

# Addressing situations of statelessness



UNHCR staff provide information to stateless workers on a tea plantation in Sri Lanka on procedures for obtaining identity documents.

UNHCR/G. Amarasinghe

There is growing awareness of the global impact of statelessness on individuals and societies. In essence, statelessness is a situation in which a person is not considered a national by any State under its laws. In some cases, an individual may formally possess a nationality but does not enjoy the rights which come with it. This could happen, for example, because he or she cannot prove citizenship. While the Universal Declaration of Human Rights recognizes the right to a nationality, for an estimated 12 million stateless people worldwide that right remains an illusion.

Under international law, stateless people are entitled to a broad range of human rights. In some countries, stateless persons are granted a special status that enables them to enjoy their rights. In practice, though, most stateless persons are legally invisible and face a wide range of obstacles in their daily lives. They may be unable to register their children at birth, obtain identity documents, travel without fear of detention or deportation, enrol in school, obtain legal employment, sign contracts, buy property or open bank accounts.

As a result of the development of large-scale situations of statelessness following the emergence of newly

independent States in Central and Eastern Europe and Central Asia, in 1994 the United Nations General Assembly gave UNHCR a global mandate to prevent and reduce statelessness and protect stateless persons. This supplemented the General Assembly's designation of UNHCR in 1974 as the UN agency responsible for helping to resolve the situation of stateless individuals under the 1961 Convention on the Reduction of Statelessness. The mandate is reflected in UNHCR's Global Strategic Objectives, which include "addressing situations of statelessness more effectively".

UNHCR has been given detailed guidance on implementation of its statelessness mandate by its Executive Committee's 2006 conclusion on the identification, prevention and reduction of statelessness and the protection of stateless persons. The conclusion calls on UNHCR to continue providing technical advice to States on legislation and administrative procedures—as well as to make more direct, operational efforts to address statelessness.

Concrete responses to statelessness begin with identifying who is stateless and the causes of statelessness. But identifying stateless people is not a



simple matter, as they often live on the margins of society, lack identity documents, are in a country illegally or suffer from discrimination.

UNHCR is compiling definitive statistics on the number of stateless people in the world. However, there is a discrepancy between reliable country level data reported by UNHCR and estimates of the total number of stateless people worldwide, which stands at around 12 million. Still, UNHCR field offices are adopting innovative solutions to identify stateless populations. Many are working with other UN agencies to introduce questions in population censuses that will provide a more accurate picture of the size of stateless populations. UNFPA is a particularly important partner in this regard; the High Commissioner and the Executive Director of UNFPA agreed in April 2008 to increase cooperation on population counts.

UNHCR has been especially effective in assisting States to review nationality laws and procedures related to statelessness. This work is labour-intensive but receives little visibility because it is preventive in character. Technical support for States will be complemented by more direct action to prevent statelessness, for instance by strengthening civil registration systems. In Serbia, for example, UNHCR will continue to work with the national authorities to computerize civil registries. This will help displaced people and minority Roma populations to acquire proof of identity more easily.

In some situations, proving identity, confirming nationality and obtaining identity documents can require navigating a complex web of costly bureaucratic procedures. UNHCR will therefore continue to provide legal advice to stateless persons and individuals at risk of statelessness in a range of countries (see *box*).

The reduction of statelessness will remain a challenge, particularly because many statelessness situations are of a protracted nature and attitudes depicting stateless people as outsiders are often entrenched. UNHCR will raise awareness of protracted statelessness situations,

lobby for solutions and provide advice and technical support to States and affected populations.

The Office will draw on a wide range of examples of good practice in this area, particularly in Asia and the States which emerged from the former Soviet Union. These include legislative reform—whereby stateless persons have been granted nationality on the basis of birth or long-term residence—citizenship campaigns and facilitated naturalization. The Office will promote these good practices through a series of strategy meetings with States at the regional level.

Stateless people should be able to exercise their basic human rights. The Office will work with States to establish procedures to determine who is stateless, grant the stateless a status, and ensure that they enjoy civil, economic and social rights until they can acquire a nationality.

Due to the variety of conditions prevailing in different countries, UNHCR cannot make progress on resolving situations of statelessness at the same rate in every operation. Nonetheless, a more consistent approach is needed. UNHCR's restructuring process will allow the Office to tackle the issue more systematically around the world. As part of the restructuring, a new budget structure to be introduced in 2010 will separate spending on statelessness from that for other UNHCR activities.

