



The Office of the
Commissioner General for
Refugees and **Stateless
Persons** in Brussels,
Belgium.

Addressing Statelessness

THERE ARE UP TO 12 million stateless people in the world today, many of whom exist on the fringes of society, unable to enjoy their human rights and leading lives further constricted by the lack of identity papers and travel documents. UNHCR has a mandate from the General Assembly to work on preventing and reducing statelessness and protecting the stateless. Over the years, the Office has increased the resources it devotes to this task, with USD 79 million budgeted for statelessness projects in 61 operations in 2013.

The 2011 commemorations of the 50th anniversary of the 1961 Convention on the Reduction of Statelessness were marked by widespread recognition amongst the international community that statelessness is a global concern. At the intergovernmental meeting in Geneva in December 2011, 62 States made formal commitments to address statelessness by various means. These included: acceding to the statelessness conventions; reforming nationality legislation; mapping stateless populations; establishing

formal statelessness determination procedures; and improving civil registration and documentation.

When implemented, these pledges will make an appreciable difference to the lives of stateless people around the world. Following up on States' pledges will therefore be an important part of UNHCR's activities in 2013. Moreover, with increasing international awareness of statelessness, many States are approaching UNHCR for technical advice on laws and procedures or other help to build their capacity to address the issue. A growing number of civil-society actors working in this field are also seeking UNHCR's assistance. Finally, as more stateless people become aware that they fall under UNHCR's mandate, greater numbers are expected to approach the organization for advice and assistance.

PROMOTING ACCESSION TO THE STATELESSNESS CONVENTIONS

IN 2013, UNHCR WILL TAKE advantage of the momentum created during the 2011 commemorations of the 1961 Convention when 33 States pledged to accede to it or its sister treaty,

the 1954 Convention relating to the Status of Stateless Persons.

Accession by more States to the two conventions is critical, as they are the only global treaties which articulate detailed principles for the prevention and reduction of statelessness and the protection of stateless persons.

After years of slow progress on the issue, the launch of the UNHCR accessions campaign in October 2010 led to a surge in action by governments. Since June 2011, 15 States have acceded to one or both of the conventions (11 to the 1954 Convention and 11 to its 1961 counterpart). Indeed, more States acceded to these conventions in 2011 than in any year since they were adopted. This achievement will be surpassed in 2012 as States have begun to implement their pledges.

Throughout 2013, UNHCR will use the positive example set by States which recently became parties to the conventions to push for more accessions in particular geographical regions. The Philippines, which in 2011 became the first State in South-East Asia to accede to either of the statelessness conventions, is one such example.

PREVENTING STATELESSNESS THROUGH THE APPLICATION OF INTERNATIONAL STANDARDS

THE NATIONALITY LAWS OF A STATE usually indicate who is considered to be a national, who can acquire nationality, and how nationality can be lost. Legislation alone can be a major cause of statelessness.

However, UNHCR's monitoring of nationality law reform initiatives shows a trend towards the elimination of provisions which result in statelessness. The clearest example of this is the elimination of discrimination against women with regard to their right to transmit nationality to children. Research undertaken by UNHCR shows that at least 13 countries have removed such discriminatory provisions from their laws over the past decade, though 26 still have them. UNHCR is aware of several new reform initiatives aimed at removing gender discrimination in nationality laws and has provided States with technical advice on this matter.

Other trends include removing residence abroad as a ground for the loss of citizenship. In 2011 Kazakhstan became the latest country to introduce such a reform in its nationality law. More countries have also adopted legal provisions to prevent statelessness among children at birth and in situations where individuals seek to change their nationality.

In the year ahead, UNHCR will continue to offer States technical advice on safeguards which can be incorporated in nationality legislation to avoid statelessness.

To this end, it is currently developing guidelines on the interpretation of Articles 1-4 of the 1961 Convention. This is the first effort to provide comprehensive guidance on the 1961 Convention since it was adopted.

The launch of a global nationality law database will strengthen the analysis of nationality legislation and improve the availability of technical advice for interested States. The database is being launched in a number of European countries in 2012 through the website of the European Union Democracy Observatory on Citizenship. A separate web

platform for the global database will be established in 2013 and eventually expanded to cover the remaining regions of the world.

IDENTIFYING THE MAGNITUDE OF STATELESSNESS

IDENTIFYING WHO IS STATELESS, AND gauging the size and characteristics of the stateless population in a State, are prerequisites for effective advocacy and the creation of programmes to address the problem. Today there is a significant gap between the number of stateless people recorded by UNHCR, which stands at some 3.5 million, and other estimates which indicate that there may be up to 12 million stateless people worldwide.

In order to reduce this gap, several mapping initiatives will be implemented in 2012-2013. These include studies in Central Asia, Iraq and the Philippines.

