

# Opening Doors for Children: Prevention of Childhood Statelessness

Good practices  
in the OSCE Area





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Good Practices in the OSCE Area



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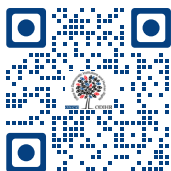
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# I. INTRODUCTION AND DEFINITIONS

All children should be able to play, learn and grow up in safety. They should have a legal identity and nationality, and they should be able to access all the rights to which they are entitled under international law. In today's world, fulfilment of the right to a nationality is vital for children, because lack of nationality can affect almost every aspect of a child's life in devastating ways. Statelessness often means that children are more likely to grow up in poverty and instability. It results in restrictions on access to education, health care, decent housing and other essentials. It can contribute to family separation and heightened risks of trafficking, exploitation and other abuse. It often prevents travel and other opportunities and, in some cases, statelessness results in children being treated like criminals — arbitrarily arrested and detained.

The words of Jirair, a young stateless person, express the despair of many others:

*“The doors of the world are closed to me.”<sup>1</sup>*

But we can open doors by ensuring that all children can access their right to a nationality. Sometimes there is a relatively simple remedy to help prevent or reduce childhood statelessness, such as abolishing administrative fees for birth registration or the acquisition of citizenship, or doing outreach to help register eligible stateless children as citizens. These remedies can make it much more likely that marginalized children acquire citizenship and can subsequently access other basic rights. Sometimes legislative changes, collaboration between various government and other agencies, free legal assistance, awareness-raising campaigns and other measures are also needed.

Nationality laws can and should protect children from being stateless. Best practice is to grant the nationality of the country of birth to all children born on the territory (birthright

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<sup>1</sup> See [I Am Here, I Belong: The urgent need to end childhood statelessness](#). UNHCR, 2015.

citizenship, or *jus soli* citizenship) and to all the children of nationals, regardless of their place of birth (*jus sanguinis*, or citizenship by descent). Another good practice is to grant the nationality of the country of birth to all children born on the territory who would otherwise be stateless, and likewise, to grant nationality to all children born to nationals outside the territory, if they would otherwise be stateless.

Universal birth registration helps prevent childhood statelessness by ensuring that children have accurate records of their place of birth, date of birth and parentage. Universal birth registration, on its own, is not enough to prevent statelessness, although it is very effective in *jus soli* jurisdictions. Birth registration is an important record that can help establish a child's legal identity and support the acquisition of nationality, especially where laws contain effective safeguards to prevent statelessness.

In the decade since UNHCR introduced the #IBelong Campaign to End Statelessness<sup>2</sup> and the Global Action Plan to End Statelessness<sup>3</sup> in 2014, many OSCE participating States have expanded their efforts to address and prevent statelessness.<sup>4</sup>

For example, in 2019, Kyrgyzstan became the first country in the world to resolve all known cases of statelessness on its territory, including for approximately 2,000 children, through targeted efforts by government agencies, non-governmental organizations and collaboration with UNHCR and other experts. In 2024, Turkmenistan became the second country to resolve all known cases of statelessness, after granting citizenship to the remaining 1,146 stateless people on its territory.<sup>5</sup> From 2014 to 2024, Central Asian countries resolved 220,550 cases of statelessness, with just 33,253 cases outstanding.

Taking up the mantle of the #IBelong Campaign, the Global Alliance to End Statelessness will build on progress achieved since 2014 and will seek solutions to statelessness through a collective and collaborative approach centred on the experiences of people affected by statelessness. The Global Alliance, launched on 14 October 2024 at the High-Level Segment on Statelessness in Geneva, is a multi-stakeholder initiative. UNHCR serves

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2 See [#IBelong](#), UNHCR, (no date).

3 See [Global Action Plan to End Statelessness](#), UNHCR, 30 November 2014.

4 There are 57 OSCE participating States: Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, North Macedonia, Malta, Moldova, Monaco, Mongolia, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Türkiye, Turkmenistan, Ukraine, United Kingdom, United States of America, Uzbekistan.

5 See [UNHCR Applauds Turkmenistan for Resolving Statelessness](#), UNHCR, 8 November 2024.



as Secretariat for the Alliance, and the OSCE participates in the Alliance through the memberships of the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities.<sup>6</sup>

The aim of this guide is to encourage OSCE participating States to adopt good practices to address and prevent childhood statelessness, ensure universal birth registration and implement other positive measures to protect stateless children. The guide summarizes the international legal framework relating to the prevention of childhood statelessness and provides examples of good practices from selected OSCE participating States. The examples illustrate particular aspects of good practices that may be replicated or adjusted as necessary. They should be implemented together with other positive measures to address statelessness and protect children's rights. The examples were selected to show a range of: geographies, reasons for statelessness, a variety of possible solutions, and gender and ethnic considerations. This guide focuses exclusively on good practices, and examples are in some cases historic rather than current. Some examples are snapshots of particular good practices, while others include more detailed summaries of a country's broader approach to statelessness. None should be considered to indicate that any specific State has an entirely effective approach to preventing childhood statelessness or protecting stateless children.

While this guide focuses on *good* practices, to meaningfully address statelessness, it is also necessary to acknowledge that certain laws, policies and practices, both within and beyond the direct sphere of nationality, create a context in which cases of statelessness are perpetuated and persist. In current global political and legal systems, State sovereignty and the legal bond between a citizen and their State remain all important. Allowing people to remain stateless undermines the values of democracy, freedom and human rights. Some practices exclude stateless people from vital services and potential solutions. For example, in some States, legal aid is available in theory, but is impractical for stateless people to access because of gaps in the legal aid regime, such as the restriction of legal aid to people who do not have identity documents and/or legal status. This denies access to potential solutions, because many stateless people have no identity documents and cannot acquire legal status without legal aid. In addition, some governments perpetuate barriers to the effective resolution of lack of nationality when they impose restrictions that inhibit peaceful, rights-based advocacy or research on statelessness by civil society organizations, particularly those that receive funding from international donors. Statelessness is a global phenomenon with local dimensions, and States should actively seek and support collaborative solutions, including with the financial

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6 [Global Alliance to End Statelessness](#) website.

assistance of international donors where possible. Stateless children and adults can suffer very serious harms due to lack of nationality, but this can change through the adoption and implementation of good practices. Access to legal assistance and the continuation of robust research and advocacy by civil society organizations is vital in this effort.

## Methodology

This publication was conceived by ODIHR, the HCNM and UNHCR to follow up on the 2017 OSCE-UNHCR *Handbook on Statelessness in the OSCE Area*.<sup>7</sup> An external expert drafted the report with instructions from, and in collaboration with ODIHR, the HCNM and UNHCR. The expert conducted desk-based research, while UNHCR, ODIHR and the HCNM provided additional information and edited the report. In late 2024, UNHCR, ODIHR and the HCNM arranged a consultation meeting with advocates who have been personally affected by statelessness, and their suggestions have been taken into account, particularly in formulating the recommendations. During their initial research, the expert also consulted with the European Network on Statelessness. The guide focuses on examples of good practice and is not intended to be a comprehensive summary of the approach to statelessness or nationality laws; shortcomings in laws and practices have not been included.

### Terminology

In this guide, the following words and phrases are used in line with [UNHCR's Master Glossary of Terms](#), with additional explanations in brackets for some terminology:

**Asylum-seekers:** Individuals who have sought international protection and whose claims for refugee status or a complementary international protection status have not yet been determined.

**Birth registration:** Refers to the process of recording a child's birth. It is a permanent and official record of a child's existence and provides legal recognition of that child's identity. It establishes a legal record of where the child was born and who the child's parents are.

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<sup>7</sup> [Handbook on Statelessness in the OSCE Area: International Standards and Good Practices](#), OSCE, UNHCR, 28 February 2017.

**Child:** “Every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”, as defined in Article 1 of the [Convention on the Rights of the Child](#). The term includes adolescents and is preferable to the term *minor*.

**Country of habitual residence:** The country in which a person usually resides. The term is specifically relevant for [stateless people](#), where it is used to define a stateless person’s [country of origin](#).

**Country of origin:** The country an [asylum-seeker](#), [refugee](#) or [migrant](#) comes from and of which they possess [nationality](#). In the case of [stateless people](#), the country where they have (or had) their [habitual residence](#), (or where they were born, depending on context).

**Foundling:** An infant or child that has been abandoned by its parents and whose parentage and identity are unknown.

**Gender equality:** Gender equality refers to the equal enjoyment of rights, responsibilities and opportunities of people of any gender. Ensuring gender equality in nationality laws is essential to reducing risks of statelessness. For example, eliminating gender discrimination in nationality legislation so that women can confer nationality on their children on an equal basis with men can help prevent childhood statelessness. Discrimination between men and women in nationality matters is addressed in a number of international human rights treaties. Article 9 of the [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW) guarantees women’s equality (i) with respect to acquisition, change, or retention of their nationality and (ii) their ability to confer nationality on their children.<sup>8</sup>

**Host country:** The country in which a non-national stays or resides, whether legally or irregularly.

***In situ* stateless person** (or stateless person, *in situ*): Stateless people that have never crossed an international border, but find themselves stateless in their ‘own

8 [Background Note on Gender Equality, Nationality Laws and Statelessness 2024](#), UNHCR, 8 March 2024, pp. 2-3. For a discussion of issues relating to childhood statelessness relating to parents’ gender or sexual identity, see Thomas McGee, ‘[Rainbow Statelessness](#)’ – [Between Sexual Citizenship and Legal Theory](#), *The Statelessness & Citizenship Review*, 2(1) (2020), pp. 86–111.

country', i.e., the country with which they have significant and long-term ties. For these individuals, [statelessness](#) is often the result of problems in the framing and implementation of [nationality](#) laws.

**Jus sanguinis:** This legal notion refers to the principle that citizenship is determined or acquired by the nationality of one or both parents, irrespective of the child's place of birth.

**Jus soli:** This legal notion, **also commonly known as birthright citizenship**, refers to the principle that any person born on the territory of a State acquires the nationality or citizenship of that State.

**Migrant:** There is no universally accepted definition of the term migrant, and the term is not defined by international law. Traditionally, the word 'migrant' has been used to designate people who move by choice rather than to escape conflict or persecution, usually across an international border ('international migrants'), for instance to join family members already abroad, to search for a livelihood or for a range of other purposes. The term is increasingly used as an umbrella term to refer to any person who moves away from their usual place of residence, whether internally or across a border and regardless of whether the movement is 'forced' or voluntary.<sup>9</sup>

**Nationality/citizenship [national/citizen]:** In this guide, 'nationality' and 'citizenship' are used to mean the same thing (unless otherwise specified): the legal bond between a person and a State, which entitles the individual to the State's protection as its national and entails legal rights and responsibilities. Nationality can be established at birth by a person's place of birth (*jus soli*) and/or bloodline (*jus sanguinis*) or can be acquired through naturalization.

**Naturalization:** The legal act or process whereby a non-national may acquire citizenship or nationality of a country, usually subject to satisfying a number of legal and procedural requirements.

**Refugee:** Any person who meets the eligibility criteria under an applicable refugee definition, as provided for in international or [regional refugee instruments](#), under

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9 [Migrant definition](#), in UNHCR Emergency Handbook, (no date).

UNHCR’s [mandate](#) or in national legislation. Under international law and UNHCR’s mandate, refugees are people outside their countries of origin who are in need of [international protection](#) because of feared persecution or a serious threat to their life, physical integrity or freedom in their [country of origin](#) as a result of [persecution](#), [armed conflict](#), violence or serious public disorder.

Note: Under international law, a person is considered a refugee as soon as they meet the relevant criteria, whether or not they have been formally recognized as a refugee. A person does not become a refugee because of recognition, but rather is recognized because they are a refugee.

**Stateless person:** A person who is “not considered as a national by any State under the operation of its law”.<sup>10</sup> Determining whether a person is stateless “is a mixed question of fact and law” (including legislation, ministerial decrees, court decisions and other sources of law) which “requires a careful analysis of how a State applies its nationality laws in an individual’s case in practice and any review/appeal decisions that may have had an impact on the individual’s status”.<sup>11</sup>

**Statelessness:** The condition of not being considered as a national by any State under the operation of its law.

Note: statelessness can occur for a variety of reasons, including but not limited to: discrimination against particular ethnic or religious groups or on the basis of gender; the dissolution of States and the emergence of new ones (State succession); transfers of territory between existing States; gaps in nationality laws; or lack of birth registration. Regardless of its cause, statelessness results in a lack of those rights attributable to nationality.

**Undetermined nationality (person of undetermined nationality):** A person who has links to more than one State that may form the basis of a claim to [nationality](#), but for whom it is unclear to which State(s) — if any — they belong. For UNHCR, a person may be assessed as being of undetermined nationality following a review verifying the following:

1. they lack proof of possession of a nationality; and either

10 [Convention relating to the Status of Stateless Persons](#), UNHCR, p. 3.

11 [Handbook on Protection of Stateless Persons](#), UNHCR, Geneva 2014, Part One, Section C, para. 23.

2. they have links to more than one State (on the basis of birth, descent, marriage, adoption or [habitual residence](#)); or
3. they are perceived and treated by authorities in the State of residence as possessing links which give rise to a claim of nationality of another State based on specific elements such as historic ties, race, ethnicity, language or religion.<sup>12</sup>

(The terms ‘undetermined nationality’ and ‘unclear nationality’ may be problematic for many stateless people. If a person’s nationality is unclear, this should trigger a prompt determination of their nationality or statelessness and implementation of an appropriate remedy. In most circumstances it is recommended to record people who identify that they are stateless as stateless or potentially stateless.)

Additional definitions can be found in [UNHCR’s Glossary of Terms](#) and in the terminology section of UNHCR’s [Refugee Data Finder](#).

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12 [International Recommendations on Statelessness Statistics](#), EGRIS, 20 January 2023, paras. 35-38.

## II. THE INTERNATIONAL LEGAL FRAMEWORK AND STANDARDS FOR BIRTH REGISTRATION AND PREVENTION OF CHILDHOOD STATELESSNESS

Individual OSCE participating States have ratified various international treaties that help prevent childhood statelessness and protect the rights of stateless children. Accession to these treaties is an important way of demonstrating commitment to achieving these aims and can help ensure that commitments will endure despite changes in the composition of a government. Commitments should not, of course, be only theoretical or ‘on paper’ — they must be implemented effectively through robust measures to achieve the stated aims, in compliance with other international standards.

The main aims, standards and obligations of international treaties relating to childhood statelessness or nationality are briefly summarized below:

The [1951 Convention relating to the Status of Refugees](#)<sup>13</sup> defines who is a refugee and sets out the rights and standards of treatment for refugees. The Convention specifically mentions people who do not have a nationality, and thus encompasses protection for stateless refugee children.

The [1954 Convention relating to the Status of Stateless Persons](#)<sup>14</sup> provides a definition of statelessness and sets out the rights and standards of treatment for stateless people (including children). Under Article 1(1), a stateless person is someone “who is not considered as a national by any State under the operation of its law”. This definition has become customary international law and thus applies in all States, whether or not they are parties to the 1954 Convention.<sup>15</sup>

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13 [Convention Relating to the Status of Refugees](#), United Nations, General Assembly Final Act No. 2545, adopted 28 July 1951.

14 [Convention Relating to the Status of Stateless Persons](#), United Nations, General Assembly Final Act No. 5158, adopted 28 September 1954.

15 See [Draft Articles on Diplomatic Protection with commentaries](#), International Law Commission (2006), p. 49, which states that the Article 1 definition can “no doubt be considered as having acquired a customary nature”.

The 1961 [Convention on the Reduction of Statelessness](#)<sup>16</sup> is the most detailed treaty in relation to preventing statelessness. It seeks both to prevent statelessness from occurring and to ensure that remedies are available for stateless people. The Convention sets out three main obligations for States Parties to prevent childhood statelessness:

1. To grant nationality to all children born on their territory who would otherwise be stateless (Article 1(1));<sup>17</sup>
2. To grant nationality to all children born outside the territory who have a parent who is a national of the State Party, if the child would otherwise be stateless (Articles 1(4) and 4); and
3. To grant nationality to any child found abandoned on the State's territory (Article 2).

Article (1)2 lists the *only* conditions which may be attached to Article (1)1:

- (a) The State must allow a period of time during adulthood during which a nationality application can be made by a stateless person, without the need for parental consent, but can impose a cut-off age by which applications must be made.
- (b) The State can require that the applicant has 'habitually resided' in the State for a certain period of time, not more than five years immediately preceding the lodging of the application nor ten years in total (UNHCR Guidelines confirm that habitual residence does not imply a lawful residence requirement<sup>18</sup>);
- (c) The State can require that the applicant has not been "convicted of an offence against national security nor ... sentenced to imprisonment for a term of five years or more on a criminal charge"; and
- (d) The State can require that the person concerned has always been stateless.

The [1966 International Covenant on Civil and Political Rights](#) (ICCPR) (Article 24)<sup>19</sup> establishes a child's right, inter alia, to: have their birth registered immediately after

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16 [Convention on the Reduction of Statelessness](#), United Nations, General Assembly Resolution 896 (IX), adopted 30 August 1961.

17 *Ibid.*, Article (1)1 states:

"A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless. Such nationality shall be granted:

(a) at birth, by operation of law, or

(b) upon an application being lodged with the appropriate authority. ..."

18 See [Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness](#), UNHCR, 21 December 2012, paras. 40-41.

19 [International Covenant on Civil and Political Rights](#), United Nations, General Assembly resolution 2200 (XXI), adopted 19 December 1966.



birth and receive a name; acquire a nationality; and be protected by the State on a non-discriminatory basis.

The 1979 [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW), Article 9(2),<sup>20</sup> requires, inter alia, that “States Parties shall grant women equal rights with men with respect to the nationality of their children.”

