

## COMMENTARY

# STATELESSNESS AND YOUNG CHILDREN

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### I GLOBAL CHALLENGES

All children deserve to be born with a nationality and identity that protects their rights. Unfortunately, at least 70,000 children who are born in the 20 major reported non-refugee stateless situations are unable to acquire any nationality each year.<sup>1</sup> These numbers mask the reality that many more children are impacted by conditions that render them *effectively stateless* (ie, individuals who have a legal nationality, a state to which they can turn, but no documentation of birth) — a term this commentary has adopted.<sup>2</sup> Statelessness in these contexts stems from a range of conditions including, among others, a lack of birth registration, displacement from place of birth or the denial of the right to a national identity where the parents have a different nationality from the place of birth. The number of young children affected by these, and related, conditions is alarming. For example, the United Nations Children’s Fund (‘UNICEF’) reports that one out of four children who are less than five years of age ‘do not officially exist’ because their births have never been officially recorded.<sup>3</sup>

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1 UNHCR, *Global Action Plan to End Statelessness 2014–2024* (Report, 2014) 10 (‘*UNHCR Global Action Plan*’).

2 Personal Communication from Professor Jacqueline Bhabha, Harvard University; H Massey, *UNHCR and De Facto Statelessness* (Legal and Protection Policy Research Series No LPPR/2010/01, UNHCR, April 2010) 31.

3 ‘Birth Registration’, *UNICEF* (Web Page, August 2021) <<https://data.unicef.org/topic/child-protection/birth-registration/>>.

While we know that ~250 million children who are under five years of age, living in low- and middle-income countries, inclusive of humanitarian response settings, are at risk of not meeting their developmental potential due to a range of biological and psychosocial risk factors,<sup>4</sup> these numbers do not account for the additional risks caused by displacement, a lack of identity or effective statelessness.<sup>5</sup> An estimated 29 million children were born into situations of conflict alone in 2018.<sup>6</sup> The increasing number of conflicts around the world and the impact of climate change on migration will continue to cause disruptions in communities and families, leading to more displacement.<sup>7</sup> By the end of 2020, the number of people forcibly displaced had grown to 82.4 million: the highest number on record.<sup>8</sup> While children account for 30% of the world's population, it is estimated that they represent 42% of all forcibly displaced people.<sup>9</sup> However, the data has not often been disaggregated by age, and the laws and policies that can result in de facto statelessness (ie, where an individual has no state to which they can turn, although they have a nationality) vary widely across the world and are constantly changing.<sup>10</sup> This lack of a national identity stands in the way of assuring fundamental rights to protection, health and education, which can have a profound impact on the developing child. Moreover, the inaccessibility of essential services such as prenatal care, nutrition and housing — which may be denied to parents based on their nationality — can impact the care that young children need to thrive. Despite the stark numbers of those affected, and the lifelong implications, attention to the rights of the youngest children who are displaced has been largely neglected.<sup>11</sup>

## II UPHOLDING THE RIGHTS OF THE YOUNGEST CHILDREN: WHY DO THE EARLY YEARS MATTER?

The building blocks for healthy brain development, influenced by our biology and environment, are established in a child's early years, from the period of conception through to the first five years of life.<sup>12</sup> The progressive attainment of motor, cognitive, language and social skills and a sense of self during this period shape

<sup>4</sup> See Maureen M Black et al, 'Early Childhood Development Coming of Age: Science through the Life Course' (2017) 389(10064) *The Lancet* 77, 77.

<sup>5</sup> World Health Organization, *Nurturing Care for Children Living in Humanitarian Settings* (Policy Brief, 10 December 2020) 1. See generally Katie Maeve Murphy, Hirokazu Yoshikawa and Alice J Wuerml, 'Implementation Research for Early Childhood Development Programming in Humanitarian Contexts' (2018) 1419(1) *Annals of the New York Academy of Sciences* 9.

<sup>6</sup> UNICEF, '29 Million Babies Born into Conflict in 2018' (Press Release, 19 September 2019) <<https://www.unicef.org/press-releases/29-million-babies-born-conflict-2018>>.

