

## PROGRESS REPORT ON STATELESSNESS 2009

### I. INTRODUCTION

1. The Executive Committee requested UNHCR to report on its activities in the field of statelessness. This is the sixth time that UNHCR has reported on implementation of its global statelessness mandate as set out in relevant United Nations General Assembly Resolutions<sup>1</sup> and the detailed guidance provided by the Executive Committee, including its recent conclusion on international protection.<sup>2</sup>

2. States determine the rules governing nationality, albeit within the bounds set by international law. They are thus the primary actors to address statelessness. UNHCR has focused on making strategic use of its limited resources and a growing range of partnerships to ensure that States take the necessary steps in accordance with international standards and best practice. The Office provided operational assistance when there were gaps in State and civil society capacity to respond.

3. This report covers the period since June 2005 to date. It sets out developments since the last report, outlining the challenges and the intensified responses by the Office, as well as reviewing the results of these efforts. It provides an overview of major trends and emphasizes a number of significant developments. These are provided by way of example and are by no means exhaustive. The report concludes by highlighting areas that require further follow-up.

### II. CHALLENGES

4. A range of challenges affected UNHCR's response to and impact on statelessness globally, including the magnitude, gravity and complexity of the problem. There are an estimated 12 million stateless people worldwide; however, UNHCR obtained and was able to report on data for only half of them. Moreover, there was limited if any information on the causes of statelessness or the protection problems faced by many of the people concerned. The absence of a clear assessment in some countries impeded effective planning of responses, underlining the importance of ongoing work on surveys, registration and population censuses.

5. Although States increasingly recognized UNHCR as the United Nations organization mandated to address statelessness, awareness of the issue remained limited. This is also true for the international and regional human rights standards governing nationality and the protection of

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<sup>1</sup> A/RES/50/152 of 9 February 1996, and reiterated in resolutions A/RES/61/137 of 25 January 2007, A/RES/62/124 of 24 January 2008, A/RES/63/148 of 27 January 2009.

<sup>2</sup> ExCom Conclusion on international protection No. 106 on the identification, prevention, and reduction of statelessness and the protection of stateless persons (2006).

stateless persons. The number of States party to the 1954 Convention relating to the Status of Stateless Persons (the 1954 Convention) and the 1961 Convention on the Reduction of Statelessness (the 1961 Convention), two key instruments for the protection of stateless people and the prevention and reduction of statelessness, remained limited. In some cases, questions relating to nationality were viewed as sensitive and falling solely within the realm of nationality sovereignty, despite the legitimate interest of the international community in this issue.

6. Low levels of awareness within the United Nations and the non-governmental organization (NGO) community limited the number of potential partners in addressing statelessness. With the exception of the Justice Initiative of the Open Society Institute and Refugees International, few international NGOs undertook sustained activities on statelessness.

7. UNHCR also faced a number of internal challenges. Although it has developed a growing body of expertise on statelessness, the budget structure and the planning and reporting instruments in place until recently have not provided an easy overview of activities being undertaken at the field level or their costs. Priorities relating to refugee protection and durable solutions, including large-scale forced displacement and major return operations, sometimes prevented managers at the field level from dedicating additional resources to statelessness. In some situations budgetary constraints prevented statelessness from being prioritized.

8. UNHCR's activities have in the past focused on statelessness arising as a result of succession in Eastern and South-Eastern Europe and the former Soviet Union. While seeking to ensure wider geographic coverage, the Office faced an increased demand from within Headquarters and field operations for support with respect to statelessness. A considerable need exists for tools and standards to guide efforts to build expertise and capacity throughout the organization to respond to statelessness.

### III. ACTIVITIES

9. The issue of statelessness has gradually assumed greater importance. The Global Strategic Objectives include specific objectives on statelessness. In UNHCR's new budget structure, effective as of the 2010/11 planning cycle, the global statelessness programme is one of the four pillars. Similarly, statelessness is included in UNHCR's new results-based management framework and the planning software *Focus*. It is expected that the new budget structure and *Focus* will give greater prominence to the statelessness activities UNHCR is undertaking. *Focus* should facilitate a comparative country-by-country overview of planning and reporting on statelessness. Gaps in delivery and resources should be more easily identified and thereby permit the Office to seek additional support, reallocate resources where possible and improve planning.

