

# STATELESS CHILDREN

YOUTH  
WHO ARE  
WITHOUT  
CITIZENSHIP



BOOKLET NO. 7 IN A SERIES ON INTERNATIONAL YOUTH ISSUES  
YOUTH ADVOCATE PROGRAM INTERNATIONAL

# STATELESS CHILDREN

YOUTH WHO ARE  
WITHOUT  
CITIZENSHIP

BY SARAH AIRD,  
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AND PUNAM SHAH



## ABOUT YOUTH ADVOCATE PROGRAM INTERNATIONAL

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The mission of Youth Advocate Program International is to promote the rights and well-being of the world's youth, giving particular attention to the plight of troubled and needy youth and to those victimized by conflict, exploitation, and state and personal violence.

The Youth Advocate Program International was incorporated in 1994 and is an affiliate organization of the National Youth Advocate Program, Inc. (NYAP). NYAP is a private, nonprofit youth advocacy organization that develops and implements community-based services for troubled and needy youth. It is the parent organization of seven state affiliate programs that offer services in their respective states: Ohio, West Virginia, Indiana, South Carolina, Georgia, Illinois and Kansas. Youth Advocate Program International is registered in the United States as a 501(c)(3) organization.

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# CONTENTS

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<b>Introduction.....</b>	<b>v</b>
<b>What is the right to nationality and why do children need citizenship? .....</b>	<b>1</b>
<b>Where do stateless children live? .....</b>	<b>4</b>
<b>How does statelessness affect children?.....</b>	<b>6</b>
<b>Why are there stateless children? .....</b>	<b>8</b>
<b>What programs and policies have been effective in registering children? .....</b>	<b>20</b>
<b>Conclusion .....</b>	<b>23</b>
<i>Endnotes .....</i>	<i>24</i>
<i>To learn more about stateless children.....</i>	<i>29</i>
<i>Resource organizations.....</i>	<i>30</i>

## *About This Series*

Youth Advocate Program International carries out research and publishes material on international youth issues as part of its mission to improve the lives of children. Booklets are published periodically to introduce readers to issues that demand world attention.

Booklet #1 Child Soldiers: Youth who Participate in Armed Conflict

Booklet #2 Child Labor: Exploited and Abused Youth at Work

Booklet #3 Commercial Sexual Exploitation of Children:  
Youth Involved in Prostitution, Pornography and Sex Trafficking

Booklet #4 Children Behind Bars:  
Youth who are Detained, Incarcerated and Executed

Booklet #5 Children and the HIV/AIDS Crisis:  
Youth who are Infected and Affected

Booklet #6 Discrimination Against the Girl Child: Female Infanticide,  
Female Genital Cutting and Honor Killing

Booklet #7 Stateless Children: Youth who are Without Citizenship

# INTRODUCTION

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The first six booklets in this series on international youth issues dealt with some horrific subjects: the commercial sexual exploitation of children, the execution of youthful offenders, female infanticide, and many other equally disturbing practices. The topic of this booklet—the denial of citizenship and the impact of not registering births—may not seem to be cause for alarm. In fact, it is probably the most important subject this series has tackled to date.

Through this series of publications, Youth Advocate Program International strives to shed light on the abuse of children and the denial of their basic human rights. The fundamental tenet of this booklet is that in order to be guaranteed rights, one's existence must be recognized. When a child's birth is not registered that child's existence may not be acknowledged and the child may be denied citizenship. Lack of birth registration due to parental ignorance or negligence is problematic. Of even greater concern is that some governing bodies refuse to recognize the births—and therefore the existence—of some children because of race, ethnicity, or questions of "legitimacy."

The dearth of resource organizations working on this issue and the scarcity of publications about stateless children speak volumes. But as a former teacher of Palestinian girls in the West Bank, I am haunted by the question that one child asked as she was completing a form that required the listing of citizenship. "Can I write in that I don't have a country?" she asked.

Every child deserves citizenship and basic rights. We hope this booklet will spur you to work toward that end.

Nancy Nye  
Director  
Youth Advocate Program International

# WHAT IS THE RIGHT TO NATIONALITY AND WHY DO CHILDREN NEED CITIZENSHIP?

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- The right of individuals to have a nationality and citizenship is universally recognized.
- The UN Convention on the Rights of the Child is the most recent international treaty to support the child's right to citizenship.
- Living as a stateless person causes acute legal, physical, and psychological insecurity.

## *Definition of stateless persons*

Nationality is important because it determines what rights and responsibilities apply to a person. Nationality confers citizenship, and citizenship is a fundamental building block to other human rights—it is “the right to have rights.”<sup>1</sup> Due to its significance in ensuring other rights, the right to a nationality has been universally recognized by states around the world.

Under international law, a stateless person is defined as a person who “is not considered as a national by any State under the operation of its law.”<sup>2</sup> Very few people meet this narrow legal definition. Many who do include members of groups such as the Roma, Bedoons, Kurds, Palestinians and Tibetans. Millions of people, however, effectively lack nationality and citizenship because they have no official proof of birth or citizenship and, as a consequence, they are denied rights associated with citizenship. This booklet examines the notion of statelessness in its *broadest* sense, describing the circumstances that bar children and youth from enjoying their right

to nationality. Birth registration is a central issue here because registration provides a legal mechanism to prove a child's nationality.

## *Who is a child?*

According to the UN Convention on the Rights of the Child (CRC), a child is a person under age 18 unless national laws recognize the age of majority earlier. Because every country in the world has ratified the CRC, except the United States and Somalia, age 18 is accepted as the worldwide standard and is used throughout this booklet. Currently, children account for approximately 35 percent<sup>3</sup> of the world's total population.

PUBLIC  
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AND  
EDUCATION  
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BE DENIED  
TO  
STATELESS  
CHILDREN.

## *Why children need citizenship*

Children are dependent on the care of parents and guardians to ensure they have citizenship and legal identity. Failure to register a child at birth effectively denies the child the right to a nationality because the child has no means to prove his or her place of birth or the identity of one or both parents.