The 1989 [Convention on the Rights of the Child](#) (CRC)<sup>21</sup> protects children’s right to birth registration, a nationality, and identity (Articles 7-8) (specifically emphasizing situations where a child would otherwise be stateless). Additionally, CRC Article 2 prohibits discrimination, including on grounds relating to the status of a child or their parents; and Article 3 requires that States consider children’s best interests “as a primary consideration” “in all actions concerning children”. The CRC sets out many other child-specific rights, including, for example, the right to know and be cared for by their parents (Articles 7, 9-10), the right to education (Articles 28-29) and the right to play (Article 31). The UN Committee on the Rights of the Child has issued recommendations to States relating to a child’s right to nationality and has also issued decisions in relevant individual cases.<sup>22</sup>

In addition to these treaties, in accordance with its mandate relating to statelessness, established by the United Nations General Assembly, UNHCR issues guidelines and advises States on how to interpret international law relating to stateless people. UNHCR’s [Guidelines on Statelessness No. 4: Ensuring Every Child’s Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness](#)<sup>23</sup> establish international standards, including:

- The possibility of an otherwise stateless child acquiring the nationality of a parent’s State of nationality, other than the State of birth, is relevant *only if*:
  1. The nationality can be acquired immediately; and

20 [Convention on the Elimination of All Forms of Discrimination Against Women](#), United Nations, General Assembly Resolution 34/180, adopted 18 December 1979, p. 13.

21 [Convention on the Rights of the Child](#), (CRC) United Nations, General Assembly resolution 44/25, adopted 20 November 1989.

22 See [General Comment No. 6 \(2005\): Treatment of unaccompanied and separated children outside their country of origin](#), United Nations, CRC/GC/2005/6, 1 September 2005; and [Joint general comment No. 4 \(2017\) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 \(2017\) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return](#), UN CRC, UN CMW, 16 November 2017.

Additional UN CRC Committee comments can be searched through the Database on Statelessness and Human Rights of the Institute on Statelessness and Inclusion, at: <https://database.institutesi.org/>.

23 See UNHCR, [Guidelines on Statelessness No. 4](#), paras. 19-26.

2. The State has no discretion to refuse the grant of nationality; and
  3. The parents are able to register the child as a national; and
  4. There are no 'good reasons' not to register the child as a national of that State;
- A State's refusal to recognize a person as a national can be an explicit declaration or a failure to respond to queries; and
  - To determine whether a child would otherwise be stateless, the State must assess all relevant evidence.

A more detailed summary of these Guidelines is available in [Chapter V](#).

Although individual OSCE participating States may specify how children acquire that State's nationality, all States are required to comply with applicable international law. OSCE participating States should consider that it is usually in a child's best interests to acquire a nationality at birth, and States Parties to the CRC are obligated to consider children's best interests as a primary consideration.

Often, to be most effective, nationality safeguards should apply automatically and with retroactive effect. A law which allows a stateless or undocumented person to be recognized as a citizen is much more effective if it applies retroactively, because this means, for example, that the person's children born before the parent was recognized as a citizen can also be considered citizens from birth. Automatic application of nationality laws can also prevent potential problems that frequently arise when a registration application is required. For example, some States require that children, particularly if born outside the territory of their parent's country of nationality, are registered in order to acquire citizenship. If parents are unaware of this requirement or fail to register their children, this can result in the children being left stateless.

Thus, the best practice is that children who would otherwise be stateless acquire nationality automatically immediately upon birth, and that later recognition of nationality is retroactive to date of birth for individuals who should have had that nationality from birth. States should assess whether children born on their territory are considered nationals of another State under the operation of the relevant States' laws; if the child has no other nationality, the State of the child's birth may have an obligation under the 1961 Convention and the Convention on the Rights of the Child (or other international law) to grant its nationality to the child.<sup>24</sup> In States which are *jus soli* jurisdictions but have exceptions for children

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24 [Good Practices Paper, Action 2: Ensuring that no child is born stateless](#), UNHCR, 20 March 2017.

born to diplomats or migrants in transit, there should also be safeguards to ensure that such children are not left stateless.<sup>25</sup>

Other key features of effective approaches to statelessness include a low standard of proof and a shared burden of proof. It is difficult to ‘prove a negative’, and this is particularly true with respect to statelessness. Many (but not all) stateless people have little or no documentation that can prove or disprove anything relating to nationality. Furthermore, stateless people often have to endure many years without a legal identity or status and have often experienced serious trauma, persecution, marginalization or other harm. For some, this results in them being unable to explain their life histories in the linear way that some legal regimes impose. For others, it means they may not be familiar with certain facts relating to countries in which they lived, because they were excluded from many aspects of ‘normal’ life, including education and formal work opportunities. In addition to a low standard of proof, legal systems should ensure that the State shares the burden of proof — especially with respect to stateless children.<sup>26</sup> Governments often have access to information that is unavailable to a stateless person. For example, stateless migrants may not be able to obtain any information from the officials of a country in which they were born or previously lived, whereas officials of a host State may be able to obtain information, such as a response from an embassy that confirms the stateless person is not considered a national of the country of birth or former residence. Robust legal systems must ensure that these factors are adequately addressed in laws, policies and practices, so that stateless people can, in fact, access legal status and nationality even if they lack proof of statelessness.

### UN treaty body decisions on children’s right to a nationality

UN treaty bodies have decided several cases, including some originating within the OSCE region, which require States to adopt better practices to prevent childhood statelessness. These include, for example:

**Best interests and ability to acquire nationality in former country of residence:** In 2021, the UN Committee on the Rights of the Child found that, to comply with the CRC, a host State is required to assess the best interests of a stateless child as a primary consideration and take measures to verify whether the child would be able to acquire a nationality in a previous country of residence.<sup>27</sup>

25 *Ibid.*

26 UNHCR, [Handbook on Protection of Stateless Persons](#), para. 89.

27 [Decision CRC/C/88/D/95/2019](#), United Nations, UN Committee on the Rights of the Child (CRC) - A.M. (on behalf of M.K.A.H.) v. Switzerland (no 95/2019), adopted 22 September 2021.

**Statelessness determination required for the acquisition of nationality:** In 2020, the UN Human Rights Committee found that the child's right to a nationality means that host States have an obligation under the ICCPR to assess whether a child is stateless and thus eligible to acquire the nationality of the host State as a stateless child born on the territory.<sup>28</sup>

In addition to the international treaties mentioned above, some OSCE participating States are parties to various regional treaties relating to statelessness or which have an impact on stateless people's rights to residence permits, acquisition of nationality and other matters.<sup>29</sup>

It is also essential to remember that, in addition to the right to legal identity and nationality, children have many rights whilst they remain stateless, enshrined in the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights and other international and domestic law, including, for example, rights to education, health care, consideration of best interests, an adequate standard of living and freedom from arbitrary detention. States must ensure that stateless children can access all rights guaranteed to them by applicable international or domestic law and remove barriers to the full enjoyment of these rights.<sup>30</sup>

## International legal framework for birth registration

Universal birth registration is a vital measure that can greatly reduce the incidence of childhood statelessness. Birth registers record key information that is often needed to establish nationality:<sup>31</sup> place of birth, date of birth and identity of parents (and, where appropriate, the parents' nationality(ies)).

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28 [Decision CCPR/C/130/D/2918/2016](#), United Nations, UN Human Rights Committee - *D.Z. v. Netherlands*, decided 19 December 2020.

29 E.g.: [European Convention on Human Rights](#), European Court of Human Rights and Council of Europe, ETS No. 005, adopted 4 November 1950.; and [European Convention on Nationality](#), Council of Europe, ETS No. 166, adopted 6 November 1997.

30 These rights are, in many cases, also linked to Sustainable Development Goals (SDGs). For example, SDGs 1 and 2, to end poverty and hunger, cannot be achieved if stateless people – who often live in poverty due to their lack of nationality – are not included in measures to end poverty and hunger. Similarly, Target 16.9 – to provide legal identity for all – cannot be achieved if statelessness is not addressed, for example through birth registration and nationality documentation, through which children can be issued proof of legal identity. See [Briefing Note: The Sustainable Development Goals and Addressing Statelessness](#), UNHCR, 2017.

31 [Ending Childhood statelessness in Europe](#), UNHCR, UNICEF, January 2019.

Various international laws, standards and principles establish the criteria for good practices relating to birth registration to prevent statelessness. Article 24 of the ICCPR and Article 7 of the CRC establish that children have a right to birth registration immediately after birth, as well as the right to a name and to acquire a nationality. Article 29 of the 1990 International Convention on the Protection of Migrant Workers and their Families and Article 18 of the 2007 Convention on the Rights of Persons with Disabilities also confirm the right to birth registration. The CRC Committee and the Committee on the Protection of Migrant Workers have emphasized that all children should be issued birth certificates, regardless of the immigration status of the child or their parents.<sup>32</sup>

UNHCR's 2017 *Good Practices Paper, Action 7: Ensuring birth registration for the prevention of statelessness*<sup>33</sup> provides further guidance; and UNHCR and UNICEF have also published other reports and resources emphasizing the importance of birth registration and setting out criteria for good practices.<sup>34</sup> Further, the UN's 2030 Sustainable Development Agenda (Target 16.9) recognizes statelessness as a development issue and includes the aim to ensure "legal identity for all, including birth registration."<sup>35</sup>

Children whose births have been registered may be stateless in some cases, but having proof of when, where and to whom a child was born reduces the risk that they will remain without nationality. As discussed above, it is also crucial to have legal safeguards that provide nationality for children who would otherwise be stateless, in accordance with the 1961 Convention, the CRC and other international law.

The European Network on Statelessness's 2020 report, *Birth registration and the prevention of statelessness in Europe*,<sup>36</sup> expands on and provides helpful recommendations on how States should regulate and implement birth registration to comply with international standards to prevent childhood statelessness. In addition, the ENS's *Statelessness Index* contains substantial evidence of laws and practices relating to birth registration in many OSCE participating States in Europe.<sup>37</sup>

32 UN CRC, UN CMW, *Joint general comment No. 4*.

33 *Good Practices Paper, Action 7: Ensuring birth registration for the prevention of statelessness*, UNHCR, November 2017.

34 See e.g., *Background Note on Sex Discrimination in Birth Registration*, UNHCR, UNICEF, 6 July 2021; *Every Child's Birth Right: Inequities and trends in birth registration*, UNICEF, December 2013.

35 *Transforming our World: the 2030 Agenda for Sustainable Development*, UN DESA (no date).; see also UNHCR, *Good Practices Paper, Action 7*.

36 See *Birth registration and the prevention of statelessness in Europe*, ENS, May 2020.

37 *Statelessness Index* website, ENS.

**Birth registration records should include appropriate details.** The following details should be included in birth registry records and on birth certificates, which should be issued for all children:

- Full name of child
- Date of birth
- Place of birth
- Parents' full names (if known). If either or both parents' names are unknown, this should not unduly delay or prevent the child's birth being registered.

It is not necessary to list the sex of the child and doing so can be problematic for some people (particularly those who are intersex or where sex is unclear/unknown at birth). If sex is listed, there should be flexibility to record sex as intersex or unclear/unknown and to amend where appropriate.<sup>38</sup>

It is generally not desirable that birth certificates include information about the child's nationality, because civil registration authorities are not the competent authorities to determine the child's nationality at birth.<sup>39</sup>

The parents' nationalities may be included where this is clear, but if this information is not clearly evident (i.e., where no proof is available), this field should be left blank and this should not delay birth registration nor the issuance of a birth certificate.

In addition, international standards require that birth registration systems contain the following features to effectively prevent childhood statelessness:

- **Clear laws** that establish minimal criteria for birth registration, which are **applied flexibly** in favour of children to prevent statelessness.
- **Accessibility** for all children born on the territory and to children of nationals born outside the territory.
- **Procedural safeguards** that ensure universal birth registration, including access to free interpreters/translators and free legal advice if needed; and no inhibitive fees.
- **Adequate training** on the prevention of statelessness for all relevant officials.
- **Awareness-raising campaigns** for all relevant actors to ensure they understand the importance of birth registration and nationality acquisition and the correct procedures to follow.

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38 See [Guidelines on the Legislative Frameworks for Civil Registration, Vital Statistics and Identity Management Systems](#), UN DESA, New York, 2023.

39 [Child Protection Issue Brief: Birth Registration](#), UNHCR, August 2013.

- **Non-discrimination** on any basis, such as relating to parents' marital status, immigration status, ethnicity, gender or other status.

These criteria are discussed in more detail in [Chapter VI](#).

### III. OVERVIEW OF CHILDHOOD STATELESSNESS IN THE OSCE REGION

The 57 participating States of the OSCE have made various commitments regarding the protection of stateless people, including their right to nationality and access to citizenship, registration and other documentation. This is articulated, for example, in the 1992 [Helsinki Summit Declaration](#), the [Charter for European Security](#) adopted at the Istanbul Summit in 1999; the 2003 [Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area](#); and the 2007 [Ministerial Council Decision No. 10/07 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding](#). Also of relevance are the provisions related to citizenship in the 2008 [Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations](#) and the 2012 [Ljubljana Guidelines on Integration of Diverse Societies](#).<sup>40</sup> OSCE Participating States should also bear in mind HCNM's 2023 [Recommendations on the Effective Participation of National Minorities in Social and Economic Life](#), which urge States to “address barriers to full and effective social and economic participation caused by the inability to demonstrate or acquire a citizenship.”<sup>41</sup>

Of the 57 OSCE participating States, 41 are States Parties to the 1954 Convention, 35 are Parties to the 1961 Convention, and 34 are Parties to both.<sup>42</sup> At time of writing, Slovenia

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40 See [The Challenges of Change](#), (Helsinki Document 1992), CSCE, 10 July 1992; OSCE (1999) [Charter for European Security](#), (Istanbul Document 1999), OSCE, 18 November 1999; [Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area](#), OSCE/ODIHR, 27 November 2003; [OSCE Ministerial Council Decision No. 10/07](#), “Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding”, Madrid, 3 December 2007; [Bolzano/ Bozen Recommendations on National Minorities in Inter-State Relations](#), OSCE/HCNM, 20 June 2008; [Ljubljana Guidelines on Integration of Diverse Societies](#), OSCE/HCNM, 7 November 2012.

41 [Recommendations on the Effective Participation of National Minorities in Social and Economic Life & Explanatory Note](#), OSCE/HCNM, 24 October 2023, p. 28: “States should address barriers to full and effective social and economic participation caused by the inability to demonstrate or acquire a citizenship. This should include taking all available measures to end statelessness, such as ensuring that no child is born stateless, implementing proper birth registration, ensuring equal access to documentation, and removing any ethnic, religious, linguistic or gender discrimination from citizenship laws.”

42 See Annex I: States Parties to the 1954 and 1961 UN Statelessness Conventions in the OSCE Area.



was the most recent country to accede to the 1961 Convention, in March 2025.<sup>43</sup> Many OSCE participating States are Parties to other relevant international treaties, as well as regional treaties which include obligations to prevent childhood statelessness. For example, almost all OSCE participating States are also Parties to the CRC, and many OSCE participating States are also members of the Council of Europe and bound by the European Convention on Human Rights (and subject to the jurisdiction of the European Court of Human Rights); and all Member States of the European Union are participating States of the OSCE and are bound by EU law and subject to the jurisdiction of the Court of Justice of the European Union.<sup>44</sup>

The OSCE participating States have different historical backgrounds, and it can be helpful to consider these variations in relation to differences in the causes of and remedies for statelessness. However, in spite of these differences, all OSCE participating States have enacted legislation which includes at least partial safeguards to prevent and/or reduce childhood statelessness.

Despite significant progress on the identification of statelessness, lack of nationality is still too often unrecognized or under-recorded throughout the world, including in many OSCE participating States. There are various challenges in identifying stateless people and quantifying statelessness. Stateless people who have no identity documents or residence permits are often in the most difficult situations and are the least likely to be counted in statelessness statistics. Stateless asylum-seekers and refugees are often counted in asylum statistics, but not necessarily identified as stateless, and refugee children are sometimes attributed the nationality of their parent(s), without a determination of whether the children actually hold that nationality. People from certain occupied or disputed States or territories are granted protection as stateless people in some OSCE participating States but not in others; and some stateless people are acknowledged to be ‘non-citizens’, but denied recognition as stateless people.

Population and housing census exercises present a valuable opportunity in most national contexts to improve the quality of statelessness statistics, which can be compared across the census cycles. The practice of collecting such data through a census should be encouraged in all OSCE participating States, with appropriate precautions (e.g., so as not to lead to arbitrary detention and/or futile efforts to remove stateless people who have been unable to regularize their status).

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43 See [Slovenia sets positive example in defending rights by acceding to Statelessness Convention](#), UNHCR, 17 March 2025.

44 See [The European Union](#), OSCE website, (no date).

## Estimates of stateless populations in the OSCE region

Despite the complexities of measuring statelessness, as a reference point, available data included in the 2017 *Handbook on Statelessness in the OSCE Area* indicated that, at the end of 2015, there were at least 722,000 stateless people with no or unclear citizenship status in the OSCE area. UNHCR data received from States shows **an estimated 483,947 stateless people in the OSCE region as of end-2024**.<sup>45</sup> However, there have been significant changes in the way some States measure and record statelessness, so the figures from 2015 and 2024 cannot be considered a like-for-like comparison. In addition, it is important to acknowledge that States differ in the way they collect and record this data, so it does not necessarily represent the same cohorts of people across countries. The data also likely underestimates the actual number of stateless people in many countries, as many people's statelessness remains unrecorded, and there is no data available for some countries. There is also insufficient data disaggregated by age available for most countries, making it impossible to provide an accurate estimate of the number of stateless children in the OSCE area. Despite these issues, the efforts of many OSCE participating States since 2014 suggest that there has likely been a significant reduction in the number of stateless people residing in the OSCE region.

