



Inter-Parliamentary Union
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Nationality and Statelessness

Handbook for Parliamentarians N° 22



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Acknowledgements

This handbook was prepared with the cooperation of the Inter-Parliamentary Union's Committee to Promote Respect for International Humanitarian Law

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Original version: English

Cover design by Imprimerie Centrale, Luxembourg

Foreword

Since the first edition of this Handbook was published in 2005, parliamentarians have contributed robustly to the unprecedented progress achieved in the global response to statelessness. There has been a sharp acceleration in the rate of accessions to the two United Nations statelessness conventions, and a trend towards reform of nationality laws to prevent new cases of statelessness and to resolve long-standing statelessness situations. There has also been an increase in efforts to bolster civil registration and nationality documentation systems.

Yet the problem of statelessness persists, and the United Nations High Commissioner for Refugees (UNHCR) estimates that it still affects at least 10 million people around the world. Every year, tens of thousands of children are born stateless because their parents are stateless. Statelessness can occur as a result of discrimination and arbitrary deprivation of nationality, situations of State succession, inadequate civil registration practices, problems in acquiring documents proving nationality and gaps in nationality laws.

A stateless person is someone who is not recognized as a national of any country and statelessness has a real and devastating impact on the lives of individuals, their families and communities. Nationality not only provides people with a sense of identity and belonging, but it is also important for full State protection and the enjoyment of many human rights, including education, health care, legal employment, property ownership, political participation and freedom of movement. Indeed, the fundamental importance of the right to nationality is recognized in Article 15 of the Universal Declaration of Human Rights, as well as in a number of widely ratified human rights treaties. Left unresolved, statelessness can create social tensions, significantly impair efforts to promote economic and social development and even lead to violent conflict and displacement.

While some stateless persons are forced to flee and become refugees, the vast majority remain in countries in which they were born and have lived their entire lives. More needs to be done to alleviate the plight of those living in large-scale protracted situations of statelessness with profound implications for their human rights. Political will and concerted action by governments are key to resolving this.

The publication of this Handbook coincides with the launch by UNHCR of a 10-year campaign to end statelessness. Efforts by parliamentarians will be crucial to reaching this ambitious goal. Parliamentarians can help end statelessness by adopting and ensuring the implementation of domestic legislation that is consistent with international law. Nationality laws need to ensure that individuals are not arbitrarily deprived of nationality; that men and women enjoy equality in nationality matters; and that children are granted a nationality in circumstances in which they would otherwise be stateless. Parliamentarians can also promote accession by their States to the two United Nations statelessness conventions, which provide the framework for a concerted international response to the problem.

This revised Handbook on nationality and statelessness, produced jointly by the Inter-Parliamentary Union and UNHCR, provides a wealth of information on contemporary statelessness issues, developments in international legal doctrine, good practice examples and possible solutions. It also recommends actions that can be taken by parliamentarians, government officials, civil society organizations and others to address the challenges of statelessness. We are confident that it will serve as a useful tool to reduce and ultimately eradicate the problem of statelessness, eliminating its devastating impact on millions of women, men, boys and girls.



Anders B. Johnsson
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Introduction

Those of us who are citizens of a country usually take for granted the rights and obligations that citizenship confers on us. Most of us can enrol our children in schools, seek medical attention when we are sick, apply for employment when we need to, and vote to elect our representatives in government. We feel we have a stake in the country in which we live; we feel a profound sense of belonging to something greater than our individual selves.

But what is life like for persons who have no nationality, who are stateless? Without citizenship, a person cannot register to vote in the country in which they are living, cannot apply for a travel document, cannot register to marry. In some instances, individuals who are stateless and are outside their country of origin or country of former residence can be detained for long periods if those countries refuse to grant them re-entry to their territories. Often, even the most basic of rights – the rights to education, medical care, and employment – are denied to individuals who cannot prove the link of nationality with a country.

No region of the world is free from the problems that lead to statelessness. However, the precise number of stateless persons around the world is unknown. States have sometimes been unwilling or unable to provide accurate data; few have mechanisms for registering stateless persons and stateless people are often unwilling to be identified because they lack a secure residence. Yet, an increasing number of States are working with UNHCR to measure the number of stateless persons in their territories. UNHCR estimates that millions of people around the world are living without any nationality.

Statelessness, which was first recognized as a global problem during the first half of the 20th century, can result from gaps in and between the nationality laws of States, State succession, the protracted marginalization of specific groups within a society, or from stripping individuals or groups of their nationality. Statelessness is normally associated with periods of profound change in international relations. The redrawing of international borders, the manipulation of political systems by national leaders with the aim of achieving questionable political ends, and/or the denial or deprivation of nationality to exclude

“Being said ‘No’ to by the country where I live; being said ‘No’ to by the country where I was born; being said ‘No’ to by the country where my parents are from; hearing ‘you do not belong to us’ continuously! I feel I am nobody and don’t even know why I’m living. Being stateless, you are always surrounded by a sense of worthlessness.”

Lara, who was formerly stateless

and marginalize racial, religious or ethnic minorities have resulted in statelessness in every region of the world. In the past 20 years, growing numbers of persons have been deprived of their nationality or have not been able to acquire citizenship. If these situations are allowed to continue, the deepening sense of disenfranchisement among the affected populations can eventually lead to displacement and even conflict.

This handbook aims to provide parliamentarians with a broad description of the international principles regulating nationality and statelessness. States hold a broad discretion with which to define their initial body of citizens and the conditions for acquiring, losing, and retaining citizenship. However, human rights principles developed throughout the 20th century limit this discretion if it results in statelessness and/or if it is applied in a discriminatory manner.

As States work together to address the problems associated with statelessness, there are still millions of individuals around the world who have no nationality. This handbook discusses the rights and obligations of stateless persons as protected under international law, particularly by the 1954 Convention relating to the Status of Stateless Persons. The handbook also highlights the main causes of statelessness and considers how governments can ensure that the application of their nationality legislation does not inadvertently result in statelessness.

UNHCR is the UN agency tasked with helping to reduce the incidence of statelessness and assisting those individuals who are stateless in securing a nationality. This handbook describes what UNHCR does to fulfill this role. It also suggests practical steps parliamentarians can take to help to reduce the incidence of statelessness, from reviewing and, if necessary, revising their country's citizenship laws, to encouraging their governments to accede to international treaties on statelessness, to raising public awareness about the problems associated with statelessness.

This handbook also offers positive examples of how protracted situations of statelessness have been resolved, thanks to the political will of the States concerned, the efforts of civil society, and the assistance provided by the international community. These "good practices" illustrate that when governments, society, and the international community work together, stateless individuals can finally enjoy "the right to a nationality".

“To be stripped of citizenship is to be stripped of worldliness; it is like returning to a wilderness as cavemen or savages... A man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellow man... they could live and die without leaving any trace, without having to contribute anything to the common world.”

Hannah Arendt, *The origins of totalitarianism*

The international legal framework for the right to a nationality and for the reduction of statelessness



Several hundred thousand stateless Rohingya from Myanmar live in the coastal area of Shamlapur, Bangladesh. Many are trapped in debt bondage to boat owners, with debts increasing from year to year. ©UNHCR/Greg Constantine, 2010

Nationality is a sensitive issue as it is a manifestation of a country's sovereignty and identity. Not surprisingly, disputes about citizenship can, and often do, result in tension and conflict, both within and between States. During the 20th century, there was both an increase in the incidence of statelessness around the world and growing awareness of and concern for human rights. International law on nationality thus evolved along two tracks: to protect and assist those individuals who were already stateless, and to try to eliminate, or at least reduce, the incidence of statelessness.

Who determines whether or not a person is a citizen of a particular country?

In principle, questions of nationality fall within the domestic jurisdiction of each State. However, the applicability of a State's internal decisions can be limited by the similar actions of other States and by international law.

In its *Advisory Opinion on the Tunis and Morocco Nationality Decrees* of 1923, the Permanent Court of International Justice stated that:

"The question whether a certain matter is or is not solely within the domestic jurisdiction of a State is an essentially relative question; it depends on the development of international relations."

In effect, the Permanent Court said that while nationality issues were, in principle, within domestic jurisdiction, States must, nonetheless, honour their obligations to other States as governed by the rules of international law.

This approach was reiterated seven years later in the 1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws (1930 Hague Convention). Indeed, many States commented on the Permanent Court's 1923 Advisory Opinion as it related to the preparation of the 1930 Hague Convention. Most States interpreted the *Advisory Opinion* as a limitation on the applicability of a State's nationality-related decisions outside that State, especially when those decisions conflict with nationality-related decisions made by other States.

The 1930 Hague Convention, held under the auspices of the Assembly of the League of Nations, was the first international attempt to ensure that all persons have a nationality. Article 1 of the Convention states that:

"It is for each State to determine under its own law who are its nationals. This law shall be recognized by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognized with regard to nationality."

In other words, how a State exercises its right to determine its citizens should conform to the relevant provisions in international law.

Article 15 of the 1948 Universal Declaration of Human Rights (UDHR) declares:

"Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."

This right is founded on the existence of a relevant link between an individual and a State. The International Court of Justice explained nationality and the links that underlie it in the following terms in 1955, in the *Nottebohm Case*:

“According to the practice of States, to arbitral and judicial decisions and to the opinion of writers, nationality is a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interest and sentiments, together with the existence of reciprocal rights and duties.”

A relevant link, giving rise to a right to a nationality, is made manifest by birth, residency and/or descent and is now reflected in the provisions of most States’ nationality legislation as well as in recent international instruments relating to nationality, such as the 1997 European Convention on Nationality (ECN).

Nationality is also defined by the Inter-American Court of Human Rights as:

*“[t]he political and legal bond that links a person to a given State and binds him to it with ties of loyalty and fidelity, entitling him to diplomatic protection from that State”.
(Castillo-Petruzzi et al. v. Peru, Judgment of May 1999, IACHR [ser.C] No. 52 1999.)*

How are the rights of refugees and stateless persons protected?

Although Article 15 of the UDHR asserts that every person has the right to a nationality, it does not prescribe the specific nationality to which a person is entitled. To ensure that individuals are not deprived of a minimum set of rights associated with nationality, the international community developed two main treaties: the 1951 Convention relating to the Status of Refugees (1951 Refugee Convention) and the 1954 Convention relating to the Status of Stateless Persons (1954 Convention).

Is there any link between the 1951 Convention relating to the Status of Refugees and the issue of statelessness?

In the aftermath of the Second World War, one of the most pressing issues for the Member States of the newly created United Nations was how to address the needs of the millions of individuals whom the war had left as refugees or who had been rendered stateless. A 1949 resolution of the UN Economic and Social Council (ECOSOC) led to the appointment of an Ad Hoc Committee whose task was to consider formulating a convention on the status of refugees and stateless persons and to consider proposals for eliminating statelessness.

In the end, Committee members drafted a convention on the status of refugees and a protocol to the proposed convention that focused on stateless persons. The Committee did not fully address the elimination of statelessness largely because it was assumed that the newly formed International Law Commission (ILC) would focus on that issue.

Historically, refugees and stateless persons both received protection and assistance from the international refugee organizations that preceded UNHCR. The draft Protocol on statelessness was intended to reflect this link between refugees and stateless persons. But the urgent needs of refugees and the impending dissolution of the International Refugee

Organization meant that there was not sufficient time for a detailed analysis of the situation of stateless persons at the 1951 Conference of Plenipotentiaries that had been convened to consider both issues. Thus, the 1951 Refugee Convention was adopted at the Conference, while adoption of the Protocol addressing stateless persons was postponed for a later date.

A stateless person may be entitled to protection under the 1951 Refugee Convention. A stateless refugee receives protection as a refugee, since the arbitrary deprivation of citizenship because of a person's race, religion, nationality, membership in a particular social group, or political opinion can indicate that the individual should be recognized as a refugee.

What does the 1954 Convention provide for?

The Protocol on stateless persons that had been drafted as an addendum to the 1951 Refugee Convention was made into a Convention in its own right in 1954. The 1954 Convention is the primary international instrument that aims to regulate and improve the status of stateless persons and to ensure that stateless persons are accorded their fundamental rights and freedoms without discrimination. (See Annex 1 for a list of States Parties to the 1954 Convention.)

The provisions of the 1954 Convention are, in many respects, very similar to those of the 1951 Refugee Convention. Acceding to the 1954 Convention is not a substitute for granting nationality to those born and habitually resident in a State's territory. No matter how extensive the rights granted to a stateless person may be, they are not equivalent to acquiring citizenship.

Article 1(1) of the 1954 Convention includes the internationally recognized definition of a stateless person:

"a person who is not considered as a national by any State under the operation of its law".

Persons who fall within the scope Article 1(1) of the 1954 Convention are sometimes referred to as *de jure* stateless persons. By contrast, reference is made in the Final Act to *de facto* stateless persons. The term *de facto* statelessness is not defined in any international instrument and there is no treaty regime specific to this category of persons. UNHCR's working definition of *de facto* stateless persons is persons outside of their own country, who are unable or, for valid reasons, are unwilling to avail themselves of the diplomatic protection of that country.

Who is a national? Who is stateless?

To be considered a national by operation of law means that an individual is automatically considered to be a citizen under the terms outlined in the State's enacted legal instruments related to nationality, or that the individual has been granted nationality through a decision made by the relevant authorities. Most people are considered nationals by operation of only one State's laws – usually either the laws of the State in which the person was born (*jus soli*) or the laws of the State of which the person's parents were nationals when the individual was born (*jus sanguinis*).

