

Refugee Children in Cairo: An Invisible ‘at Risk’ Group in the City

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Abstract:

Refugee children are a special group that generally lacks access to the rights laid down in the Convention on the Rights of the Child. Their ‘deprivations’ include access to adequate nutrition, education, and health services and, in some cases, the rights to a birth certificate, a nationality or even proper consideration of their claim to refugee status. Amongst these children ‘at risk’, there are some that remain particularly underprivileged - children living in one parent households, those who have arrived unaccompanied in the host country and are informally fostered, the tortured, the disabled, and former ‘boy soldiers’. This paper will use data drawn from Egypt and elsewhere in order to document the existence and conditions of such groups of children. It will explore the societal, structural and intuitional cause for their invisibility and suggest solutions to their neglect by both receiving states and the international community

Introduction

The vast majority of refugees in the MENA regions live in towns and cities where they join the urban poor, but they are systematically excluded from programmes designed to help the urban poor. Refugee children are a particular ‘at risk’ group of children in cities but, because of perceptions of UN institutional responsibility for refugees, they remain largely invisible and are not incorporated into programmes managed by the state. This situation obtains despite the clear mandates of the international instruments that make states responsible for ‘all’ children. Sometimes these instruments specifically mention refugee children, for example, the Convention on the Rights of the Child (CRC). Most MENA states are parties to these instruments.

Unlike nationals, most refugees are completely bereft of both social networks and access to community life. Some arrive as families, but more often as broken families: women with their children, single young men and unaccompanied minors.

In this region, whenever the topic of refugees arises, the reaction is to think about Palestinians and the responsibilities of the UN Relief and Works Agency (UNRWA). This fails to take account of Palestinians in countries not under UNRWA’s mandate. Moreover, there are thousands of refugees of other nationalities who are hosted in this region. The majority of these are from the Sudan, but there are also refugees from Somalia, Ethiopia, Eritrea, Afghanistan, Iraq, Iran, Yemen, Central and West Africa. In fact, there are over thirty-five nationalities in Egypt. This situation is reflected to a greater or lesser degree throughout the Middle East.

In 1965, Arab League members committed themselves to treating Palestinians equally in all respects as nationals ‘with respect to mobility, free education and work, without jeopardising their Palestinian identity through such measures as naturalisation.’¹ Except for Palestinians in Jordan who *were* naturalised, the standard of ‘treatment’ of Palestinians in host states have been plummeting. They are today the “unprotected” stateless ...refugees of the Arab World’ (Al- Abed 2002). The Government of Egypt, for example, never asked for UNRWA’s assistance. ‘Ever since 1978, subsequent generations of Palestinians cannot attend Egyptian public schools, must pay university fees in foreign currency and cannot work legally without a work permit. Palestinians have been known as

the most educated people of the Middle East, but rapidly they are becoming the illiterate in some host countries of the Arab world' (*ibid.*1).

As regards other nationalities of refugees, there is a tendency to consign responsibility for ensuring that their rights are upheld to the office of the UN High Commissioner for Refugees (UNHCR). UNHCR's duties are to promote the ratification and implementation of the Convention and encourage voluntary agencies to assist refugees. It is also to promote 'durable solutions' for refugees which include voluntary repatriation or their 'assimilation within new national communities'.² Today, UNHCR has offices in most countries of North Africa and the Middle East but not all of these countries have become party to the international or regional conventions on refugees.³

The 1951 Convention was the first binding instrument of international human rights law addressing the rights of a particular category of human being, i.e. refugees. By becoming party to the 1951 Convention, *states* undertook binding obligations to observe, promote and protect the rights of refugees. When the General Assembly established the offices of the UN High Commissioner for Refugees (UNHCR), it did not envisage it as a 'welfare organisation' but one whose primary responsibility was the protection of refugees.⁴

Since the adoption of the 1951 refugee Convention, a large number of international human rights instruments have come into existence that relate directly or indirectly to refugees. The adoption of these successive instruments evidences the acceptance of *states* to take responsibility for upholding *all* of the rights of refugees, including refugee children. However, as we shall see, in practice, states continue to relegate refugee problems to UNHCR and to international donors, excluding them from national programmes that are designed to protect the rights of their citizens.