Without citizenship, a child lacks legal access to the privileges granted by a nation. Proof of citizenship is often crucial to the health and well-being of a child. For example, some governments deny publicly funded health care and education to children who have no proof of citizenship. Living as a stateless person also causes acute legal, physical and psychological insecurity. When a stateless child becomes an adult, he or she may be unable to get married, open a bank account, own land or vote.<sup>4</sup> Due to lack of opportunities that would otherwise be available to them as recognized citizens, stateless people often are forced into the role of outlaws, living on the margins of society.<sup>5</sup>

In addition, proof of birth often acts as a protection for children. With a birth certificate, for example, a child can verify that he or she is too young to work or be eligible for military service.<sup>6</sup> According

to the UN Human Rights Committee, registering children at birth also helps protect them from becoming victims of the modern-day slave trade of selling and trafficking in children.<sup>7</sup> Traffickers and child sex exploiters often target victims without proper identification, knowing that such children are vulnerable to manipulation and coercion.<sup>8</sup>

Establishing citizenship also is important in order for governments to determine the scope of essential services. By registering citizens, governments account for their population and design public policies adequate to meet the needs of their people.<sup>9</sup> Without accurate data regarding a country's population, government officials have no way of knowing how to apportion funds and social service programs in the way most beneficial to their constituents.

## *The right to nationality*

The Universal Declaration of Human Rights, which was adopted by the United Nations in 1948, is now considered customary law that all countries must follow. Article 15 of the declaration states that “everyone has the right to a nationality” and that “no one shall be arbitrarily deprived of his nationality.”<sup>10</sup> This right has been addressed in ten international agreements since 1948, most recently the CRC.<sup>11</sup>

The CRC is a multilateral treaty designed to provide special safeguards and legal protections for children. According to Article 7(1) of the convention, national governments must register children immediately after birth, and children enjoy the right from birth to acquire a nationality. In essence, the CRC requires that governments both honor children's right to a nationality when they are born and protect that right as the children mature. Under the CRC, governments must place their international obligation to protect children's right to nationality ahead of other national considerations. The CRC states that national governments have a duty to grant children born in their territory citizenship if the child is not recognized as a citizen by any other country. An example of this duty is codified in the 1969 American Convention on Human Rights, Article 20, which provides that every person has the right to nationality of the birth state “if [he or she] does not have the right to any other nationality.”<sup>12</sup>

# WHERE DO STATELESS CHILDREN LIVE?

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- An estimated 50 million births per year are unregistered.
- The region with the highest percentage of unregistered births is sub-Saharan Africa, but the largest number of unregistered children in any one region are in South Asia.
- Over 20 countries throughout the world have no public information available about their birth registration processes.

UNICEF estimates there are approximately 2,120,100,000 children in the world today. The precise number of stateless children is unknown. Due to inadequate infrastructure, political turmoil, displace-

## ***2000 Birth Registration Figures At a Glance***<sup>13</sup>

<u>Region</u>	<u>Percentage of Annual Births Not Registered By Region,</u>
Sub-Saharan Africa	71%
South Asia	63%
Middle East/North Africa	31%
East Asia/Pacific	22%
Latin America/Caribbean	14%
CEE/CIS and Baltic States	10%
Industrialized Countries	2%
<b>World Total</b>	<b>41%</b>

*Information provided by UNICEF.*

WORLDWIDE,  
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ment, and other factors to be discussed later, it is difficult to obtain exact numbers.

Stateless children exist all over the world. According to UNICEF, an estimated 50 million births go unregistered each year.<sup>14</sup> This estimate is based upon information collected from systematic surveys of families in many countries as well as information provided by governments and nongovernmental organizations (NGOs) that provide services to children. Fifty million births represents about 40 percent of all births each year.<sup>15</sup>

There are no mandatory birth registration systems in Afghanistan, Cambodia, Eritrea, Ethiopia, Namibia and Oman. More than a dozen other nations register births but have no available data on national figures for birth registration to report, according to the UN Statistics Division.<sup>16</sup>

# HOW DOES STATELESSNESS AFFECT CHILDREN?

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- Public health care and education may be denied to stateless children.
- Stateless children are at greater risk of being trafficked and being treated as adults in situations of armed combat.

Children who are not citizens of any country lack legal recognition. Even when governments acknowledge their existence through providing such children rights of residency, stateless children still are in a vulnerable position before legal authorities. In addition to the psychological impact, the lack of citizenship affects stateless children in many other specific ways.

## *Health*

Statelessness has a considerable impact on children's health. In at least 20 countries, stateless children cannot be legally vaccinated.<sup>17</sup> In many other countries, children without citizenship documents cannot receive treatment in health centers or participate in food programs.<sup>18</sup> Even in countries that allow undocumented children to participate in health programs, lack of accurate birth statistics impedes the government's ability to estimate how many doses of vaccine or medical personnel should be allocated to different regions.<sup>19</sup>

## *Education*

In many countries, stateless children cannot enroll in publicly funded schools.<sup>20</sup> In others, children without documentation may have to pay for schooling that is provided free to children who are acknowledged as citizens.<sup>21</sup> As with health programs, governments

without accurate statistics may not fund the schools required to serve the entire child population.

## *The right to residence and to travel*

Stateless children do not have an automatic right of residence, and therefore may live in fear of being evicted or deported by authorities.<sup>22</sup> Without proof of birth, children cannot obtain a passport. If they have to flee from their home country, they may not be able to return without proof of citizenship. As a consequence, they may live as permanent refugees, never securely settled in any country.<sup>23</sup>

## *Access to justice*

Stateless children lack the basis of citizenship that provides a foundation for their access to fair treatment under national justice systems.<sup>24</sup> Without an official birth record, a child may be unable to prove that he or she is not an adult, and may therefore be prosecuted for a crime as an adult and face harsher punishment and imprisonment with adults.<sup>25</sup> Stateless children in trouble with the law also may be subjected to judicial standards that provide lesser protections to noncitizens.

