



Sadakhan, a formerly stateless mother of 3 children, in northern Kyrgyzstan, could not earn a living and could not afford to buy medicines for her ill son.

ҶУМҲУРИИ ТОҶИКИСТОН
РЕСПУБЛИКА ТАДЖИКИСТАН



ШИНОСНОМА
ПАСПОРТ

СВИДЕ
О РО

Addressing Statelessness

THERE WERE clear signs of increased momentum to address statelessness during 2010. The upcoming 50th anniversary of the 1961 Convention on the Reduction of Statelessness has provided UNHCR with an opportunity to raise awareness about the global impact of statelessness and to promote action to address this. Besides doing more at the country level and highlighting good practices at regional meetings, UNHCR has stepped up advocacy to promote accession to the two Statelessness Conventions. It is also providing detailed guidance on their interpretation.

These efforts were only a start, however. There are as many as 12 million stateless people worldwide. Many would not have been trapped in limbo in this way had more States incorporated the safeguards contained in the 1961 Convention into national laws. The great majority of stateless people do not enjoy even the minimum standards of protection established by the 1954 Convention relating to the Status of Stateless Persons. The stateless are often prevented from availing

themselves of education, health services and formal employment, and frequently have difficulty in obtaining birth registration and identity documents.

UNHCR has a global mandate on statelessness established by the UN General Assembly. A turning point for UNHCR's work under this mandate occurred in 2006, when the Office's Executive Committee adopted its Conclusion No. 106. This established a road map for action to be taken in cooperation with States and other actors. Since then, UNHCR has progressively strengthened awareness-raising activities, advocacy and operational responses related to statelessness.

PROMOTING INTERNATIONAL STANDARDS

THERE WERE NO NEW ACCESSIONS to the 1954 and 1961 Statelessness Conventions in 2010. There are only 65 and 37 States Parties, respectively, to these Conventions, and the promotion of accession is a key element in the Commemoration of the 50th anniversary of the 1961 Convention.

As part of UNHCR's efforts to achieve more State accessions, two

brochures entitled *Protecting the Rights of Stateless Persons: The 1954 Convention relating to the Status of Stateless Persons and Preventing and Reducing Statelessness: The 1961 Convention on the Reduction of Statelessness*, have been published and disseminated in English, French, Spanish and Russian. Arabic and Chinese versions will follow in 2011.

While there are many sources of guidance on UNHCR's refugee mandate and international refugee law, little exists on the scope and content of the 1954 and 1961 Statelessness Conventions. To remedy this situation, in 2010 UNHCR organized two meetings of experts in the field of statelessness. Their brief was to examine the definition of a stateless person in international law and the notion of *de facto* statelessness; how States are to determine whether someone is stateless; and what status should be accorded to stateless people at the national level. Guidance notes in these three areas will be based on the summary conclusions of these experts' meetings. A third meeting is scheduled in 2011 to discuss how to prevent statelessness among children.

UNHCR offices continued to disseminate the UNHCR-Inter-Parliamentary Union publication, *Nationality and Statelessness – A Handbook for Parliamentarians*. By the end of 2010 the handbook was available in 28 languages.

TRAINING AND TOOLS

IN 2010, THE OFFICE PRODUCED new operational guidelines on statelessness, reflecting developments in its engagement on behalf of stateless people: *UNHCR Action to Address Statelessness – A Strategy Note* provides advice to UNHCR offices and partners on a range of possible responses to statelessness. Such guidance is in high demand: from 2009 to 2010 the number of UNHCR operations that set objectives on statelessness rose from 28 to 51.

As more UNHCR offices address statelessness, more staff with expertise in this area are needed. The Thematic Protection Learning Programme on Statelessness, launched in 2008, was expanded to countries of the former

Soviet Union and South and East Asia in 2010. A total of 119 UNHCR staff and partners from 44 countries have participated in the programme since its inception. UNHCR also participated, for the second year in a row, in a short course on statelessness organized by the Refugee Studies Centre at Oxford University.

Educational institutions play a critical role in increasing public awareness of statelessness. In 2010, UNHCR published a *Teaching Guide on Statelessness* to aid lecturers who wish to incorporate statelessness into existing courses or establish separate courses on the subject.

