

Webinar

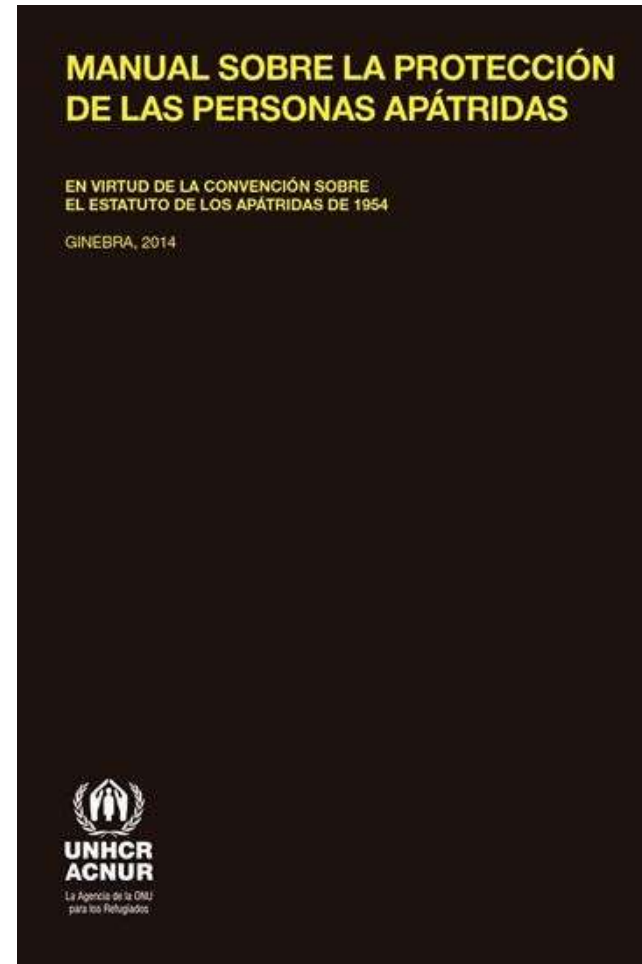
Access to Justice & Effective Remedies for Children Whose Identity Rights Have Been Contravened

Good practice: Measure “Children First” Colombia

February 2025

Colombia

- Increase of human mobility since 2015
- Both country of asylum and transit
- Several nationalities
- People in need of confirming their nationality
- Stateless and in risk of statelessness



Right to nationality in Colombia
1991

POLITICAL CONSTITUTION OF COLOMBIA

Colombian nationality

Art. 96 Political Constitution

By birth

a) Colombian natives, on one of two conditions: first, the father or the mother is a Colombian native or national; or second, if both parents are aliens, either parent was **domiciled** in the Republic at the time of birth.

b) Children of a Colombian father or mother born abroad who have later established their domicile in the Colombian territory or registered in a consular office of the Republic.

No Colombian by birth may be deprived of his/her nationality.

By adoption

a) Aliens who solicit and obtain a certificate of naturalization in accordance with applicable law, which (also) shall establish the cases in which Colombian nationality is lost through adoption.

b) People born in Latin America or the Caribbean who are domiciled in Colombia and who, with the Government's authorization and in accordance with the relevant law and the principle of reciprocity, request to be registered as Colombians in the municipality where they reside.

c) Members of indigenous peoples straddling border areas, in application of the principle of reciprocity according to public international treaties.

Colombian nationality is not lost by virtue of acquiring another nationality.

Nationals by adoption shall not be obligated to renounce their nationality of origin or adoption.

Whoever has renounced his/her Colombian nationality may recover it in accordance with the law.

2023

LAW 2332 ABOUT THE COLOMBIAN NATIONALITY

Colombian nationality

Domicile definition:

Domicile implies the residency in Colombia as well as the will to stay in national territory according to the rules established by the Civil Code

2019

CHILDREN FIRST MEASURE

POR LAS QUE EL ESTADO COLOMBIANO LE OTORGA LA NACIONALIDAD A LOS NIÑOS Y NIÑAS NACIDOS EN COLOMBIA HIJOS DE PADRES VENEZOLANOS.

- 1 Porque estos **niños y niñas** están en **riesgo de ser apátridas**.
- 2 Porque aunque las **leyes venezolanas** dicen que estos niños **tienen derecho a la nacionalidad**, en la práctica **no pueden obtenerla**.
- 3 Porque **estos niños y niñas no obtienen la nacionalidad colombiana** por el solo hecho de **haber nacido en el territorio colombiano**.
- 4 Porque la **Constitución de 1991 establece** que el **Estado tiene la obligación de proteger a estos menores de edad** que nacieron en Colombia, **mientras subsistan los obstáculos y dificultades** como las que tienen en este momento para obtener la nacionalidad venezolana.
- 5 Porque **hace parte de las obligaciones internacionales** asumidas por Colombia en materia de derechos humanos, **sobre el derecho a la nacionalidad, el interés superior del niño y la reducción de la apatridia**.
- 6 Porque en el año 2014, **Colombia ratificó** su adhesión a la Convención para **la Reducción de Casos de Apatridia de 1961**.
- 7 Porque **la apatridia** es considerada como **una problemática de carácter internacional**, que conlleva una grave y profunda **violación a los derechos humanos**.
- 8 Porque los **derechos** de las niñas y los niños son **universales**.
- 9 Porque los niños y las niñas deben ser protegidos en el territorio en el que se encuentren
- 10 Porque **Primero la Niñez**



- At the time, more than 25.000 children were at risk of statelessness
- Birth registries without the annotation “valid to prove nationality”
- Venezuela situation and diplomatic relations
- Joint effort of the Colombian State, the civil society and the UN



Colombia está comprometida con la prevención de la apatridia de niñas y niños nacidos en el país

Marzo 14 de agosto a 10:00 am · Nacional



- Colombia ratified the 1954 and the 1961 Conventions - GRF and HLS commitments (2019)
- Risk of statelessness of children born in Colombia, from Venezuelan parents
- Domicile: restriction (**constitutional requirement**)
- Political relations between Colombia and Venezuela
- Special measure since Jan. 2019 until Aug. 2021. In 2021 and 2023 was renewed
- Benefitted children (Dec. 2024): more than 114.000
- Joint effort of UNHCR/IOM/UNICEF
- It only applies on registries in Colombian territory (not through consulates)

Resolutions Children First



Resolution 8470/19:

- Temporary and exceptional measure
- Annotation
- 19 Aug. 2015
- Both Venezuelan parents

Resolution 8617/21:

- It recognizes birth certificates authorized by indigenous authorities (only for communities living in Colombia)
- Automatic extension for two years if conditions persist (last extension: August 2023 for two more years)