

2021 WORLD CONGRESS ON JUSTICE WITH CHILDREN

15-20 November 2021

“Ensuring access to justice for all children: towards a non-discriminatory and inclusive child justice systems”

Workshop Programme

Ending Childhood Statelessness: ensuring the right to a nationality for children in migration in Europe

Date	Wednesday, 17th November 2021	
Timing	14:00 - 15:30 CET	13:00 - 14:30 London
Organiser(s)	Patricia Cabral - Legal Policy Officer, European Network on Statelessness	
Institution	European Network on Statelessness	
Type of Workshop	Panel discussion	
Topics	Discrimination due to gender, sexual and gender identity, a gender justice focus. Discrimination experienced by children and young people affected by migration, including refugees, unaccompanied foreign children and children of foreign parents. Fulfilling children’s rights in contexts of legal pluralism.	
Region	Europe	
Language	English	

Abstract

The Convention on the Rights of the Child obliges all European states to fulfil the right of every child to acquire a nationality. Yet, childhood statelessness persists. Current legislation and practice means that children in migration face the risk of growing up stateless, and many children are still being born in Europe into statelessness. Many have inherited their statelessness from parents who were stateless before them, while others are the first in their family to experience statelessness, as the unsuspecting victims of a gap or conflict in nationality laws.

Not having a nationality can make it difficult for children to access some of the most fundamental rights, such as birth registration, education, healthcare, social security and housing. When they are older, many struggle to access employment and livelihood opportunities. Stateless children in migration may also be at particular risk of immigration detention. It is harder to protect children from abuse and exploitation such as trafficking, child labour, and child and early marriage if they are stateless and lack identity documents. For those affected, statelessness also brings a sense of never quite belonging.

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This workshop will explore which children in migration are at risk of statelessness in Europe and why, including a discussion on how discrimination against children with a migration background, gender discriminatory laws and practices, complex histories of displacement, and conflicts in nationality laws contribute to and perpetuate statelessness. It will also discuss the key international and regional instruments that aim to protect stateless children and reduce childhood statelessness, as well as current challenges and gaps in implementing those instruments and realising every child’s right to a nationality.

The workshop is aimed at all those who would like to know more about statelessness and how it affects children, as well as some of the existing tools, resources and recommendations for addressing it at local, national and regional levels. There will be contributions from civil society experts working on statelessness, a stateless activist and a legal practitioner working on statelessness, with space for discussion with the participants.

Three key take-aways of the session

- Key stakeholders working on child and migrant rights will have more awareness to support stateless children and proactively engage and invest in statelessness.
- Statelessness and risk of statelessness will be accurately identified and addressed in administrative and judicial procedures involving children and by frontline service providers, guardians and carers.
- Participants will gain knowledge and awareness about statelessness and nationality issues, particularly those affecting children, and are able to access key resources and platforms to exchange information and expertise.

Objectives

- Workshop aims to share more about statelessness and how it affects children, as well as some of the existing tools, resources and recommendations for addressing it at local, national and regional levels
- Exchange information and good practice, to contribute to a list of resources that will be shared with participants after the session.
- Networking and future collaborations

Expected Outcomes:

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- To foster awareness on statelessness and discrimination, particularly regarding children in migration situations and the conflicting nationality laws that perpetuate this.

Speakers

- **Moderator**

- Avril Calder**

- Avril Calder was a magistrate for 35 years, sitting exclusively in two specialised courts—the Inner London Youth Court and the Inner London Family Proceedings Court. These courts deal both with young offenders and with children in need of care and protection, adoption and aspects of domestic violence.

During her years of service, she held many leadership roles including those involving the training and assessment of colleagues. Her capacities as a trainer of actors in the fields of youth and family justice have also been in play in European Union projects and overseas. She has spoken widely at and organised many conferences from Children Who Kill in 1995, when she was President of the British Juvenile and Family Courts Society, to, in association with PRI and Tdh, the World Congress on Justice for Children held at UNESCO, Paris in 2018 when she was President of the International Association of Youth and Family Judges and Magistrates (IAYFJM).

From 2006 to 2018 Avril was Editor in Chief of IAYFJM’s Chronicle, published in English, French and Spanish, and took an active role in drafting IAYFJM’s Guidelines on Children in Contact with the Justice System launched at UNODC in Vienna in 2017 with a major follow up at the World Congress in Paris in 2018. The Guidelines, available in Arabic, English, French and Spanish, are universally applicable and aimed at all professionals working in many child related fields, (but especially justice), where decisions are taken that affect the rights of children.

Avril continues to be active in the field of child justice, being both an Advisory Council Member for Prison Reform International and a member of the Scientific Committee which has organised this Justice with Children World Congress.

- **Chat moderator**

- Tamara Smith, Campaigns & Engagement Coordinator

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- **Panelists**

- 1. Alison Huyghe**

Policy & Advocacy Officer, European Network of Statelessness.

Alison joined the European Network on Statelessness in July 2021 to support ENS's policy development and advocacy work. She holds an MA in Human Rights Law and a BA in Politics and International Relations. Alison previously worked in research and policy at Rights and Security International, a charity promoting human rights in the context of national security and counter terrorism. She has provided voluntary casework support at Advocate, the charity of the England and Wales Bar.

- 2. Aneta Šubrtová**

Aneta Šubrtová is a Lawyer at the Organization for Aid to Refugees, based in Czech Republic. She studied European Law, both in France and in Canada. Aneta graduated at Sorbonne University in Paris, from Human Rights Law. She is currently working as a lawyer in the Organization for Aid to Refugees in Prague, Czech Republic, in the field of asylum and immigration law. She has specialized in working with vulnerable groups, mostly stateless persons and unaccompanied minors. She has litigated the very first cases to secure rights of applicants for statelessness status (such as right to an ID card, right to accommodation or right to health insurance) in the Czech Republic. She has been representing stateless clients in different situations (SDP procedure, citizenship, expulsion etc.).

- 3. Jyothi Kanics**

Jyothi Kanics has a Masters in International Human Rights Law from the University of Oxford and a Masters in International Relations from Yale University. She is currently working as an Associate Member of Child Circle and completing her PhD at the Faculty of Law of the University of Lucerne. Since 1995 she has been active with NGOs and international organisations including UNICEF, UNHCR, Save the Children and OSCE ODIHR advocating for the rights of migrants in vulnerable situations such as separated children, trafficked persons, undocumented migrants and stateless persons. She continues to provide expert advice to the Council of Europe and OSCE as well as to various foundations and NGOs. She is an active individual member of the European Network on Statelessness in Switzerland and advised the ENS on its #StatelessKids campaign.

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4. Lynn Al Khatib

Individual ENS Member & Stateless Activist. Lynn was born as a stateless Palestinian in Syria. In 2014, Lynn arrived in Sweden and has since been working to raise awareness on the impact statelessness has on people living in Europe. She has been advocating for better treatment and respect of stateless people's rights. She has spoken at various regional and national events on the issue, and is an active member of the European Network on Statelessness and the Swedish Organisation Against Statelessness.

5. Patricia Cabral

Patrícia is the Legal Policy Officer of the European Network on Statelessness since February 2020. She supports law and policy development across Europe, and coordinates ENS' strategic litigation work and human rights advocacy. Patrícia holds an LLM in International Law and has previously worked at the AIRE Centre as a legal researcher on asylum and children's rights. She is a qualified Portuguese lawyer, and also has experience in child protection and in the use of non-formal education to raise human rights awareness.