IDENTIFICATION OF STATELESSNESS

ACHIEVING A COMPREHENSIVE understanding of the scope of statelessness and the plight of stateless people remains a major challenge. UNHCR mapped statelessness in many countries in 2010. For instance, a survey to find out how many Roma in Serbia suffer from civil registration problems—

GLOBAL STRATEGIC PRIORITIES

TARGET 2010-2011	2010 ACHIEVEMENTS
INTERNATIONAL AND REGIONAL INSTRUMENTS; NATIONAL LEGAL FRAMEWORKS	
The number of countries that have ratified/acceded to the 1954 and 1961 Statelessness Conventions increased to 68 and 41 , respectively.	No country acceded to the 1954 or 1961 Conventions in 2010, although a number of countries initiated national procedures to do so.
PREVENTING AND REDUCING STATELESSNESS	
In at least 8 countries , legislation improved to grant nationality to people born on territory who would otherwise be stateless.	In 2 countries , legislation was improved to grant nationality to people born on the territory who would otherwise be stateless.
At least half a million of the estimated 12 million stateless persons have their nationality granted or confirmed	Some 137,500 stateless people had their nationality granted or confirmed.
ACCESS TO PROCEDURES	
In at least 6 countries , stateless people have improved access to status determination procedures.	In 2 countries stateless people had improved access to statelessness determination procedures.

*Based on data available as of March 25, 2011.

rendering them at risk of statelessness—provided more reliable data on the magnitude of statelessness in Serbia. A survey in Mongolia looked at the situation of Kazakhs in that country, many of whom were rendered stateless in recent years when attempting to become citizens of Kazakhstan.

UNHCR also commissioned and published several studies on the situation of stateless people in the Middle East and North Africa, Japan, Kenya, and Kyrgyzstan. Other efforts to map statelessness in a number of countries included surveys in Belgium, Mozambique, the Netherlands and the United Kingdom.

Data collected through national population censuses may also reveal important information about how many stateless people reside in a country and their situation. In several countries, including Ukraine and other States in Central and South-Eastern Europe, UNHCR advocated for the inclusion in national population censuses of specific questions which could help to identify stateless people.

Despite these efforts, obtaining reliable information about the situation of stateless people remains a challenge, not only in the developing world but also in many industrialized countries.

PREVENTING STATELESSNESS

STATELESSNESS IS OFTEN A consequence of the way nationality laws have been formulated. The 1961 Convention establishes important standards on how States can avoid rendering people stateless through their legislation.

For instance, children often become stateless at birth because neither the State where they were born nor any other State to which their parents have connections grants them citizenship. Other laws create unequal conditions between men and women regarding conferral of nationality on children. Many countries fail to prevent citizens from becoming stateless when they seek to change their nationality. Some continue to deprive citizens of nationality if they reside abroad for a prolonged period of time.

A positive trend in recent years has been the rise in the number of States that guarantee equality between men and women in nationality matters. Furthermore, the number of States that strip citizens of their nationality because they reside abroad is declining.

MANY COUNTRIES FAIL TO PREVENT CITIZENS FROM BECOMING STATELESS WHEN THEY SEEK TO CHANGE THEIR NATIONALITY

A growing number of countries incorporate safeguards in their laws against statelessness when people renounce their citizenship or seek naturalization.

In 2010, Lithuania, Kenya and Tunisia undertook such legislative reform. The progressive new constitution in Kenya and recent amendments to the Tunisian Code on Nationality ensure full equality between men and women in the right to transmit nationality to children. Amendments to the Lithuanian Citizenship Law guarantee that citizens can no longer be rendered stateless as a result of renunciation or change of nationality, or for prolonged residence abroad. Among the States to which UNHCR gave advice on nationality legislation were Djibouti, Kenya, South Africa and Switzerland.

In Nepal, UNHCR was involved in the constitutional reform process that began in 2009 and had not been concluded at the end of 2010. It reviewed the citizenship provisions of the draft Constitution and advocated for constitutional safeguards against statelessness that were in line with international standards. These initiatives included the presentation of UNHCR's position to Nepal's Constituent Assembly and support for NGO advocacy. These efforts were combined with the support offered by local partners to individuals who wished to obtain citizenship documentation.

