



Seven-year-old Antonio is one of a stateless family of 10 children living in a Roma settlement in Croatia. The family survives by collecting scrap metal.

Addressing Statelessness

STATELESSNESS AFFECTS millions of people around the world, most of whom do not enjoy the basic rights that others take for granted. They often cannot secure formal employment, obtain identity and travel documents, vote, or participate in political life. Furthermore, they may be denied health care and education.

UNHCR has been given a global statelessness mandate through a series of General Assembly resolutions, and in recent years has expanded its work in this area. The number of UNHCR operations planning statelessness activities more than doubled between 2009 and 2011, from 28 to 60.

The 50th anniversary of the 1961 Convention on the Reduction of Statelessness presented UNHCR with an exceptional opportunity to turn the spotlight on statelessness and increase activities to address this in all parts of the world. During the intergovernmental meeting in Geneva in December 2011, an unprecedented number of States expressed concerns about the global impact of statelessness, and made pledges to address the issue.

PROMOTING INTERNATIONAL STANDARDS

STANDARDS RELEVANT TO STATELESSNESS can be found in most international and regional human rights treaties. For instance, States are obliged to ensure that most rights are extended to everyone on their territory, including

stateless people. Nonetheless, the United Nations has adopted two treaties specifically designed to address statelessness: the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, each with a distinct focus.

Despite the vital importance of these Conventions in addressing statelessness, they have been acceded to by only a relatively small number of States. One of the key objectives of the commemorations of the 50th anniversary of the 1961 Convention was to spread awareness and promote accession. Some 60,000 brochures in nine languages were distributed globally, while letters to encourage accession were sent to the governments of all States not party to the Conventions. UNHCR also organized a large number of national and regional events, as well as a global media campaign on the subject.

As a result of these activities, eight countries—Benin, Croatia, Georgia, Panama, the Philippines, Nigeria, Serbia and Turkmenistan—acceded to one or both of the Statelessness Conventions in 2011. That was more than in any previous year since the Conventions were adopted.

A special Treaty Event organized by UNHCR and the UN Office of Legal Affairs during the December intergovernmental meeting in Geneva saw two States deposit instruments of accession, while over 30 States made pledges at the

meeting to take steps to accede to the Statelessness Conventions. This is an extraordinary result, given that there were only 42 States parties to the 1961 Convention 50 years following its adoption. At the end of 2011 a total of 71 States were party to the 1954 Convention.

Efforts also continued during the anniversary year to develop guidance on doctrinal issues. The last in a series of three expert meetings was organized in Dakar, Senegal, focusing on the interpretation of the standards contained in the 1961 Convention to prevent statelessness among children. UNHCR guidelines on these key doctrinal issues (including the definition of a stateless person, procedures to determine if someone is stateless, and a national status for stateless persons) will be published in 2012.

TRAINING AND TOOLS

INCREASED GLOBAL AWARENESS OF statelessness makes it imperative that more UNHCR staff have the knowledge and skills to provide States and other partners with advice and operational support on the issue. Consequently, training initiatives were stepped up in 2011, to reach a total of 175 staff and partners worldwide. These initiatives included the Thematic Protection Learning Programme on Statelessness, which has been in place since 2008, as well as an advanced short course on statelessness, launched in 2011.

Training was also organized for staff working at UNHCR Headquarters in Geneva, and specific guidance has been issued on how to identify the number of stateless people in a country and assess their situation.

IDENTIFICATION OF STATELESS PEOPLE

THE DEVELOPMENT OF GUIDANCE documentation and training is intended to respond to a serious gap in UNHCR's statistical reporting on statelessness, as recognized by the Executive Committee in 2006. While the number of people actually recorded as stateless stood at 3.5 million at the end of 2010, UNHCR believes the real figure is closer to 12 million.

Several new efforts to map the scope of statelessness and the situation of stateless people were launched in 2011, using context-specific approaches. In **Nepal**, UNHCR and a local partner conducted a countrywide survey on statelessness, with the aim of comprehensively mapping the number and location of people without citizenship certificates and the protection risks they face. The findings of the survey, which targeted 3,000 households in selected districts, are being analyzed for follow-up in 2012.

UNHCR also began to map statelessness in Western Europe and North America. Detailed reports on findings in the **United Kingdom** and the **Netherlands** were published at the end of the year. In the United Kingdom, the project aimed to come up with better data on the number of stateless people in the country and their situation. More than 400 "gatekeepers", including those working for voluntary and public-sector bodies who were likely to be in contact with stateless people, were asked to refer potentially stateless individuals for interviews with researchers. Although the report did not come to any conclusions on the number of stateless people in the country, it assembled concrete recommendations on how to identify and protect them more effectively.

PREVENTION OF STATELESSNESS

UNHCR NOT ONLY STRIVES TO ensure that stateless people receive protection; it also works to prevent statelessness from occurring at all. This requires ensuring that sufficient safeguards exist in law and practice to avoid statelessness and that everyone has access to documentation, including birth certificates.