Problems on arrival

In Egypt, the largest number of refugee arrivals are from Sudan (some 60%), but others originate from some 35 different countries. More than half of these are from sub-Saharan African states but there are refugees from Afghanistan, Albania, China, Maldives, Myanmar, Sri Lanka and Ukraine - in addition to those who seek asylum from Iran, Iraq, Turkey, Saudi Arabia, Syria, and Yemen.⁵ There is no agency charged with the responsibility of assisting asylum seekers; they must fend for themselves. The waiting period for recognition of their asylum claims may be more than two years during which children's lives may be seriously affected by this neglect with the possibility of long-term repercussions, most especially for unaccompanied children. They often report that they are first assisted by a complete stranger whom they happen to meet at their port of entry.⁶

Housing

As no special housing is provided for refugees in the region, all depend on the private rental sector where prices are uncontrolled. Most refugees live in rented apartments where the rent consumes an excessive portion of the family's low income leaving very little over for the other needs of the children, such as food. They live in Cairo suburbs and areas with little infrastructure and few facilities. Unaccompanied children live in overcrowded houses where their health falls under constant threat. Property with controlled rents should be available to all urban poor, including refugees.

Housing is a right that was recognized as one element of an 'adequate standard of living'. The right to adequate housing was recognized in Article 25(1) of the UDHR, Article 11 of the ICESCR, and Article 27(3) of the CRC. According to Article 11 of the ICESCR, 'the right to adequate housing applies to everyone' (General Comment 4, Committee on Economic, Social and Cultural Rights 13

December 1991). This right should be interpreted widely to include the right of the individual ‘to live somewhere in security, peace and dignity’ (*ibid.*). ‘Adequate housing should have services, materials, facilities and infrastructure; should be habitable, affordable, and accessible’ (*ibid.*).

According to Article 27(3) of the CRC, a State Party has an obligation to secure for every child the rights enshrined in this provision to the maximum extent of their available resources as stipulated in Article 4 of the CRC regarding Economic, Social and Cultural Rights recognized in the CRC.

Applying for asylum

Beginning with the Universal Declaration on Human Rights (UDHR),⁷ the right to asylum has been enshrined in a number of international conventions including the 1951 Convention, the ICCPR, and the regional human rights conventions.⁸ Therefore, special consideration is made for refugee children in both the CRC and the ACRWC.⁹

Most refugees arrive in Egypt with little understanding of what applying for asylum involves, but unaccompanied minors are especially vulnerable to the hazards of misinformation and abuse of all kinds. UNHCR has instituted a system for ‘fast tracking’ status determination of unaccompanied minor, but information regarding this provision is often not available to them.¹⁰

Family Unity

Family unity has been recognized as a right of every child in Articles 9 and 10 of the CRC.¹¹ Family unity is recognized as a particular right of refugee children in Article 22(2) of the same convention and Article 23(2) of the ACRWC.¹² Both provisions put a positive obligation on States Parties to trace the parents of separated children and to cooperate with other intergovernmental and non-governmental organizations to achieve family reunification for those children. The responsibility for tracing the relatives of refugee children is left to the ICRC, but who finds such children and directs them to this agency? In recent interviews with refugees who arrived as unaccompanied minors in Cairo, none had been directed to ICRC.

Nationality

The right of children to acquire nationality has been recognized in a number of international human rights instruments including the UDHR, ICCPR, the CRC, and the ACRWC, all of which grant this right to every child. As early as 1948, the right to nationality was recognized in the UDHR, Article 15(1) and (2).¹³ The declaration has since been consolidated by conventions reiterating those interests, including the ICCPR, the CRC and the ACRWC to which Egypt is either party or signatory¹⁴. The ACRWC Article 6(4) provides, ‘States Parties to the present Charter shall undertake to ensure that their Constitutional legislation recognizes the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child’s birth, he is not granted nationality by any other State in accordance with its laws.’ However the CRC Article 7(2) gives states the discretion to limit nationality rights according to their national law.

Under Egyptian law, children acquire the citizenship of their father, even if they were born to an Egyptian mother and were born in Egypt, unless the father is stateless or unknown. This means that children of Palestinian fathers in Egypt are *de facto* stateless while other refugee children born of Egyptian mothers may not be able to acquire a nationality. Such children have difficulty in attending state schools, must pay foreign fees for university and are unable to work (without a permit). This

law disadvantages refugees on an inter-generational level and undermines any prospects of integration in their community.