Whenever an administrative procedure allows for discretion in granting citizenship, applicants for citizenship cannot be considered nationals until their applications have been completed and approved and the citizenship of that State is granted in accordance with the law. Individuals whom the law defines as eligible to apply for citizenship but whose applications are rejected are not citizens of that State under operation of that State's law.

UNHCR's *Handbook on Protection of Stateless Persons* provides guidance to States, UNHCR and other actors on how to interpret Article 1(1) of the 1954 Convention to facilitate the identification and proper treatment of beneficiaries of the 1954 Convention.

Although the 1954 Convention establishes the international legal definition of a "stateless person", and the standards of treatment to which such individuals are entitled, it does not prescribe any mechanism to identify stateless persons. However, it is implicit in the 1954 Convention that States must identify stateless persons within their jurisdictions in order to provide them appropriate treatment to comply with their Convention commitments. UNHCR's *Handbook on Protection of Stateless Persons* provides guidance to States and UNHCR on the establishment of national procedures which are aimed specifically at determining whether a person is stateless. Through its representations/offices or its services at Headquarters, UNHCR is available to provide advice on how to create and implement these procedures, if requested.

Can a stateless person also be a refugee?

Although most stateless people worldwide live in the country in which they were born, a significant number have fled their countries to escape persecution on grounds of race, religion, nationality, membership of a particular social group or political opinion. Such people are stateless refugees.

On its own, statelessness does not generally constitute persecution under the refugee definition set out in the 1951 Refugee Convention, but it may well be an element of persecution taken cumulatively with other factors. Arbitrary deprivation of nationality on discriminatory grounds may on its own give rise to a well-founded fear of persecution, in particular where it results in statelessness.

The drafters of the 1951 Refugee Convention and the 1954 Convention decided to create two separate legal regimes to protect refugees and stateless persons. While the 1951 Refugee Convention covers refugees, including those who are also stateless, the 1954 Convention is designed for stateless persons who are not refugees.

Most of the rights granted to stateless persons under the 1954 Convention are the same as those granted to refugees under the 1951 Refugee Convention. However, due to the specific situation of refugees, the 1951 Refugee Convention contains specific reference to non-penalization for unlawful presence or entry and to *non-refoulement*. These principles are not contained in the 1954 Convention. As such, if a person qualifies for both refugee and statelessness status, the State must apply to him or her the more favourable provisions of the 1951 Refugee Convention.

What does the 1961 Convention on the Reduction of Statelessness provide for?

Due to the differing approaches taken by States with regard to acquisition and loss of nationality, some individuals continue to “fall through the cracks” and become stateless. Common rules are therefore essential to address such gaps.

In 1950, the ILC commenced the process of drafting what would later emerge as the 1961 Convention on the Reduction of Statelessness (1961 Convention). The 1961 Convention is the only universal instrument that elaborates clear, detailed and concrete safeguards to ensure a fair and appropriate response to the threat of statelessness.

The articles of the 1961 Convention aim to avoid statelessness at birth and later in life, but they neither prohibit the possibility of deprivation of nationality under certain circumstances, nor require States to grant citizenship to all currently stateless persons. The 1961 Convention also provides for the creation of a body to which a person who may benefit from the provisions of the 1961 Convention may apply to have their claim examined and to seek assistance in presenting the claim to the appropriate authority. The General Assembly subsequently asked UNHCR to fulfil this role. (See Annex 2 for a list of States Parties to the 1961 Convention.)

In seeking to reduce the incidence of statelessness, the 1961 Convention requires that States parties adopt nationality legislation that reflects prescribed standards relating to the acquisition or loss of nationality. Should disputes concerning the interpretation or application of the Convention arise between Contracting States and they are not resolved by other means, they can be submitted to the International Court of Justice at the request of any one of the parties to the dispute.

UNHCR’s *Handbook on Protection of Stateless Persons* provides guidance to governments, UNHCR and other actors on how to interpret and apply Articles 1–4 and 12 of the 1961 Convention, which concern avoidance of statelessness among children.

“One day, I was standing between the borders, and could not get into either country. It was the most unforgettable experience in my life! I could not enter the State where I had been; also I couldn’t get into the State where I was born, raised and lived! Where do I belong? I still cannot forget the strong feeling of loss I experienced at the airport.”

Lara, who was formerly stateless

How does human rights law ensure the right to a nationality?

Various other international legal instruments address the right to a nationality. Article 15 of the UDHR provides that everyone has the right to a nationality and that no one shall be arbitrarily deprived of his nationality.

The right of every child to acquire a nationality was subsequently set out in the 1966 International Covenant on Civil and Political Rights (ICCPR). Article 24 states that:

“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 State.”

“Every child shall be registered immediately after birth and shall have a name.”

“Every child has the right to acquire a nationality.”

Article 26 of the ICCPR also sets out a non-discrimination clause which applies very broadly, including to nationality legislation and how it is implemented:

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

The 1965 Convention on the Elimination of All Forms of Racial Discrimination (CERD) obliges States to *“guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law,”* particularly in the enjoyment of several fundamental human rights, including the right to nationality (Article 5).

Article 9 of the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) addresses a major cause of statelessness – discrimination against women in nationality laws – stating that:

“States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.”

“States Parties shall grant women equal rights with men with respect to the nationality of their children.”

The 1989 Convention on the Rights of the Child (CRC), which has been ratified by almost every State, contains three important articles relevant to nationality:

Article 2 stipulates that:

“States Parties shall respect and ensure the rights set forth in the... Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

Article 7 states that:

“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.”

Article 8 (1) provides that:

“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.”

Article 29 of the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families states that:

“Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.”

Article 18 of the 2006 Convention on the Rights of Persons with Disabilities states that:

“1. States Parties shall recognise the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis as others, including by ensuring that persons with disabilities:

(a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;

2. Children with disabilities 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 their parents.”

Are there any regional treaties that address the right to a nationality?

Regional instruments reinforce the legal basis of the right to a nationality. Article 20 of the 1969 American Convention on Human Rights not only refers to the right to a nationality, but also includes a key safeguard to prevent children from becoming stateless at birth:

“Every person has the right to a nationality. Every person has the right to the nationality of the State in whose territory he was born if he does not have the right to any other nationality. No one shall be arbitrarily deprived of his nationality or of the right to change it.”

These principles have subsequently been upheld by the jurisprudence of the Inter-American Court. While the Court has confirmed that the conditions under which nationality is granted remain within the domestic jurisdiction of the State, the Court also found that:

“Despite the fact that it is traditionally accepted that the conferral and recognition of nationality are matters for each State to decide, contemporary developments indicate that international law does impose certain limits on the broad powers enjoyed by the States in that area and that the manner in which States regulate matters bearing on nationality cannot today be deemed to be within their sole jurisdiction.” (Inter-American Court on Human Rights, Advisory Opinion, *“Amendments to the Naturalization Provision of the Constitution of Costa Rica,”* paragraphs 32-34; text in 5 HRLJ 1984).

In other words, States must take into consideration the international repercussions of their domestic nationality legislation, particularly if the application of that legislation may result in statelessness.

The ECN, a regional instrument drafted by the Council of Europe, was born out of the perceived need to create a single text that consolidated all the developments in domestic and international law regarding nationality since the 1930 Hague Convention addressed the issue of conflicts of nationality laws. In contrast to older treaties adopted in Europe, it also allows for the acquisition of multiple nationalities for married persons of different nationalities and their children. The ECN also covers

“Sometimes I hate myself. I feel like I am not a human being. I can’t handle it. My friends can live a natural life. I can’t. My dream to own a car, I can’t have it. Even if I have the money to buy it, it would never be registered in my own name. I dream of getting married, but one man has turned me down because I don’t have a citizenship. I feel like a prisoner. Lebanese papers are worth more than gold, you can pay millions but still not get them. It’s hard for me to see Lebanese girls who have nationality and their papers, especially when they’re not taking advantage of their status as they could – studying, working, fulfilling the dreams I wish I could achieve, but can’t.”

Zeinab, a stateless woman living in Lebanon

questions of the acquisition, retention, loss and recovery of nationality, procedural rights, nationality in the context of State succession, military obligations and cooperation among States Parties. It contains many provisions that aim to prevent the creation of statelessness. The ECN refers to the 1954 Convention for its definition of a stateless person. Europe's recent experience with state succession led to a recognition that large numbers of people risk becoming stateless because they may lose their nationality before acquiring another. In an effort to avoid statelessness through state succession – which may occur as a result of a transfer of territory from one State to another, unification of States, dissolution of a State, or separation of part or parts of a territory – the Council of Europe adopted the Convention on the Avoidance of Statelessness in relation to State Succession. The Convention, which was adopted on 15 March 2006, contains specific rules on nationality in the case of State succession. Its 22 articles provide practical guidance on issues such as the responsibilities of the successor and predecessor States, rules of proof, avoiding statelessness at birth, and facilitating the acquisition of nationality by stateless persons.

In 1999, the Organization of African Unity (now the African Union) adopted the African Charter on the Rights and Welfare of the Child. Modeled on the CRC, the Charter shares some key principles with that earlier treaty, including non-discrimination and the primary consideration of the best interests of the child. Article 6 of the Charter, which focuses on name and nationality and which contains a key safeguard to prevent statelessness among children, asserts that:

- every child shall have the right from his birth to a name;
- every child shall be registered immediately after birth;
- every child has the right to acquire a nationality; and
- States Parties to the 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 in which he was born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws.

The Covenant on the Rights of the Child in Islam was adopted by the 32nd Islamic Conference of Foreign Ministers in June 2005. It provides that:

- every child shall have the right from birth to a name;
- every child shall have the right to be registered;
- States Parties to the Covenant shall make every effort to resolve the issue of statelessness for any child born on their territories or to any of their citizens outside their territory; and
- foundlings shall have a right to name, title and nationality.

Identifying and protecting stateless persons



Thousands of stateless migrant children born in Sabah do not acquire Malaysian nationality at birth or identity documents. Unable to access Malaysian schools, they often end up working for nominal pay at markets like this one in Kota Kinabalu. ©UNHCR/Greg Constantine, 2010

Despite attempts to reduce the incidence of statelessness through national citizenship laws and through the implementation of the 1961 Convention and other international instruments, UNHCR estimates that there are millions of people around the world who have no nationality. The 1954 Convention defines who is a stateless person, promotes the acquisition of a legal identity for those persons, and ensures that stateless persons enjoy fundamental rights and freedoms without discrimination.

Who is a stateless person?

The 1954 Convention defines a stateless person as one “who is not considered as a national by any State under the operation of its law” (Article 1). This is a purely legal definition. It does not allude to the rights enjoyed by nationals, the manner in which nationality is granted, or access to a nationality. Establishing whether an individual is considered as a national under the operation of its law requires a careful analysis of how a State applies its nationality laws in an individual’s case in practice and any review/appeal decisions that may have had an impact on the individual’s status.

In trying to establish proof of statelessness, States should review the relevant nationality legislation of those States with which the individual has links (such as through birth, previous habitual residence, the State[s] of which a spouse or children are nationals, the State[s] of which the individual’s parents or grand-parents are nationals), as well as examine information on how legislation is implemented in practice, including any information on the treatment of a person or population concerned. If necessary, the authority making the determination may consult with those States, and request evidence, as necessary. Individuals have a duty to provide as full and truthful an account of their position as possible and to submit all evidence reasonably available. UNHCR can facilitate consultations between States and can provide technical information on the relevant laws and their implementation in various States, as requested.

Documents from a responsible State authority certifying that the individual concerned is not a national are usually a reliable form of evidence of statelessness. However, such evidence may not always be available. The relevant authorities of the country of origin or country of former habitual residence may refuse to issue certified

“We can’t get regular jobs, we can’t move, we are like boats without ports. Access to education and health care are also problems. I couldn’t finish high school or go to college. I can only see a doctor in a private hospital, not in the government ones.”

Abdullah, a stateless Bidoon living in the United Arab Emirates

documents stating that the person is not a national, or they may simply not reply to enquiries. Some State authorities will feel they are not responsible for indicating which persons do not have a legal bond of nationality with the country. Conclusions regarding a lack of response should only be drawn after a reasonable period of time. If a State has a general policy of never replying to such requests, no inference can be drawn from this failure to respond based on the non-response alone. Conversely, where a State routinely responds to such queries, a lack of response will generally provide strong confirmation that the individual is not a national.

Can an individual be excluded from the provisions of the 1954 Convention?

The preamble of the 1954 Convention reaffirms that stateless refugees are covered by the 1951 Refugee Convention, and therefore are not covered by the 1954 Convention.

In addition to defining a stateless person, Article 1 of the 1954 Convention also defines those individuals who, despite falling within the scope of the definition (that is, despite the fact that they are stateless), are nonetheless excluded from the application of the 1954 Convention for particular reasons, either because they do not need such, or because they are unworthy of international protection on the basis of their individual acts. These include persons:

- *“who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance as long as they continue to receive such assistance.”*
The United Nations Relief and Works Agency for Palestinian Refugees in the Near East is the only UN agency currently relevant to this clause.
- *“who are recognized by the competent authorities of the country in which they have taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.”*
This means that if a stateless person has secured legal residence in a State and is accorded rights greater than those provided for under the 1954 Convention, particularly full economic and social rights equivalent to those that a national enjoys and is protected against deportation and expulsion, then there is no need to apply the provisions of the Convention to that individual, despite the fact that the person is stateless.
- *“who have committed a crime against peace, a war crime, or a crime against humanity, as defined in international instruments; who have committed a serious non-political crime outside the country of their residence prior to their admission to that country; or who are guilty of acts contrary to the purposes and principles of the United Nations.”*

When is a person no longer considered to be stateless?

