Childhood Statelessness \(n 3\) p 8; UNHCR, Good Practices Paper – Action 7: Ensuring birth registration for the prevention of statelessness \(Report, November 2017\) p 3.](#)
24. UNHCR, Good Practices Paper – Action 7: Ensuring birth registration for the prevention of statelessness (n 23) p 5.
25. [United Nations, 'Goal 16: Promote just, peaceful and inclusive societies' Sustainable Development Goals \(Web Page\);](#) Institute on Statelessness and Inclusion, Childhood Statelessness (n 3) p 16.
26. UNHCR, I Am Here, I Belong – The Urgent Need to End Childhood Statelessness (n 3) pp 3, 23.
27. [UNHCR, 'Results of the High-Level Segment on Statelessness' \(Web Page\)](#)