The Egyptian government will not issue travel documents to refugee children who are born on Egyptian territories.¹⁵ In one instance two eighteen-year-old children of a recognised Sudanese refugee father were forced to obtain passports from the Sudanese Embassy and the consequence was that UNHCR withdrew the father's refugee status.

Accessing medical services

Article 24 of the CRC requires that state parties shall secure the highest standard of health for children, including refugees. While poor nationals receive free treatment, non-nationals are required to pay full fees for health services. Most refugee children are unable to pay for medical services. In Egypt, a few NGOs provide limited health services. They are unable to meet the needs of everyone that approaches them and frequently they are believed to discriminate on the basis of religion. Government programmes offer free immunisation to refugee children, though many may not be aware of this. Because of their socio-economic situations, skin diseases, malnutrition, vitamin deficiencies, tuberculosis, parasitic infections, and the common cold are prevalent among refugee children as well as the urban poor. As one researcher put it, 'receiving medical care can often become a degrading and humiliating experience. In many settings the patient may be viewed as someone beneath the care giver.' (Jefferson 1999:65) This constitutes a barrier to even seeking help.

Refugee children may suffer special mental health problems, not only related to the trauma of witnessing violence in the past, but due to the conditions of exile. Often they remain all day in cramped living quarters with no space for play or other normal activity. As one mother related, 'Our children really suffer. They have no place to run and play like normal children. They can only sit and watch the T.V. This is not good. Here in Cairo our children don't want to go out. They are afraid that the Egyptian children will call them names. What can we do?' (Jefferson 1999:56). In fact, although not admitted to be a social problem, discrimination against sub-Saharan Africans in Egypt and other parts of the Middle East is widespread. The mental health implications of suffering racist discrimination is recognised by psychologists, but in Egypt, psychological services tend to be limited to treating victims of torture. No programme specifically targets refugee children.

Adequate nutrition

Refugee children in Egypt suffer under- and malnourishment for a variety of reasons, some of which involve the state. In order for families to purchase adequate food they must have sufficient income. Egypt ratified the 1951 Convention with several reservations, including the right to work. Employers must obtain a work permit to legally hire a refugee, as for any other foreign employee. This requires that no Egyptian can be found to fill the specific post. This barrier results in refugees joining the informal economy, working as domestic labourers, construction workers, porters at the airport and train stations, and so on. These jobs are badly paid, unprotected and do not secure a stable income for the household. High rents leave insufficient disposable income to feed children adequately.

Egypt has also made a reservation on Article 20 of the 1951 Convention, concerning rationing. Refugees are not allowed to benefit from the rationed goods and services provided for poor Egyptian families, including food. 'If refugees were unable to obtain rationed products such as food... or other necessities for life... they would be unable to support themselves or their families.'¹⁶ This reservation makes children more vulnerable to under nourishment and malnutrition which, in turn, can lead to mental and physical developmental abnormalities.

Even UNHCR in Egypt has put impediments in the way of other organizations trying to provide refugee children with nutrition. In May 2002, an officer from the World Food Program (WFP) attempted to provide Sudanese refugee children attending a non-governmental school in Abasseya with a school lunch. Fearing that unrecognised refugees would benefit (since the school accepted both recognised and unrecognised) an officer from UNHCR objected to this action. Had it not been for the assistance offered by the Danish Embassy, these children would have been deprived of a daily portion of two sandwiches and a piece of fruit at school.¹⁷

The right to adequate nutrition has been recognized in a number of international human rights instruments. Article 11 of the ICESCR recognizes the right to adequate food and also says that states have an obligation to take measures progressively and in cooperation with other states and the international community to eliminate food shortages.

Under Article 24(2)(c) of the CRC, States Parties have an obligation to combat malnutrition through provision of nutritious food to children. A similar obligation is imposed by Article 14(2)(c) and (d) of the ACRWC. States also have an obligation under Article 27(3) of the CRC to ‘take appropriate measures to assist parents and others responsible for the child ... and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition...’¹⁸

Education

Most refugee children in Egypt are not being educated. Travel to and from school, school fees for non-state schools, clothing and school materials can be unmanageable expenses for parents who often cannot afford their rent. A recent study (Ester Dingemans 2002) found that the main reason for non-attendance was insufficient financial means. The second major reason was concern for children’s safety. Journeys to and from school can be dangerous for unaccompanied young children whose parents are working.

