Our Children, Our Future: Belonging and Identity

International and Regional Legal Framework

October 2016
Overview: Traditions of Protection

The Arab region has demonstrated its strong commitment to upholding standards of protection by:

- Universally ratifying the Convention on the Rights of the Child (CRC), Convention on the Elimination of Discrimination against Women (CEDAW), and other key instruments

- Adopting several Regional Instruments that reinforce the rights and safeguards in these treaties
The right of all children to a legal identity

CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

- Article 7: All children have the right to birth registration, a name, a nationality, and to know and be cared for by their parents.
- Article 8: The right to identity includes the child’s name, nationality and family relations.
*The right of all children to a legal identity*

COVENANT ON THE RIGHT OF THE CHILD IN ISLAM

Reinforces and expands on the CRC

- Article 7: “Safeguard the child’s identity, including his/her name, nationality and family relations”
- Register all children at birth
- Make every effort to resolve childhood statelessness
*Everyone has the right to a nationality*

*No one shall be arbitrarily deprived of their nationality*

- Universal Declaration of Human Rights, Article 15
- Arab Charter on Human Rights, Article 29
*The nationality rights of women and children*

This principle is recognized both by universal and regional instruments.

**CEDAW**

**Article 9(2):** Allow children to acquire nationality from their mothers on an equal basis as from their fathers.

**ARAB CHARTER ON HUMAN RIGHTS**

**Article 29:** Allow a child to acquire the mother's nationality, with regard to the best interests of the child and domestic law on nationality.
1961 CONVENTION ON THE REDUCTION OF STATELESSNESS

✓ Purpose: Prevent and Reduce Statelessness

Safeguards to ensure children enjoy their right to acquire a nationality

Safeguards to prevent statelessness through the loss or withdrawal of nationality later in life
1954 Convention relating to the Status of Stateless Persons

- Purpose: Identify and Protect Stateless People
- Defines a “stateless person” in international law
- Core Principle: Treat stateless people at least as favorably as foreigners who do possess a nationality.
- Establishes rights to identity & travel documents; encourages naturalization “as far as possible”
1961 Convention on the Reduction of Statelessness

Preventing Statelessness at Birth

• Grant nationality to foundlings (children of unknown parentage found in the country)

• Grant nationality to children born in the country, who would otherwise be stateless (Art 1)
Good Practices: Nationality Laws in MENA

Safeguarding the Right of All Children to Acquire a Nationality:

- All Nationality Laws in MENA grant citizenship to foundlings – *in line with Article 3 of the 1961 Convention on the Reduction of Statelessness*
Good Practices: Nationality Laws in MENA

Protecting the nationality rights of women:

- All Nationality Laws protect women from losing their nationality on the basis of a change in personal or marital status
- In line with Article 5 of the 1961 Convention on the Reduction of Statelessness
- In line with Article 9(1) of the CEDAW