The condition of being stateless ends when the individual concerned acquires a nationality.

Under a 1994 amendment to Brazil's Constitution, children born overseas to Brazilian parents could not obtain Brazilian citizenship unless they returned to live in Brazil. Civil society groups estimated that within a dozen years, 200,000 children had been made stateless. In 2007, when Brazil acceded to the 1961 Convention, the National Congress approved a constitutional amendment that replaced the residence requirement with consular registration as a precondition for the acquisition of citizenship. This reform applied retroactively, and helped many stateless children acquire Brazilian citizenship.

When is a statelessness determination procedure the appropriate response?

Statelessness determination procedures generally assist States in meeting their commitments under the 1954 Convention. While the 1954 Convention defines a stateless person, it does not elaborate a procedure for identifying who is stateless. Yet, it is implicit in the 1954 Convention that States must identify stateless persons within their jurisdictions so as to provide them with appropriate treatment to comply with their Convention commitments.

The use of statelessness determination procedures, however, is only appropriate for those stateless persons who are in a migratory context. For stateless persons who are in their "own country" or *in-situ* populations, determination procedures for the purpose of obtaining status as stateless persons are not appropriate because of their strong ties, such as long-term habitual residence, to these countries. Depending on the circumstances of the populations under consideration, States are advised to undertake targeted nationality campaigns or nationality verification efforts rather than use statelessness determination procedures in relation to these populations.

What are the procedures used for determining whether a person is stateless?

Only a small number of States have created specialized procedures to undertake statelessness determination. However, there is an increasing interest among States to establish such procedures. Where to locate statelessness determination procedures institutionally is a matter of State discretion and can vary from State to State. Regardless of where statelessness determination procedures are located within a State's legal or administrative framework, it is important that examiners develop expertise on statelessness determination while ensuring that procedures are accessible to the concerned population. This requires a balance between centralizing expertise to conduct statelessness determination within a specialized administrative or judicial unit of trained and experienced officials, while allowing individuals to lodge applications with government representatives who might be spread out across the country. Some States have adopted implementing legislation that designates specific agencies within the government – offices that deal specifically with asylum, refugees and stateless persons, or the Ministry of the Interior, for example – that will examine and adjudicate claims of statelessness.

Other States that have no specific legislation establishing a procedure to recognize statelessness have instituted an administrative or judicial authority that is tasked with determining whether an individual is stateless.

Many States, however, have no specific procedure in place. In many of these cases, the question of statelessness often arises during refugee status determination procedures. Stateless persons may then be “processed” within that framework, which includes humanitarian or subsidiary protection. Stateless persons may, in fact, be obliged to channel their application through the asylum regime simply because there is no other procedure available to them. Confidentiality requirements for applications by asylum-seekers must be respected regardless of the form or location of the statelessness determination procedure.

Some countries do not have specific recognition procedures for stateless persons, but the issue may arise when an individual applies for a residency permit or a travel document, or if an application for asylum is rejected and a claim is made to remain in an asylum country on other grounds.

In France, the procedure for recognizing stateless status is conducted within the French Office for the Protection of Refugees and Stateless Persons (OFPRA), which is mandated to provide judicial and administrative protection to stateless persons. Applicants must apply directly to OFPRA.

In the Philippines, statelessness determination is undertaken by the centralized Refugees and Stateless Persons Protection Unit (RSPPU), which is administered by the Philippines Department of Justice. Applications for statelessness status can be submitted to the RSPPU or in the central or any field office of the Bureau of Immigration.

In the Republic of Moldova, the Bureau for Migration and Asylum of the Ministry of Internal Affairs conducts a centralized administrative statelessness determination procedure. Applications can be submitted orally or in writing and can be initiated by the individual concerned or *ex officio* by a specialised administrative unit within the Moldovan Bureau for Migration and Asylum.

In Spain, the Aliens Law provides that the Ministry of Interior will recognize the status of statelessness in a procedure regulated by Royal Decree. Applicants may approach police stations or the Office for Asylum and Refugees (OAR). Upon completion of the investigative phase, the OAR conducts the procedure then forwards its reasoned assessment to the Ministry of Interior.

Although Mexico has not established a formal statelessness determination procedure, its 2010 *Manual of Migratory Criteria and Procedures* provides that stateless persons can receive international protection through the Mexican system of complementary protection. While the manual provides a definition of who qualifies as a stateless person, it does not establish any procedure for undertaking determination in individual cases.

UNHCR's *Handbook on Protection of Stateless Persons* provides guidance to governments, UNHCR staff and other actors regarding the modalities of establishing statelessness determination procedures, including on questions of evidence which arise in such procedures.

What kind of evidence is required?

Given the nature of statelessness, individuals are often unable to substantiate a claim for statelessness status with significant, if any, documentary evidence. Many individuals are unaware of the need, or are unable to conduct the necessary analysis of the nationality laws of countries through which they have links through birth, descent, marriage or habitual residence. In addition, contact with foreign authorities to request specific information about an individual's case or general guidance on a country's nationality laws, including both clarification as to the letter of the law and implementation, can be fundamental in reaching a conclusion on whether an individual is stateless. In many cases, States will only respond to such enquiries when they are initiated by government officials of another State.

Statelessness determination procedures must therefore take into consideration the difficulties inherent in proving statelessness. Statelessness determination procedures require both the applicant and the examiner to cooperate to obtain evidence and establish the facts – this is referred to as a shared burden of proof. Because of the difficulties inherent in proving statelessness, the threshold of evidence required before statelessness is determined should not be too high. States are therefore advised to adopt the same standard of proof as that required in refugee status determination, namely, that a finding of statelessness is warranted where it is established to “a reasonable degree” that an individual is not considered as a national by any State under the operation of its law. UNHCR's *Handbook on Protection of Stateless Persons* provides further guidance on how the burden and standard of proof are to be applied in statelessness determination procedures.

Who should decide if an individual is stateless?

Qualified personnel who are specialized in the field of statelessness and who can impartially and objectively examine the application and evidence supporting it should be designated to make determinations of statelessness. A central authority responsible for such determinations would reduce the risk of inconsistent decisions, would be more effective in obtaining and disseminating information on countries of origin, and would, by its focused work, be better able to develop its expertise in matters related to statelessness. The determination of statelessness status requires the collection and analysis of laws, regulations and the practices of other States. Even without a central authority, decision-makers benefit from collaborating with colleagues knowledgeable about nationality legislation and the issue of statelessness both within the government and in other States.

How do individuals gain access to the procedure?

The 1954 Convention does not oblige States to grant a legal stay to an individual while their request for recognition as a stateless person is being assessed. Practically, once

an individual is on a State's territory, a determination of their nationality status may be the only way to identify a solution to their plight.

Where an individual has made an application to be recognized as stateless, or if the authorities are trying to determine whether or not an individual is stateless, States are advised to refrain from removing them from their territory pending the outcome of the determination process.

Statelessness determination procedures are to be formalized in law, ensuring fairness and transparency. UNHCR's *Handbook on Protection of Stateless Persons* provides a comprehensive list of due process rights to be respected, including:

- access to an interview;
- interpretation assistance;
- access to legal aid;
- deadlines within which statelessness determinations must be made from the time an application is filed;
- a right to receive written reasons for a decision; and
- a right to appeal a first-instance rejection of an application.

Can a State detain a stateless person who does not have a legal stay?

Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty. Stateless persons who do not have the right to legally remain in a country should not normally be detained. Individuals who are stateless often lack identity documents, such as national identity cards or passports. Even if the country of former residence has been identified, often that country will not immediately accept the readmission of the individual. In these situations, detention should be avoided and only be resorted to if clearly based on national legislation that conforms to international human rights law. Alternatives to detention should be explored first, unless there is evidence to suggest that the alternatives will not be effective for the individual concerned.

Stateless persons without a legal stay should be detained only after considering all possible alternatives. In making the exceptional decision to detain, authorities should determine whether detention is reasonable and proportional to the objectives to be achieved. If judged necessary, detention should only be imposed in a non-discriminatory manner, be regulated by domestic law, preferably with maximum limits set on such detention and subject to periodic and judicial review.

Working Group on Arbitrary Detention

The United Nations Commission on Human Rights has addressed the disturbing expansion of arbitrary detention since 1985. It requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a thorough study of the matter and to submit recommendations to it for the reduction of such practices. At the same time, concern about the guarantees which should be enjoyed by all persons deprived of their liberty was manifested in the adoption by the United Nations General Assembly in December 1988 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. In 1990, in pursuance of the recommendations made in the above-mentioned report of the Sub-Commission, the Commission on Human Rights set up the Working Group on Arbitrary Detention. The Working Group later adopted the following principles governing custody and detention:

Principle 1

An asylum-seeker or immigrant, when held for questioning at the border, or inside national territory in the case of illegal entry, must be informed at least orally, and in a language which he or she understands, of the nature of and grounds for the decision refusing entry at the border, or permission for temporary residence in the territory, that is being contemplated with respect to the person concerned.

Principle 2

Any asylum-seeker or immigrant must have the possibility, while in custody, of communicating with the outside world, including by telephone, fax or electronic mail, and of contacting a lawyer, a consular representative and relatives.

Principle 3

Any asylum-seeker or immigrant placed in custody must be brought promptly before a judicial or other authority.

Principle 4

Any asylum-seeker or immigrant, when placed in custody, must enter his or her signature in a register which is numbered and bound, or affords equivalent guarantees, indicating the person's identity, the grounds for the custody and the competent authority which decided on the measure, as well as the time and date of admission into and release from custody.

Principle 5

Any asylum-seeker or immigrant, upon admission to a centre for custody, must be informed of the internal regulations and, where appropriate, of the applicable disciplinary rules and any possibility of his or her being held *incommunicado*, as well as of the guarantees accompanying such a measure.

Principle 6

The decision must be taken by a duly empowered authority with a sufficient level of responsibility and must be founded on criteria of legality established by the law.

Principle 7

A maximum period should be set by law and the custody may in no case be unlimited or of excessive length.

Principle 8

Notification of the custodial measure must be given in writing, in a language understood by the asylum-seeker or immigrant, stating the grounds for the measure; it shall set out the conditions under which the asylum-seeker or immigrant must be able to apply for a remedy to a judicial authority, which shall decide promptly on the lawfulness of the measure and, where appropriate, order the release of the person concerned.

Principle 9

Custody must be effected in a public establishment specifically intended for this purpose; when, for practical reasons, this is not the case, the asylum-seeker or immigrant must be placed in premises separate from those for persons imprisoned under criminal law.

Principle 10

The Office of the High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and, where appropriate, duly authorized non-governmental organizations must be allowed access to the places of custody.

What are the rights and obligations of persons recognized as stateless?

There are some fundamental human rights that apply to all persons regardless of their status or the type of stay in a particular jurisdiction. These include, for example, the prohibition against torture and the principle of non-discrimination. Indeed, the 1954 Convention affirms that its provisions shall be applied to stateless persons "without discrimination as to race, religion or country of origin" (Article 3).

Every stateless person has the duty to conform to laws and regulations of the country in which he finds himself (Article 2). Assuming that this obligation is met, Article 7 (1) of the 1954 Convention sets out the basic level of protection to which a stateless person is entitled. It stipulates that, except in instances where the 1954 Convention explicitly contains more favourable treatment, "a Contracting State shall accord to stateless persons the same treatment as is accorded to aliens generally".

With respect to most of the rights enumerated in the 1954 Convention, stateless persons should have *at least* the same access to the rights and benefits as that guaranteed to aliens, particularly concerning gainful employment (Articles 17, 18 and 19), housing (Article 21) and freedom of movement (Article 26). For other specific rights, Contracting States are required to accord stateless persons lawfully residing on their territory a standard of treatment comparable to that accorded to nationals of the State, particularly for freedom to practise a religion (Article 4), artistic rights and industrial property (Article 14), elementary education (Article 22), public relief (Article 23), and labour legislation and social security (Article 24).

UNHCR's *Handbook on Protection of Stateless Persons* aims at assisting governments to ensure that stateless persons enjoy the standard of treatment required under the 1954 Convention and International Human Rights Law.

Are recognized stateless persons entitled to identity and travel documents?

The 1954 Convention stipulates that Contracting States shall issue identity papers to any stateless person in their territory who does not possess a valid travel document. Article 28 stipulates that Contracting States shall issue travel documents to stateless persons who lawfully reside in their territory, unless compelling reasons of national security and public order argue otherwise.

The issuance of a travel document does not imply a grant of nationality and does not alter the status of the individual.

The second part of Article 28 invites States to issue travel documents to any stateless person in the territory, even those who are not lawful residents. States are asked to consider issuing Convention Travel Documents to stateless persons who are on their territory and who are unable to obtain a travel document from their country of lawful residence. This provision is particularly important, given that many stateless persons may not have a country of lawful residence. A travel document both helps to identify the stateless person and also allows the individual to seek entry into an appropriate State.