## *Safety and physical well-being*

Lack of citizenship subjects children to significant threats to their safety and well-being. Children without official papers are vulnerable to abduction, sale and trafficking, illegal adoption, and sexual exploitation.<sup>26</sup> Many more are living in slave-like conditions after being trafficked for labor or sexual purposes to other countries. Unable to prove their true ages with legal documentation, stateless children cannot legally prove that they are too young to work or to serve in the military.<sup>27</sup> Many thousands of displaced, abandoned, abducted, lost and refugee children have been forced to participate as combatants in armed conflicts.\* Prosecution of the adults who have recruited and commanded child soldiers has been difficult because the children often lack documents that would prove their ages.

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\*See YAP International's booklet "*Child Soldiers: Youth who Participate in Armed Conflict.*"

# WHY ARE THERE STATELESS CHILDREN?

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- Many children are not registered at birth because of poverty and their parents' lack of awareness of the process.
- Political turmoil caused by war and persecution of minority groups may result in children going unregistered or the loss of citizenship even when birth registration has occurred.
- Social customs and attitudes toward paternity and parents' marital status affect the citizenship of some children.

There are political, economic, social and cultural reasons why children are denied citizenship and become stateless. Registering children at birth is the most simple and direct action necessary to determine nationality and citizenship. Birth registration, while fundamentally important to ensuring children's rights to nationality, still does not guarantee that children may not become stateless at a later point in life for myriad reasons to be covered in this section.

## *Lack of birth registration*

In broad terms, children are not registered at birth because of government practices or parental inaction. Many governments allocate insufficient resources for the purpose of registering children, not appreciating the crucial nature of this activity. In addition, for countries that suffer from extreme poverty, registering citizens is simply not seen as a pressing issue. Finally, governments may actively block people from registering in order to avoid the costs of providing social benefits to all the potential citizens living within their borders.

Many parents do not understand the importance of the procedure and therefore neglect to ensure their children are registered. Some parents are uncertain how to register their children or are

daunted by the bureaucracy surrounding the process. In Indonesia,<sup>28</sup> for example, the Ministries of Interior, Justice, Health and Family Welfare, as well as the Central Bureau of Statistics all have overlapping jurisdiction over the collection of birth information. Even when the procedures are not this convoluted, the process still remains obscure for many. When parents are illiterate, understanding the process is further complicated.

## *Legal barriers to establishing nationality*

States determine a child's nationality based on two factors: the nationality of the child's parents, and the birthplace of the child.<sup>29</sup> Some states use one factor exclusively to grant citizenship, while other states grant citizenship if the child meets either of the two criteria. Statelessness can result from legal loopholes that arise between states that exclusively follow one system.

In states where a child's nationality is determined by parental nationality, a child born to non-nationals risks being left stateless. A possible remedy is for the child to be recognized as a national of the state where the child's parents are recognized as nationals. However, if the child's parents are nationals of a country that determines nationality solely on the basis of being born in that territory, the child who was born in another country will still be stateless.<sup>30</sup>

### *Barriers to nationality in countries where citizenship is determined by parents' nationalities*

The problem of stateless children is particularly prominent in states that grant citizenship on the basis of parental nationality when the nationality of one or both of the child's parents is disputed.<sup>31</sup> Throughout most of Asia, states grant citizenship exclusively on the basis of parental nationality.<sup>32</sup> Therefore, registration at birth does not give children automatic citizenship unless their parents are recognized as citizens of the registering state. In Bhutan, for example, children do not have a right to Bhutanese nationality if they are born to parents who are stateless or who are not Bhutanese citizens. Therefore, children born in Bhutan to non-Bhutanese nationals and who do not obtain the nationality of their parents are rendered stateless.<sup>33</sup>

Mothers are particularly affected by citizenship laws based on parental nationality. Although Article 9 of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) obligates governments to respect the right of women to pass their nationality on to their children,<sup>34</sup> several countries have not yet ratified the Convention. Of the countries that have ratified CEDAW, approximately six percent have registered a reservation indicating that they will not be bound by Article 9.<sup>35</sup> In most of the countries that have lodged this reservation, a woman may pass her nationality on to her child only if the father is unknown. When a female national marries a foreigner, however, their child either takes the father's nationality or remains stateless.

Egypt is one country that has made such a reservation to Article 9 stating, "It is clear that the child's acquisition of his father's nationality is the procedure most suitable for the child and that this does not infringe upon the principle of equality between men and women, since it is customary for a woman to agree, upon marrying an alien, that her children shall be of the father's nationality."<sup>36</sup> This reliance on custom jeopardizes the right to nationality of children born to Egyptian female nationals and male non-nationals. The impact of such laws can be especially harsh for a child who lives in the mother's country, as the government may deny the non-national child access to free schooling, health care, and other services generally accorded to citizens.

### *Barriers to nationality in countries*

#### *where citizenship is determined by territory of birth*

Children also have difficulty obtaining nationality in countries that provide citizenship on the basis of birthplace.<sup>37</sup> This usually occurs because authorities are reluctant to register the births of certain children born in their territory. This has been a common problem for the children of refugees and asylum seekers. Throughout much of the Americas, registration at birth gives a child automatic rights to the citizenship of that country even if the child cannot claim citizenship by descent.<sup>38</sup> Authorities, therefore, often have been reluctant to register refugee births because this gives refugee children an automatic right to citizenship and obligates the government to pro-

vide certain services, such as education.<sup>39</sup> States fear that nationality laws granting citizenship to children born to refugees will attract even larger numbers of refugees to their borders, and place even greater demand on state resources.

## *Persecution of racial, ethnic and religious minorities*

Governments frequently deny registration services to ethnic minorities they consider undesirable. For example, in Central and Eastern Europe, the Roma people (often referred to as Gypsies) have suffered official discrimination for decades, including discrimination with regard to birth registration. In Croatia, only about 7,000 of the 60,000 to 100,000 Roma are registered.<sup>40</sup> Similarly, as a result of apartheid policies, about 87 percent of black South Africans were unregistered in 1993.<sup>41</sup>

Governments also discriminate against ethnic and religious minorities by amending or interpreting citizenship laws to marginalize or even facilitate the expulsion of these minorities. This has occurred, for example, in the Dominican Republic. Article 11 of the constitution states that all persons born in the territory, except for those born to foreigners “in transit,” are Dominicans. Authorities consistently utilize the “in transit” language to deny citizenship to those persons of Haitian descent born in the Dominican Republic, even if their families have lived in the territory for years, or even decades.<sup>42</sup> By construing Article 11 in this fashion, government officials appear to be abiding by the law and therefore encounter less resistance to their expulsion of Haitians and Dominicans of Haitian descent from the Dominican Republic.