Over the past 20 years, State succession has been the most common cause of statelessness. For example, hundreds of thousands of people became stateless as a result of the dissolution of the Soviet Union. Many of them remain stateless two decades later.

Following the referendum on independence for Southern Sudan, the break-up of Sudan may result in a similarly high level of statelessness. In the months preceding the referendum, UNHCR's advocacy initiatives in the context of future State succession in Sudan accelerated, and included the organization of a symposium on citizenship in Khartoum. UNHCR also advised the parties to the Comprehensive Peace Agreement on citizenship issues. In all these efforts, it collaborated with the UN Peacekeeping Mission in Sudan (UNMIS), the African Union and other international actors.

Statelessness can often be avoided or resolved by learning from successful responses in other countries and through greater international cooperation. With this in mind, since 2009 UNHCR has organized a series of regional meetings on statelessness.

pledges to consider accession to the two statelessness conventions and to take additional measures to avoid statelessness.

REDUCING STATELESSNESS

PARTICULARLY NOTEWORTHY among State initiatives to reduce statelessness in 2010 was Viet Nam's offer of citizenship to some 2,400 stateless Cambodian refugees who had lived in the country for 35 years. UNHCR provided its good offices to the Vietnamese Government in these efforts.

Apart from encouraging States to do more to address statelessness, UNHCR is also working in a rising number of countries to solve cases of statelessness. In 2010, legal aid programmes were in place in 19 countries, helping stateless people and those at risk of statelessness to navigate procedures to acquire or confirm nationality and obtain birth certificates and identity documents.

One achievement in this area was the agreement reached in December 2010 between the Office and the Government of Turkmenistan to implement an 18-month joint action plan to register stateless people.

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These have permitted representatives of governments, UN agencies, civil society and academics to share their experiences in combating statelessness and discuss potential solutions to remaining problems.

In 2010, regional expert meetings on statelessness were organized for countries in the Middle East and North Africa as well as for the ASEAN Member States. In addition, UNHCR organized an intergovernmental meeting of 18 Latin American States in Brasilia. This meeting resulted in

The project should help those identified to confirm or acquire a nationality.

PROTECTING STATELESS PERSONS

FEW STATES HAVE PROPER procedures in place to determine whether people are stateless or to grant them legal status. One of UNHCR's Global Strategic Priorities for 2010-2011 is to ensure that States either establish such procedures or improve existing ones. UNHCR advocated in this area with a number of States



Formerly stateless people in Viet Nam received citizenship after residing in the country for over 30 years, giving them the right to social services, education and property.

Parties to the 1954 Convention. These efforts will be intensified once organizational guidance on procedures for determining statelessness is issued in 2011.

RAISING AWARENESS AND WORKING IN PARTNERSHIP

IN 2010, UNHCR BROADENED A number of partnerships to include UN agencies, regional organizations and international NGOs in a wider range of activities on statelessness. For instance, an expert meeting on the situation of stateless people in the Middle East and North Africa was co-organized with OHCHR in Amman in February 2010.

ASEAN States were targeted through a second regional experts' meeting on good practices in addressing statelessness organized jointly with the National Human Rights Commission of Thailand in Bangkok in October 2010. A briefing on statelessness was also held in New York for the ASEAN Intergovernmental Commission on Human Rights.

Partnerships with UNICEF and NGOs that have special expertise

in birth registration were also reinforced during the year. UNHCR strengthened its cooperation with Plan International, placing special emphasis on global advocacy, birth registration and prevention of statelessness.

The 2010 High Commissioner's Dialogue on Protection Challenges included a focus on gaps in protection and solutions to statelessness. The participation of an unprecedented number of governments and NGOs demonstrated a growing awareness of statelessness and a determination to resolve it.

Finally, UNHCR also sought to increase public awareness of statelessness by issuing more web stories than in any previous year on statelessness-related developments around the world. Cooperation with the award-winning photographer Greg Constantine resulted in the launch of a global exhibition featuring pictures of stateless persons. Constantine's photographs were displayed in Kyiv, Nairobi, London and Geneva during the year. ■