Travel documents are particularly important to stateless persons in facilitating travel to other countries for study, employment, health care or resettlement. In accordance with the Schedule to the Convention, each Contracting State agrees to recognize the validity of travel documents issued by other States Parties. UNHCR can offer technical advice on issuing these kinds of documents. States parties to the 1954 Convention are required to issue stateless persons with machine readable convention travel documents in line with the standards and specifications set out in the International Civil Aviation Organisation/ UNHCR *Guide for Issuing Machine Readable Convention Documents for Refugees and Stateless Persons*.

Can a State expel a person recognized as stateless?

Under the terms of the 1954 Convention, stateless persons lawfully staying in the country are not to be expelled except on grounds of national security or public order. Expulsions are subject to due-process-of-law safeguards, unless there are compelling reasons of national security. Procedural guarantees should therefore be in place to allow the stateless

person to answer and to submit evidence concerning any accusation, to be represented by a legal counsel, and to be granted the right of appeal.

The Final Act of the 1954 Convention indicates that non-refoulement is a generally accepted principle. Non-refoulement, the principle of not returning a person to a territory where they would be at risk of persecution, is set out in the provisions of several international treaties, including Article 33 of the 1951 Refugee Convention, Article 3 of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and implicitly in Article 7 of the ICCPR, and several regional human rights instruments.

Since the prohibition against refoulement is accepted as a principle of international law, the drafters of the 1954 Convention felt it was not necessary to enshrine it in the articles of a convention that is regulating the status of stateless persons.

Once a final decision of expulsion has been taken, the 1954 Convention asks that States grant the individual concerned sufficient time to obtain admission to another country.

What kind of naturalization procedure should be available to persons recognized as stateless?

States Parties to the 1954 Convention are requested to facilitate the assimilation and naturalization of stateless persons to the greatest extent possible. (The word “assimilation” here does not mean loss of the specific identity of the persons involved, but rather integration into the economic, social and cultural life of the country.) In particular, they are required to make every effort to expedite naturalization proceedings, including by reducing fees and costs whenever possible.

In the United Kingdom, stateless persons can access facilitated naturalization procedures. In practical terms, this means a reduced residency requirement (three years as opposed to five years for non-stateless foreigners) and an exemption from language and citizenship tests.

Some countries have included in their nationality legislation reduced terms of legal residence for refugees and stateless persons who want to apply for naturalization.

The ECN further develops this recommendation by requesting that domestic laws contain rules that make it possible for foreigners who are lawfully and habitually resident in the territory to be naturalized. The ECN additionally limits any residency requirements to a maximum of 10 years before an individual would be entitled to lodge an application for naturalization. The ECN also encourages States to consider using expedited naturalization procedures for stateless persons and recognized refugees.

What are the best ways of protecting stateless persons?

The most effective way to protect stateless persons is by crafting legislation that makes it impossible to create a situation of statelessness in the first place (see Chapter “Preventing statelessness” for a full discussion of the 1961 Convention and of related measures that States can adopt to reduce or eliminate statelessness).

Until the problem of statelessness is eliminated, however, persons recognized as stateless must be protected. Acceding to and implementing the 1954 Convention and adopting implementing legislation will ensure that the rights and obligations of stateless persons are respected.

As discussed above, the 1954 Convention does not alter an individual’s nationality, nor does it oblige States to admit non-refugee stateless persons to their territory. Applying the provisions of the 1954 Convention is not a substitute for granting nationality. Wherever possible, States should facilitate the assimilation and naturalization of stateless persons who are living on their territory through nationality legislation and practice. For large-scale statelessness situations, rules for conferral of nationality can be changed so that all persons resident in the territory are considered nationals provided that they were born on the territory (or have resided there) before a certain date, or are descended from such persons.

Kyrgyzstan adopted comprehensive reforms in 2007, which enabled thousands of stateless people to acquire nationality. Approximately 40,000 persons had lived in Kyrgyzstan without any citizenship for more than a decade after independence, most of them ethnic minorities who had migrated from other parts of the former Soviet Union, and did not automatically acquire Kyrgyz citizenship or citizenship in any other successor state of the former Soviet Union. The 2007 law recognized as citizens all former Soviet citizens who were stateless and had resided in Kyrgyzstan for five years or more.

In some exceptional cases, it may not be possible for stateless persons to have their legal status normalized in the country in which they are living. Resettlement in another country may thus be the appropriate solution for these individuals. While States’ resettlement criteria usually do not cover situations of statelessness (resettlement is more often used for refugees), UNHCR’s Executive Committee has called upon States to expand their criteria to include stateless persons. In its Conclusion No. 95 (2003), ExCom:

“Encourage[d] (ExCom) States to cooperate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person’s situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious...”

UNHCR can offer advice and assistance to States on both the integration and the resettlement of stateless persons.

Preventing statelessness



Most of the children in this *batey* (plantation shanty town) are stateless and do not have access to basic rights. Thousands of Dominicans, mostly of Haitian descent, were deprived of their nationality following a 2013 Constitutional Court Ruling.
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Statelessness can result from a variety of circumstances. A few of the main causes of statelessness, and the practical steps States can take to avoid these circumstances, particularly when reviewing citizenship laws, are discussed below.

Causes linked to discrimination or arbitrary deprivation of nationality

Discrimination

One of the principal constraints on State discretion to grant or deny nationality is the proscription against racial discrimination. This principle is reflected in the CERD and in many other instruments. In its General Recommendation on Discrimination against Non-citizens of 1 October 2004, the United Nations Committee on the Elimination of Racial Discrimination stated that:

“deprivation of citizenship on the basis of race, colour, descent, or national or ethnic origin is a breach of States’ obligations to ensure non-discriminatory enjoyment of the right to nationality.”

However, sometimes individuals are unable to acquire the nationality of a particular State despite having strong ties to that State – ties that, for other persons, would be sufficient to trigger the granting of citizenship. Most stateless people around the world belong to an ethnic, religious or linguistic minority. Discrimination based on race, colour, ethnicity, religion, gender, political opinion or other factors can be either overt or created inadvertently in the laws or as they are implemented. Laws may be said to be discriminatory if they contain prejudicial language or if the result of their application is discrimination.

To avoid this problem:

- Ensure that the principle of non-discrimination relating to nationality is enshrined in the constitution and in laws relating to nationality, and ensure, through administrative and judicial decisions, that the principle is implemented in practice.
- States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when they are born. Therefore, children born to married parents, children born outside of marriage, and children born to stateless parents all have an equal right to nationality under international law.
- The CEDAW seeks to grant women equal rights with men to acquire, change or retain nationality. In accordance with the principles contained in this Convention, the husband’s nationality status should not automatically change the nationality of the wife, render her stateless, nor make mandatory her acquisition of his nationality.

Deprivation and denial of citizenship

The UDHR stipulates that no one shall be arbitrarily deprived of nationality. The 1961 Convention and the ECN strictly limit the possibilities for States to initiate the loss of citizenship. Any such loss of nationality must be accompanied by full procedural guarantees and should not result in statelessness.

Denationalization occurs when a State deprives an individual or group of citizenship, usually because the State is engaging in discriminatory practices. Many of the world's stateless people have been arbitrarily deprived of their nationality.

To avoid these problems:

- The basic principle of international law is that no one should be deprived of nationality if such deprivation results in statelessness.
- The 1961 Convention makes the following exceptions to this principle:
 - nationality obtained by misrepresentation or fraud;
 - loss of nationality following residence abroad (see above);
 - acts inconsistent with a duty of loyalty, either in violation of an express prohibition to render service to another State, or by personal conduct seriously prejudicial to the vital interests of the State (only if these are specified in law at the time the Convention was signed); or
 - oath or formal declaration of allegiance to another State or repudiation of allegiance to the State (only if specified in law at the time the 1961 Convention was signed).

In 1980, the Faili Kurds, a mostly Shia minority living in certain provinces of Iraq, were stripped of their Iraqi citizenship by a decree issued by Saddam Hussein. Their properties were seized and many were deported to Iran, where they lived in camps as refugees. The 2005 Iraq Constitution and the 2006 Iraq Nationality Law repealed the earlier decree which had denationalized the Faili Kurds, stating that all persons whose Iraqi nationality had been removed by the former government could have it reinstated. Since then, almost 100,000 individuals have reacquired their Iraqi nationality.

A State Party to the 1961 Convention can only deprive an individual of its nationality on the previous grounds if stated specifically at the time of signature, ratification or accession and if in accordance with law and accompanied by full procedural guarantees, such as the right to a fair hearing. A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds.

- The ECN limits even further the capacity of States to deprive persons of their citizenship if it results in statelessness. According to the ECN, deprivation of citizenship is only justified in cases of acquisition of nationality by fraud or misrepresentation. However, if deprivation of citizenship does not result in statelessness, the State can deprive a national of its citizenship because of:
 - voluntary acquisition of another nationality;

- voluntary service in a foreign military force;
- conduct seriously prejudicial to the vital interests of the State;
- lack of a genuine link between the State and a national who habitually resides abroad;
- preconditions leading to the automatic acquisition of the nationality of the State, as set out in domestic law, were not fulfilled (this is applicable only to minors); or
- an adopted child acquires or possesses the foreign nationality of one or both of the adoptive parents.

Main provisions of the 1961 Convention on the Reduction of Statelessness

On granting nationality (Articles 1, 2, 3 and 4)

Nationality shall be granted to those who would otherwise be stateless who have an effective link with the State through either birth or descent. Nationality shall be granted:

- at birth, by operation of law to a person born in the State's territory;
- by operation of law at a fixed age, to a person born in the State's territory, subject to conditions of national law;
- upon application, to a person born in the State's territory (the application may be made subject to one or more of the following: a fixed period in which the application may be lodged, specified residency requirements, no criminal convictions of a prescribed nature, and/or that the person has always been stateless);
- at birth, to a legitimate child whose mother has the nationality of the state in which the child is born;
- by descent, should the individual be unable to acquire nationality of the Contracting State in whose territory they were born due to age or residency requirements (this may be subject to one or more of the following: a fixed period in which the application may be lodged, specified residency requirements, and/or that the person has always been stateless);
- to foundlings found in the territory of a Contracting State;
- at birth, by operation of law, to a person born elsewhere if the nationality of one of the parents at the time of birth was that of the Contracting State; and
- upon application, as prescribed by national law, to a person born elsewhere if the nationality of one of the parents at the time of the birth was that of the Contracting State (the application may be subject to one or more of the following: a fixed period in which the application may be lodged, specific residency requirements, no conviction of an offence against national security, and/or that the person has always been stateless).

On the loss or renunciation of nationality (Articles 5, 6 and 7)

Loss or renunciation of nationality should be conditional upon the prior possession or assurance of acquiring another nationality. An exception may be made in the case of naturalized persons who, despite notification of formalities and time limits, reside abroad for a fixed number of years and fail to express an intention to retain nationality. A naturalized person, in this instance, is a person who has acquired nationality upon applying to the Contracting State concerned, and that Contracting State could have refused the application. Loss of nationality may only take place in accordance with law and accompanied by full procedural guarantees, such as the right to a fair hearing by a court or other independent body.

On the deprivation of nationality (Articles 8 and 9)

No one should be deprived of a nationality if that deprivation will result in statelessness except when:

- nationality is obtained by misrepresentation or fraud;
- the individual has committed acts inconsistent with a duty of loyalty either in violation of an express prohibition or by personal conduct seriously prejudicial to the vital interests of the State;
- the individual has made an oath or formal declaration of allegiance to another State or repudiated allegiance to the Contracting State; or
- a naturalized citizen has lost the effective link to the Contracting State and, despite notification, fails to express an intention to retain that nationality.

A Contracting State can only deprive an individual of its nationality on the previous grounds if stated specifically at the time of signature, ratification or accession and if in accordance with law and accompanied by full procedural guarantees, such as the right to a fair hearing. A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds.

On the transfer of territory (Article 10)

Treaties shall ensure that statelessness does not occur due to a transfer of territory. When no treaty is signed, the State(s) involved shall confer its /their nationality on those who would otherwise become stateless as a result of the transfer or acquisition of territory.

On an international agency (Article 11)

The Convention calls for the establishment, within the framework of the United Nations, of a body to which an individual claiming the benefit of the Convention may apply to have their claim examined and to be assisted in presenting that claim to the appropriate authority. The General Assembly has asked UNHCR to fulfil this responsibility.

On resolving disputes (Article 14)

Disputes between Contracting States concerning the interpretation or application of the Convention that have not been resolved by other means shall be submitted to the International Court of Justice at the request of any one of the parties to the dispute.

Final Act

The Final Act recommends that persons who are stateless *de facto* should, as far as possible, be treated as *de jure* stateless to enable them to acquire an effective nationality.

Technical causes

Conflict of laws

Problems may arise when nationality legislation in one State conflicts with that of another State, leaving an individual without the nationality of either State. Both sets of laws may be properly drafted, but problems arise when they are implemented together. For example, State A, in which the individual was born, grants nationality by descent only (*jus sanguinis*), but the individual's parents are nationals of State B. State B, on the other hand, grants nationality on the basis of place of birth (*jus soli*) and, under its nationality law, children born to a national abroad do not acquire nationality in all circumstances. The individual is thus rendered stateless.

