



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Ensuring the right of all children to acquire a nationality: The Value of the 1961 Convention on the Reduction of Statelessness

Possession of a nationality is essential for the protection of every child. As set out in article 7 of the **Convention on the Rights of the Child (CRC)** and other human rights instruments, every child has the right to acquire a nationality. Enjoyment of this right requires that statelessness be prevented and reduced. This is important because while human rights are generally to be enjoyed by everyone, selected rights may be limited to nationals. For example, only 'citizens' have the unrestricted right to enter and reside in a country under international law. Stateless persons may therefore end up without any residence status or, worse, in prolonged detention. Statelessness also causes difficulties in a range of other areas, including travel, access to education and healthcare, and heightens the risk of trafficking. Statelessness may lead to displacement.

States are responsible for conferring nationality and guaranteeing the right to a nationality, in particular the right of every child to acquire a nationality. Discharging this responsibility requires the establishment of safeguards in nationality law. In recognition of the need for international agreement to prevent statelessness, States developed a series of standards which were adopted in 1961 in the form of the **Convention on the Reduction of Statelessness** ("1961 Convention"). Article 7 of the CRC refers to the 1961 Convention by specifically indicating that States must implement the right to acquire a nationality *in conformity with their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless*. The 1961 Convention is therefore of central importance to full enjoyment of every child's right to acquire a nationality under the CRC.

Acceding to the 1961 Convention on the Reduction of Statelessness:

- Is a way for States to demonstrate their commitment to human rights and humanitarian standards, including the right to a nationality
- Enables States to address gaps caused by different approaches to the attribution of nationality through the recognition of common safeguards
- Ensures that children are afforded protection as citizens and integrated in society
- Boosts legal transparency and predictability in the response of States to the threat of statelessness through the promotion of common safeguards
- Prevents displacement by promoting the enjoyment of the right to a nationality
- Promotes enfranchisement and the full participation of individuals in society
- Helps to mobilize international efforts to prevent statelessness

Under the 1961 Convention, States shall grant their nationality to children who would otherwise be stateless and have ties with them through either **birth on the territory** or **descent**. Such safeguards are critical for the prevention of statelessness among children. The 1961 Convention does not compel States to confer nationality to all children born on their soil (*jus soli* doctrine) but only to those who would otherwise be stateless. Such conferral of nationality may be subject to a number of additional conditions. The 1961 Convention also helps to prevent statelessness in later life by requiring prior possession or assurance of acquiring another nationality before a nationality can be lost or renounced.

Since 1995, UNHCR has actively promoted accession to both the 1961 Convention and the 1954 Convention relating to the Status of Stateless Persons (1954 Convention). The UN General Assembly, UN Human Rights Council, UNHCR's Executive Committee and other bodies all have frequently called upon States to consider acceding. At present, the 1954 Convention has 74 States Parties while the 1961 Convention has only 46. UNHCR actually promoted accession to the statelessness conventions in the context of the 50th anniversary of the 1961 Convention in 2011. At UNHCR's Ministerial Meeting in December 2011, 33 States pledged to accede to one or both of these treaties.