Until recently, children born on German soil to non-German parents suffered similar discrimination. Prior to 1999, German officials typically granted citizenship at birth only if at least one parent—usually the father—was German.<sup>43</sup> The citizenship law was originally designed in 1913 to withhold citizenship from Polish guest workers and East European Jews.<sup>44</sup> Through the years, the law has continued to have a discriminatory effect against long-term guest workers, most of whom also are racial and ethnic minorities, result-

ing in their political and social marginalization. Prior to the current reform, foreigners living in Germany could apply for naturalization only after having lived in the country for 15 years, and even then, approval was far from certain. As recently as 1993, 25 percent of all resident foreigners in the former West Germany had been living there without citizenship for more than 40 years.<sup>45</sup> On May 7, 1999, however, the German Parliament finally retired the 86-year-old citizenship law. The new law now allows almost anyone born on German soil to parents who have resided and worked in the country for at least 8 years to acquire citizenship.<sup>46</sup>

Ethnic Bedoons in Kuwait have been rendered stateless by explicit policies.<sup>47</sup> They are not issued civil identification cards, drivers' licenses or allowed to return to Kuwait if they travel abroad. Children born to Kuwaiti mothers and Bedoon fathers are classified as Bedoon and denied citizenship in Kuwait.

Religious beliefs affects citizenship primarily in two respects. First, in countries where religion strongly influences law and government practices there may be a bias against granting nationality to children of minority religions. Second, parents may resist registering their children for citizenship out of fear of religious persecution.

## *Political turmoil*

Political turmoil is one of the biggest contributors to child statelessness. The formation of new countries resulting from decolonization or the disintegration of a national government may leave thousands or even millions of people stateless or with a disputed claim to citizenship. Large-scale statelessness also may arise in the context of refugee movements, especially when the population concerned has lived in exile for many years without acquiring the citizenship of their asylum country.<sup>48</sup>

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## *State dissolution*

State dissolution often results in many people losing their citizenship rights, especially if the former country is reorganized along ethnic lines. For example, according to a 1995 publication by the UN High Commission for Refugees documenting the situation in the former Yugoslavia, some of the newly established states attempted to exclude people, even those who had lived within the territory for considerable time, from becoming citizens or delay officially recognizing their citizenship. Such cases invariably involved people who belonged to an ethnic minority that was perceived to be “undesirable” from the point of view of the ethnic majority.<sup>49</sup>

Similarly, when the Baltic States of Estonia and Latvia gained independence from Russia in the early 1990s, they enacted rigid new citizenship laws designed to bar many Russians from becoming citizens. These stringent citizenship laws were passed in response to the belief of many Estonians and Latvians that Russian migrants who had moved to these countries over the last 50 years had diluted native culture. Consequently, the independent governments passed laws granting citizenship only to those residents and their descendants who had been citizens at the time of Russian occupation in 1940. Other requirements, such as proficiency in the local language, imposed additional barriers many Russians could not easily overcome and so they were denied citizenship under the new laws. As a result of these laws, out of a population of 2.6 million, over 700,000 people in Latvia were left stateless, while in Estonia roughly 500,000 people, or one third of the 1.5 million population, became noncitizens.<sup>50</sup>

## *Refugees and war-affected children*

Worldwide, the number of refugees has increased from 2.4 million in 1974 to more than 27 million today. Another 30 million people are displaced within their own countries.<sup>51</sup> The general state of upheaval, paperwork disorder, and mass confusion typical of refugee situations often overwhelm authorities in both the refugees’ original country as well as the host country. Adults and children become officially lost—not accounted for by any government system.

Children born in refugee camps are particularly vulnerable as states that receive refugee flows often refuse to register the births of

## The Roma of Central and Eastern Europe

Since the arrival of the Roma (also known as Gypsies) in Europe hundreds of years ago, national governments have perceived them as outsiders. Living a nomadic lifestyle, the Roma traditionally settled on the outskirts of cities and towns, often moving on shortly thereafter either voluntarily or by force. Throughout their history in Europe, they have been the victims of social discrimination and violence. From 1445-1856, for example, the Roma in Transylvania (now part of Romania), were kept as slaves and excluded from citizenship.<sup>1</sup> During World War II, the Nazi regime called the Roma an “undesirable racial element” and murdered as many as 500,000 adults and children.<sup>2</sup>

Today, approximately eight million Roma live in Europe and continue to suffer persecution. Since the collapse of the Soviet Union, some former Soviet states and Eastern European states have introduced new citizenship laws discriminating against the Roma. Romani children in particular suffer the pernicious effects of these citizenship laws, which effectively deny them educational, economic and political opportunities.

For example, in the Czech Republic, the 1993 Law on Acquisition and Loss of Citizenship originally required an individual seeking Czech nationality to be fluent in Czech, to have been resident on Czech territory for at least five years, to have had a clean criminal record for the preceding five years, and to have a document proving exemption from Slovak citizenship. Even for Czech-born Roma, many of these criteria proved difficult to establish.<sup>3</sup> Although the law has been amended, even its most current version is not sufficiently broad to grant citizenship rights to many Roma.<sup>4</sup> Furthermore, many Roma have not wished to register because they believe that state authorities have often used registration records to identify Roma for persecution.