To avoid these problems:

- As set out in the 1930 Hague Convention, each State determines, under its own law, who its nationals are. This law, recognized by other States, must be consistent with international conventions, international custom, and the recognized principles of law applicable to questions of nationality. States therefore need to consult an updated collection of nationality laws and should understand their implementation in practice in order to resolve conflicts of law involving nationality. UNHCR maintains a collection of nationality laws at <http://www.refworld.org/statelessness.html>.
- The 1961 Convention provides that nationality shall be granted:
 - at birth, by operation of law to a person born in the State's territory;
 - by operation of law at a fixed age, to a person born in the State's territory, subject to conditions of national law;
 - upon application, to a person born in the State's territory (the application may be made subject to one or more of the following: a fixed period in which the application may be lodged, specified residency requirements, no criminal convictions of a prescribed nature, and/or that the person has always been stateless);

- by descent, should the individual be unable to acquire nationality of the Contracting State in whose territory he/she was born due to age or residency requirements (this may be subject to one or more of the following: a fixed period in which the application may be lodged, specified residency requirements, and/or that the person has always been stateless);
 - to foundlings found in the territory of a Contracting State;
 - at birth, by operation of law, to a person born elsewhere if the nationality of one of the parents at the time of birth was that of the Contracting State; and
 - upon application, as prescribed by national law, to a person born elsewhere if the nationality of one of the parents at the time of the birth was that of the Contracting State (the application may be subject to one or more of the following: a fixed period in which the application may be lodged, specific residency requirements, no conviction of an offence against national security, and/or that the person has always been stateless).
- States use elements of both *jus soli* and *jus sanguinis* in their citizenship legislation for determining the State's initial body of citizens and how citizenship is granted at birth. Those States that do not accept dual citizenship should ensure that, by a certain age, an individual or the individual's parents have the option to choose one nationality.

Conflict of laws linked to renunciation

Some States have nationality laws that allow individuals to renounce their nationality without having first acquired, or been guaranteed the acquisition of, another nationality. This often results in statelessness. Conflicts of law on this issue may arise when one State will not allow renunciation of nationality until the individual has first acquired another nationality, while the other State involved will not grant its nationality until the individual has first renounced their original nationality. Sometimes an individual may be required to renounce a citizenship elsewhere before they can apply for citizenship where they reside, thus rendering the individual stateless until the new citizenship is granted.

To avoid this problem:

- According to the 1961 Convention, loss or renunciation of nationality should be conditional upon the prior possession or assurance of acquiring another nationality.
- Citizenship legislation should provide that no citizen can renounce their citizenship without acquiring another citizenship or receiving formal and written assurances by the relevant authorities that they will acquire another citizenship.
- The 1961 Convention allows for an exception under which loss of nationality may occur even if it results in statelessness in the case of naturalized persons who, despite notification of formalities and time limits, reside abroad for a fixed number of years and fail to express an intention to retain nationality. A naturalized person, in this instance, is a person who has acquired nationality upon applying to the Contracting State concerned, and that Contracting State could have refused the application. Loss of nationality may only take place in accordance with law and accompanied by full procedural guarantees, such as the right to a fair hearing by a court or other independent body.

- Some States have introduced provisions that allow for the reacquisition of nationality if individuals lose or do not acquire another citizenship.
- For States that do not accept dual or multiple nationalities, citizenship legislation must ensure that the requirement to renounce another nationality as a precondition for acquiring or retaining nationality is lifted when such renunciation is not possible. For example, refugees should not be expected to return to or to contact the authorities of their country of origin to renounce their citizenship.

Good practices: Russian Federation

The break-up of the former Soviet Union left millions of people stateless. In the newly independent Russian Federation, rules set out under the 1991 Federal Law on Citizenship established deadlines by which those residing permanently on the territory of the Russian Federation could acquire Russian citizenship. Under the rules, individuals who could not prove that they held permanent resident status in the Russian Federation were not entitled to acquire Russian citizenship.

By the end of the 1990s, many former Soviet citizens in the Russian Federation had not undertaken steps to regulate their citizenship status there or in other States with which they had ties. Some had automatically become citizens of other newly independent States, sometimes unbeknownst to the individuals concerned, while others remained stateless because their personal circumstances were such that they failed to qualify for nationality anywhere.

Aware that many former Soviet citizens remained without regularized status in the Russian Federation, the Russian government initiated reforms to the 1991 Citizenship Law. The new law on citizenship of the Russian Federation entered into force on 1 July 2002 (2002 Citizenship Law) and further amendments to facilitate the acquisition of Russian Federation citizenship by former Soviet citizens residing in the Russian Federation were passed in 2003.

The key provision that resulted in the reduction of statelessness concerned a temporary measure to facilitate the acquisition of Russian nationality through naturalization of former Soviet citizens on the basis of a temporary or permanent residence permit. This procedure waived the requirements that were most difficult to fulfil for citizens of the former USSR residing in the Russian Federation with undetermined nationality status, namely proof of uninterrupted residence for five years, proof of means of self-sufficiency, and Russian-language proficiency. Applicants were also exempted from paying naturalization fees. During the six-year time frame that the procedure was in place, a total of 2,679,225 persons acquired Russian nationality through naturalization, of whom 575,044 were stateless persons. This represents one of the most successful efforts at statelessness reduction in the past decade.

Subsequent to this reform, in 2012, the Russian Government passed additional amendments to facilitate the naturalization of those who remained stateless despite the earlier reforms. These amendments eliminated the requirement that applicants provide proof of residence registration. In addition, the 2012 amendments extended facilitated naturalization to former USSR citizens who acquired Russian Federation passports that had been subsequently revoked due to a determination that the passports were issued by administrative error.

Laws and practices that particularly affect children

As stipulated by both the ICCPR and the CRC, all children, regardless of where they were born and the status of their parents, should be registered immediately at birth by the authorities of the country of birth. All children have a right to acquire a nationality. The nationality of a child will be determined according to the laws of the States involved; and all States require clarification of where the child was born and to whom. Without proof of birth, that is, without a recognized birth registration, it is difficult for a child to establish their identity (including where he or she was born or who his or her parents are) and thus to acquire a nationality.

To avoid this problem:

- States should provide the necessary resources to the relevant local administration to ensure that birth registration is systematically conducted in accordance with Article 7 of the CRC and Article 24 of the ICCPR. Support from the international community, particularly through UNICEF, should be requested if necessary.
- When registering births, States should identify cases of disputed nationality and should grant citizenship if the child would otherwise be stateless. Relevant provisions of the 1961 Convention should be incorporated into national legislation. These provisions should be incorporated into domestic legislation even if the State has not acceded to the 1961 Convention.
- In particular, States should make provision for acquisition of nationality by children born in their territory who would otherwise be stateless. This would prevent statelessness where, for example, a child is unable to acquire the nationality of his or her foreign parents.

In many countries, women are not permitted to pass their nationality on to their children. This may lead to statelessness where the father is stateless, unknown or unable to pass on his nationality to the child.

To avoid this problem:

- According to the 1957 Convention on the Nationality of Married Women and the CEDAW, women are to have equal rights with men concerning the nationality of their children. Applying these principles in domestic nationality laws will avoid both discrimination against women and the possibility that children will be left stateless.
- States should include provisions on non-discrimination on the grounds of sex in their national citizenship laws.

In Kenya in 2010, a new Constitution was adopted, bringing about legal reform in a wide range of areas, including nationality. The new Constitution and Citizenship and Immigration Act incorporate several key safeguards against statelessness, including a provision to grant citizenship to foundlings. It provides for equality between men and women in all nationality matters.

Orphaned and abandoned children often do not have a confirmed nationality. Children born outside of marriage may also be prevented from acquiring nationality.

To avoid these problems:

- Foundlings discovered on a State's territory should be granted the nationality of that State. This principle is contained in the citizenship legislation of many States and in international instruments relating to nationality, including the 1961 Convention.
- Apply the principles found in the human rights treaties, that States should not discriminate between children born in and out of marriage (international law may allow for differences in treatment in some instances).
- The best interests of the child should always be a primary consideration when determining the child's nationality.

The adoption practices of some States may lead to statelessness if, for example, children are unable to acquire the nationality of their adoptive parents.

To avoid these problems:

- States should introduce provisions in their legislation ensuring that adoptions completed abroad in conformity with international law are recognized in national law. The 1967 European Convention on the Adoption of Children encourages States to facilitate the grant of nationality to the adopted children of their nationals.

Administrative practices

There are numerous administrative and procedural issues related to the acquisition, restoration, deprivation and loss of nationality. Even if an individual is eligible to apply for citizenship, excessive administrative fees, unreasonable deadlines, and/or an inability to produce required documents because they are in the possession of the former State of nationality, can all prevent the individual from acquiring nationality. Similar obstacles may prevent individuals who have automatically acquired citizenship of a State from acquiring identity documents which would prove their nationality such as identity card, citizenship certificate or passport.

To avoid this problem:

- Applications relating to the acquisition, retention, loss, recovery or certification of nationality should be processed within a reasonable period of time. Procedures should be as simple as possible and well publicized.
- The registration of automatic (*ex lege*) acquisition or loss of nationality, including

in situations of State succession for habitual residents, should not require written affidavits, even though States are generally advised to keep written records of all decisions on nationality.

- The fees for acquiring, retaining, losing, recovering or certifying nationality, and for related administrative and judicial reviews, should be reasonable, as should documentary requirements.

Laws and practices that particularly affect women

Some States automatically alter a woman's nationality status when she marries a non-national. A woman may then become stateless if she does not automatically receive the nationality of her husband or if her husband has no nationality.

A woman can also become stateless if, after she receives her husband's nationality, the marriage is dissolved and she loses the nationality acquired through marriage, but her original nationality is not automatically restored.

To avoid these problems:

- The CEDAW grants women equal rights with men to acquire, change or retain nationality. In accordance with the principles contained in the convention, the husband's nationality status may not automatically change the nationality of the wife, render her stateless, nor make mandatory her acquisition of his nationality.
- In States where women do not have equal rights with men and may automatically lose their citizenship when they marry, or where women have to renounce their former citizenship when they marry, those States should introduce provisions into their citizenship legislation enabling women whose marriages have been dissolved to automatically reacquire their former citizenship through a simple declaration.

Automatic loss of nationality

Some States automatically revoke the nationality of an individual who has left their country or who resides abroad. Revocation of nationality, which can occur just a few months after the individual's departure, is often associated with faulty administrative practices in which the individual concerned is not made aware that they risk losing their nationality if they do not register regularly with the country's authorities. If the individual is a naturalized citizen, rather than one who had been born in the State or who acquired nationality through descent, even regular registration may be insufficient to guarantee that nationality will not be revoked. Statelessness is often a direct result of these practices.

To avoid this problem:

- Article 7(3) of the 1961 Convention stipulates that an individual shall not lose their nationality, and so become stateless, on the grounds of departure, residence abroad, failure to register or any similar ground. The 1961 Convention includes an exception to this principle concerning naturalized citizens who reside abroad for more than seven consecutive years. These individuals must express to the appropriate authority their wish to retain their nationality, for example, through renewal of their passport. States should thus adequately inform naturalized citizens

of this policy both within their borders and, abroad, through their consular services.

- More recent instruments, such as the ECN, do not allow States to deprive a person of their nationality on the grounds that the individual habitually resides abroad if the individual concerned would thereby become stateless.

Causes linked to state succession

Transfer of territory or sovereignty

Although it is only partially addressed in specific international instruments and principles, the transfer of territory or of sovereignty has long been a cause of statelessness. National laws and practices will inevitably be altered when a State undergoes profound territorial changes or changes in sovereignty, such as when a State wins independence from a colonial power, after a State is dissolved, if a new State or States succeed(s) a dissolved State, or if part of a State separates to form a new State. Any of these events can trigger the adoption of new citizenship laws or decrees and/or new administrative procedures. Individuals may become stateless in these situations if they fail to acquire nationality under the new legislation/decrees or under new administrative procedures, or if they are denied nationality because of a reinterpretation of previously applicable laws and practices.

To avoid these problems:

- Article 10 of the 1961 Convention stipulates that States Parties should ensure that statelessness does not occur as a result of transfer of territory. States should sign bilateral or multilateral treaties that include provisions to ensure that statelessness does not occur as a result of such a transfer. Where no treaty is signed, the State(s) concerned should grant nationality to those who would otherwise be stateless.
- In practice, populations are generally linked with territories; however, some international treaties, constitutional provisions, and nationality legislation also offer the choice of nationality from among the successor States.
- Succession treaties may also incorporate provisions that focus on how the dissolution or separation of States may affect nationality.
- Responding to the need to codify and develop international law concerning nationality in relation to State succession, the ILC of the United Nations prepared articles on the subject that are contained in the Annex to UN General Assembly Resolution 55/153 of 2001. The articles stipulate that:
 - all States concerned should take appropriate measures so that persons who, on the date of the succession of States, had the nationality of the predecessor state do not become stateless as a result of the succession;
 - a person whose habitual residence was located in the territory affected by the succession is presumed to acquire the nationality of the successor State on the

date of the succession;

- a successor State should not attribute its nationality to persons whose habitual residence was in another State against the will of the persons concerned unless they would otherwise become stateless;
 - States concerned should consider the will of persons concerned whenever those persons are qualified to acquire the nationality of two or more States. Each concerned State shall grant the right to opt for nationality of that State to persons who have appropriate connections with that State if those persons would otherwise become stateless; and
 - States concerned shall not deny concerned persons the right to retain or acquire a nationality or the right of option to a nationality through discrimination on any grounds.
- The ECN and the 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession (CoE Convention) incorporate the provisions found in the 1961 Convention and many of the principles contained in the ILC articles. The ECN devotes a whole chapter to state succession and nationality, highlighting four main principles:
 - the link between the person concerned and the State;
 - the habitual residence of the person concerned at the time of succession;
 - the will of the person concerned; and
 - the territorial origin of the person concerned.