Only recognised refugees (UNHCR says there were only 8794 in 2002) have a right to free state education but, in fact, bureaucratic barriers, ignorance of the recent ministerial decrees and social obstacles prevent most from accessing it.¹⁹ UNHCR only provides partial funding for a few recognised refugees to attend private schools. It does not provide any assistance to the 14,500 families who, in June 2002 were awaiting their first status determination interviews in Cairo.

The efforts of NGOs have not been adequate to address the scale of the problem. Learning centres have been set up in association with churches, altogether accommodating two and a half thousand children, whether their parents are unrecognised or recognised refugees, the latter being a tiny minority of those in need. About 20,000 have had their cases rejected by UNHCR in the last five years, but most remain in Cairo illegally having no safe place to which they can return. Their children are included in this specially at risk group of refugee children as the most vulnerable children and the least provided for.

A panoply of international declarations and conventions proclaim the general right to an education beginning with the Universal Declaration of Human Rights which states in Article 26(1) that ‘Everyone has the right to an education.’ A 1992 ministerial decree in Egypt supplemented by a ministerial decision in 2000 helps consolidate these.²⁰ The decree provides for access to Egyptian state schools by recognised refugees and asylum seekers whose cases with UNHCR are pending. Previously, a letter of consent from their embassy was required as well as recent school certificates, birth certificates and a passport. A letter from their embassy is no longer required but in practice even the new arrangements impose considerable administrative hurdles. Refugee residence permits are allowed instead of passports. These are included in UNHCR refugee cards but need to be

validated by the Egyptian government. The absence of previous school certificate can be substituted by a letter of explanation from the MFA (Refugee Affairs Department). Obtaining these documents is complicated. Even when applicants have them, schools are not aware of their validity and simply refuse access to refugee pupils.

The particular risks facing refugee children

We have detailed only a few of the deprivations to which refugee children in Egypt and throughout the Middle East are subjected; there are many more. For example, because of overcrowding, tuberculosis is on the increase among refugees. Caretakers of unaccompanied minors are not appointed by any responsible body. Since abuse of children, including sexual abuse, is widespread, it is likely to be an even more serious problem for these unprotected children. Child prostitution, both male and female, is often an only means of livelihood for refugee children. Teenage pregnancies are common. When mothers, who are often the main breadwinners, go out to work they are often forced to leave their young children alone, locked in the home.²¹

While all these problems are shared by poor urban children, the needs of refugees children are totally neglected by the state. In view of the above discussion, it is alarming to know that Egypt is widely recognised as having one of the most welcoming policy towards refugees in the MENA region.

Recommendations.

1. All children have the right to nationality. States should ensure that every child, including refugee children, acquires a nationality and that none are left stateless.
2. Governments could improve co-ordination and institute efficiency measures within its institutions to, for example, make schools more accessible to refugee children and residency permits less complicated to obtain. Many bureaucratic barriers leave rights recognised in principle but unprotected in practice.
3. Care facilities for unaccompanied minor children should be established. Whether these facilities are foster homes or separate facilities, these arrangements should be organised according to the law so that children's care is supervised and monitored by the appropriate bodies with the specialised skills, ensuring the priority and interests of the child.
4. Refugees should be incorporated into all projects that are aimed at benefiting children in the city, whether education, youth organisations, sports, or skills training for employment.
5. In order to ensure the rights of refugee children cities, information campaigns concerning their rights and the obligations of States must be mounted as a high priority. Since the population of most countries in the Middle East is uninformed about the existence of refugees other than Palestinians, such information campaigns would have to begin with raising general awareness of why people of different nationalities have fled their homes and become refugees.
6. Immigration officials at ports of entry should be instructed to refer minors who arrive unaccompanied to the appropriate governmental or non-governmental bodies responsible for children so that their protection is guaranteed. UNHCR should also be informed immediately upon the arrival of such children.

These measures would go some way to improving the lives of refugee children in cities.

End Notes

¹ Protocol on the Treatment of Palestinians in the Arab States, 11 September 1965; ‘Only seven member states, including two of the major host countries, Syria and Jordan, ratified the Protocol without reservations.’ (Takkenberg 1998: 144). Kuwait, Lebanon and Libya’s reservations were mainly concerned with the right to work.

² The 1950 Statute of the Office of the United Nations High Commissioner for Refugees.