## Causes of statelessness

In OSCE participating States, childhood statelessness has various causes; discriminatory laws and/or treatment are often the root cause. Discrimination may be related to ethnicity, political affiliation, or the status or a characteristic of a parent or parents, including gender (e.g., where nationality cannot transmit through women), immigration status, or marital status. Laws in some States discriminate against children in mixed-nationality families, children whose parents were not married and children born through surrogacy or assisted reproduction. Statelessness also arises in connection with colonization and de-colonization, occupation, the dissolution of States and gaps or contradictions in nationality legislation. Migration (often, but not necessarily, forced) is both a cause and consequence of statelessness; but statelessness also arises among national minorities and/or marginalized groups long residing in some OSCE participating States (*in situ* statelessness). Statelessness is sometimes more common for people in border areas, less-developed areas or remote regions, particularly where birth registration is not universal and there are challenges in proving place of birth and other details. Some marginalized

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45 See Annex II, extrapolated from [Annexes for Global and Mid-Year Trends 2024](#), UNHCR, data as of end-2024, [Annex 1 - Populations protected and / or assisted by UNHCR by country/territory of asylum.](#); Data and statistics are also available at the UNHCR [Refugee Data Finder](#).

groups are less likely to register births, sometimes due to distrust of authorities and/or cultural traditions. Moreover, in some contexts, displacement driven by climate change and natural disasters may also lead to statelessness.<sup>46</sup> Statelessness is often inter-generational, and effective approaches to childhood statelessness must prevent transmission from parents to children.

**Populations with a higher risk or incidence of statelessness in OSCE participating States** include (but are not limited to) the following factors, which sometimes overlap:

- People in or from a dissolved State who have not gained the nationality of a successor State, or who have no nationality after a transfer of territories between existing States, in both cases usually due to gaps in legislation; not being resident during a particular time period; not being registered as a citizen, for example, because they could not pay a fee or for other reasons; and/or being barred from citizenship for ethnic and/or political reasons.
- People from border areas or remote areas, whose births are not registered, often common amongst indigenous or nomadic cross-border communities.
- People belonging to national minorities, including but not limited to Roma and Sinti, whose births may be less likely to be registered, who may have reason to distrust authorities, who lack access to the procedures, and/or who may live in poverty and be unable to pay fees.<sup>47</sup> In some OSCE participating States, for example, Romani communities face intergenerational barriers to birth registration, including lack of a legally registered address and lack of access to reproductive health care, especially for Romani women living in rural areas. Those who lack identity documents, health insurance and/or sufficient income may be more likely to have home births and less likely to register children's births, in part due to the lack of required documents, and thus some become stateless.<sup>48</sup>
- People deprived of nationality for political reasons (and their family members), including for example, the children of human rights advocates.

46 See e.g., [Climate Change and Statelessness: An Overview](#), UNHCR, 15 May 2009; Michelle Foster, et al., [Preventing Statelessness and Nationality Loss in the Context of Climate Change](#), ENS, 19 May 2022.

47 See UNHCR, UNICEF, [Ending Childhood Statelessness in Europe](#).

48 See ENS, [Birth registration and the prevention of statelessness in Europe](#), p. 9.

- Refugees and migrants from countries that do not recognize the nationality of their ethnic or other minority groups.
- Children whose mothers are nationals of countries that restrict or prohibit the transmission of nationality through women, where fathers are stateless or are missing, absent or dead.
- People from States or territories that have no nationality law, are occupied and/or are not universally recognized as States.
- People from countries or communities with low birth registration rates who lack documents confirming nationality.
- Children in countries where laws do not recognize the validity of the parents' marriage and/or permit transmission of nationality through both parents for reasons relating to the parents' gender or sexual orientation.
- Children born through surrogacy or assisted reproduction, where laws do not recognize the surrogacy agreement or the parentage of the intended parents and the child does not have nationality through the biological mother.
- Descendants of the above groups.

The wide range of causes and contexts of statelessness shows the need for solutions based on stateless people's particular context — there is no single remedy that applies in every situation. However, there are some common standards and approaches that are effective in various contexts.

One common safeguard against childhood statelessness present in most OSCE participating States is the enactment of *jus sanguinis* laws, allowing transmission of nationality by descent from parents, both mothers and fathers. However, this is only a partial safeguard against statelessness. Some countries' laws do not extend nationality by descent to all children of their nationals, especially those born outside the territory after the first generation. Several OSCE participating States have safeguards that ensure nationality for children born on their territory (*jus soli* laws) or for children born on the territory who would otherwise be stateless. However, some of these laws have wording variations or extraneous requirements that do not comply with the 1961 Convention (such as lawful residence requirements or requirements to apply to register as a citizen of another State which has a discretionary citizenship regime). Many OSCE participating States have legal

safeguards for children adopted by nationals; and many also have provisions to grant nationality to foundlings (children found on the territory whose parentage is unknown), but laws vary in terms of age restrictions for foundlings and requirements for adoption. Relatively few OSCE participating States have implemented safeguards that effectively ensure nationality for all children, regardless of the administrative or immigration status or gender of their parents. Many OSCE participating States have high rates of birth registration and laws prohibiting discrimination, but these are not always applied to effectively ensure that all children's births are registered or that all eligible children can acquire nationality. Only a few OSCE participating States have effective, explicit prohibitions on information sharing between birth registers and immigration enforcement, robust nationality determination procedures, or child-friendly statelessness determination procedures.<sup>49</sup>

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49 See e.g., [Statelessness and the Right to a Nationality in Europe: Progress, Challenges and Opportunities](#), International conference and technical meetings of experts Strasbourg, 23-24 September 2021, Council of Europe, July 2022; and [Birth registration and the prevention of statelessness in Europe](#), updated November 2024, ENS, 2024.

## IV. CONSEQUENCES OF CHILDHOOD STATELESSNESS

*“I question my very existence, my very essence of being human.  
We don’t want to live or die as ghosts.”<sup>50</sup>*

Stateless children often experience a pernicious array of consequences caused by or linked to lack of nationality. The impacts of childhood statelessness extend beyond individuals, to families, communities and broader societies. Such hardships and human rights violations can relate to the essence of being a child (e.g., the right to play and live in a secure environment), as well as other essentials of life such as education, health and employment (for older children).

**Consequences of statelessness** may include but are not limited to:

- Poverty, lack of adequate food, insecure housing and/or homelessness, and limited or no access to social welfare benefits
- Limited or no access to health care, including vaccinations, sometimes resulting in serious illness, suffering or death
- Discrimination and exclusion from various spheres of life
- Psychological harm related to discrimination, exclusion and other rights violations
- Limited or no access to education, graduation or certification due to lack of identity documents
- Limitations on the fulfilment of the right to play in safe environments
- Limited or no access to birth registration, birth certificates and identity documents

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50 See Donald Kerwin, Daniela Alulema, Michael Nicholson and Robert Warren, [Statelessness in the United States: A Study to Estimate and Profile the US Stateless Population](#), *Journal on Migration and Human Security*, 8(2), 2 June 2020.

- Under-age work in order to survive; for older children and young adults, limited or no access to lawful employment or careers that require nationality and/or identity documentation
- Child marriage (especially of girls), sometimes in order to seek security for the child and/or family
- Trafficking, exploitation, forced recruitment into armed groups, sexual abuse and other harms
- Limited or no access to justice
- Forced displacement (internal or international), especially in contexts of mass arbitrary deprivation or denial of nationality
- Loss of culture, language, or identity (often linked to forced displacement)
- Inability to travel lawfully across borders, denial of educational and other opportunities, and in some contexts, risks related to staying in unsafe areas
- Family separation
- Inability of stateless parents to officially marry, with impacts for children
- Inability of stateless parents to own property, access bank accounts and other financial institutions, or take lawful employment, leaving children in poverty and insecurity
- Inability of stateless parents and older children (where eligible) to participate fully in democratic processes such as voting, leaving them disadvantaged
- Social/political tensions or armed conflict relating to statelessness, sometimes leading to displacement, instability and psychological and/or physical harm
- Arbitrary harassment by police, arrest and detention, sometimes for lengthy periods and/or on multiple occasions<sup>51</sup>

All or most of these harms are avoidable, and the seriousness of the consequences of childhood statelessness should motivate OSCE participating States to adopt good practices to prevent and address childhood statelessness as a matter of urgency.

51 See e.g., [Background Note on Sex Discrimination in Birth Registration](#), UNHCR, UNICEF, 6 July 2021; UNHCR, [I Am Here, I Belong](#); OSCE and UNHCR, [Handbook on Statelessness in the OSCE Area](#); [The Child's Right to a Nationality and Childhood statelessness: Texts and Materials](#), UNICEF, ISI, 2020.

## V. GOOD PRACTICES IN NATIONALITY LAWS FOR THE PREVENTION OF CHILDHOOD STATELESSNESS

### Safeguards against childhood statelessness

When stateless children are protected and/or granted a nationality, their lives can dramatically improve. As Linda, who was stateless from birth, said of being granted citizenship and being able to work, travel and do many other things:

*“It was a very emotional moment ... I felt that now I definitely exist.”*<sup>52</sup>

Nationality laws can protect children from being stateless at birth or later in childhood. The most effective safeguard to prevent childhood statelessness is one which grants the nationality of the country of birth to all children born on the territory. This *jus soli* type of law is common in the Americas, including in Canada. Another effective measure is a law which grants the nationality of the country of birth to all children born on the territory who would otherwise be stateless.

OSCE participating States should apply the definition of a stateless person set out in the 1954 Convention, and laws to prevent childhood statelessness should fulfil all the requirements of the 1961 Convention. The wording of laws should follow the wording of the 1961 Convention. There should be no requirements for acquisition of nationality beyond the permissible conditions set out in the 1961 Convention.<sup>53</sup> OSCE participating States should also comply with other applicable international human rights law and standards and the decisions of UN treaty bodies. They should adhere in particular to UNHCR’s *Guidelines on Statelessness No. 4: Ensuring Every Child’s Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness*.<sup>54</sup> States should not impose lawful residence or status requirements for the parents in order for

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52 Quote by Linda, a previously stateless person, after gaining Russian citizenship; see Dinara Galakhova, “It was a very emotional moment ... I felt that now I definitely exist”, UNHCR news story, 18 November 2020.

53 UNHCR, *Guidelines on Statelessness No. 4*.

54 *Convention on the Reduction of Statelessness*, United Nations, General Assembly Resolution 896 (IX), adopted 30 August 1961, paras. 19-26.



the child to acquire the nationality of their country of birth. There should be no language requirements, no good character requirements beyond those established in the 1961 Convention, and no prohibitive fees or other barriers to the acquisition of nationality.

Any restrictions on nationality relating to criminality should be narrowly construed, in line with international human rights law, and any convictions must have been made in accordance with adequate due process safeguards — i.e., if a person has been arbitrarily convicted of an offence, or their prosecution amounted to *persecution*, they cannot properly be excluded from the protections of the statelessness conventions for this reason. OSCE participating States should also consider that refugees and stateless people may not be able to acquire documents proving lack of criminal history in another country. In an example of good practice in this regard, in 2014, Bosnia and Herzegovina adopted a by-law exempting stateless people from the requirement to provide documents from other countries to prove they have no criminal history when applying for naturalization.<sup>55</sup>

Best practice is for nationality to be acquired automatically at birth. If nationality is not acquired at birth, there should either be no cut-off in the age by which an entitlement to nationality is lost, or, if there is a deadline, there must be a period of eligibility to acquire nationality when the child reaches adulthood; and there should be allowances made in exceptional cases where the deadline is not met, to avoid penalising stateless people for the failure of their parents, the State or others to address their statelessness during their childhood.<sup>56</sup>

It is also good practice to adopt legal provisions to facilitate the acquisition of nationality for children in particularly vulnerable situations, such as the children of national minorities, refugees or victims of trafficking.

Furthermore, safeguards against statelessness must protect children from discriminatory laws; for example, laws which do not allow women to confer nationality to their children on an equal basis with men, or laws which do not allow children to acquire nationality due

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55 [Law on Citizenship](#), Bosnia and Herzegovina/Ministry of Civil Affairs, Official Gazette of BiH, No. 4/97, 13/99, 41/02, 6/03, 14/03, 82/05, 43/09, 76/09 and 87/13, adopted 22 January 2014 [in Bosnian]; see also [Good practices in nationality laws for the prevention and reduction of statelessness](#), UNHCR, IPU, November 2018, p. 23.

56 See UNHCR, [Guidelines on Statelessness No. 4](#); UNHCR, UNICEF, [Ending Childhood Statelessness in Europe](#); UNHCR and IPU, [Good practices in nationality laws for the prevention and reduction of statelessness](#).

to the gender of their parents or because they were born through surrogacy or assisted reproduction.<sup>57</sup>

In addition to enacting laws to prevent childhood statelessness, it is also vital that States take measures to identify stateless people, raise their awareness of nationality acquisition, and ensure that nationality laws are implemented effectively. This requires effective procedures, robust training of officials, outreach to affected people, accessible expert legal assistance and continual monitoring of access to procedures, decision-making and other practices.

### **Good practice indicators for preventing childhood statelessness<sup>58</sup>**

- Party to 1954 and 1961 Conventions without significant reservation
- Public commitments to address childhood statelessness, e.g., pledges, strategies, action plans
- Mapping exercises and reviews of situations of stateless people
- Robust data collection on stateless populations: disaggregated, effective and transparent methodologies, especially to reach populations at heightened risk of statelessness, published regularly
- Awareness raising and education for affected people (and family members) and for all officials who may be in a position to identify statelessness; in particular, government informs parents about children's nationality rights, especially if a child's nationality is unclear
- Mobile teams, cooperation and community outreach where needed to overcome barriers, especially to reach marginalized people
- Regular, effective consultation with people who have lived experience of statelessness
- Accessible and robust nationality and statelessness determination procedure with child-friendly features, appropriate burden and standard of proof, and adequate procedural safeguards

57 See [Good practices paper – Action 3: Removing gender discrimination from nationality laws](#), UNHCR, 6 March 2015; [Background Note on gender equality, nationality laws and statelessness](#), UNHCR, 8 March 2018; UNHCR and IPU, [Good practices in nationality laws for the prevention and reduction of statelessness](#).

58 See [Global Action Plan to End Statelessness 2.0](#), UNHCR, 2 October 2014.

- Access to free, independent, confidential, expert legal advice and interpretation as needed
- Effective training for decision-makers in all relevant agencies
- Effective monitoring of decision-making
- Effective, accessible remedies against refusal of birth registration or nationality applications

## Content of nationality laws and policies to comply with the 1954 and 1961 Conventions

UNHCR's *Guidelines on Statelessness, Number 4* provide essential guidance on how the 1961 Convention should be interpreted and implemented by Parties, including, but not limited to:

1. The 1961 Convention should be interpreted in a way that complies with other relevant international law. (Paras. 6-12, 34, 35)
2. States must define statelessness in line with the 1954 Convention definition, which is widely acknowledged to have become customary international law. (Para. 16)
3. Children have the right to acquire a nationality at birth or as soon as possible thereafter. (Para. 11)
4. States should not classify children as being of 'undetermined nationality' for prolonged periods; they should determine the child's nationality as soon as possible, and within a maximum period of five years. (Para. 22)
5. States that grant their nationality automatically at birth to children who would otherwise be stateless are to treat children of undetermined nationality as having that State's nationality unless it is proven that the child has another nationality. (Para. 23)
6. If a State requires registration in order for a child who would otherwise be stateless to acquire the nationality of that State, the State may impose *only* the four conditions set out in the 1961 Convention, which include:
  - a fixed period for lodging an application immediately following the age of majority (Article 1(2)(a));
  - habitual residence in the Contracting State for a fixed period, not exceeding five years immediately preceding an application nor ten years in all (Article 1(2)(b));

- [limited] restrictions on criminal history (Article 1(2)(c)); and
  - the condition that an individual has always been stateless (Article 1(2)(d)).
7. The *Guidelines* confirm that “Imposition of any other conditions would violate the terms of the 1961 Convention” and, in particular, that it is not permissible to require that the child’s parents are lawfully present or resident in the State, nor to provide only a discretionary option for an otherwise stateless child to acquire the nationality of their State of birth. (Paras. 36-37). The conditions permitted by the 1961 Convention do not include payment of a fee. (Para. 54)
  8. States must accept that a person is not a national of a particular State if the authorities of that State refuse to recognize that person as a national, explicitly or by failing to respond to enquiries. (Para. 19) A good practice in relation to this requirement (which exists in Portugal) is the application of a legal presumption of non-nationality if the authorities of another country do not respond to nationality enquiries within three months.
  9. States have an obligation to provide detailed information about how the child can acquire nationality to the parents of children born on their territory who will be stateless if not granted that State’s nationality. General information available to the public is not sufficient. (Paras. 53-54)
  10. Birth registration is vital for all children and is mandatory in States Parties to the CRC. (Para. 55)
  11. States are obligated to grant their nationality to children found abandoned on their territory (foundlings). The Convention does not specify an age limit for a child to be considered a foundling. At a minimum, children who are unable to communicate about their identity or origin should be considered foundlings. (Paras. 57-60)
  12. Children who have no legally recognized parent must be considered foundlings and granted the nationality of the State of their birth. (Para. 61)
  13. Children born on ships or aircraft of any kind are entitled to the nationality of the State Party in which the ship or aircraft is registered. (Paras. 62-63)

States should also have regard to UNHCR’s *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*.<sup>59</sup> These *Guidelines* emphasize that the 1961 Convention prohibits deprivation of nationality that results in statelessness (except in certain very limited circumstances) and that all States (not just Parties to the

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59 [Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness](#), UNHCR, May 2020.

1961 Convention) are subject to a general prohibition on arbitrary deprivation of nationality. Related good practices include, inter alia, safeguards against loss of nationality resulting in statelessness (including derivative loss, i.e., where parents lose their nationality, children do not also lose nationality).

## Who can identify statelessness?

In addition to statelessness and nationality determination procedures, statelessness may be identified in various other contexts, and it is good practice for officials working in these procedures to be able to identify a possibility of statelessness so they can refer the affected person to seek appropriate assistance. Statelessness may be identified in many different contexts, including but not limited to:

- Birth registration procedures
- International protection procedures
- Dublin Regulation procedures (in the EU context)
- Refugee or statelessness family reunification procedures
- Passport application procedures
- Stateless people travel document application procedures
- Immigration detention procedures
- Removal (and deportation) procedures
- Refugee resettlement procedures
- Other immigration or human rights procedures
- Identification process of unaccompanied and separated children
- Criminal proceedings
- Welfare benefits (including asylum accommodation and support) eligibility procedures
- Social care and family court procedures
- School and university admission procedures
- Public health access procedures
- Appeal and judicial review procedures relating to any of the above<sup>60</sup>

60 This list, originally prepared by Cynthia Orchard, can be found in [Toolkit to identify and address statelessness in Czechia](#), ENS, OPU, January 2024, pp. 9-10.

