

Executive Committee Conclusions

Relevant articles from conclusions adopted by ExCom. In particular **Conclusion No. 106** on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons from 2006 and **Conclusion No. 78** on Prevention and Reduction of Statelessness and the Protection of Stateless Persons from 1995.

The Executive Committee,

No. 18 (XXXI) – 1980

(i) *Called upon* the governments concerned to provide repatriating refugees with the necessary travel documents, visas, entry permits and transportation facilities and, if refugees have lost their nationality, to arrange for such nationality to be restored in accordance with national legislation;

No. 47 (XXXVIII) – 1987

(g) *Expressed* its concern over the increasing number of cases of statelessness among refugee children;

No. 50 (XXXIX) – 1988

(l) *Noted* the close connection between the problems of refugees and of stateless persons and invited States actively to explore and promote measures favourable to stateless persons, including accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as the adoption of legislation to protect the basic rights of stateless persons and to eliminate sources of statelessness;

No. 65 (XLII) – 1991

(r) *Reaffirms* Conclusion No. 50 (1) (XXXIX), reiterates its call to States actively to explore and promote measures favourable to stateless persons, including accession to the international instruments pertaining to stateless persons, and in this connection believes it would be useful for United Nations human rights bodies to address statelessness issues, including the problem of arbitrary deprivation of nationality and the content of the right to a nationality;

No. 68 (XLIII) – 1992

(y) *Reiterates* its call to States and relevant international agencies actively to explore and promote measures favourable to stateless persons and, recognizing the absence of an international body with a general mandate for these persons, calls upon the High Commissioner to continue her efforts generally on behalf of stateless individuals and to work actively to promote adherence to and implementation of the international instruments relating to statelessness.

No. 74 (XLV) – 1994

(ee) *Notes* with concern the persistent problems of stateless persons in various regions and the emergence of new situations of statelessness, and, acknowledging the responsibilities already entrusted to the High Commissioner by the United Nations General Assembly with respect to the prevention of statelessness (General Assembly resolution 3274 (XXIX)), calls upon UNHCR to strengthen its efforts in this domain, including promoting accessions to the Convention relating to the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, training for UNHCR staff and government officials, and a systematic gathering of information on the dimension of the problem, and to keep the Executive Committee informed of these activities;

No. 78 (XLVI) – 1995 – Prevention and Reduction of Statelessness and Protection of Stateless Persons

The Executive Committee,

Recognizing the right of everyone to a nationality and the right not to be arbitrarily deprived of one's nationality,

Concerned that statelessness, including the inability to establish one's nationality, may result in displacement,

Stressing that the prevention and reduction of statelessness and the protection of stateless persons are important in the prevention of potential refugee situations,

(a) *Acknowledges* the responsibilities already entrusted to the High Commissioner for stateless refugees and with respect to the reduction of statelessness, and *encourages* UNHCR to continue its activities on behalf of stateless persons, as part of its statutory function of providing international protection and of seeking preventive action, as well as its responsibility entrusted by the General Assembly to undertake the functions foreseen under Article 11 of the 1961 Convention on the Reduction of Statelessness;

(b) *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;

(c) *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, in view of the limited number of States parties to these instruments, as well as to provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States;

(d) *Further requests* 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;

(e) *Invites* UNHCR to provide it biennially, beginning at the forty-seventh session of the Executive Committee, with information on activities undertaken on behalf of stateless persons, particularly with regard to the implementation of international instruments and international principles relating to statelessness, and including the magnitude of the problem of statelessness.

No. 79 (XLVII) – 1996

(g) *Recalls* also the importance of addressing the problem of statelessness, including through accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, welcomes the accession of Brazil and Guatemala to the 1954 Convention and of Azerbaijan to both statelessness conventions, and calls upon other States to consider accession to these instruments;

(n) *Notes* with satisfaction UNHCR's activities with regard to the promotion and dissemination of refugee law and protection principles and calls upon the High Commissioner to continue to expand and strengthen the promotion and training activities of the Office, including in the area of prevention and reduction of statelessness and related nationality issues, with the active support of States and through increased cooperation with other international organizations, non-governmental organizations, academic institutions and other relevant organizations;

No. 80 (XLVII) – 1996

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(i) the protection of all human rights, including the right to life, liberty and the security of person, as well as to freedom from torture or other cruel, inhuman or degrading treatment or punishment; the right to leave one's own country and to return; the principle of non-discrimination, including the protection of minorities; and the right to a nationality