<sup>7</sup> UNHCR, *Global Trends: Forced Displacement in 2020* (Report, 18 June 2021) 9 ('*Global Trends: Forced Displacement in 2020*'). See also Ayesha Kadir et al, 'Children on the Move in Europe: A Narrative Review of the Evidence on the Health Risks, Health Needs and Health Policy for Asylum Seeking, Refugee and Undocumented Children' (2019) 3(1) *BMJ Paediatrics Open* 1.

<sup>8</sup> *Global Trends: Forced Displacement in 2020* (n 7) 2.

<sup>9</sup> *ibid* 68.

<sup>10</sup> See generally Massey (n 2).

<sup>11</sup> Ankie Vandekerckhove and Jeroen Aarssen, 'High Time to Put the Invisible Children on the Agenda: Supporting Refugee Families and Children through Quality ECEC' (2020) 28(1) *European Early Childhood Education Research Journal* 104.

<sup>12</sup> Jack P Shonkoff et al, 'An Integrated Scientific Framework for Child Survival and Early Childhood Development' (2012) 129(2) *Pediatrics* e460.

the foundation for human development — our ability to learn, create, critically think, effectively communicate and form relationships. This period of development is rapid and the plasticity of the brain is at its most modifiable by risk and protective factors in the environment. Infectious disease, hunger, family distress, neglect and violence can disrupt the pattern of typical brain development.<sup>13</sup> Exposure to severe, frequent and prolonged adversity, without the support of a consistent and nurturing caregiver, can result in toxic effects on the developing brain with long-term detrimental implications on adult physical and mental health, learning and behaviour.<sup>14</sup>

Evidence shows the harmful effects of adverse childhood experiences on the individual, as well as intergenerational impacts, for children who experience displacement.<sup>15</sup> Young child refugees experience a host of risks that threaten their sense of security and impact their development, including loss of home and community, violence and separation. In contrast, stable settlement, social support and continuity of care, which maintains and values the family and nurturing caregiving system around the child, is protective.<sup>16</sup> Nurturing care is defined as a stable environment that is sensitive to young children's health and nutrition needs, offers protection from threats and provides opportunities for learning and grants responsive, emotionally supportive and developmentally stimulating interactions.<sup>17</sup> However, nurturing care interventions that support young children and their caregivers (eg, maternal and child health and nutrition, parenting support, family mental health and violence prevention and opportunities for play, creativity and learning) are undermined if child rights are not upheld. For example, the separation of children from their families at the border or for prolonged periods in detention centres has immediate and long-term consequences for the development and wellbeing of young children, as well as societal costs.<sup>18</sup>

The rights of all children are enshrined in the United Nations *Convention on the Rights of the Child* ('CRC'),<sup>19</sup> which defines the health, educational, social, cultural, economic and political rights for all children. The *CRC* has been ratified

<sup>13</sup> Charles A Nelson et al, 'Adversity in Childhood is Linked to Mental and Physical Health throughout Life' (2020) 371 *BMJ* 1, 2.

<sup>14</sup> *ibid*; Charles A Nelson, Nathan A Fox and Charles H Zeanah, 'Anguish of the Abandoned Child' (2013) 308(4) *Scientific American* 62.

<sup>15</sup> See, eg, Mina Fazel et al, 'Mental Health of Displaced and Refugee Children Resettled in High-Income Countries: Risk and Protective Factors' (2012) 379(9812) *The Lancet* 266; Arash Javanbakht et al, 'Biological and Environmental Factors Affecting Risk and Resilience among Syrian Refugee Children' (2021) 6 *Journal of Psychiatry and Brain Science* e210003; John S Murray, 'Toxic Stress and Child Refugees' (2018) 23(1) *Journal for Specialists in Pediatric Nursing* e12200.

<sup>16</sup> Black (n 4) 79.

<sup>17</sup> Pia R Britto et al, 'Nurturing Care: Promoting Early Childhood Development' (2017) 389(10064) *The Lancet* 91, 91.

