

# Submission to the CMW and CRC on the Joint General Comment on the Human Rights of Children in the Context of International Migration



**28 June 2017**

The European Network on Statelessness (ENS) warmly welcomes the inclusion of references to the legal framework pertaining to the prevention of statelessness and the protection of stateless people - as well as a recognition of the potential for discrimination against children on grounds of citizenship or nationality status - in the draft Joint General Comment presented to the Global Conference on Children on the Move in Berlin earlier this month. We particularly welcome the dedicated section within Part B on the *Right to a name, identity, and to a nationality* (Paragraph 4), which is critical to ensuring the protection of children on the move and fulfilment of their fundamental rights.

As the Convention on the Rights of the Child stipulates, every child has a right to a nationality; and yet childhood statelessness persists, because states are failing to take adequate steps to ensure that all children born on their territory or to their citizens, acquire a nationality. UNHCR estimates that globally, a baby is born stateless every ten minutes.<sup>1</sup> [Recent research](#) by ENS has revealed that even among those European states that have acceded to relevant international conventions, more than half are still failing to properly implement their obligations to ensure that children acquire a nationality.<sup>2</sup>

Our research identified a worrying array of problems in the detail of many nationality laws, as well as in the laws governing procedures for birth registration. Numerous countries have failed to include basic safeguards in the law, such as to grant nationality to a child born on the territory who would otherwise be stateless, or to a child who has been abandoned and whose parents are unknown. Even where laws do provide a safeguard against childhood statelessness, there is evidence that these do not always work in practice because the rules are not widely known or there are no guidelines on how and when to apply them. Because of these and other gaps, thousands of children who have strong and clear connections to Europe are growing up without the protection or sense of belonging that a nationality bestows.

We noted at the consultation session in Berlin on 12-13 June 2017 that the draft may require consolidation and reduction in length, and would urge the Committees to ensure that these strong and important references to the prevention of statelessness and every child's right to a nationality remain in the final text.

ENS would be very happy to provide further comments on the wording of sections on nationality and statelessness, should they require to be further edited during the drafting process.

## **For further information, please contact:**

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<sup>1</sup>UNHCR, *Ending statelessness within 10 years: A special report*, 2014

<sup>2</sup> European Network on Statelessness, *No Child Should be Stateless*, 2015