No. 81 (XLVIII) – 1997

(o) *Welcomes* the growing number of accessions to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and encourages UNHCR to continue its efforts, in cooperation with interested organizations, to promote further accessions to both instruments, as well as to provide technical and advisory services and training globally, to disseminate information on statelessness and nationality issues, and to further its cooperation with States and other organizations interested in this area;

No. 85 (XLIX) – 1998

(m) *Reaffirms* the importance of the right to a nationality and calls on States to adopt all necessary measures to prevent or reduce the incidence of statelessness, including through national legislation and, as appropriate, accession to and implementation of the Statelessness Conventions; draws particular and urgent attention in this regard to the situation of children of refugees and asylum-seekers born in asylum countries who could be stateless unless appropriate legislation and registration procedures are in place and are followed;

No. 87 (L) – 1999

(s) *Notes* with concern the persistence of statelessness problems; welcomes the accession of Chad to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as the accession of St Vincent and the Grenadines and Zimbabwe to the 1954 Convention relating to the Status of Stateless Persons; and encourages UNHCR to continue to promote further accessions to and full implementation of both instruments by the States concerned;

No. 90 (LII) - 2001

Statelessness

(o) *Notes* the global dimension of statelessness, welcomes UNHCR's efforts within its mandate to broaden its activities both geographically and substantively, and encourages States to cooperate with UNHCR in identifying measures to reduce statelessness and in devising appropriate solutions for stateless persons who are refugees, as well as for stateless persons who are not;

(p) *Reiterates* its call for States to consider accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and encourages UNHCR to continue to promote further accessions to and full implementation of both instruments by the States concerned;

(q) *Encourages* UNHCR to continue to make available its technical and advisory services to avoid and reduce cases of statelessness and, in this regard, to strengthen partnerships with regional and other international organizations working in this area;

(r) *Takes note* with particular concern that problems of statelessness can impact disproportionately on women and children, due to the particular operation of nationality and birth registration laws; underlines the importance, notably for women, of identity documentation and proper registration of births and marriages; and calls upon States to adopt all necessary measures in this regard;

(s) *Strongly condemns* the trafficking of persons, especially women and children, which represents a grave violation of their human rights; expressing concern that many victims of trafficking are rendered effectively stateless due to an inability to establish their identity and nationality status; calls upon States to cooperate in the establishment of identity and nationality status of victims of trafficking so as to facilitate appropriate resolutions of their situations, respecting the internationally recognized human rights of the victims.

No. 95 (LIV) – 2003

(t) *Recalls* its Conclusion No 78 (XLVI) on the Prevention and Reduction of Statelessness and the Protection of Stateless Persons and notes the global dimension of the problem of statelessness;

(u) *Notes* UNHCR's work on the survey on statelessness undertaken pursuant to the Agenda for Protection and looks forward to reviewing the recommendations resulting from this survey which will be made available to States in the hope that follow-up measures aimed at reducing statelessness and protecting stateless persons will be taken;

(v) *Encourages* States to co-operate 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;

(w) *Encourages* UNHCR's efforts to promote all State activities that reduce or resolve statelessness and to promote further accessions to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as effective tools for the prevention of statelessness, which may lead to the reduction of refugee flows and the implementation of durable solutions, and reiterates its encouragement for States to consider accession to these instruments, where appropriate;

(x) *Encourages* UNHCR to provide to the Standing Committee an outline of nationality issues impacting women and children that increase their vulnerability to statelessness, such as problems faced in the registration of births, marriages and nationality status;

(y) *Calls* on UNHCR to continue to provide technical and advisory services concerning statelessness to all interested States and partners.

No. 96 (LIV) – 2003

(h) *Refers* to its Conclusion No. 78 (XLVI) on the prevention and reduction of statelessness and protection of stateless persons, and urges States to take steps to avoid cases of statelessness as well as to adopt measures leading to the grant of a legal status to stateless persons;

(j) *Recommends*, depending on the situation, that UNHCR complement the efforts of States in the return of persons found not to be in need of international protection by:

i. *Promoting* with States those principles which bear on their responsibility to accept back their nationals, as well as principles on the reduction of statelessness;

No. 99 (LV) – 2004

(z) *Welcomes* the accession of Uruguay and the Czech Republic to the 1954 Convention relating to the Status of Stateless Persons and of Liberia and Lesotho to the 1961 Convention on the Reduction of Statelessness; and encourages UNHCR, on the occasion of the 50th anniversary of the 1954 Convention, to renew its efforts to promote further accession to both Conventions;

(aa) *Welcomes* the publication in March 2004 of the final report of UNHCR's global survey on statelessness as an important step towards establishing a common understanding of a problem affecting all regions of the world; and calls on UNHCR to continue to provide technical and operational support to States with the aim of avoiding and resolving statelessness and furthering the protection of stateless persons, in particular in view of the limited number of States Parties to the 1961 Convention on the Reduction of Statelessness;

(bb) *Notes* with concern that many situations of statelessness are of a protracted nature and invites UNHCR to pay particular attention to them and to explore with concerned States measures that would ameliorate those situations and bring them to an end.