<sup>18</sup> See T Joseph Mattingly et al, 'Unseen Costs: The Direct and Indirect Impact of US Immigration Policies on Child and Adolescent Health and Well-Being' (2020) 33(6) *Journal of Traumatic Stress* 873; Sarah Mares, 'Fifteen Years of Detaining Children Who Seek Asylum in Australia — Evidence and Consequences' (2016) 24(1) *Australasian Psychiatry* 11; Laura C N Wood, 'Impact of Punitive Immigration Policies, Parent–Child Separation and Child Detention on the Mental Health and Development of Children' (2018) 2(1) *BMJ Paediatrics Open* e000338.

<sup>19</sup> *Convention on the Rights of the Child*, adopted 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

by nearly all nations, except for the United States.<sup>20</sup> To strengthen the *CRC* and ensure the needs of young children were not overlooked in policies and programmes, *General Comment No 7: Implementing Child Rights in Early Childhood* ('*GC 7*') was prepared.<sup>21</sup> *GC 7* recognises that young children have specific requirements for nurturing, sensitive and emotionally responsive care, the freedom to play, exploring their environment and learning.<sup>22</sup> It upholds the agency of young children, stating that their views and feelings ought to be respected and considered in all matters concerning them.<sup>23</sup> These needs should be adequately planned for and implemented in legislative and policy frameworks. Importantly, *GC 7* underscores the important role of parents and guardians, which includes the obligation of states not to separate young children from their parents.<sup>24</sup> The comprehensive array of services to support the development and wellbeing of young children that are noted in *GC 7* begin at birth and include the right to birth registration. However, all too often, the rights of children who are stateless are not upheld. Case studies of stateless young children illustrate the challenges encountered by young children and their families in receiving basic services.

### III CASE STUDIES OF STATELESS YOUNG CHILDREN

#### A *Stateless Children in Greece*

Greece continues to be an entry point for many people seeking refuge in Europe.<sup>25</sup> The dire consequences of making such journeys were starkly highlighted in 2015 when the body of two-year-old Alan Kurdi washed up on a beach in the Mediterranean.<sup>26</sup> Alan's death cast a spotlight on the unfolding crisis in Syria that has led hundreds of thousands of people to flee in search of safety, with more than 850,000 people arriving in Greece in 2015 alone.<sup>27</sup> Sadly, such crises continue to erupt and recent events in Afghanistan have prompted yet another exodus with thousands of people fleeing the country in fear of their lives in just a few weeks.<sup>28</sup>

More than 115,000 people were registered stateless in their applications for asylum across Europe between 2015 and 2018, including 6,000 children in 2015

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20 'No 11. Convention on the Rights of the Child', *United Nations Treaty Collection* (Web Page) <[https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg\\_no=IV-11&chapter=4&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&clang=_en)>.

21 *General Comment No 7 (2005): Implementing Child Rights in Early Childhood*, UN Doc CRC/C/GC/7/Rev.1 (20 September 2006) ('*GC 7*').

22 *ibid* 3 [5].

23 *ibid* 5 [11](b).

24 *ibid* 8 [18].

25 Eleni Kakalou et al, 'Demographic and Clinical Characteristics of Refugees Seeking Primary Healthcare Services in Greece in the Period 2015–2016: A Descriptive Study' (2018) 10(6) *International Health* 421, 421.

26 Joel Gunter, 'Alan Kurdi Death: A Syrian Kurdish Family Forced to Flee', *BBC News* (online, 4 September 2015) <<https://www.bbc.co.uk/news/world-europe-34141716>>.

27 'IOM Counts 3,771 Migrant Fatalities in Mediterranean in 2015', *International Organization for Migration* (online, 5 January 2016) <<https://www.iom.int/news/iom-counts-3771-migrant-fatalities-mediterranean-2015>>.