10. To reinforce UNHCR's capacity at Headquarters, a Statelessness Unit reporting directly to the Deputy Director of the Division of International Protection Services was created in 2005. The Unit currently has two professional posts and a Junior Professional Officer post. Its principal tasks are: i) to respond to the increased demand for support for strategy development and implementation in the field; ii) to advise on legislation and individual cases; and iii) to expand partnerships to address statelessness. The availability of temporary additional staff permitted progress in developing policy guidance and tools, although far more work is still necessary in this area. The Unit supported field activities through short-term deployments, including the *Surge* scheme run by the International Rescue Committee. Its capacity was further augmented

through funding from the European Union. The Unit developed a Thematic Protection Learning Programme on statelessness. It was launched in the Middle East and Africa with the aim of supporting the development of regional strategies and targeted both staff and partners.

A. Development of international legal standards

11. UNHCR continued to promote the development of international legal standards pertaining to statelessness and made significant progress in this area. Conclusion No. 106 adopted by the Executive Committee in 2006 provides comprehensive, operations-oriented guidance on the identification, prevention and reduction of statelessness and the protection of stateless people.

12. The Office provided active support to the former Commission on Human Rights and its successor, the Human Rights Council, in the preparation of resolutions on human rights and arbitrary deprivation of nationality. Upon request, UNHCR submitted detailed notes to the Office of the High Commissioner for Human Rights (OHCHR) to assist in the preparation of reports on the topic.

13. At the regional level, UNHCR provided substantive input for the drafting of the 2006 Council of Europe Convention on the avoidance of statelessness in relation to State succession. The Office also cooperated with the Council of Europe Group of Specialists on Nationality on a draft recommendation on nationality and children. UNHCR support to the Asian-African Legal Consultative Organization led to the adoption of a resolution on Legal Identity and Statelessness.

B. Operational activities with respect to identification, prevention and reduction of statelessness and the protection of stateless persons

14. Spurred in large part by Executive Committee Conclusion No. 106, UNHCR has significantly expanded the geographical scope and range of activities implemented. Since 2005 the Office has dramatically increased its geographical coverage on statelessness.

15. Efforts were undertaken in a number of countries where little information was available on the number of stateless people and the problems faced by them, or on the causes of statelessness. This should allow for more effective interventions to address these causes. UNHCR assisted 18 countries with surveys, registration campaigns and population censuses. The 2009 publication *Statelessness: An Analytical Framework for Prevention, Reduction and Protection* should support UNHCR and partners to identify and analyse gaps systematically. Where gaps in national capacity were identified, UNHCR coordinated efforts with government and civil society partners to address them.

16. To help prevent statelessness, UNHCR promoted accession to the 1961 Convention in over 50 States, using tools such as the Inter-Parliamentary Union/UNHCR publication, *Nationality and Statelessness: Handbook for Parliamentarians*. The Office provided technical advice and promoted legal reforms to address gaps in nationality and related legislation in more than 35 States. In addition, UNHCR increasingly took an operational role to prevent and reduce statelessness, most commonly through providing information and legal aid to affected individuals and populations. Such responses were undertaken in 14 States.

17. Given the importance of the 1954 Convention, UNHCR promoted accession in over 40 States. In some 20 States, UNHCR provided technical advice on legislation and procedures to determine statelessness status and to ensure protection and respect for the human rights of stateless people; it engaged in targeted advocacy on these issues as well. Although activities of a broader operational nature were limited to a few countries, many field offices routinely intervened on behalf of stateless individuals.