## Good practices in OSCE participating States

OSCE participating States have introduced various good practices in their nationality laws and procedures which help prevent childhood statelessness. Selected examples are provided below. These examples are not intended to be a comprehensive summary of the approach to statelessness or nationality laws; shortcomings in laws and practices have not been included. Some examples may be historic. All examples illustrate an element of good practice, but in all OSCE participating States there is generally a need for more holistic, comprehensive approaches to statelessness. To comprehensively address statelessness, nationality laws must include the following safeguards:

- **Born on territory:** People born on the territory of X are citizens of X by birth.
- **Born stateless on territory:** People born on the territory of X who would otherwise be stateless are citizens of X by birth.
- **Foundlings:** A child shall be considered a citizen of X if he/she is found on the territory and his/her parents are unknown.
- **Citizenship by descent:** A person born to a parent who is a national of X is a citizen of X automatically at birth.
- **Citizenship by descent statelessness safeguard:** A person born outside the territory of X to a parent who is a national of X is a citizen of X automatically at birth if he or she would otherwise be stateless.

## Albania

### Population overview

In 2018, the Tirana Legal Aid Society and UNHCR published a statelessness mapping study that identified 1,031 people at risk of statelessness, of whom 97 per cent were children.<sup>61</sup> Most were entitled to Albanian nationality but faced barriers to obtaining confirmation of their citizenship. People from Roma and Egyptian communities comprised about half of the recorded cases of people at risk of statelessness, representing about 0.4-3.3 per cent of the Albanian population.

According to UNHCR data, there were 2,203 recorded stateless people and people with undetermined nationality in Albania by the end of 2024.<sup>62</sup> Not all in this group are necessarily stateless — a significant number of them are of “undetermined nationality” and may be Albanian nationals who will receive confirmation of this after applying through official procedures.

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61 [Mapping of the Population at Risk of Statelessness in Albania](#), UNHCR, May 2018.

62 UNHCR's [Refugee Data Finder](#).

## Measures to reduce statelessness

Albania's nationality law now contains several safeguards against childhood statelessness. The law provides for a child's right to free birth registration immediately after birth, and children born outside Albania to an Albanian national can be registered at the request of the parent and obtain Albanian nationality (with some limitations). The child also has a right to a name and a nationality and other rights. There are further safeguards against statelessness for foundlings and adopted children.<sup>63</sup>

The Government amended the Law on Citizenship in 2020 to stipulate that "A child born or found within the territory of the Republic of Albania and who may remain stateless acquires Albanian nationality."<sup>64</sup>

The provision has an automatic impact once it is proven, upon registering a birth, that the child was born on the territory and "may remain stateless". The law does not require proof that the child cannot obtain another nationality, nor that the parents are stateless. There is no age cut-off for the acquisition of nationality of a child born in Albania, and the application is free. There is no distinction in the law based on the parents' marital status, and citizenship by descent is conferred through either the mother or father. A period of lawful residence on the territory is not required, but parents without identity documents or whose presence is irregular may encounter difficulties in registering their child's birth.<sup>65</sup>

A child born in Albania to parents with another nationality who are lawfully residing in Albania may obtain Albanian citizenship with the consent of both parents.<sup>66</sup> If the parents are Albanian citizens and have proof of this, their nationality is confirmed in an electronic register of nationals and the child is recorded as being an Albanian citizen.<sup>67</sup> If the parent(s) are stateless, have no identity documents and/or no permission to live in Albania, the child can be registered based on a declaration by the parent(s). According to the law on Civil Status, if any errors are made, such as the incorrect attribution of a child's nationality, the administrative court has the authority to issue a decision for the civil registration authorities to correct the child's nationality.<sup>68</sup>

63 See [Law No. 113/2020 "On Nationality"](#), Official Gazette of the Republic of Albania, published 28 September 2020 [in Albanian]; to access the relevant provisions of the nationality law and other laws, see of [Statelessness Index Survey 2022: Albania](#), ENS, 2022, PRS.3.a-6.a, pp. 22-24.

64 *Ibid.*, Art. 7/1.

65 See ENS, [Statelessness Index Survey 2022: Albania](#), PRS 1-6, pp. 20-26.

66 [Law No. 113/2020 on Citizenship \(as amended by Law No. 77/2023, date 02.05.2024\)](#), Article 7/3.

67 *Ibid.*, Article 5.

68 [Law No. 10 129 on Civil Status](#), 11.05.2009 (as amended 06 June 2024), Article 36 and Article 38/1.

In addition to the 2020 amendments to the nationality law, the Government adopted a statelessness determination procedure in 2021 and, in 2023, introduced an instruction relating to its implementation and regulation, both of which indicate additional improvements in Albania's approach to statelessness.

Albania has a "National Register of Civil Status", which is the state database where civil status is recorded and updated for every Albanian citizen, as well as foreigners with a residence permit, foreign nationals who have refugee status or subsidiary protection, and stateless people with residence or a place to stay in the Republic of Albania.

## The impact of safeguards against childhood statelessness

Albania has recently taken steps to prevent and reduce the risk of statelessness and has pledged to address remaining gaps in the legal framework. At the Global Refugee Forum in 2023, Albania pledged to "fully implement the relevant provisions of the revised Civil Status Law aimed at eliminating statelessness by the end of 2024" and to have reviewed and operationalized the Statelessness Determination Procedure to ensure the rights and obligations of recognized stateless people by the end of 2024.<sup>69</sup> The changes to Albania's nationality law, especially the 2020 amendment, have resulted in significantly more of the children born in Albania being granted Albanian nationality rather than remaining stateless.

## Kyrgyzstan

### Population overview

Statelessness in Kyrgyzstan is primarily linked to the dissolution of the former Soviet Union and related factors. Many people throughout Central Asia, including in Kyrgyzstan, were left stateless in the 1990s due to gaps or contradictions in nationality laws. By 2014, approximately 2,000 stateless children had been identified in Kyrgyzstan. This was an inter-generational gap; they were stateless because their parents were stateless or lacked documents proving nationality.

In 2019, Kyrgyzstan became the first country to resolve the lack of citizenship of all known stateless people. From 2014 to 2019, collaborative efforts by the Kyrgyz Government, UNHCR, Ferghana Valley Lawyers Without Borders and others resulted in the reduction of the number of stateless people from 13,700 to zero.<sup>70</sup>

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69 UNHCRs 2023 [Global Refugee Forum](#); [Statement from Albania](#), UNHCR 2023 Global Refugee Forum.

70 These efforts led to Azizbek Ashurov, the head of Ferghana Valley Lawyers Without Borders, being awarded the prestigious Nansen Refugee Award. See [Azizbek Ashurov from Kyrgyzstan wins UNHCR Nansen Refugee Award 2019](#), UNHCR (no date).



## Measures to reduce statelessness

Approximately 2,000 children were granted citizenship of Kyrgyzstan as part of this campaign.<sup>71</sup> This success was partly due to NGO mobile teams' outreach to stateless people, including by horseback in the most remote areas.<sup>72</sup> In addition, the Government amended the nationality law to prevent or resolve statelessness. Since 2019, a couple of hundred stateless people have been identified, and their situation has been or is being addressed.

Birth registration law and procedures in Kyrgyzstan are robust and generally comply with international standards. Amendments to the law on Civil Status introduced on 16 March 2023 aim to ensure the registration of birth of all children born in the country, including children born to undocumented or stateless parents. The law has retroactive effect, allowing the registration of children born to undocumented or stateless parents before the law came into effect, who previously could not be registered.<sup>73</sup>

The nationality law contains several safeguards that prevent childhood statelessness. The law provides that a child who has at least one parent who is a citizen of Kyrgyzstan acquires citizenship automatically at birth, regardless of whether the child is born in Kyrgyzstan or elsewhere.<sup>74</sup> In addition, a child who is born in Kyrgyzstan to parents (or a single parent) who are stateless acquires citizenship automatically at birth. The parent or parents must be officially recognized as stateless. (However, this occurs rarely, on an ad hoc basis, as there is no statelessness determination procedure). Furthermore, a child born in Kyrgyzstan to a single parent or parents who is/are citizens of another State acquires Kyrgyz citizenship if the State of the parents' citizenship "fails to grant citizenship

71 [Kyrgyzstan Ends Statelessness in Historic First](#), UNHCR press release, 4 July 2019.

72 Kate Bond, [Intrepid Lawyer Achieves Quest to Eradicate Statelessness in Kyrgyzstan](#), UNHCR stories, 2 October 2019.

73 [On Civil Status Acts](#), Kyrgyz Republic, Law No. 110, adopted 1 August 2020 including amendments 16 March 2023; see also [Statelessness in the Kyrgyz Republic \(2nd ed.\)](#), UNHCR, May 2023, pp. 20-21; [Ground-breaking Law Means Every Child in Kyrgyzstan Will Have Right to a Birth Certificate](#), UNHCR, 26 May 2023.

74 [On Citizenship of the Kyrgyz Republic](#), Kyrgyz Republic, Law No. 70, adopted 21 May 2007 including amendments 22 February 2023, Art. 12, paras. 2-3

If only one parent is a Kyrgyz citizen, the other parent can be a national of another country, stateless or unknown. For children who acquire another nationality at birth, the parents can file a joint application renouncing the child's Kyrgyz citizenship if they wish. The law states:

- "2. The child, one of whose parents has been the citizen of the Kyrgyz Republic, and another parent has been the foreign national, shall be the citizen of the Kyrgyz Republic, except for the case when the child's parents file a joint application to renounce the citizenship of the Kyrgyz Republic regarding the child, who acquires foreign citizenship at birth.
- "3. The child, one of whose parents has been the citizen of the Kyrgyz Republic, and other parent has been the stateless person or unknown at the time of the child's birth, shall be the citizen of the Kyrgyz Republic regardless of the place of birth."

to the child”.<sup>75</sup> There is also a provision for foundlings, which confirms that a child living in Kyrgyzstan whose parents are unknown is a citizen of Kyrgyzstan. Helpfully, there is no age limit — it applies to all children under the age of 18. A birth certificate is not proof of citizenship but can be used to apply for a passport, which will trigger determination of the child’s citizenship.

The law does not allow deprivation of citizenship of children, or anyone: the Constitution of the Kyrgyz Republic, Article 51, Part 2 states: “No citizen of the Kyrgyz Republic may be deprived of his or her citizenship.” However, Kyrgyz citizenship may be “lost” in certain circumstances. UNHCR considered, as of May 2023, that these grounds were compliant with the 1961 Convention.<sup>76</sup> Since February 2023, the Law on Citizenship (Article 24) prevents renunciation of citizenship if it will result in statelessness.<sup>77</sup>

Since 2023, the law defines statelessness in terms consistent with the 1954 Convention definition.<sup>78</sup> Previously, the law required evidence of lack of citizenship in another country, but, in a positive development, this requirement was removed in a 2023 amendment to the nationality law.

In May 2023, the Government adopted amendments to the Law on the Legal Status of Foreign Citizens which authorize the establishment of a comprehensive statelessness determination procedure, allowing for further safeguards, including for children who were not born on the territory.<sup>79</sup>

## The impact of safeguards against childhood statelessness

Kyrgyzstan’s strong measures to address statelessness resulted in the number of stateless children (and adults) falling to zero in 2019. Very few cases of statelessness have arisen since 2019, and these are being addressed through continuing efforts.

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75 *Ibid.*, Art. 12, paras. 4-5.:

- “4. The child born on the territory of the Kyrgyz Republic, whose parents or single parent are stateless persons, shall be the citizen of the Kyrgyz Republic.
5. The child born on the territory of the Kyrgyz Republic, whose both parents or single parent are foreign nationals, shall be the citizen of the Kyrgyz Republic, if the state of citizenship of both parents or single parent fails to grant citizenship to the child.”

76 Grounds for loss of citizenship include: use of false information or documents in the acquisition of citizenship of the Kyrgyz Republic; acquisition of citizenship of a country bordering the Kyrgyz Republic; renunciation of citizenship (where the person has another nationality); or on grounds set out in an international treaty to which the Kyrgyz Republic is a Party. See UNHCR, [Statelessness in the Kyrgyz Republic \(2nd ed.\)](#).

77 [On Citizenship of the Kyrgyz Republic](#), Kyrgyz Republic, Law No. 70, adopted 21 May 2007 including amendments 22 February 2023, Art. 24.

78 *Ibid.*

79 UNHCR, [Statelessness in the Kyrgyz Republic \(2nd ed.\)](#), p. 7.

## Lithuania

### Population overview

Statelessness in Lithuania is primarily linked to the dissolution of the former Soviet Union and/or migration. According to Migration Department data, 4,151 stateless people held residence permits in Lithuania in 2012 (note that this data does not include stateless people without residence permits). The vast majority (98.9 per cent) had been born on a territory of the former Soviet Union, and more than a third (38.9 per cent) had been born on Lithuanian territory. Most lived on Lithuanian territory before 3 November 1989. Although most members of minority groups obtained Lithuanian nationality in the post-Soviet period, some, including some Roma, did not.<sup>80</sup> According to Lithuanian Government statistics, there were 2,236 recorded stateless people and people with undetermined nationality in Lithuania by the end of 2024.<sup>81</sup>

### Measures to reduce statelessness

A mapping study of statelessness in Lithuania published by UNHCR in 2016 identified strong safeguards against statelessness in Lithuanian law for foundlings, children born outside Lithuania to Lithuanian nationals and stateless permanent residents of Lithuania, as well as for people who lose, renounce or are deprived of Lithuanian nationality.<sup>82</sup>

The Lithuanian Government adopted new nationality laws in 1989 and 1991. The new laws (and practices in subsequent years) enabled the acquisition of nationality in an inclusive manner. Most lawful permanent residents in Lithuania, regardless of the reasons for their residence or their ethnicity, and some other cohorts of people with ties to Lithuania, could obtain citizenship, either automatically or by naturalization.<sup>83</sup>

Further efforts have continued since that time. In 1996, 1998 and 2004, the Government facilitated permanent residence permits for stateless people residing in Lithuania, which benefited 148 people.<sup>84</sup> In 2013, the Government acceded to the 1961 Convention and amended the Law on Citizenship, bringing it closer to alignment with the 1961 Convention. In 2020, Lithuania amended the Law on Citizenship to improve the situation of stateless

80 [Mapping Statelessness in Lithuania](#), UNHCR, May 2016.

81 UNHCR's [Refugee Data Finder](#).

82 UNHCR, [Mapping Statelessness in Lithuania](#), pp. 9-10.

83 *Ibid.*; Jo Venkov, [Not just a simple twist of fate: statelessness in Lithuania and Latvia](#), ENS, 4 October 2018; A Latvian non-citizen, ["Non-Citizens" of the Baltics: Common Misconceptions explained](#), ENS, 18 November 2021.

84 UNHCR, [Mapping Statelessness in Lithuania](#), pp. 16-20.

children born in Lithuania and analysed all known statelessness cases.<sup>85</sup> The 2020 amendments enact automatic acquisition of Lithuanian citizenship at birth by children who were previously ineligible (i.e., children born to stateless parents who held temporary residence permits in Lithuania). The 2020 amendments also eliminate certain criteria for other children born stateless in Lithuania to acquire Lithuanian citizenship through an application procedure (i.e., removing requirements relating to language and knowledge of the Constitution, as well as an income requirement).<sup>86</sup>

## The impact of safeguards against childhood statelessness

Lithuania's approach to nationality, known in Lithuania as the 'zero option', granted citizenship to all permanent residents at the time of independence, regardless of their ethnic background or previous citizenship status. This policy resulted in a much smaller stateless population than in many other countries that were also previously part of the Soviet Union.<sup>87</sup>

## Montenegro

### Population overview

Statelessness, or lack of proof of nationality, affects mostly Roma and Egyptian communities in Montenegro and is linked to the dissolution of the former Yugoslavia and gaps in civil registration procedures and nationality laws. UNHCR data indicates a recorded 423 stateless people in Montenegro in 2024.<sup>88</sup> Of this number, 55 per cent are children.

### Measures to reduce statelessness

Citizenship legislation in Montenegro is generally based on the *jus sanguinis* principle, i.e., automatic acquisition of Montenegrin citizenship on the basis of being born to a citizen of Montenegro. The Law on Montenegrin Citizenship also provides additional possibilities for acquiring citizenship if specific conditions are fulfilled — by birth on the

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85 [Lithuania Fact Sheet](#). Available, UNHCR, February 2021.

86 [Law of the Republic of Lithuania on Citizenship](#), Republic of Lithuania, No XI-1196 with amendments, adopted 10 December 2020, [in Lithuanian]; see also [Observations on the proposal for a Draft Law amending the Law of the Republic of Lithuania on Citizenship \(Reg. No 20-6597\)](#), UNHCR, May 2020; and see [Campaign Update, January 2021–March 2021](#), UNHCR, 15 April 2021, p. 7.

87 UNHCR, [Mapping Statelessness in Lithuania](#); see also ENS/Venkov, [Not just a simple twist of fate: statelessness in Lithuania and Latvia](#); and ENS, ["Non-Citizens" of the Baltics](#).

88 UNHCR's [Refugee Data Finder](#).

territory of Montenegro, by admittance and based on international treaties and agreements. Additionally, women and men have equal rights in passing their citizenship to children born inside or outside the country, and children whose parents were not married have equal rights to acquisition of citizenship.

The Law on Montenegrin Citizenship<sup>89</sup> contains conditional *jus soli* principles: Article 7 allows the acquisition of Montenegrin citizenship by all children born or found on the territory of Montenegro whose parents' identities or nationalities are unknown, if the parents are stateless, or if a child will remain without nationality and the child cannot acquire the nationality of either parent or of any country in which either parent has lived. The combination of *jus sanguinis* and *jus soli* principles should ensure that no child is left stateless.

There are also legal safeguards to prevent statelessness for children born to Montenegrin nationals outside Montenegro and for adopted children.<sup>90</sup> Article 6 of the Law on Montenegrin Citizenship foresees the acquisition of Montenegrin citizenship on the basis of complete adoption of a child, if one of the adopters is a Montenegrin citizen and a child does not have citizenship of another adopter.