28 Bernard Siman, 'Afghan Refugees: Europe Should Develop an Ambitious and Collaborative Structure', *Egmont Commentary* (online, 25 August 2021) <[http://aei.pitt.edu/103615/1/Afghan\\_refugees\\_Europe\\_should\\_develop\\_an\\_ambitious\\_and\\_collaborative\\_structure\\_-\\_Egmont\\_Institute.pdf](http://aei.pitt.edu/103615/1/Afghan_refugees_Europe_should_develop_an_ambitious_and_collaborative_structure_-_Egmont_Institute.pdf)>.

alone.<sup>29</sup> Those deemed stateless include members of minority populations already considered stateless, such as some Kurds or Palestinians; a driver for why people seek asylum in the first instance.<sup>30</sup> Countries in Europe also have legislative gaps and variations in implementation practices to support those who are on the move and stateless, or to protect children who are in danger of becoming stateless because their parents are on the move.<sup>31</sup> While a signatory to the 1954 United Nations *Convention relating to the Status of Stateless Persons*,<sup>32</sup> there is no statelessness determination procedure in Greece.<sup>33</sup> The reality of what happens on the ground when children are born stateless in Greece is also unclear, despite comprehensive guidance in national law to uphold the right to a nationality.<sup>34</sup> As noted by UNHCR, ‘statelessness is often caused by States’ deliberate policies not to confer nationality to children born to refugees’.<sup>35</sup> In the case of Greece, a lack of parental identity documents may result in families being unable to register the birth of their children. If children are also unable to secure their parents’ citizenship by descent, they are left *de jure* stateless.<sup>36</sup> Furthermore, access to education, including preschool education, is dependent on the production of a birth certificate; while birth registration processes often depend on verification by medical services, with fines imposed if registration is not undertaken within 10 days of birth — an issue for families without knowledge of the Greek system or language.<sup>37</sup>

Refugee Trauma Initiative (‘RTI’), now known as Amna, was founded in 2016 in response to 13,000 Syrian refugees becoming stranded in Idomeni, northern Greece, having crossed the border from Turkey.<sup>38</sup> Caught by the agreement between the European Union and Turkey in March 2016 to return arrivals, and by the closure of national borders across Europe, people were left in limbo in Greece. RTI established activities for refugee children, young people, women and men in a tent in Idomeni; a safe haven for those who had experienced loss, violence and displacement.

It is perhaps not surprising that refugee parents participating in RTI’s sessions frequently reported depression, anxiety and flashbacks to the conflicts that they

<sup>29</sup> ‘Statelessness and Refugees in Greece’, *Stateless Journeys* (Web Page) <<https://statelessjourneys.org/resources/statelessness-and-refugees-in-greece>> (‘Stateless Journeys: Greece’).

<sup>30</sup> See generally Susan Musarrat Akram, ‘The Search for Protection for Stateless Refugees in the Middle East: Palestinians and Kurds in Lebanon and Jordan’ (2018) 30(3) *International Journal of Refugee Law* 407.

<sup>31</sup> See Inge Sturkenboom and Laura van Waas, ‘How Real Is the Risk of a “Stateless Generation” in Europe?: Reflections on How to Fulfil the Right to a Nationality for Children Born to Refugee and Migrant Parents in the European Union’ in Olivier Vonk and Susan Rutten (eds), *Grootboek: Liber Amicorum Prof Mr Gerard-René de Groot* (Wolters Kluwer 2016) 373.

<sup>32</sup> *Convention Relating to the Status of Stateless Persons*, adopted 28 September 1954, 360 UNTS 117 (entered into force 6 June 1960).

<sup>33</sup> ‘Stateless Journeys: Greece’ (n 29).

<sup>34</sup> See Mariangela Veikou, ‘Back to Basics: Stateless Women and Children in Greece’ (2017) 19(5) *Journal of Balkan and Near Eastern Studies* 557.

<sup>35</sup> UNHCR, *Refugee Children: Guidelines on Protection and Care* (Report, 1994) 104.

<sup>36</sup> ‘Greece’, *Statelessness Index* (Web Page, March 2021) <<https://index.statelessness.eu/country/greece>>.

<sup>37</sup> ‘Stateless Journeys: Greece’ (n 29).