No. 101 (LV) – 2004

(k) *Notes* the importance of ensuring nationality; and urges countries of origin to ensure that there is no exclusion of returning refugees from nationality and that statelessness is thus avoided; and recalls in this context Conclusion No. 78 (XLVI) on the prevention and reduction of statelessness and the protection of stateless persons;

No. 102 (LVI) – 2005

(y) *Welcomes* the accession of Senegal to the 1961 Convention on the Reduction of Statelessness; *acknowledges* UNHCR's role, where applicable, in providing technical and operational support and advisory services to States with the aim of addressing the problem of statelessness and in furthering the protection of stateless persons, where necessary; and *calls on* States, in cooperation with UNHCR and other relevant actors to address the needs of persons in protracted situations of statelessness and to assist stateless persons to access legal remedies to redress statelessness, in particular that which results from arbitrary deprivation of nationality.

No. 106 (LVI) – 2006 – Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons

The Executive Committee,

Remaining deeply concerned with the persistence of statelessness problems in various regions of the world and the emergence of new situations of statelessness,

Recognizing the right of States to establish laws governing the acquisition, renunciation or loss of nationality and noting that the issue of statelessness is already under consideration by the United Nations General Assembly within the broad issue of State succession,¹

Expressing concern at the serious and precarious conditions faced by many stateless persons, which can include the absence of a legal identity and non-enjoyment of civil, political, economic, social and cultural rights as a result of non-access to education; limited freedom of movement; situations of prolonged detention; inability to seek employment; non-access to property ownership; non-access to basic health care,

Noting that despite some progress, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness have only been ratified or acceded to by a limited number of States, sixty and thirty-two States respectively,

Recalling the right of every person to a nationality and the right not to be arbitrarily deprived of one's nationality as enunciated by the Universal Declaration of Human Rights and referenced in human rights instruments such as the Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child,

Recalling that all human beings are born free and equal in dignity and they are entitled to the rights and freedoms enshrined in the Universal Declaration of Human Rights, without distinction of any kind,

Reaffirming the responsibilities given to the High Commissioner by the United Nations General Assembly to contribute to the prevention and reduction of statelessness and to further the protection of stateless persons,

Recalling its Conclusion No 78 (XLVI) on the prevention and reduction of statelessness and protection of stateless persons as well as Conclusions 90 (LII), 95 (LIV), 96 (LIV), and Conclusions 99 (LV) and 102 (LVI) with regard to solving protracted statelessness situations,

(a) *Urges* UNHCR, in cooperation with governments, other United Nations and international as well as relevant regional and non-governmental organizations, to strengthen its efforts in this domain by

¹ Resolution 55/153 of 2000, Nationality of natural persons in relation to the succession of States.

pursuing targeted activities to support the identification, prevention and reduction of statelessness and to further the protection of stateless persons;

Identification of Statelessness

(b) *Calls* on UNHCR to continue to work with interested Governments to engage in or to renew efforts to identify stateless populations and populations with undetermined nationality residing in their territory, in cooperation with other United Nations agencies, in particular UNICEF and UNFPA as well as DPA, OHCHR and UNDP within the framework of national programmes, which may include, as appropriate, processes linked to birth registration and updating of population data;

(c) *Encourages* UNHCR to undertake and share research, particularly in the regions where little research is done on statelessness, with relevant academic institutions or experts, and governments, so as to promote increased understanding of the nature and scope of the problem of statelessness, to identify stateless populations and to understand reasons which led to statelessness, all of which would serve as a basis for crafting strategies to addressing the problem;

(d) *Encourages* those States which are in possession of statistics on stateless persons or individuals with undetermined nationality to share those statistics with UNHCR and calls on UNHCR to establish a more formal, systematic methodology for information gathering, updating, and sharing;

(e) *Encourages* UNHCR to include in its biennial reports on activities related to stateless persons to the Executive Committee, statistics provided by States and research undertaken by academic institutions and experts, civil society and its own staff in the field on the magnitude of statelessness;