Due to the difficulties the Roma have faced acquiring citizenship in the Czech Republic (not to mention elsewhere in Europe), many Romani children were left ineligible to receive standard social services. As a result, they suffer from living stan-

dards generally far inferior to those enjoyed by the rest of the population, particularly with respect to education, health, and housing. Between 1990 and 2000, the percentage of kindergarten-aged Romani children attending school has decreased.<sup>5</sup> In addition, Romani children without Czech citizenship have been subject, like their parents, to judicial expulsion from the territory or police “prohibition on residence,” as the following example illustrates.<sup>6</sup>

As punishment for having committed a petty theft in 1993, the Czech police ordered a Romani noncitizen minor, Edmund Billi, to leave the Czech Republic and issued a three-year prohibition on his residence in Czech territory. He was forced to leave the country where his mother, brother, and grandmother lived and where he attended school. When Czech police caught him in the territory again they issued another prohibition, this time for 10 years. While attempting to visit his sick mother in the hospital in 1996, he was again detained and was sentenced by a criminal court to life-long expulsion from the Czech Republic. Billi’s sentence was eventually nullified, but this incident reveals the precarious life of Romani children without citizenship.<sup>7</sup>

#### Endnotes:

1. UNHCR, “The Roma of Central and Eastern Europe,” *The State of the World’s Refugees 1997-1998*, Box 6.2.

2. *Ibid.*

3. *Ibid.*

4. In July 1999 the Czech Parliament amended the 1993 law so that all persons who were citizens of the Czech and Slovak Federal Republic and who had permanent residence on Czech territory at the time of the dissolution of Czechoslovakia became entitled to Czech citizenship. However, many Czech Roma were either born in Slovakia or were designated as Slovak prior to the dissolution, effectively barring them from citizenship even under the amended law. Report of the OSCE High Commissioner on National Minorities, “The Situation of Roma and Sinti in the OSCE Area,” 2000, 156-161; Beatra Struhárová, “Disparate Impact: Removing Roma from the Czech Republic,” *Roma Rights*, No. 1, 1999, 47.

5. Steven Erlanger, “No Room for Gypsies; Across a New Europe, a People Deemed Unfit for Tolerance,” *The New York Times*, 2 April 2000, Sec. 4, 1.

6. Beatra Struhárová, “Disparate Impact: Removing Roma from the Czech Republic,” *Roma Rights*, No. 1, 1999, 47-50.

7. Beatra Struhárová, “Disparate Impact: Removing Roma from the Czech Republic,” *Roma Rights*, No. 1, 1999, 50.

refugee children as noted earlier. For example, during the late 1970s and 1980s, no children born to Salvadoran parents in Honduran refugee camps were registered with the Honduran authorities.<sup>52</sup> Although these authorities were legally obligated to register all children born on Honduran territory, in practice, the refugee camps were treated as if they had extraterritorial status.

In East Jerusalem and other areas, Palestinian children live without citizenship under Israeli occupation. According to Jonathan Kuttab, a human rights activist and international law expert, Palestinian families become increasingly anxious as their children approach age 16. At that age, youth are supposed to apply for identity cards to prove their right of residence and access the services provided to residents. Youth are often requested to show these cards to police and military soldiers. “When youth apply for the documentation, they risk exposing themselves as non-legal residents, in which case they are not given the documents,” Kuttab said. “Or, even if their papers are in order, they may be requested to provide numerous documents about their parents, who then become subject to arrest or deportation, so many [youth] don’t even apply. As these youth become older and older, the risk of their being on the streets becomes even greater.”<sup>53</sup>

## *Economic barriers contributing to children’s statelessness*

### *Poverty*

Many parents and families lack the financial ability to register their children. The fees associated with the registration process may be far more than the parents can afford. While most countries provide birth records free of cost, in at least 50 countries, families must pay for either the registration or the birth certificate. For example, in Liberia, where less than 30 percent of births are registered, the cost of registration is U.S. \$30 even though the average annual income is approximately U.S. \$600.<sup>54</sup> Also, administrative offices responsible for registering children tend to be located in urban areas. Families living in rural or isolated regions may not be able to afford the ex-

penses of traveling to registration centers. Consequently, many children in poor families remain stateless.

### *Migrant workers*

In many cases, a parent or a family's working conditions present an obstacle. By definition, migrant laborers travel to various regions, often to neighboring countries, in search of work. Problems arise when children of migrant workers are born in foreign territories. Authorities in the host country may refuse to register the birth, and the home country also may have a policy of granting citizenship based on the territory of birth, in which case the children of migrant workers will be denied citizenship a second time.

In some places, birth registration can become a problem even when parents travel only from one region of their country to another. In China, for example, parents must register a child's birth in the village of the mother's official residence within 30 days of birth. This poses a significant problem for families who migrate great distances for work. It is estimated that this regulation alone is delaying or has prevented the registration of up to ten million children.<sup>55</sup>

### *Bonded labor*

While migrant workers face problems due to the transient nature of their work, bonded laborers are threatened by excessively restrictive working conditions. Bonded labor usually exists in extremely poor regions of developing countries. When parents are unable to repay a money lender, they often are forced to make their children work off the debt. These debts, however, often become impossible to repay because of fraud and the burden of extremely high interest rates on the loan. Consequently, the children are repeatedly sold to work in various trades, and this practice is known as bonded labor. For employers, it is advantageous that parents do not register their children. As long as government officials and labor authorities remain unaware these children exist, the abuse of their labor will go undocumented. This is of particular concern in India, where 52 percent of all births are estimated to be unregistered<sup>56</sup> and the number of children in bonded labor is estimated to be between 6 and 10 million.<sup>57</sup>

## *Social and cultural barriers*

Several social and cultural conditions also contribute to the growing numbers of stateless children. In some cases, statelessness is simply a result of parents failing to register their children. In other cases, more complex factors, such as deeply rooted beliefs or centuries-old traditions, are the reasons for not registering children.

### *Traditional delivery/at-home births*

In many societies, babies are delivered at home or somewhere other than a medical center. This practice—whether due to traditional custom or the lack of hospitals nearby—may significantly impede birth registration because most countries rely on hospital and medical records in the registration process. Traditional birth attendants often either lack the authority to begin the birth registration process or don't have the proper training to do so. Also, communities that are relatively isolated or whose practices rely heavily upon tradition may not know that a birth registration process exists, or that there are long-term consequences for not registering births.

### *Abandonment*

Statelessness also arises when children are abandoned for political or economic reasons, or as a result of social practices and traditions. Examples of such situations include the following: preferences for male children, bias against interracial marriages, fear and shame of children with birth defects, and stigmas against women who are sexually active outside of marriage. As a result, children are given to orphanages, admitted into state-run institutions, or simply left to care for themselves. Although most governments profess an interest in improving the standard of care for abandoned children in public institutions, in many parts of the world abandoned children have few advocates working on their behalf to protect their rights.