<sup>38</sup> ‘About Us’, *Refugee Trauma Initiative* (Web Page) <<https://www.refugeetrauma.org/about-us>>. See also ‘About Us’, *Amna* (Web Page) <<https://amna.org/about-us/>>.

had escaped, demonstrating the psychological effects of forced displacement.<sup>39</sup> Loss of identity, culture, language and community and problems with legal status further exacerbate these challenges, creating cycles of depression and mental health problems that can last for years, and, indeed, can be transmitted across generations.<sup>40</sup> Yet few specific and tailored approaches currently exist to meet the psychological and emotional needs of refugees. RTI addresses this gap by providing psychological and trauma-informed care for refugees, with a strong focus on reinforcing identity — a casualty of statelessness — within the chaos of displacement. This is achieved through a range of carefully structured interventions, one of which is *Baytna* (meaning ‘Our Home’ in Arabic), an innovative early childhood development (‘ECD’) intervention for young refugee children, who are in the first six years of life, and their families.<sup>41</sup> The programme provides routine, stable and consistent care and safety for children and their carers through a range of activities designed to encourage creativity, self-expression, empathy and, especially, reinforce identity.

### B *Displacement of Rohingya Children*

One of the biggest refugee crises in recent years has been the displacement of the Rohingya people from Myanmar to Bangladesh. Since August 2017, hundreds of thousands of Rohingya people have fled persecution and violence in Myanmar. By the end of 2020, the Cox’s Bazar District in Bangladesh was hosting more than 860,000 Rohingya people, with over 55% of them below 18 years of age.<sup>42</sup> In Myanmar, most Rohingya have no legal identity or citizenship and, unless there are conditions in place in Myanmar that would allow Rohingya people to return with basic rights, they will remain refugees.<sup>43</sup> Children are at real risk of becoming a ‘lost generation’, vulnerable to poor health, malnutrition and a lack of learning opportunities, which in recent months has been exacerbated by the COVID-19 pandemic.<sup>44</sup>

There is a complex policy environment that surrounds the Rohingya people in Bangladesh.<sup>45</sup> The enormous scale of the influx of persons put immense pressure on the Bangladeshi host community of Cox’s Bazar, which is one of the most impoverished districts in the country.<sup>46</sup> Despite the challenges they faced, the host

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<sup>39</sup> Z Noor and Aisha K Yousafzai, *An Evaluation and Review to Inform Progress and Strategy Planning* (Report, Refugee Trauma Initiative, 2021).

<sup>40</sup> *ibid.*

<sup>41</sup> Moving Minds Alliance, *Case Study, Batnya: Early Childhood Development for Refugees in Greece* (Case Study, May 2019) <<https://movingmindsalliance.org/wp-content/uploads/2019/05/moving-minds-alliance-baytna-case-study.pdf>>.

<sup>42</sup> Cox’s Bazar Education Sector and REACH, *Bangladesh: Assessment of the Education Sector Response to the Rohingya Crisis* (Report, 30 March 2021) 1 <[https://www.impact-repository.org/document/reach/1a8e426c/REACH\\_Education-Sector-Assessment\\_Thematic-Briefs\\_March\\_2021.pdf](https://www.impact-repository.org/document/reach/1a8e426c/REACH_Education-Sector-Assessment_Thematic-Briefs_March_2021.pdf)>.

<sup>43</sup> Syed S Mahmood et al, ‘The Rohingya People of Myanmar: Health, Human Rights, and Identity’ (2017) 389(10081) *The Lancet* 1841, 1841–44.

<sup>44</sup> Mst Umme Habiba Fahmina Karim, *No Education — Lost Generation: The Right to Education of Rohingyas in Bangladesh* (Inclusive Citizenship & Human Rights Policy Brief No 4, HL-Senteret Minority Network, 2020).

<sup>45</sup> Abhishek Bhatia et al, ‘The Rohingya in Cox’s Bazar: When the Stateless Seek Refuge’ (2018) 20(2) *Health and Human Rights* 105, 116–20.