### C. Raising awareness

18. UNHCR redoubled its efforts to raise awareness of statelessness. Since 2006, it included expanded sections on statelessness in its annual Global Appeal and Global Report. In 2007, the United Nations Secretariat's Department of Public Information identified statelessness as one of the *Ten stories the world should hear about*.<sup>3</sup> In the same year, a special issue of Refugees Magazine focused on the human dimension of the problem. The High Commissioner also wrote an Op Ed entitled: *The hidden world of stateless people*, together with the High Commissioner for Human Rights, which was published in newspapers worldwide. More recently, UNHCR supported the publication of a special issue on statelessness of the Forced Migration Review.<sup>4</sup>

### D Partnerships

19. In addition to working with partners on developing international and regional legal standards as outlined above, UNHCR cooperated with a growing range of United Nations and other inter-governmental, regional and non-governmental organizations and sought to expand the number of organizations working on statelessness. The Office played an active role in the United Nations Rule of Law Coordination and Support Group on statelessness. It provided guidance on the drafting of constitutional texts. UNHCR also engaged actively within the Inter-Agency Standing Committee on the issue of preventing statelessness as a result of climate change, for example with respect to small low-lying island States.

20. To strengthen efforts to identify statelessness, in 2008 UNHCR signed a joint letter with the United Nations Populations Fund (UNFPA) to map areas for cooperation, such as population censuses. UNHCR also cooperated with the United Nations Economic Commission for Europe (UNECE) and presented technical advice on the identification of stateless populations to the 2008 joint UNECE/Eurostat Meeting on Population and Housing Censuses.

21. UNHCR sought to strengthen cooperation with UNICEF on birth registration by contributing to UNICEF's global Protection Strategy (which refers to birth registration as a means to prevent statelessness) and to discussions on how to promote more systematic collaboration at the field level. UNHCR also consolidated its cooperation with the Inter-Parliamentary Union and co-published the *Nationality and Statelessness: Handbook for Parliamentarians*, in French and English in 2005. The Handbook has been greatly appreciated by UNHCR field staff, parliamentarians and other government counterparts and has been translated into 15 languages. Half of the translations were launched formally with parliamentarians in the countries concerned. Six additional translations are currently underway.

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<sup>3</sup> See: <http://www.un.org/events/tenstories/07/index.shtml>

<sup>4</sup> See: <http://www.fmreview.org/statelessness.htm>

22. The Office also promoted greater academic work on statelessness. In 2006, a special edition of the Refugee Survey Quarterly focused on statelessness. In 2009, a short course on statelessness was organized with the Refugee Studies Centre at Oxford University, the first of its kind at the University.

23. UNHCR further developed a range of effective partnerships particularly with specialized national NGOs and continued to cooperate with the Justice Initiative of the Open Society Institute and Refugees International at the international level. For example, UNHCR organized special sessions on statelessness with both organizations during its 2006 and 2008 annual NGO consultations which sought to involve more NGOs in statelessness issues.

#### IV. ACHIEVEMENTS

24. States have made significant strides in addressing statelessness, particularly with regard to prevention and reduction of the problem. This has been at least in part due to increased awareness and discussion of statelessness at the international level, diplomatic efforts to address the phenomenon worldwide, increased activity by UNHCR, other UN actors and an expanding number of NGOs.

25. While numerous situations of statelessness have not yet been adequately assessed, UNHCR has made noteworthy progress through improved analyses by field offices and more rigorous reporting procedures. This is demonstrated by the increased data on stateless populations worldwide. In 2005, the Office published statistical data on 1.45 million stateless people in 33 countries. In 2009, UNHCR is reporting data on 6.57 million stateless people in 58 countries, although more reliable information is still needed for many of the estimated 12 million worldwide.

26. In Kyrgyzstan, UNHCR conducted an extensive survey with NGO partners which identified and registered 10,000 stateless persons previously unknown to the authorities. In Cote d'Ivoire, Montenegro and Ukraine, detailed data on stateless people and risks of statelessness were obtained through surveys. The Office also lobbied successfully for inclusion of questions on statelessness in censuses in Kazakhstan and Kyrgyzstan. Similar efforts are underway in other countries for censuses planned for 2010 and 2011 in cooperation with UNFPA. The identification of stateless persons is a first step towards finding solutions.

27. In Georgia, UNHCR implemented a programme with UNICEF to conduct birth registration in minority communities facing risks of statelessness. Such operational responses were also carried out in many refugee and returnee situations. One example is Angola where a large-scale campaign to issue birth certificates coordinated with the Government, UNICEF and an international NGO benefited more than 100,000 children. In Côte d'Ivoire, UNHCR, together with a national and an international NGO, assisted over 6,000 individuals in the large-scale *audiences foraines* (itinerant hearings) conducted by the authorities for purposes of late birth registration and the issuance of documentation. Overall 760,000 people benefitted from the *audiences foraines* during 2007 and 2008.