(f) *Encourages* UNHCR to continue to provide technical advice and operational support to States, and to promote an understanding of the problem of statelessness, also serving to facilitate the dialogue between interested States at the global and regional levels;

(g) *Takes note* of the cooperation established with the Inter-Parliamentary Union (IPU) in the field of nationality and statelessness, and notes further the 2005 Nationality and Statelessness Handbook for Parliamentarians which is being used in national and regional parliaments to raise awareness and build capacity among State administrations and civil society;

Prevention of Statelessness

(h) *Calls* on States to facilitate birth registration and issuance of birth or other appropriate certificates as a means to providing an identity to children and where necessary and when relevant, to do so with the assistance of UNHCR, UNICEF, and UNFPA;

(i) *Encourages* States to consider examining their nationality laws and other relevant legislation with a view to adopting and implementing safeguards, consistent with fundamental principles of international law, to prevent the occurrence of statelessness which results from arbitrary denial or deprivation of nationality; and requests UNHCR to continue to provide technical advice in this regard;

(j) *Notes* that statelessness may arise as a result of restrictions applied to parents in passing on nationality to their children; denial of a woman's ability to pass on nationality; renunciation without having secured another nationality; automatic loss of citizenship from prolonged residence abroad; deprivation of nationality owing to failure to perform military or alternative civil service; loss of nationality due to a person's marriage to an alien or due to a change in nationality of a spouse during marriage; and deprivation of nationality resulting from discriminatory practices; and requests UNHCR to continue to provide technical advice in this regard;

(k) *Stresses* that in the event of State succession, the concerned States put in place appropriate measures to prevent statelessness situations from arising as a result and take action to address such situations;

(l) *Encourages* States to seek appropriate solutions for persons who have no genuine travel or other identity documents, including migrants and those who have been smuggled or trafficked, and where necessary and as appropriate, for the relevant States to cooperate with each other in verifying their nationality status, while fully respecting the international human rights of these individuals as well as relevant national laws;

(m) *Calls upon* States Parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime, to respect their obligation to assist in verifying the nationality of the persons referred to them who have been smuggled or trafficked with a view to issuing travel and identity documents and facilitating the return of such persons; and, encourages other States to provide similar assistance;

Reduction of Statelessness

(n) *Encourages* States to give consideration to acceding to the 1961 Convention on the Reduction of Statelessness and, in regard to States Parties, to consider lifting reservations;

(o) *Encourages* UNHCR to reinforce its cooperation with other relevant United Nations agencies to assist States to reduce statelessness, particularly in protracted statelessness situations;

(p) *Encourages* States, where appropriate and while taking note of the United Nations General Assembly Resolution 60/129 of 2005, to consider measures to allow the integration of persons in situations of protracted statelessness, through developing programmes in the field of education, housing, access to health and income generation, in partnership with relevant United Nations agencies;

(q) *Encourages* States to safeguard the right of every child to acquire a nationality, particularly where the child might otherwise be stateless, bearing in mind Article 7 of the Convention on the Rights of the Child (CRC), and further encourages UNHCR to cooperate with UNICEF and UNFPA to provide technical and operational support to this end;

(r) *Encourages* States to actively disseminate information regarding access to citizenship, including naturalization procedures, through the organization of citizenship information campaigns with the support of UNHCR, as appropriate;

Protection of Stateless Persons

(s) *Encourages* States to give consideration to acceding to the 1954 Convention relating to the Status of Stateless Persons and, in regard to States Parties, to consider lifting reservations;

(t) *Requests* UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons;

(u) *Encourages* States which are not yet Parties to the 1954 Convention relating to the Status of Stateless Persons to treat stateless persons lawfully residing on their territory in accordance with international human rights law; and to consider, as appropriate, facilitating the naturalization of habitually and lawfully residing stateless persons in accordance with national legislation;

(v) *Encourages* UNHCR to implement programmes, at the request of concerned States, which contribute to protecting and assisting stateless persons, in particular by assisting stateless persons to access legal remedies to redress their stateless situation and in this context, to work with NGOs in providing legal counselling and other assistance as appropriate;

(w) *Calls on* States not to detain stateless persons on the sole basis of their being stateless and to treat them in accordance with international human rights law and also calls on States Parties to the 1954 Convention relating to the Status of Stateless Persons to fully implement its provisions;

(x) *Requests* UNHCR to further improve the training of its own staff and those of other United Nations agencies on issues relating to statelessness to enable UNHCR to provide technical advice to States Parties on the implementation of the 1954 Convention so as to ensure consistent implementation of its provisions.