<sup>46</sup> See *ibid.*; Abud Hasnat Milton et al, ‘Trapped in Statelessness: Rohingya Refugees in Bangladesh’ (2017) 14(8) *International Journal of Environmental Research and Public Health* 1, 3.

community and Government of Bangladesh gave generous aid to the Rohingya people, straining already limited resources.<sup>47</sup> The Government of Bangladesh worked with partners to address the immediate needs of the Rohingya population, such as food, shelter and basic health services.<sup>48</sup> However, the birth registration of Rohingya children is not allowed.<sup>49</sup> In order to promote social cohesion, the Government of Bangladesh and the donor community recognise that efforts must support both the refugee community and the needs of those most impoverished in the host community in Cox's Bazar.<sup>50</sup> Most recently, to ease pressure in Cox's Bazar, the Government has agreed a Memorandum of Understanding with the UN to relocate Rohingya refugees to the island of Bhasan Char.<sup>51</sup> The Government's position is that the Rohingya people are displaced and Bangladesh has offered temporary shelter to them.<sup>52</sup> They are officially referred to as 'Forcibly Displaced Myanmar Nationals'<sup>53</sup> and the Government's priority is to repatriate the Rohingya to Myanmar.<sup>54</sup>

For young children in the camps, organisations have a wide variety of programs that focus on promoting ECD.<sup>55</sup> There is a thriving community of actors working in ECD and there has been a positive response on the part of the Rohingya community towards interventions focused on meeting the needs of young children. The Rohingya crisis does not have a quick fix and it may take years to resolve, leaving a generation of young children vulnerable to poor outcomes unless their rights are upheld and services provided to ensure they can thrive.

#### IV COUNTERING POLICY THREATS TO SHAPE THE FUTURE NARRATIVE ON STATELESS YOUNG CHILDREN

These situations of stateless young children in Greece and Bangladesh illustrate the complex policy environments their families must navigate in order to keep children safe, find opportunities to support their development and nurture a sense of their own identity. The effectiveness of responsive services for young children offered by a range of stakeholders in this complex environment is threatened when child rights are not upheld. It is important that young children who are considered

<sup>47</sup> 'Three Years Later, Rohingya Refugee Resiliency Anchors Humanitarian Response and Accountability', *International Organization for Migration* (online, 24 August 2020) <<https://bangladesh.iom.int/news/three-years-later-rohingya-refugee-resiliency-anchors-humanitarian-response-and-accountability>>.

<sup>48</sup> International Organization for Migration, *IOM Bangladesh Appeal: Rohingya Humanitarian Crisis* (Report, 31 March 2022) 5 <<https://bangladesh.iom.int/resources/iom-bangladesh-appeal-2022-0>>.

<sup>49</sup> Karim (n 44) 4.

<sup>50</sup> See, eg, Inter Sector Coordination Group, *Cox's Bazar, Bangladesh: Joint Multi-Sector Needs Assessment* (Report, May 2021); World Food Programme, *Cox's Bazar Bangladesh: Host Community Brief* (Situation Report, March 2021).

<sup>51</sup> Mahmud Hossain 'UN Signs Deal with Bangladesh to Help Rohingyas in Bhasan Char', *Dhaka Tribune* (online, 9 October 2021) <<https://www.dhakatribune.com/bangladesh/rohingya-crisis/2021/10/09/crucial-mou-on-un-s-operational-engagement-in-bhashan-char-signed>>.

<sup>52</sup> *ibid.*

<sup>53</sup> 'Dhaka Seeks UN's Effective Role in Resolving Rohingya Crisis', *Dhaka Tribune* (online, 26 January 2022) <<https://www.dhakatribune.com/foreign-affairs/2022/01/26/dhaka-seeks-uns-effective-role-in-resolving-rohingya-crisis>>.

<sup>54</sup> *ibid.*

<sup>55</sup> See, eg, Yeshim Iqbal et al, 'Family Socialization and Experiences of Early Childhood Programs in the Rohingya Camps: Study Protocol' (2022) 21 *International Journal of Qualitative Methods* 1.