### *Illegitimacy*

Some countries require evidence of a child's "legitimacy," meaning the parents' marriage, before granting a child citizenship. Most cultures define an illegitimate child as a child born out of wedlock.

THE  
CHILDREN OF  
MILITARY  
TROOPS  
WHO DO NOT  
ASSUME RE-  
SPONSIBILITY  
FOR THEIR  
OFFSPRING  
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OF  
STATELESSNESS.

As such, illegitimate children are demoted to a lesser status in society. The inability to prove a child's legitimacy often becomes an issue in cases where the parents are of different nationalities. Where citizenship is granted on the basis of a parent's nationality, legitimacy may be an important factor in determining which nationality the child "inherits."

This situation is exemplified by the children born in cases where the mother is a national in the country of the child's birth and the father is a member of the military of another country. Currently, the citizenship rights of the illegitimate children born to members of UN peacekeeping troops and female nationals is under

debate. The international community is attempting to reconcile which domestic and international laws should apply to these children.

A similar discussion occurred in the 1950s and 60s after the Korean War. The children fathered by U.S. soldiers who had been sent to Korea were called "children of the dust."<sup>58</sup> They were shunned in Korean society, where interracial relationships are traditionally unaccepted. Already abandoned by their fathers who returned to the United States, most of these children were later abandoned by their mothers because of social pressure or the lack of resources to care for them. These children were born out of wedlock, not registered and subsequently denied access to publicly funded education.<sup>59</sup> When news of the impoverished lives of these children reached the international community, there was increased pressure from both within the United States and the Korean government for the U.S. government to recognize these children as American citizens. The resulting U.S. legislation regarding the status of Amerasian children was woefully inadequate. Most of the children born in Korea lacked any means to prove their paternity. After 50 years, only a small number of those Amerasian children have been granted U.S. citizenship.<sup>60</sup>

# WHAT PROGRAMS AND POLICIES HAVE BEEN EFFECTIVE IN REGISTERING CHILDREN?

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- New programs to register children include the participation of government agencies and community-based organizations.
- Processes that respect poor people and the interests of minorities help increase birth registration.
- Technology can simplify birth registration processes.

Effective registration of children requires commitment, technology, and effective public information campaigns. The United Nations Statistics Division, along with a group of United Nations agencies, is working with registrars to improve civil registration systems. This project<sup>61</sup> focuses on upgrading registry offices, initiating computerization, and conducting public information campaigns.

Another international endeavor is the Unregistered Children Project (UCP), founded by the NGO Committee on UNICEF. In 1998, the NGO Committee partnered with PLAN International, an international child-focused development organization with programs in 43 developing countries.<sup>62</sup> The UCP works to strengthen birth registration practices in Asia. Launching the program in Vietnam, the Philippines, and Indonesia, the UCP assessed registration practices in each country and held national workshops bringing together government authorities, civil registrars, community-based organizations, and local and international nongovernmental organizations.

In order to promote awareness by government and the general public about the importance of birth registration, the UCP recommends strategies such as flexible government policies, enhancing the registrars' technical capacity, and grassroots networking to increase public knowledge, including publicity campaigns on television, in schools, and at faith-based institutions. The UCP recommends a registration system that is simple to use, compulsory, and flexible. An effective system should be free or inexpensive, geographically convenient, and without penalties for late registration. Registration systems that have proven to be effective<sup>63</sup> are designed to reach out to the most vulnerable populations—the poor, migrants, and those in rural areas—and involve the commitment of the entire community.

In May 2000 the government of Uganda launched a birth registration campaign that incorporated all of the elements required for an effective system.<sup>64</sup> Spearheaded by the Minister of Gender, Labor and Social Development, Zoe Bakoko-Bakoru, and endorsed by President Yoweri Kaguta Museveni, the effort incorporates government leadership, awareness campaigns led by NGOs, decentralized systems aided by the use of computers, outreach to rural communities, and programs for school children that educate families on the importance of birth registration. In the first few months of the campaign, half a million births were registered, a testament to the commitment of Uganda to its children.

## *Reaching out to the poor and refugee communities*

Although registration lags in most poor countries, governments that take a practical approach demonstrate that birth registration programs can be effective in poor countries. Some impoverished countries such as Dominican Republic, Côte d'Ivoire, Bolivia and the Philippines have relatively high rates of birth registration.<sup>65</sup> In Ecuador, the civil registrar uses mobile units to register children in poor neighborhoods.<sup>66</sup>

In Mexico, in an important victory for children's rights, the Conferencia Internacional sobre Refugiados Centroamericanos

(CIREFCA) agreement addressed the forced displacement of children born to Guatemalan refugee parents. These children now have an automatic right to Mexican citizenship when they reach 18, as well as the right to claim Guatemalan citizenship if they decide to repatriate.<sup>67</sup>

## *Reaching out to those in rural areas*

More than 30 countries are reaching out to children in rural areas.<sup>68</sup> Among these countries, including Argentina, Iran, Thailand, and Zimbabwe, traveling registrars are employed. Mozambique began a mobile campaign in 1992 to register children born during the civil war. In Chile, the mobile registration system uses a computer connection to the registry in the capital to ensure children in rural areas are registered.<sup>69</sup>

## *Computerization*

Many governments are taking advantage of advancements in technology to make registration easier and more accessible. Ireland is modernizing its registration service, whose procedures had remained unchanged for 150 years.<sup>70</sup> The first phase of the Irish project will introduce a nationwide computer registration system, and the second phase will develop Internet access to registration information and the process.