*Focus*, UNHCR's new software application to strengthen results-based management, will provide an overview of all activities under the statelessness mandate. It will also allow the Office to identify operations which require more human and financial resources to address statelessness.

These changes will be complemented by the provision of more training and tools for staff and partners. A Gaps Analysis Framework on statelessness, modelled on existing frameworks for the protection of refugees and internally displaced persons (IDPs), became available at the end of 2008. A Thematic Protection Learning Programme was being piloted at the end of 2008 and a self-study module on statelessness was also ready for release at that time.

UNHCR's capacity to help its field offices to address statelessness will be strengthened by the creation of a specialized statelessness sub-roster within the Protection Surge Capacity deployment scheme. More offices will be able to address statelessness as a result.

UNHCR's work on statelessness intersects with the activities of many other organizations. The Executive Committee conclusion on statelessness therefore

indicates that UNHCR must act in concert with States, other UN and international agencies and NGOs to address the many challenges in this sphere. The Office has undertaken a number of initiatives with OHCHR, UNICEF, UNFPA and UNDP, as well as regional organizations such as the Council of Europe and the Asian-African Legal Consultative Organisation (AALCO).

UNHCR has also developed links with a number of international NGOs, such as Refugees International and the Open Society Justice Initiative, as well as a range of national NGOs. Nonetheless, the Office must redouble its efforts, particularly at the field level. Furthermore, it will promote more media reporting and academic research on statelessness.

The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness are the most detailed and comprehensive standards on the issue at the international level. While the UN General Assembly has called on States to accede to the instruments, so far only 63 States are party to the 1954 Convention, and only 35 to the 1961 Convention. A more effective international legal regime requires a greater number of States parties. UNHCR will continue to lobby for States to accede to the conventions, and help those that have done so to implement them. The Office aims to have 70 States parties to the 1954 Convention and 40 to the 1961 Convention by the end of 2009.

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Statelessness may occur or be perpetuated where nationality procedures are complex or costly, or where relevant information cannot be obtained. UNHCR's legal aid and information programmes are critical components of its response to such situations.

The Office works with implementing partners to identify stateless people and those at risk of statelessness. In Ukraine, for example, UNHCR's NGO partner, *Assistance*, conducted a profiling exercise in 2007 to identify stateless individuals among the ethnic Korean population.

Identification of people at risk allows UNHCR to prevent statelessness, especially by helping them obtain documentation. In Côte d'Ivoire, legal aid centres run in collaboration with the Norwegian Refugee Council have helped more than 400 people obtain identity documents, thereby reducing their risk of statelessness. The project has generated greater understanding within the population of the importance of documentation.

In the Western Balkans, the "Social Inclusion of and access to human rights for Roma, Ashkali and Egyptian communities" project aims to inform more than 700,000 people about the importance of civil registration and documentation. The project provides free legal assistance on civil registration for 10,000 people.

In Serbia, legal aid is complemented by UNHCR support for the computerization of civil registry records. This limits the risk of statelessness among Roma and internally displaced persons

(IDPs), who otherwise face many obstacles when seeking documents to establish their identity.

Providing advice on acquisition of nationality can reduce statelessness. In Sri Lanka, UNHCR, UNDP's Equal Access to Justice Project and the Government sponsored mobile documentation clinics in the plantation areas where some people of Indian Origin have remained without identity documents even after a major citizenship campaign conducted in 2003. During 2007 and 2008 these clinics benefited more than 10,000 persons, who were informed of procedures for obtaining documentation and were able to obtain basic documentation like birth certificates and identity cards.

In The former Yugoslav Republic of Macedonia, some 330 long-term residents received legal advice during 2007 from UNHCR's partner, the Legal NGO *Network*. Appeals have reached the Supreme Court in a number of cases. More than 4,600 long-term residents have been able to acquire the nationality since 2004, many as a result of this legal advice.

UNHCR's Ukrainian partner *Assistance* has supported thousands of Crimean Tatars with the translation and submission of applications, and is helping some 3,500 formerly deported people and their families to acquire Ukrainian citizenship.

In the Russian Federation, the NGO *Memorial* counsels people on the acquisition of citizenship as part of its legal assistance programme. These positive experiences have encouraged UNHCR to expand its legal aid activities aimed at addressing statelessness.