In addition, the ECN stipulates that non-nationals of a predecessor State who are habitually resident in the territory over which sovereignty is transferred to a successor State, and who have not acquired the nationality of the successor State, should have the right to remain in that State and enjoy the same social and economic rights as nationals.

- The CoE Convention developed specific rules of proof (Article 8) concerning nationality in cases of State succession:

“A successor State shall not insist on its standard requirements of proof necessary for the granting of its nationality in the case of persons who have or would become stateless as a result of State succession and where it is not reasonable for such persons to meet the standard requirements.”

A successor State shall not require proof of non-acquisition of another nationality before granting its nationality to persons who were habitually resident on its territory at the time of the State succession and who have or would become stateless as a result of the State succession.”

Paragraph one of Article 8 considers the situation in which it is impossible or very difficult for a person to fulfil the standard requirements of proof to meet the conditions for the acquisition of nationality. In some cases, it might be impossible for a person to provide

full documentary proof of their descent if, for example, the archives of the civil registry have been destroyed. It might be impossible to provide documentary proof of the place of residence in cases where the place of residence was not registered. This provision also covers situations where it might be feasible for a person to provide proof but it would be unreasonable to demand such proof – for example, if providing proof would put the applicant’s life or health in danger. Circumstances that make it difficult to provide proof are not always directly linked to the event of State succession. They may be the consequences of an event that occurred before or after the succession – for example, when, under the regime of the predecessor state, the civil registry was destroyed or essential documents were not issued to a certain segment of the population. In all these instances, a high probability of proof and/or independent testimony shall be sufficient for fulfilling the conditions to acquire the nationality of a successor State.

Paragraph two of Article 8 is only relevant when the predecessor State has disappeared and all persons possessing the nationality of that State have lost that nationality as an automatic consequence of the State’s dissolution. If the new successor State prevents or reduces the number of multiple nationalities, the State might require proof from the person concerned that they have not acquired another nationality or that they are stateless. The requirement to prove that a person does not possess another nationality or is stateless is often impossible to fulfil since it depends upon the cooperation of other States. If there is a risk that the person concerned might become stateless as a result of State succession, the successor State should not require proof that the person concerned does not have another nationality or that the person is stateless before granting that person citizenship. This rule is based on the predominant view that preventing statelessness is the primary concern of the international community, while the acceptance or rejection of multiple nationalities is a matter to be decided by each individual State.

These provisions do not prevent a State that wants to reduce the number of people with multiple nationalities in its territory from cooperating with other States and exchanging information on the acquisition and loss of nationality. Multiple nationalities may be countered through the provision on non-recognition of another nationality found in the 1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws and through Article 7.1.a of the ECN, which sets out the possibility of automatic loss of nationality when a person voluntarily acquires another nationality. A State may also ask the individual concerned to make a written statement declaring that they do not and will not possess another nationality. That will enable the State to deprive the person concerned of its own citizenship if it is later discovered that they have made a false declaration.

UNHCR's role



Although having lived with a Ukrainian woman for more than a decade, this stateless ethnic Korean, who moved from Uzbekistan to Ukraine in 1993, has been unable to register their union. ©UNHCR/Greg Constantine, 2010

UNHCR has been involved in statelessness issues and with stateless persons since it began operations in 1950. The organization is mandated by the United Nations to protect refugees and to help them find solutions to their plight. Many of the refugees the organization has assisted throughout the years have also been stateless. Indeed, over the past several decades, the link between the loss or denial of national protection and the loss or denial of nationality has been well established. It is also now generally understood that possession of a nationality and the ability to exercise the rights inherent in nationality help to prevent involuntary and coerced displacements of persons. Since 1995, the mandate of the office has been expanded by the UN General Assembly to include responsibilities relating to non-refugee stateless persons and prevention and reduction of statelessness more broadly. These resolutions are universal in scope and do not restrict UNHCR's activities to those states which are party to the statelessness conventions.

How did UNHCR become involved with the issue of statelessness?

Over the years, UNHCR's role in helping to reduce the incidence of statelessness and in assisting stateless persons has expanded. Its work in the field of statelessness is mandated by UN General Assembly resolutions, and through the recommendations of the organization's own governing body, the Executive Committee of the High Commissioner's Programme (ExCom). ExCom is composed of representatives from countries – 87 countries are members as at January 2014 – elected by ECOSOC, based on their demonstrated interest in finding solutions to refugee problems.

Article 11 of the 1961 Convention calls for the establishment “of a body to which a person claiming the benefit of this Convention may apply for the examination of his claim and for assistance in presenting it to the appropriate authority”. When the 1961 Convention entered into force in 1975, the UN General Assembly asked UNHCR to fulfil this role. With respect to the 1954 Convention, ExCom Conclusion 106 of 2006, endorsed by the UN General Assembly, calls on UNHCR to “provide technical advice to States Parties on the implementation of the 1954 Convention so as to ensure consistent implementation of its provisions”.

In 1995, the ExCom adopted a comprehensive set of guidelines on the issue of statelessness: the Conclusion on the Prevention and Reduction of Statelessness and the Protection of Stateless Persons (Conclusion no 78). ExCom's 1995 Conclusion on statelessness “encourages UNHCR to continue its activities on behalf of stateless persons” and “requests UNHCR actively to promote accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness”. The ExCom Conclusion also asks UNHCR “actively to promote the prevention and reduction of statelessness through the dissemination of information, and the training of staff and government officials; and to enhance cooperation with other interested organizations”.

In 1996, the UN General Assembly adopted a resolution (A/RES/50/152) that similarly encourages the High Commissioner to continue activities on behalf of stateless persons and to promote accession to and implementation of the 1954 and 1961 Conventions.

The resolution also asks UNHCR “to provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States”.

In the same resolution, the General Assembly “calls upon States to adopt nationality legislation with a view to reducing statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality, and by eliminating provisions which permit the renunciation of a nationality without the prior possession or acquisition of another nationality, while at the same time recognizing the right of the State to establish laws governing the acquisition, renunciation or loss of nationality”.

Statelessness was acknowledged as one of the root causes of displacement and refugee flows in the Agenda for Protection, which was endorsed by UNHCR’s Executive Committee (Conclusion No. 92 [LIII] a) and welcomed by the UN General Assembly in 2002.

Concerned about the unacceptably high number of stateless persons whose cases have been languishing unresolved for many years, in 2004, ExCom called upon UNHCR to play a more active role in working with the relevant States to find solutions to those situations. In 2006, the UN General Assembly endorsed ExCom Conclusion 106 on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, which, *inter alia*, confirms the need for UNHCR to:

- work with governments to identify stateless populations and populations with undetermined nationality;
- provide technical and operational support to States in relation to the adopting and implementing of safeguards against statelessness and to prevent the occurrence of statelessness which results from arbitrary denial or deprivation of nationality;
- cooperate with other United Nations agencies to assist States to reduce statelessness, particularly in protracted statelessness situations; and
- train government counterparts on appropriate mechanisms for identifying, recording and granting a status to stateless persons.

Since 2006, UN General Assembly resolutions have emphasized the four aspects of UNHCR’s mandate: identification, prevention and reduction of statelessness and protection of stateless persons.

What does UNHCR do to address the problem of statelessness?

UNHCR assists governments in drafting and implementing nationality legislation, provides training for government officials and offers its comments on constitutional provisions on nationality legislation for States in which large segments of the population are either stateless or have undetermined nationality. Between 2011 and 2012, UNHCR promoted reform of nationality laws in 71 States and provided technical advice in this regard to 41 States.

UNHCR works with parliaments to ensure that nationality legislation does not lead to displacement and does not contain provisions that may create statelessness. UNHCR’s *Guidelines on Ensuring Every Child’s Right to Acquire a Nationality through Articles 1–4 of the 1961 Convention on the Reduction of Statelessness*, provides further guidance in this regard.

UNHCR launched the first global survey on steps taken by UN Member States to reduce statelessness and to meet the protection needs of stateless persons. The survey found that no region in the world is free from statelessness and that serious legislative and policy gaps remain, at both the international and the national levels.

UNHCR has supported citizenship campaigns in which States allowed stateless persons to acquire the citizenship of the country in which they were long-term habitual residents.

UNHCR also assists stateless persons directly by consulting with the relevant States in an effort to find solutions for stateless individuals or groups. The organization encourages States to clarify the concerned individual's legal status and promotes recognition of the legitimate ties between an individual or group of individuals and a State in cases where the person(s) concerned would otherwise be stateless.

While waiting for their nationality status to be resolved, stateless persons are entitled to enjoy minimum rights in their countries of residence. UNHCR advocates for the implementation of the 1954 Convention, which provides for a set of minimal rights and obligations for stateless persons, and assists States in implementing, as necessary and resources permitting, protection and assistance programmes for stateless persons. UNHCR's *Handbook on Protection of Stateless Persons* provides further guidance in this regard.

What other organizations work alongside UNHCR in addressing the problems relating to statelessness?

The main UN agencies working with UNHCR to address statelessness are the Office of the High Commissioner for Human Rights, UNICEF and UN Women. In solving protracted situations of statelessness, UNHCR also sometimes works with the International Labour Organization (ILO), the United Nations Development Programme (UNDP) and the World Food Programme (WFP), by jointly implementing housing, education or income-generating programmes to help marginalized communities integrate or reintegrate into the national society.

In addition to the UN organizations mentioned above, UNHCR works in close collaboration with relevant UN treaty-body mechanisms that ensure the right to a nationality, such as the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination Against Women, the Human Rights Council and relevant United Nations Special Procedures.

UNHCR cooperates with regional bodies, such as the Council of Europe, the Organization for Security and Cooperation in Europe, the Organization of American States, the African Union, the League of Arab States, and the Organization of the Islamic Conference. UNHCR also participated in the Council of Europe's Committee on Nationality, which developed the European Convention on Nationality and the draft protocol on the avoidance of statelessness in relation to state succession.

Non-governmental organizations also work closely with UNHCR – in the field, as advocates for UNHCR's programmes, and in helping to develop UNHCR's activities.

UNHCR works closely with the Inter-Parliamentary Union (IPU) to raise awareness among parliamentarians about international legal norms relating to statelessness and to alert them to the wealth of recommendations and best practices that can prevent statelessness. IPU encourages parliamentarians to adopt nationality legislation that will help to eliminate statelessness while securing the right to a nationality for those deprived of it, and helps to ensure that treaties that address dual or multiple nationalities do not inadvertently create statelessness.

Good practices: Sri Lanka

Most of the labour force that produces Sri Lanka's world-renowned tea are of Indian origin. Known officially as "Tamils of Recent Indian Origin," but more commonly referred to as "Up-Country Tamils", these labourers are descendants of persons brought from India to what was then Ceylon by the British administration that ruled the island nation between 1815 and 1948. From 1948, when Sri Lanka won its independence, until 1984, various Indo-Sri Lankan agreements determined the legal status of these labourers. Some Up-Country Tamils were granted citizenship by one or the other country through legislative or bilateral arrangements. However, many had no nationality, and thus no basic rights; some did not even have access to the process of acquiring Sri Lankan or Indian citizenship.

In 1982, the Government of India informed the Government of Sri Lanka that it considered previous agreements concerning the Up-Country Tamils no longer binding because the implementation period of those agreements had expired. In effect, from that date, any Up-Country Tamil who was stateless was unable to acquire Indian or Sri Lankan nationality.

The Ceylon Workers Congress, a trade union and political party, lobbied for years for the rights of Up-Country Tamils. In response, the Sri Lankan parliament drafted and, in October 2003, unanimously approved the Grant of Citizenship to Persons of Indian Origin Act. The Act automatically grants citizenship to any person of Indian origin who:

- has been a permanent resident of Sri Lanka since 30 October 1964; or
- is a descendent, resident in Sri Lanka, of a person who has been a permanent resident of Sri Lanka since 30 October 1964.

After the Act was adopted, the Office of the Commissioner General, UNHCR and the Ceylon Workers Congress began disseminating information on the new law. The Tamil, English and Sinhalese media ran newspaper articles and broadcast radio and television spots with information on the law and how and where people could apply for citizenship.

The administrative procedures, designed by the Minister of the Interior and the Controller of the Immigration Department, are simple, brief and fair. Two different procedures were established for stateless persons:

- Holders of Indian passports that had expired after India's 1982 declaration are required to state their intention to voluntarily acquire Sri Lankan citizenship. This is usually done by the head of household. A document stating that intention must then be countersigned by the immigration authorities. Once approved, all members of the household are granted citizenship.
- Those without documentation do not have to submit a written declaration, although they are encouraged to sign a special declaration that, when countersigned by government officials, will make it easier for them to acquire identity documents.

Both procedures are free of charge and there is no deadline to apply. In December 2003, UNHCR and the Ceylon Workers Congress organized a one-day workshop for over 500 volunteers who then worked at 50 mobile centres, scattered through the tea-plantation region, where stateless persons applied for citizenship. The volunteers received training on the basic facts about statelessness, the various relevant laws passed since 1948, and the new law and its eligibility criteria.

For 10 days in December 2003, staff at the mobile centres accepted applications for citizenship. UNHCR financed the campaign and monitored the process to ensure that applicants made informed and voluntary decisions. By the end of that month, some 190,000 heads of households had acquired Sri Lankan citizenship.

