

2010 NGO Consultations

Background Note for 2010 NGO Consultations Panel on Statelessness: “Promoting the Rights and Protection of Stateless Persons: Issues, Challenges and Ways Forward”

29 June 14:00-15:45

Brief Description of Issue

Today, an estimated 12 million people are stateless worldwide. To be stateless is to be without nationality. Statelessness often limits access to birth registration, identity documentation, education, health care, legal employment, property ownership, political participation and freedom of movement. Denial of these rights impacts not only the individuals concerned but also society as a whole, in particular because excluding an entire sector of the population may create social tension and significantly impair efforts to promote economic and social development.

Legal Framework

Through a series of resolutions beginning in 1994, the UN General Assembly gave UNHCR the formal mandate to prevent and reduce statelessness around the world, as well as to protect the rights of stateless people. Twenty years earlier, the Assembly had asked UNHCR to provide assistance to individuals under the 1961 Convention on the Reduction of Statelessness. UNHCR's governing Executive Committee provided guidance on how to implement this mandate in a "Conclusion on the Identification, Prevention and Reduction of Statelessness and the Protection of Stateless Persons" issued in 2006. This requires the agency to work with governments, other UN agencies, and civil society to address the problem.

Brief Overview of Efforts to Address Statelessness to Date

UNHCR activities in the field are grouped into four categories: (1) identification; (2) prevention; (3) reduction; and (4) protection. Civil society actors are key strategic allies as well as partners for UNHCR programs, especially national NGOs. There are few international NGOs with dedicated programs focusing on statelessness. They include the Open Society Institute which promotes legislative reform, undertakes litigation and advocacy on standard-setting and is also engaged in studies and surveys and Refugees International which undertakes international advocacy efforts and regularly publishes country reports based on information gathered during field missions.

Some recent progress in the resolution of statelessness situations includes the recognition that Urdu speakers in Bangladesh are nationals of the country, restoration of Ethiopian nationality for many persons of Eritrean origin in Ethiopia, and changes in administrative procedures allowing a growing number of stateless Nubians to confirm nationality in Kenya. These cases show that the optimal solution for stateless persons is to confirm or acquire the citizenship of a state. This involves long-term processes of integration. To secure nationality rights and enjoyment of the benefits of citizenship, more needs to be done to change perceptions that lead to discrimination or social exclusion of certain groups.

Practical Actions (and Problems) in Dealing with Stateless Populations on the Ground

(1) Addressing Gaps in Nationality Legislation—where causes of statelessness relate to constitutional provisions or nationality legislation, UNHCR Field Offices and NGO advocates should proactively provide advice on international standards and how they may be implemented at the national level.

(2) Birth Registration and Documentation—UNHCR and NGOs must work with UNICEF, UNFPA and other partners to ensure that all persons of concern are registered at birth (or through subsequent or late registration).

(3) Identity Documentation—In order to address risks of statelessness arising from difficulties proving nationality, UNHCR and legal aid providers should promote accessible procedures for issuance of identity and travel documents.

(4) Promotion of Accession to UN Conventions—UNHCR and NGOs should step up efforts to promote accession and implementation of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness

(5) Seeking Solutions for Stateless Populations—strategies to resolve protracted situations require sustained advocacy efforts by UNHCR and civil society and may include the establishment of an effective statelessness determination mechanism; a meaningful protection status for stateless persons; public information campaigns; legal counselling to stateless persons on how to access procedures; facilitating the confirmation or acquisition of a new nationality (as a durable solution).

Expectations of Outcomes from Session

The main expected outcome of the panel is to raise awareness of the issue, provide information on recent and on-going research and advocacy activities, and to further engage NGOs in various forms of cooperation, in particular in light of the upcoming 50th anniversary of the 1961 Convention on the Reduction of Statelessness. Speakers will reflect on the types of concrete actions that can be taken at the national, regional, and international levels as well as share perspectives on how statelessness can be integrated into policy discussions around citizenship, asylum, migration, gender, child protection and human rights. Participants are invited to share their own experiences and to make practical recommendations for how civil society and UNHCR can advance the rights and protection of stateless persons more effectively.

Suggested Reading

Blitz, B. and Lynch, M, “Statelessness and the Benefits of Citizenship: A Comparative Study” Oxford Brookes University, UK, June 2009.

Forced Migration Review, Issue 32, April 2009.

Goldston. “Holes in the Rights Framework: Racial Discrimination, Citizenship and the Rights of Non-Citizens” in *Ethics & International Affairs*, Vol. 20, Issue 3, 2006.

Gyulai, G. *Forgotten Without Reason: Protection of Non-Refugee Stateless Persons in Central Europe*, Hungarian Helsinki Committee, June 2007.

Lynch, M. “Futures Denied: Statelessness among Infants, Children and Youth,” *Refugees International*, 2008.

Refugees Magazine, No. 147, Issue 3, 2007.

Southwick, K. and Lynch, M. *Nationality Rights for all: a Progress Report and Global Survey on Statelessness*, Refugees International, Washington DC, March 2009.

UNHCR, “UNHCR Action to Address Statelessness: A Strategy Note,” March 2010.

UNHCR–Inter-Parliamentary Union. *Nationality and Statelessness: A Handbook for Parliamentarians*, Inter-Parliamentary Union, Geneva, 2005.

van Waas, L., *Nationality Matters: Statelessness under International Law*, Intersentia, 2008.

Weissbrodt, D. “The Human Rights of Stateless Persons” in *Human Rights Quarterly*, Vol. 28, 2006.