## *Community involvement*

Governments employ a variety of methods to ensure that no child is overlooked. In the Philippines, the government improves public awareness by declaring each February Civil Registration Month.<sup>71</sup> Many countries, including Chile, Costa Rica, Cuba, the Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Ghana, Libya, Madagascar, Mali, Burma, South Africa, Uruguay, and most of the Western European countries begin the birth registration process in hospital. In 1996 the Romanian government began requiring doctors to register babies they deliver even if the babies are subsequently abandoned in hospital.<sup>72</sup>

In order to reach children born outside of hospitals, Ghana trains traditional birth attendants to register babies they deliver.<sup>73</sup> In Peru, judges, lawyers, registrars, educators and staff from grassroots organizations have attended seminars on civil registration.<sup>74</sup>

## CONCLUSION

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Citizenship and nationality are vitally important prerequisites for children to enjoy all their other human rights, but children cannot secure citizenship by themselves. Recognizing this, the UN Convention on the Rights of the Child specifically declares every child's right to name and nationality.<sup>75</sup> States bound by the CRC are obligated to implement policies and programs to ensure that children's families and national authorities can secure citizenship for every child in the country. It is in the interest of all states to work together to assist countries that do not have effective registration processes in place. Pressure should be placed on countries that do not grant children citizenship for political, economic, social, religious or cultural reasons.

## ENDNOTES

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2. UNHCR, *The State of the World's Refugees 1997-1998: A Humanitarian Agenda*, 226. 1954 Convention relating to the Status of Stateless Persons, [treaty on-line]; available from [http://www.unhcr.ch/html/menu3/b/o\\_c\\_sp.htm](http://www.unhcr.ch/html/menu3/b/o_c_sp.htm); Internet; accessed 5 February 2002.

3. UNICEF, Special Session on Children Fact Sheets, [article on-line]; available from <http://www.unicef.org/specialsession/press/fastfacts.htm>; Internet; accessed 15 January 2002.

4. Unity Dow, "Birth Registration: The 'first' right," *The Progress of Nations 1998*, UNICEF, 5.

5. UNHCR, *The State of the World's Refugees 1997-1998: A Humanitarian Agenda*, 241.

6. Unity Dow, "Birth Registration: The 'first' right," *The Progress of Nations 1998*, UNICEF, 5.

7. Geraldine Van Bueren, *The International Law on the Rights of the Child*, (Cambridge, Massachusetts: Kluwer Law International, 1998), 118.

8. Research into commercial sexual exploitation of children and sex trafficking by Youth Advocate Program International staff has found numerous references to the trafficking of homeless street children and other unidentified children. See *The Sex Exploiter* by Julia O'Connell Davidson, contributed to the Second World congress Against Commercial Sexual Exploitation of Children (17-20 December 2001) by the NGO Group for the Convention on the Rights of the Child.

9. Geraldine Van Bueren, *The International Law on the Rights of the Child*, (Cambridge, Massachusetts: Kluwer Law International, 1998), 118.

10. Article 15 of the Universal Declaration of Human Rights states "1. Everyone has the right to a nationality [and] 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.", [treaty on-line]; available from <http://www1.umn.edu/humanrts/instree/b1udhr.htm>; Internet; accessed 5 February 2002.

11. The UN Convention on the Rights of the Child (CRC) is the fastest adopted international convention to date. Every country except the United States and Somalia has ratified the CRC. It entered into force on 2 September 1990, [treaty on-line]; avail-

able from <http://www.unicef.org/crc/crc.htm>; Internet; accessed 9 March 2001.

12. See the University of Minnesota Human Rights Library. American Convention on Human Rights, O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123 entered into force 18 July 1978, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992), [treaty on-line]; available from <http://www1.umn.edu/humanrts/oasinstr/zoas3con.htm>; Internet; accessed 3 October 2001.

13. UNICEF, *UNICEF Statistics–Birth Registration*, [report on-line]; available from <http://www.childinfo.org/eddb/birthreg/index.htm>; Internet; accessed 10 January 2002.

14. According to UNICEF an estimated 50 million births are unregistered each year. See article on-line; available from <http://www.childinfo.org/eddb/birthreg/index.htm>; Internet; accessed 10 December 2001.

15. Although many countries do not know the coverage of their vital registration systems, nearly one-quarter of developing countries without previous data can now report birth registration coverage thanks to the Multiple Indicator Cluster Surveys (MICS) carried out in 1999 and 2000 by UNICEF. These are household surveys developed through extensive consultation with other NGOs and carried out in numerous countries over the last two years. See, UNICEF Statistics, Birth Registration, [article on-line]; available from <http://childinfo.org/eddb/birthreg/index.htm>; Internet; accessed 26 November 2001.

16. Violeta Gonzales-Diaz, Advisor for Population Registration, UN Statistics Division, telephone interview by Laura Barnitz, Washington, DC, 6 November 2001. Gonzales-Diaz explained that several countries have registration procedures in place but have not organized the records so that reliable estimates of the percentage of registered and unregistered births may be calculated.

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18. UNHCR, *The State of the World’s Refugees 1997-1998: A Humanitarian Agenda*, 241, 254-255.

19. Unity Dow, “Birth Registration: The ‘first’ right,” 5.

20. Unity Dow, “Birth Registration: The ‘first’ right,” 5, and UNHCR, *The State of the World’s Refugees 1997-1998: A Humanitarian Agenda*, 241, 254-255.

21. Unity Dow, “Birth Registration: The ‘first’ right,” 7, 9.

22. UNHCR, *The State of the World’s Refugees 1997-1998: A Humanitarian Agenda*, 225; and Sharon Dietrick, *A Commentary on the United Nations Convention on the Rights of the Child*, (Cambridge, Massachusetts: Kluwer Law International, 1999) 147.

23. UNHCR, *The State of the World's Refugees 1997-1998: A Humanitarian Agenda*, 225.

24. Adam M. Warnke, "Vagabonds, Tinkers, and Travelers: Statelessness Among the East European Roma," 7 *Indiana Journal of Global Legal Studies*, (1999) 352. See also, UNHCR, *The State of the World's Refugees 1997-98: A Humanitarian Agenda*, 225.

25. Unity Dow, "Birth Registration: The 'first' right," 5.

26. Geraldine Van Bueren, *The International Law on the Rights of the Child*, 118 (citing the United Nations Human Rights Committee, UN Doc CCPR/C/21/Rev. 1); UNHCR, *The State of the World's Refugees 1997-98: A Humanitarian Agenda*, 254-55.