³ These are: the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol and the 1969 Organisation of African Unity Convention on the Specific Aspects of Regional Problems in Africa. The Arab League States Parties to the 1951 Refugee Convention (C) and/or the 1967 Protocol (P) are: Algeria (C 21 February 1963, P 9 November 1967), Djibouti (C/P 9 August 1977), Egypt (C/P 22 May 1981), Mauritania (C/P 5 May 1987), Morocco (C 7 November 1956, P 20 April 1971), Somalia (C/P 10 October 1978), Sudan (C 22 February 1974, P 23 May 1974), Yemen (C/P 18 January 1980). Iran is a party to the 1951 UN Refugee Convention. Turkey has ratified the Convention but not the 1967 Protocol.

⁴ Since UNHCR’s mandate was extended from Europe to encompass the entire world, it has become involved in providing material assistance in the poor countries which host refugees. For these costs, it relies on donor countries. Its budget for assisting refugees in cities has always been restricted and is shrinking.

⁵ Before 1995, Sudanese were allowed to enter Egypt and live as nationals as regards access to education and work, but since the attempt on Mubarak’s life in Ethiopia, which was allegedly carried out by Sudanese, all newly-arriving refugees are required to possess visas and apply for asylum as other nationalities. Those who arrived before 1995 are in an ambiguous position when their passports expire. If they are indeed refugees, they cannot go to their embassy to renew their passports, they must seek asylum.

⁶ Art. 20 of the CRC sets out State responsibility for children deprived of a family environment. Article 23 (2) and (3) of the African Charter for the Rights and Welfare of the Child (ACRWC) provide for similar State protection. (*See Annex sections IV and VI*).

⁷ Article 14 of the UDHR reads:

“1. Everyone has the right to enjoy in other countries asylum from persecution.

This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.”

⁸ African Charter on Human and People’s Rights (ACHPR) Article 12(3) states that: “Every individual shall have the right, when persecuted to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions.”

⁹ Article 22(1) of the Convention of the rights of the child (CRC) reads:

“1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.”

Similarly Article 23(1) of the ACRWC stipulates that “States Parties to the present Charter shall take all appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law shall whether unaccompanied or accompanied by parents, legal guardians or close relatives, receive appropriate protection and humanitarian assistance in the enjoyment of the rights set out in this Charter and other international human rights and humanitarian instruments to which the States are Parties.”

¹⁰ Before instituting the fast track system for minors, guards at the gate or uninformed staff would often tell them to return to UNHCR ‘when they were old enough to apply for asylum’.

¹¹ Article 9 of the CRC reads:

“1. States Parties shall ensure that a child shall not be separated from his or her parents against their will except when competent authorities subject to judicial review, determine in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuses or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child’s place of residence.

...

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child’s best interest.”

Article 10 of the same convention reads:

“1. In accordance with the obligation of States Parties under Article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.”

¹² Article 22(2) of the CRC reads:

“2. For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations cooperating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.”

Article 23(2) of the ACRWC stipulates that “States Parties shall undertake to cooperate with existing international organizations which protect and assist refugees in their efforts to protect and assist such a child and to trace the parents or other close relatives or an unaccompanied refugee child in order to obtain information necessary for reunification with the family.”

¹³ Article 15 of the UDHR reads:

“1. Everyone has the right to nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”

¹⁴ Egypt is party to the ICCPR and the CRC and signatory to the ACRWC.

¹⁵ A Convention travel document for refugees is issued by a government *and* UNHCR, a right provided under Art. 28 of the 1951 Convention.

¹⁶ ‘Memorandum in Support of the Egyptian Initiative to Withdraw its Reservations to the 1951 Convention’ (unpublished document produced by the EOHR Refugee Legal Aid Project, 2002)

¹⁷ E-mail. Jane Brown, 27 May 2002.

¹⁸ The State’s obligation to provide adequate food, like any other economic right, is largely limited by the State’s economic capacity. On the other hand it is a progressive right and requires cooperation between the State and the international community (making it a duty of the international community to assist states that are poorer or less developed.)

¹⁹ According to Dingemans (2002), only 2% of recognised refugees manage to get accepted into state schools.

²⁰ Ministerial Decree No. 24 on 22/11/1992, supplemented by Decision of Minister of Education of 13/12/2000.

²¹ In one such case, another refugee had to break into the flat to save the children from the fire they started. He was himself badly burned.