In 2011, the authorities in Montenegro and Kosovo\* agreed to cooperate to assist people who had fled from Kosovo to Montenegro during the armed conflict of the 1990s and their descendants, who lacked documents proving their nationality and were unable to regularize their status in Montenegro. Although Kosovan children born in Montenegro were usually issued birth certificates by Montenegro's civil registrar, they often lacked proof of nationality. In order to obtain proof of Kosovan nationality, the families would have needed to return to Kosovo, but could not travel there because they lacked travel documents. The authorities of Montenegro and Kosovo, together with various partner organizations, organized mobile teams from Kosovo to undertake late birth registration of Kosovans living in Montenegro, which was necessary to confirm Kosovan nationality. The process of completing late birth registration and issuing identity documents was more complex for children who were born outside a hospital but was not impossible. Having received

89 [Law on Montenegrin Citizenship](#), Montenegro, Official Gazette of Montenegro 013/08 with amendments and supplements, adopted 26 February 2008, [unofficial translation].

90 *Ibid.*, Art. 6.

\* All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo.

identity documents, the people could regularize their status in Montenegro and access health care, education and employment.<sup>91</sup> This also offered a pathway to citizenship after continuous legal residence for 10 years.<sup>92</sup>

Montenegro has, more recently, taken additional steps to address Roma and Egyptians at risk of statelessness, including the adoption of a Strategy for the Social Inclusion of Roma and Egyptians 2021-2025<sup>93</sup> and a Strategy on the Migration and Reintegration of Returnees in Montenegro 2021-2025.<sup>94</sup>

## The impact of safeguards against childhood statelessness

The measures undertaken in Montenegro have allowed at-risk communities to register their births and regulate their legal status in Montenegro. For those who have benefited, this is transformative.

### Solutions in Montenegro for families from Kosovo

Sabaheta and Bujar Elsani and their six children are a Roma family who have lived in Montenegro for many years. Due to the armed conflict in Kosovo in the late 1990s, Sabaheta and Bujar fled from Kosovo to Montenegro with their eldest child. They had no identity documents except for their daughter's birth certificate. They had five more children, all born in Montenegro, who received Montenegrin birth certificates, but the family could not obtain any other form of documentation, which left them disadvantaged in many ways. They were stuck between a requirement that they return to Kosovo to obtain documents and being unable to enter Kosovo lawfully without documents. After the authorities agreed on a procedure for the late birth registration of Kosovans in Montenegro in 2011, mobile teams from Kosovo travelled around Montenegro to find and register people from Kosovo and their children, whose births had not been registered in Kosovo. Approximately 1,000 people, including the Elsani family, were assisted through this project, with most

91 [An end to two decades of uncertainty for the Elsani family and over 1,000 others in Montenegro](#), UNHCR, (no date).

92 [Law on Montenegrin Citizenship](#), Art. 8.

93 [Strategy for Social Inclusion of Roma and Egyptians 2021-2025](#), Montenegro Ministry of Justice, Human and Minority Rights, September 2021.

94 [Strategy on the Migration and Reintegration of Returnees in Montenegro 2021-2025](#), September 2021, [Submission to inform the European Commission 2024 Enlargement Package: Progress towards addressing statelessness in enlargement countries](#), ENS, 24 April 2024, p. 9.

being granted permanent residence in Montenegro after obtaining birth certificates and identity documents from Kosovo. Many beneficiaries were then also able to access education, legal employment, health care and other rights.

*“Getting identity documents made a huge difference in our lives. We can now move freely. I am now able to work legally.”<sup>95</sup>*

Efforts to assist Roma people in similar situations continue. Like Bujar and Sabaheta Elsani, Sadik Hasani fled from Kosovo to Montenegro in 1999. Sadik was just six years old when his family fled. He and his wife, Buqa, and their five children, all born in Montenegro, lived without identity documents for many years. In June 2024, they were registered in Kosovo’s citizenship registry through consular services in Montenegro. This registration was necessary to regularize their status in Montenegro. This will permit Sadik and Buqa’s children to access education, health care and social assistance, and puts them on a route to eventually acquire Montenegrin nationality.

*“Having legal status means a whole new world of possibilities, and education will allow my children to seize these opportunities that I barely had.”<sup>96</sup>*

## Norway

### Population overview

Statelessness in Norway is primarily linked to forced migration. The majority of stateless people in Norway are of Palestinian origin, including many from Syria and Iraq. In addition, the number of stateless people arriving from Malaysia increased in 2021-2022, many of them Chinese and Rohingya people from Myanmar.<sup>97</sup> According to UNHCR data, there were a known 1,621 stateless people and people with undetermined nationality in Norway as of end-2024.<sup>98</sup>

95 Bujar Elsani, quoted in [An end to two decades of uncertainty for the Elsani family and over 1,000 others in Montenegro](#), UNHCR, (no date).

96 Sadik Hasani, quoted in Mensur Bajramspahic, [Stateless family in Montenegro secures legal status after a 25-year struggle](#), UNHCR, 10 June 2024.

97 [Statelessness in Norway](#), Statistics Norway, 10 May 2024.

98 UNHCR’s [Refugee Data Finder](#); [Statelessness in Norway - 9 facts](#), UNHCR, 5 February 2024.

## Measures to reduce statelessness

There are several safeguards against childhood statelessness in Norwegian law. Children with at least one Norwegian national parent automatically acquire Norwegian citizenship, whether born in Norway or elsewhere. There is a safeguard for adopted children, and children whose parentage is unknown acquire Norwegian nationality automatically, with no age limit.<sup>99</sup>

Stateless people born in Norway can apply (as children or adults) for Norwegian citizenship after residing continuously (lawfully or unlawfully) in Norway for three years, pursuant to a 2016 Government Instruction (G-08/2016). There is no requirement for these people to prove they cannot acquire another nationality. This Instruction is not established in law, but government officials are required to apply it.<sup>100</sup>

Stateless children not born in Norway who live in Norway may be able to acquire Norwegian citizenship after three years of continuous residence with a qualifying residence permit.<sup>101</sup>

Stateless children born in Norway are also eligible to apply for Norwegian nationality with no residence requirement in certain circumstances, e.g., if the child is entitled to permanent residence without a residency requirement or if one of their parents meets the requirements for permanent residence and the application to naturalize the child is made before the child's first birthday.

There is no fee for children to apply for Norwegian citizenship (whether born in Norway or elsewhere), nor is there an income requirement for children (both of which also apply to most adults). Furthermore, there are no reports of discrimination against minorities or marginalized groups in nationality laws, rules, procedures, policies and practices.<sup>102</sup>

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99 [Statelessness Index Survey 2023: Norway](#), ENS, 2023, Section PRS.5.a., p. 24.

100 The instruction states that neither the instruction nor the relevant provision of the Nationality Act apply to people “who, by their own actions or omissions, have chosen to be stateless, or who can easily become citizens of another country.” See ENS, [Statelessness Index Survey 2023: Norway](#), Section PRS.2.a., p. 21; and Marek Linha, [Important Victory for Stateless Children Born in Norway](#), ENS, 7 November 2016.

101 There is a lack of clarity about whether this or a longer, five-year period applies for stateless people who have been granted international protection or a residence permit based on humanitarian grounds, but there are indications that the three-year period applies in these cases. See ENS, [Statelessness Index Survey 2023: Norway](#), Section PRS.1.a., p. 20.

102 See [Act on Norwegian Nationality](#), the Kingdom of Norway, LOV-2005-06-10-51, latest amendments up to 10 June 2006, Sections 4 and 16.



Norwegian citizenship cannot be withdrawn from people who acquired it while under age 18, if that loss would result in statelessness and the person could not acquire another nationality in a “simple manner”.<sup>103</sup>

Births in Norway can be registered regardless of the parent’s immigration status or gender and in situations of surrogacy. Late registration is permitted. Birth registration is nearly universal (although it is more complex to obtain a birth certificate for some refugee and migrant children). Information is not shared between birth registration authorities and immigration enforcement authorities.<sup>104</sup>

## The impact of safeguards against childhood statelessness

As a result of Norway’s safeguards, there are relatively few stateless children in Norway. Most stateless children born in Norway are eligible to acquire Norwegian nationality within three years, free of charge; and there are routes for stateless children who have migrated to Norway to acquire Norwegian citizenship.

## Spain

### Population overview

Statelessness in Spain is primarily a migratory phenomenon. The vast majority of stateless people who have applied for recognition under Spain’s statelessness determination procedure are from Western Sahara, with smaller numbers from the former Soviet Union, Syria and China (mainly Tibetans) as well as other countries.<sup>105</sup>

103 *Ibid.*, Section 26. For more explanation on the meaning of a “simple manner”, see [guidance of the Norwegian Directorate of Immigration \(2024\) Revocation of Norwegian citizenship](#), [in Norwegian]: “It is the UDI [Norwegian Directorate of Immigration] that has the burden of proof that the child can possibly “easily” become a citizen of another country. Examples of simple procedures are registration of citizenship acquired at birth and notification of citizenship, as long as no conditions are set that are difficult to meet.”

This guidance makes reference to Prop. 141 L (2018–2019) which states: “(...) it shall be possible to revoke Norwegian citizenship if the child can easily become a citizen of another country. The Ministry considers that registration of citizenship acquired automatically at birth and notification of citizenship is to be considered a simple procedure, as long as there are no conditions attached to this that are difficult to meet, such as the child having to be resident in the country of origin at the time of notification. This must be assessed specifically in the individual case”; [Norwegian Directorate of Immigration \(2024\) Amendments to the Citizenship Act](#), [in Norwegian], etc. (revocation of citizenship due to incorrect information, etc.).

104 [Act relating to Children and Parents \(the Children Act\)](#), Kingdom of Norway, Act No. 7 (LOV-1981-04-08-7), entered into force 1 January 1982.

105 [The Impact of Statelessness in Italy, Portugal and Spain](#), UNHCR, June 2019, p. 21.

UNHCR data records 10,164 stateless people in Spain as of mid-2024. Of these, 10,098 were recognized through the Spanish statelessness determination procedure; 51 were stateless refugees and 15 were stateless asylum-seekers.<sup>106</sup>

## Measures to reduce statelessness

Spain's nationality law has strong safeguards to prevent childhood statelessness. The law provides that children born on the territory who would otherwise be stateless automatically acquire Spanish nationality at birth: "if both parents lack a nationality or if the legislation of both of their countries of origin does not attribute a nationality to the child".<sup>107</sup>

Lawful residence is not required. In addition, children born to Spanish nationals outside Spain automatically acquire Spanish nationality at birth, with no discriminatory conditions. There are also legal safeguards to prevent statelessness for foundlings, who can be granted Spanish nationality upon being identified (applicable automatically from the moment birth in Spain is determined, up to the age of 18 and with two years in adulthood to apply for Spanish nationality). There are also safeguards to prevent statelessness in adoption procedures. Spain's nationality law also provides that children born in Spain (including to refugee parents) can naturalize after one year of legal residence in Spain.<sup>108</sup>

Spain also has good practices relating to birth registration: all births must be registered, and birth certificates must be issued for all children, regardless of the parents' status. Same-sex parents can be listed on birth certificates, which, in turn provides proof of the child's relationship to both parents. There are no fees or penalties for late birth registration. Nationality is recorded at birth if the child is Spanish, and there is a procedure to consider babies' possible statelessness. If the authorities find that the baby would be stateless if not granted Spanish nationality, they record Spanish nationality as a rebuttable presumption.<sup>109</sup>

Children born in transit to Spain can have their birth registered in Spain if it is proven that their birth was not and cannot be registered now in the country of birth or in the country of origin of the child's parents.<sup>110</sup> The recognition of Spanish nationality in such cases is assessed on a case-by-case basis. See below a case study which led to this outcome.

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106 [Refugee Data Finder. Annex 1 - Populations protected and / or assisted by UNHCR by country/territory of asylum](#), UNHCR, data as of mid-2024.

107 [Civil Code](#), Ministry of Justice, Government of Spain, Madrid Gazette, n. 206, 25/07/1889, adopted 24 July 1889, Art. 17.1(c), [in Spanish].

108 *Ibid.*, Art. 22.

109 *Ibid.*, Art. 17.1; [ENS Statelessness Index Survey 2022: Spain](#), ENS, PRS.6., pp. 30-32; and [ENS, Birth registration and the prevention of statelessness in Europe, updated November 2024](#), p. 12.

110 This was decided in two separate legal proceedings interpreting Spanish [Civil Code](#), Article 17c, which determines the Spanish nationality of stateless children born in Spain, and Article 17b, which determines the Spanish nationality of foundlings. See [Civil Code](#), Arts. 17b and 17c.

## Child born in transit to Spain is a Spanish citizen

In May 2022, a Spanish Court of Appeal issued a judgment confirming that child R, who would otherwise have been stateless, was a Spanish citizen.

R was born in 2015 in Morocco in a difficult situation with no medical care. Her mother, M, a citizen of Cameroon, was neither a citizen nor resident of Morocco. R and M arrived in Spain in 2018 and sought international protection.

In Spain, M tried to register R's birth with the Moroccan authorities, but they did not reply to her request. Cameroon's nationality law permits children born to Cameroonian citizens outside Cameroon to acquire nationality, but only if the child is registered with the Cameroonian authorities. M tried to register R as a citizen of Cameroon but was unable to meet the documentary requirements to do so.

Guipuzcoa Court of Appeal considered Spain's obligations under international and domestic law and held that R was entitled to birth registration in Spain and was a Spanish national, based on the principle of the best interests of the child and the right of every child to a nationality. The Spanish Government did not appeal, and the judgment is final.<sup>111</sup> The judge who decided the case in the first instance later said of R:

*"...fortunately, instead of being 'nobody', she will have her rights."*<sup>112</sup>

## The impact of safeguards against childhood statelessness

Spain's safeguards against childhood statelessness mean that few children born in Spain remain stateless for lengthy periods, as they are entitled to Spanish nationality, and there are routes to citizenship for most stateless children who arrive in Spain.

*"I remember the day I received a positive decision about my statelessness application. [...] I didn't know what to feel, but for sure I felt relieved."*<sup>113</sup>

111 Judgment of Court of Appeal of Guipúzcoa, [Decision No. 341/2022](#), decision taken 11 May 2022, [in Spanish]; and José Alberto Navarro, and Cristina Manzanedo, [Spanish Court Recognises the Spanish Nationality of a Stateless 'Invisible Child' in Order to Remedy the Violation of Her Human Rights](#), *Statelessness & Citizenship Review*, 4(2), 16 December 2022.

112 Quote by Judge Francisco José Ortega Montilla, in Francisco Ortega, [Un niño nacido 'en tránsito' tiene derecho a ser inscrito y el Estado está obligado a ello](#), (A child born 'in transit' has the right to be registered and the State is obligated to do so), *Cadena SER* website, 27 October 2021.

113 Quote by Meimuna, a stateless person in Spain, in UNHCR, [The Impact of Statelessness in Italy, Portugal and Spain](#), p. 33.

**Additional examples of good nationality laws and other practices** are available in various sources, including, for example:

- UNHCR and IPU's publication: *Good practices in nationality laws for the prevention and reduction of statelessness* (2018)<sup>114</sup>
- UNHCR, *Good Practices Paper, Action 2: Ensuring that no child is born stateless* (2017)<sup>115</sup>
- OSCE and UNHCR's *Handbook on Statelessness in the OSCE Area* (2017)<sup>116</sup>

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114 See UNHCR and IPU, [Good practices in nationality laws for the prevention and reduction of statelessness](#), pp. 34-37.

115 UNHCR, [Good Practices Paper, Action 2](#).

116 OSCE and UNHCR, [Handbook on Statelessness in the OSCE Area](#).

## VI. GOOD PRACTICES IN ACCESS TO UNIVERSAL BIRTH REGISTRATION FOR THE PREVENTION OF CHILDHOOD STATELESSNESS

OSCE participating States generally have high rates of birth registration; but some gaps exist, and these may be hidden in official statistics. For example, the Statelessness Index maintained by the European Network on Statelessness reveals barriers to birth registration in some OSCE countries, which in some cases result in children living without nationality, or proof of nationality, for many years.<sup>117</sup>

Good practices to ensure birth registration and prevent childhood statelessness include, for example:

**Robust legal frameworks applied flexibly in favour of immediate, free birth registration:** Birth registration laws should establish the criteria to register a child's birth, ideally immediately after birth and free of charge. The criteria should be minimal and there should be alternatives for parents who do not have the usual identity documents required to register their child's birth. They should be able to establish the necessary facts through other evidence, such as education or work records, testimony of the parents, etc. This is particularly important where parents are members of minority groups that have few or no identity documents, or refugees, stateless people or survivors of trafficking who are unable to access birth records or other documents. The law should also establish that officials should make assumptions in favour of the child to ensure birth registration or acquisition of nationality. Various OSCE participating States, including Portugal, Austria and the Czechia, allow flexibility for parents who are unable to provide certain documents for birth registration, such as asylum-seekers and refugees. In Greece, a 2018 law requires that undocumented expectant mothers who seek admission to public hospitals are issued identity documents based on their statements to facilitate the registration of their child's birth.<sup>118</sup>

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117 [Statelessness Index](#), ENS, (no date); also ENS, [Birth registration and the prevention of statelessness in Europe](#).

118 [Law on the Social Security and Pension Provision, Addressing Undeclared Work, Reinforcing of Protection of Workers, Guardianship for Unaccompanied Minors and Other Provisions](#), Government of Greece, Law 4554/2018 (GG A' 130), adopted 18 July 2018, Art. 62.

**Accessibility:** Birth registration and birth certificates should be accessible to all children born on the territory and to children of nationals born outside their parents' country of nationality. Fees that inhibit registration should be reviewed. Late registration should also be easily accessible, through a simple process, with no penalties that may inhibit birth registration. It is also good practice to have an explicit prohibition on the birth registration authorities sharing information with immigration enforcement officials, as in Switzerland.<sup>119</sup> If data is shared between birth registrars and immigration enforcement authorities, parents who do not have the required documents or permission to reside in the territory may avoid registering their child's birth if they fear it would result in them being arrested, detained or removed from the country. Further, States should make robust efforts to remove any existing barriers to registration and facilitate access to birth registration, for example, for people who live far from a registry office or who lack fluency in a relevant language or are illiterate. Complicated procedures and long delays can lead to some parents, especially those who are marginalized in other ways, becoming disillusioned and either not applying at all or disengaging with the process before completion.