27. Sharon Dietrick, *A Commentary on the United Nations Convention on the Rights of the Child*, (Cambridge, Massachusetts: Kluwer Law International, 1999) 147. Around the world, there are an estimated 250 million child laborers, according to the International Labour Organization, and 300,000 child soldiers, according to the international Coalition Against the Use of Child Soldiers.

28. PLAN International Southeast Asia, "The Unregistered Child Project, Indonesia," Jakarta, October 1999 (prepared by Mohammad Farid, consultant for PLAN Indonesia) 14-25.

29. UNHCR, *The State of the World's Refugees 1997-1998: A Humanitarian Agenda*, 226.

30. *Ibid.*

31. UNHCR, *The State of the World's Refugees 1997-1998: A Humanitarian Agenda*, 254.

32. *Ibid.*

33. *Ibid.*

34. Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women states "1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.", [treaty on-line]; available from <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>; Internet; accessed 12 November 2001.

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36. Unity Dow, "Birth Registration: The 'first' right," 8.
37. UNHCR, *The State of the World's Refugees 1997-1998: A Humanitarian Agenda*, 255.
38. UNHCR, *The State of the World's Refugees 1997-1998: A Humanitarian Agenda*, 254.
39. UNHCR, *The State of the World's Refugees 1997-1998: A Humanitarian Agenda*, 255.
40. Unity Dow, "Birth Registration: The 'first' right," 7.
41. Ibid.
42. Inter-American Commission on Human Rights, Dominican Republic Country Report, Chp. 9, 1999, [report on-line]; available from <http://www.cidh.org/countryrep/DominicanRep99/Table.htm>; Internet; accessed 15 January 2002.
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49. Ibid., 239.
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51. UNICEF, "A Name, A Home, A Nationality", [article on-line]; available from <http://www.unicef.org/idpuzzle/puzzles.htm>; Internet; accessed 23 October 2001.
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53. Jonathan Kuttub, Palestinian human rights activist and international law expert, interview by Laura Barnitz, Washington, DC, 16 January 2002.

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55. Unity Dow, "Birth Registration: The 'first' right," 2.

56. PLAN International (in collaboration with the government of Thailand), Asian Civil Registrars General Convention, November 17-20, 1999, (report) 79.

57. Kerry Kennedy Cuomo, *Speak Truth to Power: Human Rights Defenders that are Changing the World*, (New York: Crown Publishing Group, 2000), 213.

58. Elizabeth Kim, *Ten Thousand Sorrows*, (New York: Doubleday, 2000).

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61. Violeta Gonzales-Diaz, Advisor for Population Registration, UN Statistics Division, telephone interview by Laura Barnitz, Washington, DC, 6 November 2001.

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65. UNICEF statistics, "Birth Registration," [article on-line]; available from <http://www.childinfo.org/eddb/birthreg/index.htm>; Internet; accessed 26 November 2001.

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69. *Ibid.*

70. Now citizens of Northern Ireland can obtain registration information and apply for a birth certificate on the internet, though actual registration must take place in person at the local General Registration Offices. Information can be found at the website of the General Registration Office of Northern Ireland, available from <http://www.groni.gov.uk/index.htm>; Internet; accessed 6 February 2002.

71. Unity Dow, "Birth Registration: The 'first' right," 8.

72. *Ibid.*

73. *Ibid.*

74. *Ibid.*

75. Article 7 of the Convention on the Rights of the Child specifies that the child has a right to a name at birth. The child also has the right to acquire a nationality and, as far as possible, to know his or her parents and be cared for by them, [treaty on-line]; available from <http://www.unicef.org/crc/crc.htm>; Internet; accessed 9 March 2001.

## TO LEARN MORE ABOUT STATELESS CHILDREN

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### Information and Book List

*A Commentary on the United Nations Convention on the Rights of the Child*  
Sharon Detrick, (Cambridge, Massachusetts: Kluwer Law International) © 1999.

*The International Law on the Rights of the Child*  
Geraldine Van Bueren, (Cambridge, Massachusetts: Kluwer Law International) © 1998.

Publications Available from United Nations High Commissioner for Refugees (UNHCR): Case Postale 2500, CH-1211 Genève 2 Dépôt, Switzerland  
Tel: +41 22 739 8111.

*Information and Accession Package. The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.*  
Department of International Protection, © 1996. Revised 1999.

*What would life be like if you had no nationality? (brochure)*  
Department of International Protection, © 1998.

## RESOURCE ORGANIZATIONS

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### **UNICEF**

3 UN Plaza  
New York, New York, 10017 USA  
Tel: (1) 212 326 7000  
Fax: (1) 212 887 7465  
Email: [netmaster@unicef.org](mailto:netmaster@unicef.org)  
Web site: [www.unicef.org](http://www.unicef.org)

UNICEF provides general and country-specific information as well as a searchable database.

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### **PLAN International**

Chobham House  
Christchurch Way  
Woking, Surrey GU12 1JG  
United Kingdom  
Tel: (44) (0)1483 755 155  
Fax: (44) (0)1483 756 505  
Email: [info@plan-international.org](mailto:info@plan-international.org)  
Web site: [www.plan-international.org/international/home.html](http://www.plan-international.org/international/home.html)

PLAN is a humanitarian, child-focused development organization which works on birth registration in Asia and other areas of the world.

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### **United Nations High Commission on Refugees (UNHCR)**

Case Postale 2500  
CH-1211 Genève 2 Dépôt  
Switzerland  
Tel: (41) 22 739 8111 (automatic  
switchboard)  
Web site: [www.unhcr.ch/cgi-bin/texis/vtx/home](http://www.unhcr.ch/cgi-bin/texis/vtx/home)

UNHCR addresses the specific protection needs and informs on the matter of refugees, especially focusing on children and adolescents.

"BIRTH REGISTRATION IS THE FIRST RIGHT OF THE CHILD. REGISTRATION ALSO BENEFITS GOVERNMENTS BECAUSE IF A GOVERNMENT KNOWS HOW MANY CHILDREN LIVE IN THE COUNTRY, IT CAN MORE EFFICIENTLY ALLOCATE RESOURCES."

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