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Annex: Relevant Excerpts from Basic Instruments Applying to Children Including Refugee Children

I. Universal Declaration of Human Rights

(Adopted by UN General Assembly Resolution 217A(III) of 10 December 1948)

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

II. International Covenant of Civil and Political Rights

(U.N.T.S. No. 14532, vol. 993 (1976), entered into force on 23 March 1976)

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
3. Every child has the right to acquire a nationality.”

III. International Covenant on Economic, Social and Cultural Rights

(U.N.T.S. No. 14532, vol. 993 (1976), entered into force on 23 March 1976)

Article 11

1. The States Parties to the present Covenant recognize the right to everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents, and when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to [interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

**IV. Convention on the Rights of the Child
(UNGA Doc A/RES/44/25 (12 December 1989), Annex)**

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will except when competent authorities subject to judicial review, determine in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuses or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
- ...
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interest

Article 10

1. In accordance with the obligation of States Parties under Article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.”

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations cooperating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilitate for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through, *inter alia*, the application of readily available technology and through the provision of adequate nutritious food and clean drinking water, taking into consideration the dangers and risks of environmental pollution;
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;
- (f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international cooperation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 27

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

3. States Parties shall promote and encourage international cooperation in matters relating to education, ,in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

V. African Charter on Human and Peoples' Rights (Entered into force on 1 October 1986)

Article 12

3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions.

Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.

2. States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Article 17

1. Every individual shall have the right to education.

VI. African Charter on the Rights and Welfare of the Child (OAU Doc. CAB/LEG/24.9/49 (1990), entered into force 29 November 1999)

Article 6

3. Every child has the right to acquire a nationality.

4. States Parties to the present Charter shall undertake to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws.

Article 11

1. Every child shall have the right to an education.

2. The education of the child shall be directed to:

- (a) the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) fostering respect for human rights and fundamental freedoms with particular reference to those set out in the provisions of various African instruments on human and peoples rights and international human rights declarations and conventions;
- (c) the preservation and strengthening of positive African morals, traditional values and cultures;
- (d) the preparation of the child for responsible life in a free society, in the spirit of understanding tolerance, dialogue, mutual respect and friendship among all peoples ethnic, tribal and religious groups;
- (e) the preservation of national independence and territorial integrity;
- (f) the promotion and achievements of African Unity and Solidarity;
- (g) the development of respect for the environment and natural resources;
- (h) the promotion of the child's understanding of primary health care.

3. States Parties to the present Charter shall take all appropriate measures with a view to achieving the full realization of this right and shall in particular:

- (a) provide free and compulsory education;
- (b) encourage the development of secondary education in its different forms and to progressively make it free and accessible to all;
- (c) make the higher education accessible to all on the basis of capacity and ability by every appropriate means;
- (d) take measures to encourage regular attendance at schools and the reduction of drop-out rates;
- (e) take special measures in respect of female, gifted, and disadvantaged children, to ensure equal access to educations for all sections of the community.

Article 14

1. Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health.

2. States Parties to the present Charter shall undertake to pursue the full implementation of this right and in particular shall take measures:

- (b) to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) to ensure the provision of adequate nutrition and safe drinking water;
- (d) to combat disease and malnutrition within the framework of primary health care through the application of appropriate technology;
- (g) to integrate basic health service programmes in national development plans;
- (h) to ensure that all sectors of the society, in particular, parents, children, community leaders and community workers are informed and supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of domestic and other accidents;
- (i) to ensure the meaningful participation of non-governmental organizations, local communities and the beneficiary population in the planning and management of a basic service programme for children;
- (j) to support through technical and financial means, the mobilization of local community resources in the development of primary health care for children.

Article 23

1. States Parties to the present Charter shall take all appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law shall, whether unaccompanied or accompanied by parents, legal guardians or close relatives, receive appropriate protection and humanitarian assistance in the enjoyment of the rights set out in this Charter and other international human rights and humanitarian instruments to which the States are parties.

2. States Parties shall undertake to cooperate with existing international organizations which protect and assist refugees in their efforts to protect and assist such a child and to trace the parents or other close relatives or an unaccompanied refugee child in order to obtain information necessary for reunification with the family.

3. Where no parents, legal guardians or closer relatives can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his family environment for any reason.

Article 25

2. States Parties to the present Charter:

(b) shall take all necessary measures to trace and re-unite children with parents or relatives where separation is caused by internal and external displacement arising from armed conflicts or natural disasters.