**Non-discrimination:** Officials should register births and confirm nationality or register children as nationals without discriminating on any basis, such as relating to parents' marital status, immigration status, ethnicity, gender or other status. Discrimination can prevent birth registration if, for example, women do not have equal rights to register a child's birth, including if they are unmarried or if the father is absent or unknown (e.g., in cases of rape, where the mother conceives through an unknown sperm donor, or where she is a sex worker). Although many OSCE participating States have amended nationality laws that directly discriminated against women, gaps remain, especially for children of migrant women who are nationals of countries that continue to discriminate against women. Discrimination based on the parents' gender or sexual orientation, (e.g., refusal to record two parents of the same sex on the birth registry or birth certificate) can also prevent birth registration and leave children stateless. A good practice adopted in many OSCE participating States is to have no requirement for the parents to be lawfully present in the territory in order to register a child's birth; and in some OSCE participating States, officials can list both same-sex parents on birth records and certificates.<sup>120</sup>

**Procedural safeguards:** States should adopt procedural safeguards to ensure universal birth registration and facilitate children's acquisition of nationality, including, for example,

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119 [Ehen und eingetragene Partnerschaften ausländischer Staatsangehöriger: Nachweis des rechtmässigen Aufenthaltes und Meldung an die Ausländerbehörden](#), (Marriages and registered partnerships of foreign nationals: Proof of legal residence and notification to the immigration authorities), Swiss Confederation/ Federal Office of Justice, Nr. 10.11.01.02, adopted 1 January 2011, p. 4, [in German].

120 ENS, [Birth registration and the prevention of statelessness in Europe](#), p. 12.

by providing free interpreters/translators, assistance with procedures (including access to free legal advice if needed) and effective remedies for unlawful refusal of birth registration.

**Adequate training for officials:** Birth registrars, nationality officials and others should be given regular, mandatory training to ensure that they are aware of good practices on registering births and facilitating acquisition of nationality, and that they understand how this can help prevent statelessness. Officials should be trained to identify potential statelessness through asking questions such as those listed in Annexe II (adapted to context, as needed) and be respectful and sensitive to the challenges experienced by stateless people.<sup>121</sup>

**Awareness-raising campaigns:** Some people are unaware of how important birth registration is and/or how to access it. Particularly where there are lower rates of birth registration, States should raise awareness among birth registration and nationality officials, doctors, midwives and other professionals involved in births, as well as parents and among communities at risk, including through community-led organizations, to ensure they understand the importance of birth registration, nationality acquisition and the correct procedures to follow.

**Appropriate details in birth registration:** As noted in Chapter II, the following should be included in birth registry records and on birth certificates:

- Full name of child
- Date of birth
- Place of birth
- Parents' full names (if known).

**Referral to robust determination of nationality:** In general, birth registrars are not the competent authorities to determine nationality and, therefore, nationality should not be recorded on birth certificates. In some situations, however, a child's nationality can be established without in-depth legal or factual analysis and recorded upon registration of birth (e.g., where the parents are both nationals of the country in which the child is born and can present proof of their nationality). In other cases, however, birth registration should trigger referral to a determination procedure to establish the child's nationality (or statelessness). This determination should take place as soon as possible after birth and before the age of five at latest, with the child's rights respected in the meantime. Questions about the parents' nationality should not delay birth registration, and a child should not

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121 [Stateless Journeys: Birth Registration](#), ENS (no date).

be incorrectly attributed the nationality of a parent; the facts and nationality laws must be adequately considered.<sup>122</sup>

### **Summary: Good Practice Indicators: Birth registration and prevention of statelessness**

1. Robust legal framework for immediate, free birth registration for all children, with no barriers relating to parents' status, including immigration or residence status, marital status, gender of parents, ethnicity, etc.
2. Accessible procedures with no discrimination or other barriers to birth registration
3. Flexible evidentiary requirements
4. Birth registration is accessible beyond any deadline, without penalties that inhibit birth registration
5. Authorities are required to register a birth if the parents do not, especially for foundlings
6. Requirement that undocumented expectant mothers be admitted to public hospitals on request and issued identity documents to facilitate registration of their child's birth
7. Prohibition on sharing data between birth registration and immigration enforcement authorities
8. Appropriate details recorded in birth registry and on birth certificates
9. Law requires consideration of the best interests of the child as a primary consideration
10. State is required to issue free birth certificates to all children, promptly and with no discrimination
11. Parents are referred to an effective nationality status determination procedure if child's nationality is not clearly that of the country of birth
12. Procedural safeguards available, such as free interpreters, legal assistance and effective remedies
13. Effective training for all relevant officials
14. Awareness-raising campaigns, especially to provide information to marginalized people

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122 See ENS, [Birth registration and the prevention of statelessness in Europe](#), p. 12.



## Good practices in birth registration in OSCE participating States

Various OSCE participating States have adopted and implemented good practices for birth registration which help to prevent childhood statelessness, including the following:

### Canada

#### Population overview

Statelessness in Canada is primarily linked to migration or lack of birth registration and proof of place of birth. Birthright citizenship and nearly universal birth registration prevent childhood statelessness for most people born in Canada. However, there are greater risks of statelessness for people whose births were not registered, including for some Indigenous people. There are also people born outside Canada to Canadian citizens who are or may be stateless, due to laws restricting transmission of nationality to only the first generation born outside Canada.<sup>123</sup>

In Canada's 2021 census, 3,560 people identified themselves as stateless.<sup>124</sup> All but 390 had permanent residence status.<sup>125</sup> According to UNHCR data, there were 8,166 recorded stateless people and people with undetermined nationality in Canada by the end of 2024.<sup>126</sup>

#### Birth registration to help prevent statelessness

Birth registration is nearly universal in most of Canada,<sup>127</sup> with some exceptions, particularly in Indigenous communities. Requirements for birth registration procedures vary between provinces. In Ontario, for example, a child's birth must be registered within 30 days of birth; in most cases, the parents submit a Statement of Live Birth (often online) and qualified medical staff submit a Notice of Live Birth to the Office of the Registrar. In certain circumstances, the applicant may also need to provide contact information for a

123 As of 5 November 2024, there was a proposed Bill that would amend this provision of Canada's nationality law. The Ontario Superior Court of Justice had found the provision unconstitutional and ordered the government to address this provision. In August 2024, it extended the government's deadline for making such amendments to December 19. See Racy Rafique, [Court grants Ottawa four more months to fix unconstitutional 'lost Canadians' law](#), CBC website, 2 August 2024. As of 12 April 2025, the Bill was stalled at second reading in Parliament. Updates can be followed at Parliament of Canada, [LEGISInfo](#) (no date).

124 [A portrait of citizenship in Canada from the 2021 Census](#), Statistics Canada, 9 November 2022.

125 [Statelessness in Canada](#), Canadian Centre of Statelessness, 2024.

126 UNHCR's [Refugee Data Finder](#).

127 [Birth Registration for every Child by 2030: Are We on Track?](#), UNICEF, 11 December 2019.

guarantor. There is no fee for registration within 12 months of the birth, but there is a fee for a birth certificate, which parents can request for \$25-\$35 (CAD) depending on the type of certificate. There is a procedure for late birth registration (with a fee), and additional information may be needed for certain situations.<sup>128</sup>

As in many countries in the Americas, Canada's nationality law provides for 'birthright citizenship':<sup>129</sup> all babies born on Canadian territory automatically acquire Canadian citizenship, with a few exceptions, for example, babies born to diplomat families. There is also a specific provision in the nationality law relating to stateless people: "Despite any other provision of this Act, the Minister may, in his or her discretion, grant citizenship to any person to alleviate cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada."<sup>130</sup> A further provision requires citizenship to be granted to certain stateless people under the age of 23 who were born to a Canadian parent outside Canada, provided that they have been physically present in Canada for at least 1,095 days during the four years immediately before the date of application, have always been stateless and have not been convicted of specified criminal offences.<sup>131</sup>

### Indigenous people

There are provisions in Canadian law that enable Indigenous people whose births were not registered to apply for late registration and, subsequently, a passport.<sup>132</sup>

Lack of birth registration or identity documents is an inter-generational issue for some Indigenous families, because it is more difficult to register a child's birth if the mother's birth was not registered.

A legal clinic that assists Indigenous communities provides an example of good practice in assisting marginalized communities where there are low rates of birth registration and/or possession of a birth certificate. Kinna-awaya Legal Clinic<sup>133</sup> in

128 [Newborn Registration Service](#), Government of Ontario (no date); and see: Burnett, K., Sanders, C., and Kinna-awaya Legal Clinic, with NorWest Community Health Centres and the ID Action Group of Thunder Bay, [A call to action: Eliminate Systemic Barriers to Obtaining and Keeping Ontario Birth Certificates](#), Thunder Bay, Ontario, 2022.

129 [Citizenship Act](#), Government of Canada, R.S.C., 1985, c. C-29, entered into force 15 February 1977, as amended 19 August 2024, Section 3.

130 *Ibid.*, Section 5(4).

131 *Ibid.*, Section 5(5).

132 Canadian Centre of Statelessness, [Statelessness in Canada](#), p. 19.

133 Kinna-awaya Legal Clinic, [Awenen Niin Identification Program](#).

Thunder Bay, northern Ontario, which operates with Legal Aid funding, provides legal assistance and advice to local residents in need, including many Indigenous people. Reasons Indigenous people may not have a birth certificate include, inter alia, cost, bureaucratic procedures, missing information or documents and mental health issues. The past treatment of Indigenous people, including the separation of Indigenous children from their families, continues to have an impact. The identity details of many Indigenous children were recorded incorrectly, and it can be difficult and time-consuming to correct such mistakes. In 2012, the Clinic initiated an identity document project “Awenen Niin” (“Who Am I?”), funded through a Local Poverty Reduction Fund. Among other activities, they have hosted sessions to help vulnerable clients gather required information and apply for personal identity documents and made referrals to community and governmental services as needed. In 2015, the project set up an “ID Bank” to securely store identity documents for clients who are at heightened risk of losing their identity documents (due to precarious housing, mental illness or other factors).<sup>134</sup>

## The impact of good practices in birth registration

Canada’s nearly universal birth registration, combined with birthright citizenship, has prevented large numbers of people being born stateless in Canada.

## Czechia

### Population overview

Statelessness in Czechia is primarily linked to migration. According to statistics from the Ministry of Interior, there were 588 recorded stateless people and people with undetermined nationality in the country as of end-2024.<sup>135</sup> Stateless people in Czechia originate from various places, including from the former Yugoslavia and former Soviet Union.<sup>136</sup>

134 Chris Sanders and Kristin Burnett, [A Case Study in Personal Identification and Social Determinants of Health: Unregistered Births among Indigenous People in Northern Ontario](#), *International Journal of Environmental Research and Public Health*, 16(4), 567, 16 February 2019; K. Burnett et al., [A call to action](#).

135 Note however, that only some categories of regularly staying stateless persons are counted in these statistics. UNHCR’s [Refugee Data Finder](#).

136 UNHCR’s [Refugee Data Finder](#); see also [Faces of Statelessness in the Czech Republic](#), UNHCR, December 2020; and see ENS and OPU, [Toolkit to identify and address statelessness in Czechia](#), pp. 26-28.

## Birth registration to help prevent statelessness

The Czech Act on Birth Registry requires that births are registered within three days of a child being born. This is usually done automatically by the health facility where the child is born. If the child is born outside a health facility, the parents are required to register the birth at their local registry office. There is flexibility for mothers who are unable to register the birth immediately to do so later.<sup>137</sup>

Various documents may be used to register a child's birth. If the child is born at home and the parents are married, one parent must present an ID document or passport; if they are unmarried, both should present their documents; if the father is unknown, the mother presents her document(s). The obligation to present identity documents for birth registration can be waived in special circumstances, such for refugees and asylum-seekers, with the parent(s) providing a sworn statement instead.<sup>138</sup>

The birth registry office issues birth certificates for all children, regardless of nationality, within 30 days of the birth being registered. The birth registry does not record the child's nationality, but does record the parents' nationality(ies). If it is not clear that the child acquired citizenship of Czechia at birth, the parent(s) can apply later for a Certificate of Czech Citizenship. Children born outside Czechia to a Czech parent must be registered with an overseas birth registry (at the appropriate Consulate) to obtain a Czech birth certificate. The legal requirements and deadlines are the same as for children born in-country, and late registration is possible. Only after birth registration can the child be issued an identity document and passport.<sup>139</sup>

Czech nationality law also has partial safeguards that, combined with birth registration, help prevent childhood statelessness. Children born in Czechia automatically acquire Czech nationality at birth if they do not acquire another nationality through either parent and if at least one of the parents has a residence permit for longer than 90 days. If both parents are not stateless, there may be barriers to acquiring Czech nationality, as an application must be submitted proving that at least one parent has a residence permit for

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137 On birth registry, see [Act on civil registers, names and surnames and on amendments to certain related acts, Czechia](#), Act No. 301/2000, adopted 7 September 2000, [in Czech]; see also [ENS Statelessness Index Survey 2023: Czechia](#), PRS Section, pp. 24-32.

138 [Act on civil registers, names and surnames and on amendments to certain related acts](#), Czechia, Act No. 301/2000, adopted 7 September 2000, Section 16. 9, [in Czech]; and ENS and OPU, [Toolkit to identify and address statelessness in Czechia](#), PRS Section, pp. 26-28.

139 See [Act on civil registers, names and surnames and on amendments to certain related acts](#), Czechia, Act No. 301/2000, adopted 7 September 2000, Section 16. 9; and [ENS Statelessness Index Survey 2023: Czechia](#), PRS section, pp. 24-32.

longer than 90 days and that the parents have taken steps to seek to acquire a nationality for the child. Czech law requires that parents have sought (but failed) to register their child as a national of their country of nationality before the child will be recognized as stateless; however, this is not necessary for a parent who has been recognized as a refugee.<sup>140</sup>

## The impact of good practices in birth registration

Czechia's birth registration law and procedures mean that nearly all children's births are registered shortly after birth and nearly all are issued birth certificates. These measures help to prevent statelessness of children born in the country. The provision for refugee and asylum-seeker parents to provide a declaration instead of the documents usually required of parents is a particularly good practice, which facilitates registration of children born to these groups.

## Finland

### Population overview

Statelessness in Finland is primarily migratory, and available data for 2024 indicates there were 1,326 stateless people recorded in Finland.<sup>141</sup> Finnish Government data for 2020 showed that the majority of known stateless people were born in Estonia (328), Syria (234), the former Soviet Union (234) and Iraq (138), alongside unspecified numbers known to be of Palestinian origin.<sup>142</sup>

### Birth registration to help prevent statelessness

Birth registration in Finland is universal,<sup>143</sup> and there are legal safeguards that result in most children acquiring a nationality soon after birth in the country. Finland also has an effective nationality determination procedure to which babies at risk of statelessness born in Finland must be referred.

140 See [Czech Citizenship Act](#), Czechia, Act no. 186/2013, adopted on 11 July 2013, Section 29. (Note that references in the Act to 'homeless' should be read as 'stateless'.)

141 UNHCR's [Refugee Data Finder](#).

142 [Ad Hoc Query on 2021.23: Statelessness statistics in the EU](#), European Commission/European Migration Network, 2021, p. 11, (note that these figures did not include all potential stateless populations).

143 World Bank data shows 100% completeness of birth registration in Finland (2022). [Completeness of birth registration \(%\) – Finland](#), World Bank, (no date).

Births in Finland are normally registered by the attending healthcare professionals, who are required to submit the name and date of birth of the mother and the date and place of birth and gender of the child to the national population register. If the birth took place outside a medical facility without a healthcare professional, the mother or other responsible person is required to report the birth to a healthcare professional, who must report it to the population register. The parents must submit the child's name and a native language ("mother tongue") to the relevant authorities within three months of the birth.<sup>144</sup>

A child acquires Finnish citizenship at birth under Section 9 of the 2003 Nationality Act if the mother is a Finnish citizen, or the father is a Finnish citizen and married to the mother, or paternity is confirmed for a child born in Finland.<sup>145</sup> Citizenship is also granted if the father was a Finnish citizen at the time of his death and married to the mother, or if the child is born in Finland and does not acquire or is not entitled to acquire the citizenship of another State. Additionally, children born in Finland to parents with refugee status or international protection may acquire Finnish citizenship if the child can only obtain their parent's nationality through formal intervention by the parent's country, and no other parent's nationality is available.

Children born outside Finland are automatically Finnish citizens if born to a Finnish citizen mother, or to a Finnish citizen father if the parents are married. In other cases, citizenship is not automatic. In certain circumstances, such as an unmarried Finnish citizen father or where there are two mothers and only the non-birth mother is a Finnish citizen, the child may be registered as Finnish if a declaration of citizenship is submitted. Births of Finnish citizens outside Finland must be notified to the Digital and Population Data Services Agency or to a Finnish embassy.<sup>146</sup>

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144 [Notification of a Child's Name](#), Digital and Population Data Services Agency, (no date); see also Permanent Mission of Finland, Geneva, [Verbal Note](#), 26 November 2013. Note that under Finnish law, "The child's mother is the person who gave birth to the child. She does not have to acknowledge her parenthood. If the mother is married to a man when the child is born, the husband is automatically the parent of the child and there is no need for separate acknowledgement of paternity. In other cases, the parenthood of the other parent must be acknowledged and confirmed." Quoted from [Confirming and Annuling Parenthood](#), Digital and Population Data Services Agency, (no date).

145 If the child has two mothers under the [Finnish Parenthood Act \(775/2022\)](#), these provisions apply only to the mother who gave birth to the child, and the provisions concerning the father and confirmation of paternity apply to the mother referred to in section 5(1) of the Parenthood Act and the confirmation of maternity. [Nationality Act](#), Section 9(4). See [Parenthood Act](#), Finland/Ministry of Justice, Act (775/2022), entered into force 1 January 2023, Section 5(1); and [Nationality Act](#), Finland/Ministry of the Interior, Act (359/2003; amendments up to 974/2007 included), Section 9(4).