28. Operational responses helped reduce statelessness. In Nepal, UNHCR and NGOs assisted people who had not benefited from a massive previous campaign, to acquire citizenship certificates. In the Russian Federation, UNHCR worked with NGO partners to provide legal

support so that stateless people could acquire Russian nationality. They addressed a variety of protection issues, complementing efforts by the Russian Government to resolve the situation of stateless, former Soviet citizens.

29. Several major breakthroughs led to significant reductions of statelessness, particularly in Nepal and Bangladesh, mainly due to changes in nationality law or government policy. Standing naturalization programmes also allowed reductions in other countries, including Estonia and Latvia. UNHCR warmly welcomes that more than 3.5 million people were able either to acquire or confirm a nationality between the end of 2004 and the end of 2008.

30. Numerous States introduced legal reforms to prevent statelessness, often based on technical advice from UNHCR. An amendment to the Constitution of Brazil introduced in 2007, eliminated a major obstacle to the acquisition of nationality by children born to a Brazilian parent abroad. A similar reform had been adopted by Chile in 2005. Georgia, The former Yugoslav Republic of Macedonia and Viet Nam introduced changes to naturalization requirements for stateless people.

31. Legal analysis and advocacy by UNHCR complemented a wider set of efforts undertaken by the State and civil society actors to resolve the situation of the Biharis/Urdu-speakers in Bangladesh. To improve the protection of stateless people, Mexico established a procedure to determine statelessness, the first of its kind in the region. UNHCR supported the Hungarian Helsinki Committee's study on stateless people in Central Europe, which identified a number of critical protection gaps.

32. In large extent because of UNHCR's efforts, the number of States parties to the 1961 Convention rose from 29 in 2005 to 35 (as of 30 April 2009). Brazil, Finland, New Zealand, Romania, Rwanda and Senegal all became parties. The number of States parties to the 1954 Convention rose from 57 to 63 (as of April 30 2009), with Austria, Belize, Montenegro, Romania, Rwanda and Senegal signing up.

## V. THE WAY AHEAD

33. There is growing momentum in UNHCR and among partners and stakeholders to ensure solutions to statelessness worldwide. The Office has achieved significant results since it last reported to the Standing Committee. Despite this, a number of gaps in UNHCR's response remain, and additional steps are required to implement Conclusion No. 106.

34. A preliminary review of 2010/11 operations plans indicates that the number of operations that have set objectives relating to statelessness has risen significantly. Nonetheless, further work will be required to identify gaps in the prevention and reduction of statelessness and the protection of stateless people. As these efforts proceed, UNHCR will need to improve its capacity to undertake comprehensive assessments of all needs and to address the gaps that are identified.

35. As activity continues to expand at the field level, the provision of additional support to field offices will be of central importance. More guidance on relevant standards with respect to doctrine and operational responses is required, targeting UNHCR staff as well as States, NGOs and UN partners. Increased training and advice from Headquarters will also be required to ensure

that that field operations have sufficient capacity. In addition, to maximize impact of UNHCR's human and financial resources, reinforcement and expansion of partnerships with other UN agencies and NGOs will be pursued.

36. Another priority is the reinforcement of dialogue and cooperation with States to develop a national capacity to identify stateless populations, prevent and reduce statelessness and to protect stateless people. As numerous States have already implemented effective responses, UNHCR plans to organize a series of regional meetings to encourage the exchange of best practice. Increasing the numbers of States parties to the 1954 Convention and the 1961 Convention is also a key strategy to combat statelessness. UNHCR will use the occasion of the upcoming 50<sup>th</sup> anniversary of the 1961 Convention to promote further accessions, and generally to raise awareness concerning the problem of statelessness worldwide.

37. It is anticipated that the budget required for statelessness related activities will increase, although it will continue to constitute a very small part of UNHCR's overall budget. Even so, the support of States will remain essential for effective action to address statelessness globally.

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