UNHCR considers national population censuses an important source of data on stateless populations, and it has worked with Governments and UNFPA to refine questionnaires in order to help identify stateless individuals. Census reports will thus be carefully scrutinized for information that will help to fill gaps in data on stateless populations.

In addition to the mapping exercises and census data, UNHCR has commissioned studies of statelessness in Western Europe and the United States. Surveys in the United Kingdom, the Netherlands and Belgium have revealed gaps in the identification and protection of stateless persons which will be of use in targeting advocacy in 2013. Meanwhile, new mapping projects will cover the Nordic and Baltic States.

REDUCING STATELESSNESS THROUGH ACQUISITION OF CITIZENSHIP AND DOCUMENTATION

THE ONLY WAY TO RESOLVE statelessness is to grant stateless people citizenship. Over the past decade, some 4 million stateless people acquired citizenship through amendments to nationality laws or changes in policy, most notably in Bangladesh, Iraq, Nepal, the Russian Federation,

Sri Lanka and the Syrian Arab Republic. Wherever possible, UNHCR will help individuals to acquire citizenship and related documentation. For example, its legal aid programmes in Iraq have helped members of the Faili Kurd community to reacquire their citizenship.

In many contexts, legal aid and documentation programmes for the reduction of statelessness go hand in hand with efforts to prevent statelessness in the first place. An example of this can be seen in the Caribbean, where the risk of statelessness is linked to decades of migration by Haitians to neighbouring countries, including the Dominican Republic and the Bahamas.

In both Haiti and the Dominican Republic, UNHCR is working with NGOs to assist people who are at risk of statelessness to acquire civil registration documents, identity cards and passports. In the Bahamas, legal and social counselling is provided to persons of concern on their rights and obligations. In addition, UNHCR and a local law school have established a Nationality Support Unit to help individuals complete applications for nationality and/or documentation required by the Bahamian or Haitian consular authorities.

PROTECTING STATELESS PEOPLE

WHERE THE GRANTING OF citizenship is not feasible in the short term, States are becoming more aware of the need to regulate the situation of stateless persons on their territory in a better manner. Studies undertaken around the world have highlighted the need for greater awareness of statelessness among government officials and NGOs. They also underscore the importance of proper systems for the identification and registration of stateless individuals, as well as of granting them a legal status.

During the December 2011 intergovernmental commemorative event, 10 States pledged to establish or take steps to establish procedures for determining statelessness. Two of these

States – Georgia and the Republic of Moldova – later adopted determination procedures, while others, including the Philippines and the United Kingdom, are in the process of doing so.

UNHCR will step up its efforts to provide advice to States on the design of determination procedures. For example, it assists the Government of Georgia to obtain country of origin information relevant to the determination of individual claims from UNHCR offices around the world.

The development of protection regimes for stateless people received a boost with the issuance in 2012 of UNHCR's guidelines on the definition of a stateless person, determination procedures and the national status to be granted to stateless people. In 2013, these guidelines will be published in a handbook on the determination of statelessness. Guidance for UNHCR staff dealing with these issues will be incorporated in the revised *Procedural Standards for Refugee Status Determination under UNHCR's Mandate*.

CAPACITY-BUILDING AND PARTNERSHIPS

GREATER AWARENESS ABOUT statelessness in civil society and among States and other actors, coupled with a willingness to address this issue, means there is a growing need for capacity-building in all areas relevant to UNHCR's statelessness mandate.

UNHCR has established new regional positions on statelessness. Three of these, covering Europe, the Middle East and North Africa, and Asia, were created under the High Commissioner's protection capacity initiative and came into effect in 2012. Two more positions are being created to cover West Africa and the Americas. The main purpose of creating these posts is to trigger more action to address statelessness in priority situations, and to strengthen support for UNHCR operations and the efforts of partners.

Current training opportunities for UNHCR staff and partners, including the Thematic Protection Learning Programme on Statelessness and a newly launched e-learning programme,

will continue in 2013. Priority will also be given to dissemination of new doctrinal guidance through targeted short courses for staff in key regions. Finally, UNHCR will strengthen cooperation with the academic community and NGOs through a growing number of training and advocacy activities.

LEGISLATION ALONE CAN BE A MAJOR CAUSE OF STATELESSNESS

A meeting organized by UNHCR in 2012 brought together, for the first time, NGOs working on statelessness from all over the world. This event marked the start of a more strategic collaboration between civil society and UNHCR. In keeping with the principles contained in the Secretary-General's guidance note on *The United Nations and Statelessness*, partnerships with relevant United Nations agencies such as OHCHR, UNICEF and UNFPA will be expanded. UNHCR will also bolster its partnership on statelessness with regional organizations such as the African Union, the ASEAN Intergovernmental Commission on Human Rights and the OSCE. ■