146 [Registering a Child Born Abroad in Finland](#), Digital and Population Data Services Agency, (no date); and [Registration of Birth in the Population Register System](#), Ministry for Foreign Affairs of Finland, (no date).

The 2003 Nationality Act<sup>147</sup> provides for Migri, the Finnish Immigration Service, to determine citizenship status at the request of a public authority or an individual. The Nationality Decree requires that relevant State agencies (the Digital and Population Data Services Agency or State Department of Åland) must submit a request to Migri to determine the nationality of a child born in Finland (and registered in the population information system), within three months of receiving information about the birth, in cases where:

1. the child's parents were not married at the time of the child's birth and the mother is not a Finnish citizen and "a) paternity has not been established; or b) the father is confirmed to be a citizen of a foreign country";
2. the child's parents were married at the time of the child's birth and are neither Finnish citizens nor holders of another nationality in common; or
3. the parents of the child were married at the time of the child's birth and are not Finnish citizens but are both citizens of the same other country; but the child does not automatically acquire the parents' nationality under the other country's law; or
4. the child is a foundling (identity of parents is unknown), or their nationality is unknown (and the child not been found to be a citizen of a foreign State before reaching the age of five).<sup>148</sup>

However, the agencies are not required to request determination of the child's citizenship status in the circumstances set out in (1) to (3) above, "if the information about the child's citizenship entered in the population information system has been reliably verified in compliance with subsections 1 and 2 of section 19 of the Act on the Population Information System and the Certification Services of the Digital and Population Information Agency (661/2009)".

## The impact of good practices in birth registration

As of August 2024, the nationality determination procedure was being used regularly. Information from 2017 indicated that approximately 1,000 nationality determinations were made for children each year. Several cases had been litigated, and courts had generally held in favour of recognizing potentially stateless children born in Finland as Finnish nationals.<sup>149</sup>

147 [Nationality Act](#), Finland/Ministry of the Interior, Act (359/2003, as amended), (entered into force 1 June 2003).

148 *Ibid.*, Section 1.

149 See UNHCR, [Good Practices Paper, Action 2](#), pp. 10-12; see also [Mapping Statelessness in Finland](#), UNHCR, November 2014.

As a result of good practices in birth registration, the obligatory referral of children at risk of statelessness to the nationality determination procedure and legal safeguards to prevent statelessness, relatively few children born in Finland remain stateless for lengthy periods.

## Kazakhstan

### Population overview

Statelessness in Kazakhstan is primarily linked to the dissolution of the Soviet Union and related factors. Many people throughout Central Asia, including in Kazakhstan, were left stateless in the 1990s, linked to being outside the country at a particular date and gaps or contradictions in nationality laws. Data for 2024 indicates there were 7,436 officially recognized stateless people and 583 people with undetermined nationality in Kazakhstan.<sup>150</sup>

### Birth registration to help prevent statelessness

Kazakhstan has nearly universal birth registration, and the law provides for some flexibility in birth registration procedures, which helps to prevent statelessness.<sup>151</sup>

Kazakhstan amended its Code on Marriage and Family in 2019 to help ensure birth registration and the issuance of birth certificates for all children born in the country, regardless of their parents' immigration or documentation status.<sup>152</sup>

Usually, a medical birth certificate is needed to register a child's birth. In the case of birth outside healthcare facilities, a mother can apply for a medical certificate of birth, which can be issued by the responsible medical worker of the appropriate obstetrics facility.

In the absence of a medical certificate of birth, the State registration of a child's birth is based on a copy of a court decision establishing the fact of birth. If the required identity documents are not available, information about the child's parents can be completed based on a marriage certificate, a registered act on conclusion of marriage, or a mother's statement (a note will be recorded that information about the mother is based on her statements). However, the law does not provide for registration of birth on the basis of the mother's statement only.

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150 [Ending Statelessness in Central Asia](#), UNHCR, 2024, data to 30 October 2024.

151 See [Completeness of birth registration \(%\) – Kazakhstan](#), World Bank Group, (no date).

152 [Kazakhstan amends laws to ensure universal birth registration and prevent childhood statelessness](#), UNHCR, 26 December 2019.



The birth registry contains the child's name and surname, the child's patronymic (if relevant — this is a name derived through the father's name) and the parents' nationality(ies). The medical birth certificate contains information about the mother and child, including the name, date of birth and gender of the child and issue date of the certificate.

The birth of children who have been abandoned can be registered by an appropriate government authority or healthcare organization, and the application should be made within seven days of the child being found or abandoned. The application should be supported by a statement about the circumstances, including the time and place the child was found, and a record completed by a healthcare professional confirming the age, gender and other information about the child.<sup>153</sup>

If a child is born in Kazakhstan to parents who are stateless, birth registration allows the child to acquire Kazakhstani citizenship automatically, thereby preventing the risk of statelessness. Furthermore, birth registration provides the child with a legal identity from an early age, which is essential for accessing citizenship or identity documents and rights related to citizenship in the future.

## The impact of good practices in birth registration

During the #IBelong Campaign (2014 to 2024), more than 4,000 people in Kazakhstan were assisted by UNHCR and partners to obtain proof of or acquire a nationality. Data from 2014-2019 showed that more than 1,500 people had been assisted to confirm or acquire nationality, ten per cent of whom were children whose births had previously not been registered because their parents were not documented.<sup>154</sup>

## North Macedonia

### Population overview

Since North Macedonia gained independence in 1991, various interconnected factors have resulted in statelessness, including the dissolution of the former Yugoslavia, contradictions between laws and lack of access to birth registration, particularly in already marginalized communities.

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153 [Statelessness in Kazakhstan: Analysis of National Legislation \(3rd ed.\)](#), UNHCR, May 2023, p. 22.

154 UNHCR, [Kazakhstan amends laws to ensure universal birth registration and prevent childhood statelessness](#).

The Government started introducing measures to address statelessness in 2002, after the national Population Census identified 17,652 stateless people. By 2023, most cases had been resolved. However, there are still outstanding cases among minority groups, mainly the Roma community. For 2024, the available data indicated 159 recorded stateless people and people with undetermined nationality in North Macedonia.<sup>155</sup>

## Birth registration to help prevent statelessness

In 2014, with the launch of UNHCR's ten year #IBelong Campaign, North Macedonia pledged to end statelessness by the end of 2024. UNHCR assisted the Government to form a coalition of stakeholders and develop a formal roadmap for ending statelessness in North Macedonia within the specified timeframe.

The Government has undertaken significant efforts in collaboration with international organizations to facilitate birth registration among marginalized groups. In 2018 and 2019, the Government led a public call to identify people without identity documentation. In 2020, a new Law on People that are not Registered in the Birth Register was implemented, which provided a special registration procedure for people identified in the 2018 project and children born subsequently who could not obtain a birth certificate.<sup>156</sup>

In 2021, following civil society advocacy and litigation, the Parliament adopted amendments to the Law on Citizenship.<sup>157</sup> For the first time, the Law on Citizenship addressed stateless people as part of the regular civil registration and citizenship system. Unlike the former law, it avoided creating parallel systems that limited access to certain rights and services. By providing a systemic solution and ensuring equal treatment for all, this marked a paradigm shift. The amendments aimed to facilitate, by the end of 2023, birth registration for approximately 900 people identified through the 2018 Government-led public call who still lacked documentation (relating to the dissolution of the former Yugoslavia). Awareness-raising campaigns were also initiated to encourage unregistered people to seek legal advice and apply for birth registration and nationality.<sup>158</sup>

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155 UNHCR's [Refugee Data Finder](#).

156 [Law on People that are not registered in the Birth Register](#), adopted on 16 February 2020, Official Gazette of the Republic of North Macedonia, No. 42/20, 305/20 and 178/21, [in Macedonian].

157 [Law on Citizenship](#), Republic of North Macedonia, Official Gazette of the Republic of Macedonia, No. 67/92, 8/04, 98/08, 158/11 and 55/16 and Official Gazette of the Republic of North Macedonia No. 174/21 and 67/22, as amended 30 July 2021.

158 [UNHCR reports progress on tackling statelessness](#), UNHCR, 4 November 2023; see also [Submission to inform the European Commission 2024 Enlargement Package: Progress towards addressing statelessness in enlargement countries](#), ENS, pp. 10-11.

Following the adoption of the amendments to the Law on Citizenship, it became evident that some individuals were still unable to apply for citizenship. This was because they had never been registered in the civil registry and, therefore, could not substantiate their claim to citizenship. This highlighted the need for amendments to the Law on Civil Registry, which were adopted in June 2023 to regularize the situation of these people, most of them children.<sup>159</sup> The law requires that the birth of every child born within the territory of North Macedonia is registered within 45 days of birth, regardless of the parents' nationality or immigration status. These amendments provided a simplified and facilitated procedure for birth registration to ensure that everyone identified in the public call was registered in the regular birth register by the end of 2023. There were also media campaigns urging stateless people to approach legal advice providers (including UNHCR's legal partner MYLA) for support in submitting requests for naturalization and birth registration. Reports indicate that the new requirement is being implemented.<sup>160</sup>

Following this, amendments were adopted to the Law on ID cards,<sup>161</sup> the Law on Residence<sup>162</sup> (both in adopted in October 2023) and the Law on Foreigners<sup>163</sup> (December 2023) to resolve any remaining challenges with access residence or ID cards.

The Government has also started to implement further legal changes since late 2023 to facilitate registration of homeless people or people living in informal settlements or housing, including allowing registration at the addresses of social work centres, health or social institutions and alternative places.<sup>164</sup> People who are accommodated in a health or social institution can register that as their address. The new amendments also foresee several options for people living in 'non-legalized houses' or other settlements to document their ownership of the property and obtain an identity document. These amendments were made in response to many reported cases where former stateless people who have acquired Macedonian nationality could not register their residence and obtain a Macedonian identity card because they were living in 'non-legalized houses' or informal settlements, or were living in destitution.

159 [Law on Civil Registry](#), Republic of North Macedonia, The Official Gazette of the Republic of Macedonia Nos. 8/95, 38/02, 66/07, 67/09, 13/13, 43/14, 148/15, 27/16 and 64/18 and The Official Gazette of the Republic of North Macedonia No. 14/20, as amended 14 June 2023

160 *Ibid.*

161 [Law on ID Cards](#), Republic of North Macedonia, Official Gazette of the Republic of Macedonia no. 08/95, 38/02, 16/04, 12/05, 19/07, 10/10, 51/11, 13/12, 166/12, 154/15 and 55/16 and Official Gazette of the Republic of North Macedonia no. 67/22 and 209/23), as amended 4 October 2023.

162 [Law on registration of permanent and temporary residence of citizens](#), North Macedonia, Official Gazette of the Republic of Macedonia no. 36/92, 12/93, 43/00, 66/07, 51/11, 152/15 and 55/16 and Official Gazette of the Republic of North Macedonia no. 302/20, 67/22, and 209/23, as amended in 2023.

163 [Law on Foreigners](#), North Macedonia, Official Gazette of the Republic of Macedonia" No. 97/18, "Official Gazette of the Republic of North Macedonia" No. 108/19, 294/21 and 284/23, as amended in 2023.

164 [Law on Civil Registry](#), Republic of North Macedonia.

## The impact of good practices in birth registration

In 2023 and 2024, civil society organizations reported that unregistered people were regularly applying for registration/regularization under the new measures. The Government is in the process of implementing measures to document the remaining individuals with unregulated status and grant them identity documents and routes to confirmation or acquisition of nationality. The effectiveness of these solutions will depend on their continuous and comprehensive implementation in practice.

As a result of the 2021 amendments to the Law on Citizenship to address the ex-Yugoslavia caseload, by June 2025, 317 people had been granted citizenship and ID cards. In addition, 602 people whose births were not registered had resolved their status through the amended legislation. This means that, in total, 764 of the 919 known people at risk of statelessness acquired their first ID card in North Macedonia through the resolution of their cases in 2023 or 2024.

## Portugal

### Population overview

UNHCR's 2018 mapping study of statelessness in Portugal identified several causes of statelessness and people's lack of identity and nationality documentation. The main population groups at risk of statelessness include individuals from former Portuguese colonies, such as Angola, Guinea-Bissau and Mozambique, as well as their descendants. Additionally, children born in Portugal to foreign parents, particularly those from countries with complex nationality laws, are also identified as being at-risk.<sup>165</sup> Portugal's 2011 census recorded 553 stateless people (284 men, 269 women, all adults).<sup>166</sup> In 2024 or 2025, the available data recorded 31 stateless people.<sup>167</sup>

### Birth registration to help prevent statelessness

Birth registration is mandatory under the Civil Registration Code. The Government operates a programme called *Nascer Cidadão* ("Born a Citizen"), a joint action of the Ministry of Justice, the Ministry of Solidarity and Social Security and the Ministry of Health. Birth registration is facilitated, including for parents who cannot prove their identity or if the deadline for birth registration is missed. Parents who do not have identification documents

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165 [Mapping Statelessness in Portugal](#), UNHCR, October 2018, Section 4.1.

166 Statistics Portugal (INE), [Census 2011](#). Data on resident population by place of residence, sex, age group and nationality.

167 UNHCR's [Refugee Data Finder](#).

can confirm their identity through the testimony of two witnesses. Public hospitals, maternity clinics and some private hospitals are required to report births before discharging a new mother; or, if the birth takes place outside such a facility, parents, close relatives or healthcare professionals are required to report the birth within 20 days. Since April 2020, registration can be done online. Parents can also request a national identity document for the child upon birth registration. The registrar issues a free digital or physical birth certificate for all children upon registry.<sup>168</sup>

The child's nationality is usually not recorded on the birth certificate. However, according to the Nationality Regulation, if the parents are not Portuguese citizens, their nationality, or the fact that it is unknown, must be recorded in the birth certificate so as to facilitate the child's identification.<sup>169</sup> If it is demonstrated that the child does not have a nationality through their parents, the birth certificate must record this. Evidence of statelessness and the child's birth certificate should then be submitted by the local birth registrar to the *Conservador dos Registos Centrais* (Registrar of the Central Registry Office), who should analyse the evidence and decide whether the registration is authorized.<sup>170</sup> In practice, if the parents have not been officially recognized as stateless, then they must provide evidence showing that the child would be stateless if not granted Portuguese nationality.<sup>171</sup>

Although there is no explicit prohibition on sharing information from birth registration with immigration authorities, Article 101-A of the Civil Registration Code requires that medical facilities record birth data in software that can be accessed only by health facilities, the Institute of Registration and Notary Affairs, and the Institute of Social Security.<sup>172</sup> Moreover, information about the technical and security features of this data management system must be provided to the National Commission on Data Protection.<sup>173</sup>

In addition to good practices relating to birth registration, the Portuguese Nationality Act provides that: "Individuals born in Portuguese territory who do not have another nationality are Portuguese by birth."<sup>174</sup>

168 [Civil Registration Code](#), Public Ministry, Portugal, Decree Law n. 131/95, amended by Decree Law n. 126/2023, 26 December 2023; and [Ordinance n. 61/2024](#), Portugal/Justice, Official Gazette No. 36/2024, Series I of 2024-02-20, adopted 20 February 2020, pp. 13-15.

169 [Regulation on Portuguese Nationality](#), Decree Law n. 237-A/2006, amended by Decree Law n. 41/2023, as amended 2 June 2023, Art. 4(1).

170 *Ibid.*, Article 6(1)(2).

171 [ENS Statelessness Index Survey 2022: Portugal](#), Sections PRS, 2b, 2e and 6-7, pp. 26-27 and 31-35.

172 [Civil Registration Code](#), Public Ministry, Portugal, Decree Law n. 131/95, amended by Decree Law n. 126/2023, 26 December 2023, Article 101-A

173 *Ibid.*, Article 101-C.

174 [Nationality Law](#), Portugal, Law n. 37/81, amended by Organic Law n. 1/2024, as amended 5 March 2024, Article 1(1)(g), [in Portuguese].

The law also has safeguards for foundlings, adopted children and children born to Portuguese citizens outside Portugal. In addition, a 2022 amendment to the Nationality Regulation establishes that, if the authorities of a third country do not reply to an official query about a person's nationality within three months, it is presumed that the person concerned does not have the nationality of that country.<sup>175</sup> Further, in 2023, the Parliament adopted a new law (in force since 10 August 2023) which provides a definition of a stateless person and establishes that people who are recognized as stateless pursuant to the 1954 Convention have an entitlement to legal status in Portugal on the basis of statelessness and to a travel document. This necessitates the establishment of a statelessness determination procedure.<sup>176</sup>

## **The impact of good practices in birth registration**

Portugal's pro-active approach to birth registration and nationality appears to have resulted in no or very low numbers of stateless children being born in Portugal.

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175 [Regulation on Portuguese Nationality](#), Decree Law n. 237-A/2006, amended by Decree Law n. 41/2023, as amended 2 June 2023, Article 36, [in Portuguese].

176 [Decree Law n. 41/2023](#), 10 August 2023, Portugal/Official Gazette No. 155/2023, 10 August 2023, [in Portuguese].

## VII. CONCLUSION

*“The one thing I need to achieve my dreams is citizenship.”<sup>177</sup>*

All children have rights and inherent potential to make important contributions to their societies. Statelessness violates children’s rights and limits their potential, hindering them from achieving their hopes and dreams, or even having them at all. In today’s global but bureaucratic world, it is more important than ever that all children have a birth certificate, a nationality and official proof of that nationality, so they can access all their rights as children and human beings. Improving laws, policies and practices can bring life-changing benefits to children and allow them to grow up in more stable situations, in which they have much better chances of thriving. Addressing statelessness also benefits societies in myriad other ways: promoting future innovation by expanding access to education; reducing poverty and economic burdens on States by supporting access to work and increased earning potential; decreasing discontent amongst marginalized people; reducing mental and physical illness through improved access to healthcare; and more.

Most stateless children lack a nationality through no fault of their own, yet they are sometimes blamed for being stateless or are punished for the actions or omissions of their parents, governments or others that led to their statelessness.