In July and August 2004, a second, smaller campaign was organized in the northeast of the country. More than 2000 stateless persons applied for, and were granted, citizenship. Since then, a small number of Up-Country Tamils have successfully applied for citizenship either through the government agent in their local district or through the citizenship division of the Ministry of Public Security, Law and Order in the capital, Colombo.

Who funds UNHCR's activities?

UNHCR is one of the few UN agencies that depends almost entirely on voluntary contributions to finance its operations. Around five per cent of UNHCR's annual budget comes from assessed contributions to the UN regular budget; the rest is contributed on a voluntary basis by governments, individuals and the private sector.

At the beginning of 2013, there were 35.8 million persons of concern to UNHCR. UNHCR's budget for 2012 was US\$ 4.3 billion, of which US\$ 62 million was dedicated to statelessness activities.

In 2012, UNHCR received 77 per cent of its funding from ten government donors. At the same time, it received more than US\$ 130 million from the private sector, primarily in Europe, Australia, Japan, Qatar and the United States of America. Non-governmental Organizations (NGOs) contribute to UNHCR's annual budget by making public appeals on behalf of UNHCR for some operations. In recent years, contributions from the private sector and NGOs have increased as a result of a concerted effort to raise public awareness via radio, television, the press and other media outlets.

How parliamentarians can help



A 2008 High Court decision confirmed that Urdu speakers, like these boys in Mohammadpur, Dhaka, are Bangladeshi citizens. The Court recommended that the Bangladesh government rehabilitate the Urdu speakers, issue them nationality identity cards and register them as voters. ©UNHCR/S.L. Hossain, 2013

Parliamentarians are in a unique position to help to reduce the incidence of statelessness and to ensure that stateless individuals are accorded the rights and fulfil the obligations stipulated under international law. They can do so in several ways: by reviewing nationality legislation and making sure that it conforms to international standards; by supporting accession to the 1954 and 1961 Conventions; and by advocating for the reduction or elimination of statelessness and for the resolution of cases involving stateless persons.

What should parliamentarians look for as they review national legislation concerning statelessness?

- Review relevant international or regional treaties to which the State is party. Review treaties, conventions and declarations to which the State makes reference in national legislation; that will assist in the interpretation of the national legal framework.
- Since many States incorporate provisions relating to nationality in several different legal instruments, review the constitution, citizenship acts, decrees, and all sources of national law that might shed light on a State's law and on its interpretation of the law.
- Review bilateral and multilateral agreements adopted in cases of State succession.
- When reviewing the domestic legal framework, determine whether the State ensures the adoption and systematic use of safeguards to prevent statelessness from arising as result of deprivation, renunciation and loss of nationality.

When reviewing the national legal framework, try to answer the following questions:

On acquisition of nationality

- Can children acquire the nationality of the mother, particularly when the father does not have a nationality, is not present or cannot confer his nationality?
- Does the State's nationality legislation provide for the acquisition of citizenship for those born on the State's territory who would otherwise be stateless?
- Is the principle of non-discrimination applied to the rules for nationality?
- If the creation of the State was the result of State succession, at a minimum, are the habitual residence of the person concerned at the time of succession, the will of the person concerned, and the territorial origin of the person concerned taken into consideration when determining whether nationality shall be granted to a national of the predecessor State?

On loss and deprivation of nationality

- Do the provisions relating to a change of marital status or other social status ensure that statelessness is avoided?
- How is nationality lost? Is prevention of statelessness foreseen?
- Is the renunciation of nationality conditional upon the acquisition, or guarantee of acquiring, another nationality?

- Does the application for naturalization in a foreign country alter the nationality status of an individual if the person concerned has not received any guarantee of acquiring the other nationality?
- In cases where deprivation of nationality is foreseen, are the reasons for deprivation clearly defined? Can deprivation of nationality lead to statelessness? Are there procedural guarantees in place?

On recovery of nationality

- Is recovery of nationality facilitated for former nationals who are lawfully and habitually resident on the State's territory?
- Can a previously held nationality be restored for someone who loses the acquired nationality because of a change in marital or other status? If so, will restoration take place automatically or must the person apply while they are stateless? Are there procedural guarantees in place?

On naturalization

- If a foreigner applies for naturalization, are they requested to prove the formal renunciation of a previous nationality? Or is the guarantee that they will be released from a previous nationality upon acquisition of a new nationality sufficient?
- Are the process of naturalization and requirements for naturalization clearly defined?
- Are there any administrative practices – such as lengthy procedures, excessive fees, requests for documents that the applicant cannot produce, and/or short deadlines that the applicant cannot meet – that can result in statelessness?

On acquisition of proof of identity and nationality

- What is the administrative procedure for registering births? Is it used in practice? If there is a deadline for birth registration, can births be registered subsequently?
- Are there any administrative practices – such as lengthy procedures, excessive fees and/or short deadlines that the applicant cannot meet – that can result in difficulties in obtaining proof of nationality?

Why should States accede to the 1954 Convention and the 1961 Convention?

At the national level, acceding to the 1954 and 1961 Conventions on statelessness:

- is a way for States to demonstrate their commitment to treat stateless persons in accordance with internationally recognised human rights and humanitarian standards, including the right to a nationality;
- ensures that stateless persons have access to the protection of a State so that they are able to live with security and dignity;
- provides a framework to identify stateless persons within their territory and ensure enjoyment of their rights, including through issuance of identity documentation and travel documents;

- enables States to address gaps that result from different approaches to the acquisition of nationality worldwide through the recognition of common safeguards for the avoidance of statelessness, without impinging on States' sovereignty to regulate nationality; and
- enhances security and stability by avoiding exclusion and marginalization of stateless persons.

At the international level, acceding to the 1954 and 1961 Conventions on statelessness:

- demonstrates a commitment to cooperate with the international community in reducing and eliminating statelessness;
- promotes recognition of the international legal status of "stateless person" and the common international framework for protection, thereby increasing legal transparency and predictability in States' response to statelessness;
- improves international relations and stability;
- helps to prevent displacement by addressing its causes;
- helps UNHCR to mobilize international support for adhering to the principles contained in the Conventions; and
- helps to resolve nationality-related disputes.

How does a State accede to the Conventions?

States may accede to the 1954 and/or 1961 Conventions at any time by depositing an instrument of accession with the Secretary-General of the United Nations. The instrument of accession must be signed by the Head of State or Government or Foreign Minister and then be transmitted through the representative of the country to the United Nations Headquarters in New York. (Samples of accession instruments are provided in Annex 3.)

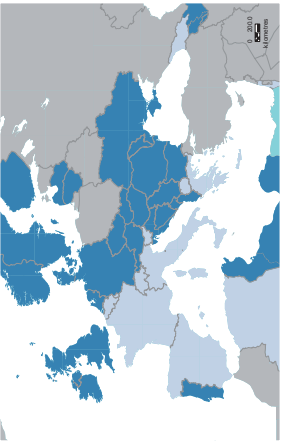
Can a State make reservations to the Conventions?

In acknowledgement of the specific conditions that may apply in individual States at the time of ratification or accession, the Conventions allow Contracting States to make reservations to some of the Conventions' provisions, except those provisions deemed fundamental by the original Contracting States:

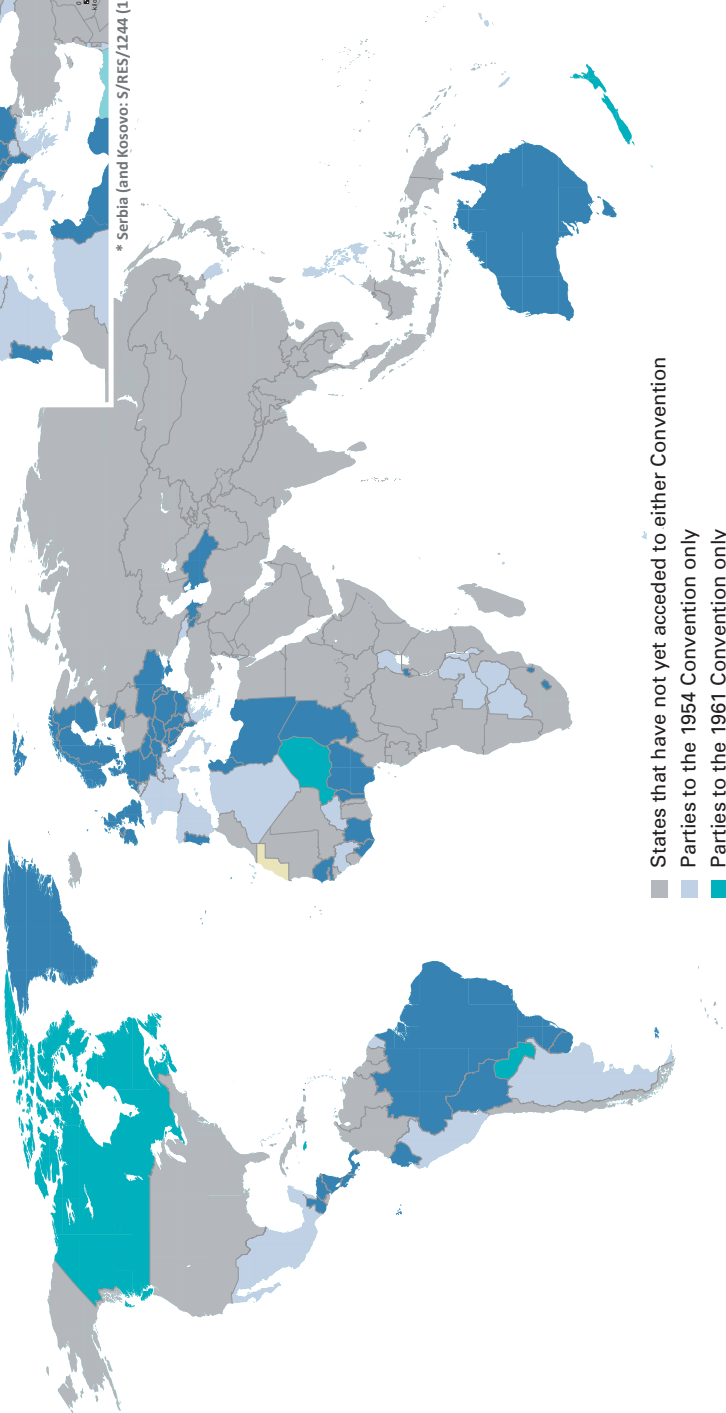
- The 1954 Convention: reservations are permitted except on Articles 1 (definition/exclusion clauses), 3 (non-discrimination), 4 (freedom of religion), 16(1) (access to courts), and 33 to 42 (Final Clauses).
- The 1961 Convention: reservations are permitted only concerning Articles 11 (agency), 14 (referral of disputes to the International Court of Justice) or 15 (territories for which the Contracting State is responsible).

States Parties to the 1954 and 1961 Conventions

As at 1 May 2014

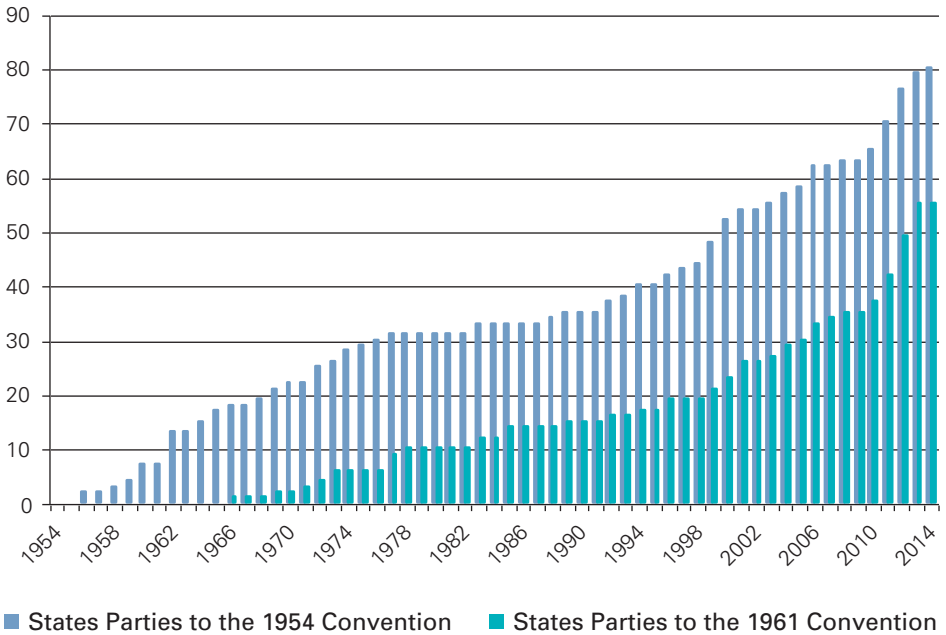


* Serbia (and Kosovo: S/RES/1244 (1999))



- States that have not yet acceded to either Convention
- Parties to the 1954 Convention only
- Parties to the 1961 Convention only
- Parties to the 1954 and the 1961 Conventions

Growth in the number of accessions to the 1954 and 1961 Conventions



How do parliamentarians ensure that the statelessness conventions are implemented effectively?

In most States, national legislation must be adopted or amended to allow the provisions of the two statelessness conventions to be implemented effectively. UNHCR can offer its expert advice to States to help ensure that each State's particular legal tradition and resources will accommodate its international obligations.

What practical steps can parliamentarians take to encourage their governments to accede to the Conventions?