*effectively stateless* are assured their basic rights during both their early years and throughout life, a key starting point being universal birth registration. This sentiment is in line with the recommendation in the United Nations High Commissioner for Refugees' ('UNHCR') *Global Action Plan to End Statelessness* ('*Global Action Plan*'), which would ensure that no child is born stateless.<sup>56</sup> As outlined in the *Global Action Plan*, all states ought to have a provision in their laws that grants nationality to stateless children born in their territory, children of unknown origin found in their territory and children born to nationals abroad who are unable to acquire another nationality.<sup>57</sup> Moreover, the *Global Action Plan* goes on to recommend an assurance of birth registration for the prevention of statelessness.<sup>58</sup> These safeguards are particularly important for pregnant women and young children who suffer lifelong consequences when they are denied basic rights to health, nutrition, safety and education.

While multilateral and bilateral donors have increased investments in ECD programmes in humanitarian response settings, the majority of this investment is in children's health and nutrition.<sup>59</sup> In addition to increasing the provision of trauma-informed programmes for supporting parenting and promoting early childhood care and education services, advocacy is needed. Particularly, there is a need to increase advocacy for the protection of children's rights within and across countries, starting with campaigns to assure their right to have their birth registered and recognised, such as the campaign championed by UNHCR.<sup>60</sup> Without such efforts, access to health and education programmes will remain limited for this vulnerable population of young children. Moreover, birth registration is one important pathway, offering children access to the same set of services provided to other children in the country. Investments should be expanded to help build the capacity of countries to improve basic services to all young children and their families, including access to economic and social supports to parents. Given the level of trauma faced by displaced families and those affected by statelessness, special attention is needed to support the social and emotional development of both young children and their families.

Finally, data on displaced children must be improved and disaggregated by age; thereby ensuring that the youngest children and their distinct unmet needs are visible in order to implement appropriately targeted interventions (eg, trauma-informed early parenting support and early learning opportunities).<sup>61</sup> Better estimates are needed of children living under various conditions that prevent them from having their birth registered or securing a national identity. Further research is needed to document the short- and long-term impact of statelessness on young children and their families. This should include a review of policies and programmes that are effective in addressing issues faced by young children and their families, particularly those displaced due to conflict and climate change.

In summary, the experience of statelessness for young children behoves us to ensure their rights are upheld and that they and their families are protected. It is

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<sup>56</sup> UNHCR *Global Action Plan* (n 1).

<sup>57</sup> *ibid* 10–13.

<sup>58</sup> *ibid* 23–25.

<sup>59</sup> Kim Foulds et al, 'Implementing a Humanitarian Needs Assessment Framework for Early Childhood Development: Informing Intervention Design for Displaced Rohingya Communities in Bangladesh' (2021) 7(1) *Journal on Education in Emergencies* 112, 114.

<sup>60</sup> See, eg, '#IBelong', UNHCR (Web Page) <<https://www.unhcr.org/ibelong/>>.

<sup>61</sup> *GC* 7 (n 21) 19 [39].



well established that young children require supportive nurturing and stable care, including when exposed to threats. For too many children who are effectively stateless, the risks of separation from their parents or caregivers, lack of access to basic health, nutrition, education and protection services for both child and caregiver and the daily stressors that emerge from the lived experience of insecurity are potential adverse early experiences, impacting development and potentially resulting in lifelong detrimental outcomes.<sup>62</sup>

We recommend three critical actions to that ensure the rights of young children are upheld. Firstly, to provide for universal access to birth registration, as outlined in the UN Sustainable Development Goal Target 16.9; ‘legal identity for all, including birth registration’.<sup>63</sup> Secondly, to assure equal access to maternal, newborn and child health care, nutrition and education, regardless of the nationality of the child’s parents or place of birth, ethnicity or special needs, as well as the facilitation of naturalisation. Thirdly, to support the campaigns of UNHCR, and that of other UN and global agencies, to end statelessness by 2024. Given the lifelong impacts on health, learning and productivity from risk exposure in early years, including the psychological risks from the experience of statelessness, it is imperative to act on behalf of young children who are stateless.

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<sup>62</sup> Nelson et al (n 13).

<sup>63</sup> ‘Sustainable Development Goal 16’, *United Nations Department of Economic and Social Affairs Sustainable Development Knowledge Platform* (Web Page, 2015) <<https://sustainabledevelopment.un.org/sdg16>>.