The examples included in this report illustrate that OSCE participating States have collectively made significant progress towards preventing childhood statelessness. Key examples of good practices include: outreach to marginalized and/or remote communities; finding solutions for particularly vulnerable groups, such as children in State care; legal amendments to facilitate access to nationality; and State funding for effective legal aid systems that stateless people can access.

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<sup>177</sup> Quote by Jirair, a stateless person in Georgia, see UNHCR, [I Am Here, I Belong](#), p. 21.

A key theme that emerges from these examples is that many efforts to prevent statelessness benefit from consultation and collaboration between governments, inter-governmental organizations, non-governmental organizations, community groups and, of course, stateless people themselves. Governments should not shy away from consultation and collaboration, but should take the opportunity to learn from people who have direct experience of statelessness, and those who advocate for them, to design the most effective laws, policies and programmes to prevent childhood statelessness.

Another important theme is that details matter. For measures to prevent or remedy statelessness to be effective, they should take into account the wide-ranging realities of stateless people, which are often harsh and multi-faceted. Remedies should be designed to take into account that stateless people may distrust authorities, due to years of negative experiences. They may not have any documents and may be unable to obtain any. They may be suffering from frustration, depression or other mental health conditions. They may be physically unwell due to lack of adequate health care, food, housing and security. They may be illiterate, lack knowledge of certain aspects of society, or lack experience with technology due to being excluded from education. They may have been living in poverty for extended periods, sometimes for generations, and be unable to travel to government offices or pay even small fees. They may struggle to find employment, having been prohibited from working. They might not identify themselves as stateless. They may need specialist interpreters, and they often need legal advisors who specialize in statelessness and nationality issues. On the other hand, some stateless people are very well-educated and speak multiple languages. They may have had a nationality of which they have been deprived. They may have had successful careers and are very capable of explaining their statelessness and advocating for themselves and others. All these factors, and more, affect how laws and procedures should be designed to be accessible to all stateless people (and in the case of children, their parents and others responsible for ensuring their best interests are fulfilled).

Despite the complexities of statelessness, sometimes relatively simple changes do make a huge difference. For example, eliminating fees, providing application forms in multiple languages, waiving requirements for documents or tests, introducing policies that promote flexibility in favour of stateless people, arranging for statelessness and nationality experts to deliver training for officials, and various other measures can be accomplished relatively easily and have a big impact. Other solutions may be more complex or costly, but are still achievable through collaborative efforts.



When we open doors for stateless children and give them the opportunities and rights that flow from nationality, many benefits follow, for individuals, families, communities and wider society.

*“My father used to say, when someone has citizenship, it opens thousands of doors.*

*You are treated as an equal,*

*with the opportunity to go to school, access health care and apply for jobs.”<sup>178</sup>*

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178 Quote by a young stateless person from the Rohingya community in Myanmar, in Jody Clarke, [My father used to say, when someone has citizenship, it opens thousands of doors: Life as a stateless person in Ireland](#), UNHCR, 22 May 2023.

# RECOMMENDATIONS

The recommendations below are designed to encourage good practices to prevent or remedy childhood statelessness.

## Governments

1. Accede to and implement relevant international treaties relating to statelessness and the right to a nationality, including the 1954 and 1961 Conventions and the CRC.
2. Facilitate access to birth registration and access to nationality, for example through removing documentation and lawful stay requirements, waiving fees, and introducing or improving flexibility in birth registration procedures.
3. Adopt effective measures to eliminate discrimination of any kind in nationality and birth registration policies and practices.
4. Raise awareness and build capacity on the right to nationality and the risks of statelessness among civil registry staff, registry offices, medical staff, police officers, social workers, local authorities, NGOs and others working with affected populations.
5. Ensure the adequate provision of independent legal advice that is accessible to all stateless people (including those who have no legal status or identity documents); many stateless people need access to legal aid in order to prove their identity and/or entitlement to recognition as a stateless person or nationality.
6. Adopt effective measures to protect, facilitate and promote the rights of children while they remain stateless, including, for example, access to education, health care, freedom from arbitrary detention, appropriate support to ensure an adequate standard of living and consideration of best interests.
7. Allocate adequate funding to ensure effective, accessible measures to prevent or remedy statelessness, for example, to fund staff for birth registration and nationality determination; regular training for officials; robust monitoring and evaluation; specialist legal advice; community outreach and awareness-raising; anti-discrimination

campaigns where needed; interpreters/translators, welfare support for stateless children in need; and social work support for stateless children in care.

8. Recognize statelessness and barriers to birth registration as development issues and adopt effective remedies in line with the Sustainable Development Goals.
9. Implement information campaigns to increase awareness among parents, families and communities about the importance of civil registration. Field visits should follow campaigns to explain the information in person, verifying that the information was passed through and correctly understood.
10. Engage in frequent, meaningful consultation and collaborate with stateless people, civil society organizations, community groups, lawyers and others to understand and address the challenges stateless children and their families face.
11. Ensure robust and transparent collection and publication of data relating to birth registration and the acquisition of nationality, particularly for refugees, members of minority groups, undocumented migrants and others at heightened risk of lack of birth registration or nationality.

## Lawmakers

1. Enact nationality laws that comply with the 1961 Convention, the CRC and other international human rights laws and standards to prevent childhood statelessness.
2. Enact human rights-compliant birth registration laws and policies that help to prevent childhood statelessness, simplify procedures and evidentiary requirements, and facilitate late birth registration.
3. Establish robust, accessible laws and procedures to determine nationality or statelessness at birth, and provide stateless children who arrive in the territory with a facilitated and expedited route to nationality. Such measures should contain adequate procedural safeguards and apply a low standard of proof and shared burden of proof for statelessness and nationality matters.
4. Eliminate discrimination in nationality and birth registration laws, for example, against women, ethnic minorities, children born via assisted reproduction or on the basis of parents' marital status, immigration status or gender.
5. Enact legal protections relating to data held by healthcare professionals, birth registrars and others involved in birth registration to prohibit data sharing with immigration authorities, so that parents are not inhibited from registering their child's birth for fear of being reported to the immigration authorities.

## **Frontline officials: birth registrars, nationality and statelessness decision-makers, et al.**

1. Learn about statelessness and nationality issues, and share this knowledge with colleagues.
2. Use existing tools and resources (or create new ones) to identify statelessness and risk of statelessness accurately and refer affected people to the appropriate procedures or legal assistance.
3. Demonstrate understanding of statelessness in interviewing and decision-making, and take appropriate approaches to help stateless people overcome the hardships they experience.
4. Apply laws and policies flexibly in favour of stateless people wherever possible.
5. Ensure that the fundamental human rights and best interests of children are adequately considered and protected, in accordance with applicable international law.

# ANNEXES

## Annexe I: States Parties to the 1954 and 1961 UN Statelessness Conventions in the OSCE Area and 11 Asian and Mediterranean Partners for Co-operation

Status as of 12 April 2025

OSCE Participating States	1954 Convention relating to the Status of Stateless Persons <sup>179</sup>		1961 Convention on the Reduction of Statelessness <sup>180</sup>	
	Signature	Accession (a), Succession (d), Ratification	Signature	Accession, Succession, Ratification
Albania	--	23 June 2003 a	--	9 July 2003 a
Andorra	--	--	--	--
Armenia	--	18 May 1994 a	-	18 May 1994 a
Austria	--	8 February 2008 a	--	22 September 1972 a
Azerbaijan	---	16 Aug 1996 a	--	16 August 1996 a
Belarus	--	--	--	--
Belgium	28 September 1954	27 May 1960	--	1 July 2014 a
Bosnia and Herzegovina	--	1 September 1993 d	--	13 December 1996 a
Bulgaria	--	22 March 2012 a	--	22 March 2012 a
Canada	--	--	--	17 July 1978 a

179 For declarations and reservations to the 1954 Convention, see [3. Convention relating to the Status of Stateless Persons](#), UNTC, (no date), New York, 28 September 1954.

180 For declarations and reservations to the 1961 Convention, see [4. Convention on the Reduction of Statelessness](#), UNTC, (no date), New York, 30 August 1961.

OSCE Participating States	1954 Convention relating to the Status of Stateless Persons <sup>179</sup>		1961 Convention on the Reduction of Statelessness <sup>180</sup>	
	Signature	Accession (a), Succession (d), Ratification	Signature	Accession, Succession, Ratification
Croatia	---	12 October 1992 d	-	22 September 2011 a
Cyprus	--	--	--	--
Czechia	--	19 July 2004 a	--	19 December 2001 a
Denmark	28 September 1954	17 January 1956	--	11 July 1977 a
Estonia	--	--	--	--
Finland	--	10 October 1968 a	-	7 August 2008 a
France	12 January 1955	8 March 1960	31 May 1962	--
Georgia	--	23 December 2011 a	--	--
Germany	28 September 1954	26 October 1976	--	31 August 1977 a
Greece	--	4 November 1975 a	--	--
Holy See	28 September 1954	--	--	--
Hungary	--	21 November 2001 a	--	12 May 2009 a
Iceland	--	26 January 2021 a	--	26 January 2021 a
Ireland	--	17 December 1962 a	--	18 January 1973 a
Italy	20 October 1954	3 December 1962	--	1 December 2015 a
Kazakhstan	--	--	--	--
Kyrgyzstan	--	--	--	--
Latvia	--	5 November 1999 a	--	14 April 1992 a
Liechtenstein	28 September 1954	25 September 2009	--	25 September 2009 a
Lithuania	--	7 February 2000 a	--	22 July 2013 a
Luxembourg	28 October 1955	27 June 1960	--	21 September 2017 a

OSCE Participating States	1954 Convention relating to the Status of Stateless Persons <sup>179</sup>		1961 Convention on the Reduction of Statelessness <sup>180</sup>	
	Signature	Accession (a), Succession (d), Ratification	Signature	Accession, Succession, Ratification
Malta	--	11 December 2019 a	--	--
Monaco	--	--	--	--
Mongolia	--	--	--	--
Montenegro	--	23 October 2006 d	--	5 December 2013 a
Netherlands	28 September 1954	12 April 1962	30 August 1961	13 May 1985
North Macedonia	--	18 January 1994 d	--	3 January 2020 a
Norway	28 September 1954	19 November 1956	--	11 August 1971 a
Poland	--	--	--	--
Portugal	--	1 October 2012 a	--	1 October 2012 a
Republic of Moldova	--	19 April 2012 a	--	19 April 2012 a
Romania	--	27 January 2006 a	--	27 January 2006 a
Russian Federation	--	--	--	--
San Marino	--	--	--	--
Serbia	--	12 March 2001 d	--	7 December 2011 a
Slovakia	--	3 April 2000 a	--	3 April 2000 a
Slovenia	--	6 July 1992 d	--	14 March 2025 a
Spain	--	12 May 1997 a	--	25 September 2018 a
Sweden	28 September 1954	2 April 1965	--	19 February 1969 a
Switzerland	28 September 1954	3 July 1972	--	--
Tajikistan	--	--	--	--
Türkiye	--	26 March 2015 a	--	--

OSCE Participating States	1954 Convention relating to the Status of Stateless Persons <sup>179</sup>		1961 Convention on the Reduction of Statelessness <sup>180</sup>	
	Signature	Accession (a), Succession (d), Ratification	Signature	Accession, Succession, Ratification
Turkmenistan	--	7 December 2011 a	--	29 August 2012 a
Ukraine	--	25 March 2013 a	--	25 March 2013 a
United Kingdom	28 September 1954	16 April 1959	30 August 1961	29 March 1966
United States	--	--	--	--
Uzbekistan	--	--	--	--

OSCE Partners for Co-operation	1954 Convention relating to the Status of Stateless Persons		1961 Convention on the Reduction of Statelessness	
	Signature	Accession (a), Succession (d), Ratification	Signature	Accession, Succession, Ratification
Afghanistan	--	--	--	--
Algeria	--	15 July 1964 a	--	--
Australia	--	13 December 1973 a	--	13 December 1973 a
Egypt	--	--	--	--
Israel	1 October 1954	23 December 1958	30 August 1961	--
Japan	--	--	--	--
Jordan	--	--	--	--
Republic of Korea	--	22 August 1962 a	--	--
Morocco	--	--	--	--
Thailand	--	--	--	--
Tunisia	--	29 July 1969 a	--	12 May 2000 a



## Annexe II: Questions to help identify a child's (risk of) statelessness<sup>181</sup>

The following questions help to identify a child's statelessness or risk of statelessness. Most of the questions are not determinative on their own but should guide the interviewer to investigate further where needed.

The interviewer should understand that some people may not be able to answer all of these questions, or it may be difficult to answer some of the questions, because the person doesn't have the information or the questions may relate to traumatic events such as rape, incest, the death or disappearance of the child's parent(s) or other persecution.

The interviewer should explain that:

- These questions are being asked to identify the child's identity and nationality so that they can be appropriately helped if there are any problems.
- For the purposes of the interview, nationality means the legal bond between a State and a citizen and is the equivalent of 'citizenship' (unless otherwise defined).

This is not an exhaustive list and which questions will be relevant will depend on the context.

### Questions

1. Was the child's birth registered? If so, where?
2. Was a birth certificate issued, and is it proof of nationality?
3. Does the child have any proof of having a nationality, such as a genuine national identity card or passport? If not, why not?
4. If the child has any (valid or expired) identity or travel documents, do these record the child's nationality and is this accurate?
5. If the child has a birth certificate, are both parents included on it? If not, might this pose difficulties in the child being recognized as having the same nationality as either parent? Does the certificate state the parents' nationality(ies)?

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181 This list was originally drafted by Cynthia Orchard for the European Network on Statelessness, see [Stateless Journeys: Birth Registration](#), ENS, (no date), (used here with consent, lightly amended).

6. Does the child come from a country where birth registration is not routine or is complicated or costly? If so, does this have implications for their acquisition of nationality?
7. If the child does not have a valid identity document, have they tried to obtain or renew identity documents and been refused or ignored? Do they have evidence of this? How many times have they tried? Did they have adequate legal assistance with these efforts? (Note: refugee parents or children should not be expected to contact the authorities of a State if they fear persecution by that State)
8. Does the child or their parents come from a country or territory where there is a high risk of statelessness, that is not fully recognized as a State, is occupied by another State, or that is affected by State succession or a land dispute?
9. Does the child or a parent belong to a group which is known to be stateless/at risk of statelessness?
10. Does the child come from a country where women do not have the right to pass their nationality on to their children in the same way as men? If yes, have they inherited their father's nationality? (For example: Saudi Arabia, Bahamas, Bahrain, Barbados, Brunei, Burundi, United Arab Emirates, Swaziland, Iran, Iraq, Jordan, Kiribati, Kuwait, Lebanon, Liberia, Libya, Malaysia, Mauritania, Nepal, Oman, Qatar, Somalia, Sudan, Syria and Togo)
11. Has the child's mother faced problems registering her child because she is female? (Or has she not attempted to register her child because she believes she will have difficulties doing so?)
12. If the child was born outside the country of a parent's nationality, do that country's laws require children born abroad to be registered to acquire nationality? If so, are there barriers to that registration taking place, or have any deadlines for registration been missed?
13. Was the child able to go to school or access health care in their country of origin or place of residence? If not, was this because they lacked a birth certificate, identity documents or proof of nationality?
14. If a nationality has been recorded for the child, does the child or a parent or guardian contest this nationality and, if so, why?
15. Did the child or their parents have access to statelessness determination procedures in another country? If yes, what was the authority's decision? Is it a sound decision that takes into account all relevant facts?

16. Has the child and/or their parents been detained but removal to another country has proved impossible? Does this indicate that the parent and/or child is stateless?
17. Has either parent been stripped of their nationality, for example, for political reasons, before or after the child's birth, and does this affect the child's nationality?
18. Has either of the child's parents acquired a new nationality in the child's lifetime? Does this affect the child's nationality?
19. Are the child's parents subject to discrimination based on gender in a country of origin or residence, which may mean the child is not recognized as having the nationality of the parents?
20. If the child can potentially acquire the nationality of the State in which they were born based on residence for a certain number of years, and/or on other conditions, does the child meet all the relevant conditions? Are there any practical barriers to acquiring that nationality?
21. Were the child's parents married (in a marriage recognized as valid in any relevant States) at the time the child was born? Have they married subsequently? Does this affect the child's nationality?
22. Since the child's birth, has their mother married someone other than the child's father? Does this affect the child's nationality?
23. Is there any other reason to be concerned that the child may be stateless?

## Annexe III: Model instrument of accession to the 1954 Convention relating to the Status of Stateless Persons

WHEREAS a Convention Relating to the Status of Stateless Persons was adopted by the Conference of the Plenipotentiaries on the twenty-eighth day of September, one thousand nine hundred and fifty-four, and is open for accession pursuant to Article 35 thereof;

AND WHEREAS, it is provided in Section 4 of the said Article 35 that accession thereto shall be affected by deposit of an instrument with the Secretary-General of the United Nations;

NOW THEREFORE, the undersigned [Title of Head of State, Head of Government or Foreign Minister] hereby notifies the accession of the [State concerned];

GIVEN under my hand in \_\_\_\_\_ this \_\_\_\_\_

Day of \_\_\_\_\_ two thousand and \_\_\_\_\_

[Public seal and signature  
of custodian if appropriate]

[Signature of Head of State, Head of  
Government or Foreign Minister]

## Annexe IV: Model instrument of accession to the 1961 Convention on the Reduction of Statelessness

WHEREAS a Convention on the Reduction of Statelessness was adopted by the Conference of the Plenipotentiaries on the thirtieth day of August, one thousand nine hundred and sixty-one, and is open for accession pursuant to Article 16 thereof;

AND WHEREAS, it is provided in Section 4 of the said Article 16 that accession thereto shall be affected by deposit of an instrument with the Secretary-General of the United Nations;

NOW THEREFORE, the undersigned [Title of Head of State, Head of Government or Foreign Minister] hereby notifies the accession of the [State concerned];

GIVEN under my hand in \_\_\_\_\_ this \_\_\_\_\_

Day of \_\_\_\_\_ two thousand and \_\_\_\_\_

[Public seal and signature  
of custodian if appropriate]

[Signature of Head of State,  
Head of Government or  
Foreign Minister]

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