- Determine whether your State is party to either or both of the statelessness conventions.
- If your State has not yet acceded to these instruments, consider posing a written or oral question to the government or adopting a private members' bill.
- If a request for ratification or accession has been introduced before parliament, within a reasonable amount of time after reviewing the necessary information, vote in favour of accession.
- If the government fails to bring the matter before parliament within a reasonable amount of time, use parliamentary procedure to ask the government to explain why and to encourage the government to begin the process of ratification/ accession without delay.

- If your country is one of the very few States to have signed one or both of the statelessness conventions but has delayed the ratification process, use parliamentary procedure to inquire why the government is delaying and to encourage the government to expedite the process. Use your right to legislative initiative to submit a bill on the matter.
- If the government opposes ratification/accession, try to find out why, in detail. If necessary, help to eliminate doubts and misunderstandings and use your political network to accelerate the process. Advocate with your constituents to advance the cause of ratification/accession.
- If you are a parliamentarian of a State created by partition or disintegration of other States, the treaties to which the predecessor State had acceded do not automatically bind the new State. New States can succeed to the predecessor State's obligations, accede as new States, or indicate their intention not to be bound by the treaties concluded by the predecessor State.
- After the statelessness conventions have been ratified/acceded to, make sure that your parliament adopts national legislation that corresponds to the provisions contained in the statelessness conventions. Use parliamentary procedure to ensure that the government sends draft legislation or amendments to existing legislation to parliament within a reasonable amount of time.
- If the government has sent parliament a request for ratification/accession accompanied by reservations limiting the scope of the treaty, objections, or declarations of understanding, and you have ascertained that such limits are groundless, promote the general interest over sectarian or circumstantial interests.
- If the government's reservations limiting the scope of the treaty, its objections, or its declarations of understanding are no longer valid, use parliamentary procedure to enquire into the government's intentions, and take action with the aim of having the restrictions lifted.
- If you require advice and assistance on ratification/accession and/or on drafting national legislation that adheres to the principles contained in the statelessness conventions, contact the UNHCR office located in, or responsible for, your State.

How can parliamentarians raise awareness about the issue of statelessness?

As the persons responsible for crafting their nation's laws, parliamentarians are in an excellent position to advocate for the reduction or elimination of statelessness and to ensure that the rights of stateless persons are protected. Parliamentarians must not only encourage their governments to adopt laws that conform to international standards, but they must also win the support of their constituents. Only when civil society understands the problems associated with statelessness will it support parliamentarians' efforts to resolve those problems.

Parliamentarians can raise awareness about statelessness among their constituents by making speeches about it and about the importance of sound nationality legislation, writing newspapers articles about the need to eliminate statelessness, working with NGOs and other civil society actors who assist stateless persons, and, where applicable, advocating for the speedy resolution of individual cases of statelessness.

Parliamentarians can solve situations of statelessness by promoting the rights of minorities or other groups to become part of the body of citizens that constitutes the State, and by fostering dialogue among communities that will lead to the acceptance of stateless individuals as nationals.

What can parliamentarians do to encourage international cooperation on the issue?

International cooperation is essential for reducing the incidence of statelessness around the world. Parliamentarians should ensure that their governments participate fully in all international efforts to reduce or eliminate statelessness and in all efforts to resolve individual cases of statelessness.

Parliamentarians might consider inviting parliamentarians of neighbouring States to hold a regional review of their nationality legislation. Harmonizing nationality laws among States is a good way to reduce the incidence of statelessness.

Annex 1

States Parties to the 1954 Convention relating to the Status of Stateless Persons

Date of entry into force: 6 June 1960

Total number of States Parties (as at 1 May 2014): 80

Country	Signature	Ratification (r), Accession (a), Succession (s)
Albania		23 Jun 2003 a
Algeria		15 Jul 1964 a
Antigua and Barbuda		25 Oct 1988 s
Argentina		01 Jun 1972 a
Armenia		18 May 1994 a
Australia		13 Dec 1973 a
Austria		08 Feb 2008 a
Azerbaijan		16 Aug 1996 a
Barbados		06 Mar 1972 s
Belgium	28 Sep 1954	27 May 1960 r
Belize		14 Sep 2006 a
Benin		08 Dec 2011 a
Bolivia		06 Oct 1983 a
Bosnia and Herzegovina		01 Sep 1993 s
Botswana		25 Feb 1969 s
Brazil	28 Sep 1954	13 Aug 1996 r
Bulgaria		22 Mar 2012 a
Burkina Faso		01 May 2012 a
Chad		12 Aug 1999 a
China (with respect to Hong Kong)*		
Costa Rica	28 Sep 1954	02 Nov 1977 r
Côte d'Ivoire		03 Oct 2013 a

*After resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the responsibility for the international rights and obligations of Hong Kong with respect to the Convention will be assumed by the Government of the People's Republic of China.

States Parties to the 1954 Convention relating to the Status of Stateless Persons (continued)

Country	Signature	Ratification (r), Accession (a), Succession (s)
Croatia		12 Oct 1992 s
Czech Republic		19 Jul 2004 a
Denmark	28 Sep 1954	17 Jan 1956 r
Ecuador	28 Sep 1954	02 Oct 1970 r
Fiji		12 Jun 1972 s
Finland		10 Oct 1968 a
France	12 Jan 1955	08 Mar 1960 r
Georgia		23 Dec 2011 a
Germany	28 Sep 1954	26 Oct 1976 r
Greece		04 Nov 1975 a
Guatemala	28 Sep 1954	28 Nov 2000 r
Guinea		21 Mar 1962 a
Honduras	28 Sep 1954	01 Oct 2012 r
Hungary		21 Nov 2001 a
Ireland		17 Dec 1962 a
Israel	01 Oct 1954	23 Dec 1958 r
Italy	20 Oct 1954	03 Dec 1962 r
Kiribati		29 Nov 1983 s
Republic of Korea		22 Aug 1962 a
Latvia		05 Nov 1999 a
Lesotho		04 Nov 1974 s
Liberia		11 Sep 1964 a
Libya		16 May 1989 a
Liechtenstein	28 Sep 1954	25 Sep 2009 r
Lithuania		07 Feb 2000 a
Luxembourg	28 Oct 1955	27 Jun 1960 r
Macedonia		18 Jan 1994 s
Malawi		07 Oct 2009 a
Mexico		07 Jun 2000 a
Republic of Moldova		19 Apr 2012 a
Montenegro		23 Oct 2006 s
Netherlands	28 Sep 1954	12 Apr 1962 r
Nicaragua		15 Jul 2013 a
Nigeria		20 Sep 2011 a
Norway	28 Sep 1954	19 Nov 1956 r
Panama		02 Jun 2011 a

States Parties to the 1954 Convention relating to the Status of Stateless Persons (continued)

Country	Signature	Ratification (r), Accession (a), Succession (s)
Peru		23 Jan 2014 a
Philippines	22 Jun 1955	22 Sep 2011 r
Portugal		01 Oct 2012 a
Romania		27 Jan 2006 a
Rwanda		04 Oct 2006 a
Senegal		21 Sep 2005 a
Serbia		12 Mar 2001 s
Slovakia		03 Apr 2000 a
Slovenia		06 Jul 1992 s
Spain		12 May 1997 a
St. Vincent and the Grenadines		27 Apr 1999 s
Swaziland		16 Nov 1999 a
Sweden	28 Sep 1954	02 Apr 1965 r
Switzerland	28 Sep 1954	03 Jul 1972 r
Trinidad and Tobago		11 Apr 1966 s
Tunisia		29 Jul 1969 a
Turkmenistan		07 Dec 2011 a
Uganda		15 Apr 1965 a
Ukraine		25 Mar 2013 a
United Kingdom	28 Sep 1954	16 Apr 1959 r
Uruguay		02 Apr 2004 a
Zambia		01 Nov 1974 s
Zimbabwe		01 Dec 1998 s

States that have signed but not ratified the 1954 Convention relating to the Status of Stateless Persons

Country	Signature
Colombia	30 Dec 1954
El Salvador	28 Sep 1954
Holy See	28 Sep 1954

Annex 2

States Parties to the 1961 Convention on the Reduction of Statelessness

Date of entry into force: 13 December 1975

Total number of States Parties (as at 1 May 2014): 55

Country	Signature	Ratification (r), Accession (a), Succession (s)
Albania		09 Jul 2003 a
Armenia		18 May 1994 a
Australia		13 Dec 1973 a
Austria		22 Sep 1972 a
Azerbaijan		16 Aug 1996 a
Benin		08 Dec 2011 a
Bolivia		06 Oct 1983 a
Bosnia and Herzegovina		13 Dec 1996 a
Brazil		25 Oct 2007 a
Bulgaria		22 Mar 2012 a
Canada		17 Jul 1978 a
Chad		12 Aug 1999 a
Costa Rica		02 Nov 1977 a
Côte d'Ivoire		03 Oct 2013 a
Croatia		22 Sep 2011 a
Czech Republic		19 Dec 2001 a
Denmark		11 Jul 1977 a
Ecuador		24 Sep 2012 a
Finland		07 Aug 2008 a
Germany		31 Aug 1977 a
Guatemala		19 Jul 2001 a
Honduras		18 Dec 2012 a
Hungary		12 May 2009 a
Ireland		18 Jan 1973 a
Jamaica		09 Jan 2013 a
Kiribati		29 Nov 1983 s
Latvia		14 Apr 1992 a
Lesotho		24 Sep 2004 a
Liberia		22 Sep 2004 a
Libya		16 May 1989 a

States Parties to the 1961 Convention on the Reduction of Statelessness (continued)

Country	Signature	Ratification (r), Accession (a), Succession (s)
Liechtenstein		25 Sep 2009 a
Lithuania		22 Jul 2013 a
Republic of Moldova		19 Apr 2012 a
Montenegro		05 Dec 2013 a
Netherlands	30 Aug 1961	13 May 1985 r
New Zealand		20 Sep 2006 a
Nicaragua		29 Jul 2013 a
Niger		17 Jun 1985 a
Nigeria		20 Sep 2011 a
Norway		11 Aug 1971 a
Panama		02 Jun 2011 a
Paraguay		06 Jun 2012 a
Portugal		01 Oct 2012 a
Romania		27 Jan 2006 a
Rwanda		04 Oct 2006 a
Senegal		21 Sep 2005 a
Serbia		07 Dec 2011 a
Slovakia		03 Apr 2000 a
Swaziland		16 Nov 1999 a
Sweden		19 Feb 1969 a
Tunisia		12 May 2000 a
Turkmenistan		29 Aug 2012 a
Ukraine		25 Mar 2013 a
United Kingdom	30 Aug 1961	29 Mar 1966 r
Uruguay		21 Sep 2001 a

States that have signed but not ratified the 1961 Convention on the Reduction of Statelessness

Country	Signature
Dominican Republic	05 Dec 1961
France	31 May 1962
Israel	30 Aug 1961

Annex 3

Model instrument of accession to the 1954 Convention relating to the Status of Stateless Persons

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

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

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

GIVEN under my hand in _____ this _____

day of _____ two thousand and _____ .

[Public Seal and signature
of custodian
if appropriate]

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

Model instrument of accession to the 1961 Convention on the Reduction of Statelessness

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

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

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

GIVEN under my hand in _____ this _____
day of _____ two thousand and _____ .

[Public Seal and Signature
of custodian,
if appropriate]

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

IPU and UNHCR in brief

IPU

The IPU is the global organization of national parliaments. We work to safeguard peace and drive positive democratic change through political dialogue and concrete action. The only international organization to bring together the world's national parliaments, we promote democracy and peace through our unique parliamentary membership.

Our work on strengthening parliaments' abilities to deliver on their democratic mandate by being more representative, transparent, accountable and effective is underpinned by our focus on gender equality, human rights, development and peace and international security.

We often work with partners, including the United Nations and its specialist agencies, to ensure that parliaments have the most up-to-date tailored and practical information on issues they have to address at national level.

Reaching an ever-changing pool of about 47,000 parliamentarians worldwide is critical to any efforts to inform changes on policy and legislation. IPU is an independent, self-governing body funded mainly by our Members. Founded in 1889 and with 164 national parliaments as Members and 10 regional parliamentary bodies as Associate Members in 2014, IPU is still growing, reflecting the global demand for democracy.

UNHCR

UNHCR is mandated to lead and coordinate international action for the protection of refugees and the resolution of refugee problems around the world. UNHCR strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State and to return home voluntarily. By assisting refugees in returning to their own country or in settling in another country, UNHCR seeks lasting solutions to their plight.

UNHCR's Executive Committee and the UN General Assembly have also mandated UNHCR to assist stateless persons and authorized the organization to assist internally displaced persons.

UNHCR seeks to reduce the incidence of forced displacement by encouraging States and institutions to create conditions that are conducive to the protection of human rights and the peaceful resolution of disputes.

The organization offers protection and assistance to refugees and others in an impartial manner, on the basis of their need and irrespective of their race, colour, religion, political opinion or gender. UNHCR is committed to the principle of participation and consults refugees on all decisions that affect their lives. UNHCR works in partnership with governments, regional organizations, and international and non-governmental organizations.

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Published by the Inter-Parliamentary Union
with the United Nations High Commissioner for Refugees

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ISBN 078-92-9142-599-0 (IPU)




Cover photo:

Côte d'Ivoire's recent accession to statelessness conventions and reforms to its Nationality Law have meant that thousands of stateless people, including many children in this village, will be able to acquire Ivoirian nationality and the benefits that this brings.





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