The biggest generator of statelessness in recent decades was the break-up of the former Soviet Union. More than 600,000 former Soviet citizens remain stateless 20 years later. Many others are stateless as a result of redrawing of borders in other parts of the world. In 2011, **South Sudan's** secession from the Sudan, led to concerns about new cases of statelessness. During the year preceding South Sudan's independence in July, UNHCR provided technical advice to its officials and those of the Government in Khartoum to ensure that laws were adopted to prevent statelessness.

The new constitution and nationality legislation in South Sudan define who is a citizen in an inclusive and gender-neutral manner, minimizing the risk that people with links to the country become stateless. Concerns remain, however, about the practical interpretation and application of the citizenship provisions. Hundreds of thousands of people of South Sudanese origin remained in Sudan beyond July 2011, yet there were no procedures in place to issue them with South Sudanese identity documents.

UNHCR has continued to provide technical advice on nationality legislation to States, including **Belgium**, the **Czech Republic**, **Kenya** and **Tajikistan**. Twelve countries pledged to reform their nationality legislation at the December 2011 intergovernmental meeting. Among them, Liberia and Senegal agreed to address discrimination against women with regard to the right to transmit nationality to children.

In 25 States around the world, UNHCR continued providing documentation, including birth certificates, to stateless people and those at risk of statelessness. In **South Africa**, a project identified people without documentation and birth registration among Zimbabwean migrants in Johannesburg and Musina, many of whom are stateless. The findings of this exercise were used to advocate for changes to laws and procedures on birth registration. Similar advocacy in **Kyrgyzstan** led to concrete results when new civil-status registration instructions were adopted in 2011. These provide that children born to lawfully resident foreigners and stateless people are to be registered on the same conditions as nationals of the country.

REDUCTION OF STATELESSNESS

THE ONLY SOLUTION TO STATELESSNESS is for stateless people to acquire a nationality. In many situations it is most appropriate to allow stateless people to acquire the citizenship of the State where they reside, particularly in protracted statelessness situations. In other contexts, citizenship opportunities in other countries may also be considered for individuals, including in their countries of birth, former residence, or where their parents held citizenship.

Significant progress was achieved in 2011 in resolving several long-standing statelessness situations. The largest reduction in the number of stateless people took place in the **Syrian Arab Republic**. In April, a presidential decree was issued, offering citizenship to many Kurds who had been stateless since a 1962 population census. By the end of the year, some 69,000 of the approximately 150,000 people who could benefit from the decree had been issued with citizenship documents, while some 37,000 applications were being processed.

In **Turkmenistan**, two presidential decrees adopted during the year granted

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citizenship to more than 3,300 stateless people. All were individuals who had been identified through a Government registration exercise in 2007. Most were citizens of the former Soviet Union who had arrived in Turkmenistan around the time of independence two decades earlier. With support from UNHCR, a second registration drive by the Government in 2011 aimed to identify people who had not been registered previously. The exercise collected data on some 8,000 individuals who will go through a nationality verification process before it is decided if they are to be granted citizenship or some other legal status.

Citizenship ceremonies were also held in **Viet Nam**, where some 2,300 stateless former Cambodian refugees were naturalized between June 2010 and March 2011. In **Denmark**, UNHCR was encouraged by the decision of the authorities to review the cases of individuals who had not benefitted from a provision in the citizenship law granting citizenship to stateless children.

Approximately 119,000 stateless people acquired citizenship or had it confirmed in 2011, bringing the total for the biennium to some 257,600.

PROTECTION OF STATELESS PEOPLE

WHERE IT IS NOT POSSIBLE FOR stateless people to acquire citizenship in the immediate future, they should be offered a legal status which ensures that they can enjoy basic rights. UNHCR encourages the establishment of a legal status for stateless people at the national level in line with 1954 Convention standards, in particular in situations where stateless people arrive in a country through migratory channels.

In 2011, UNHCR promoted the establishment of formal statelessness determination procedures, and there were encouraging signs that a growing

number of countries were studying the possibility. Technical advice was offered in several instances, including in Australia, Brazil, Belgium, Georgia, the Philippines and Turkmenistan.

The Republic of Moldova became the most recent country to establish a statelessness determination procedure, thereby joining the small club of countries which have such a mechanism in place. Ten other States pledged to establish or improve such procedures at the December intergovernmental meeting in Geneva.

RAISING AWARENESS AND WORKING IN PARTNERSHIP

IN THE CONTEXT OF THE commemorations of the 50th anniversary of the 1961 Convention, a global media campaign on statelessness launched in August resulted in the publication of hundreds of news stories around the world. At the country level, in locations as diverse as Almaty, Cotonou, Jakarta, Madrid, Manila, Maputo and Mexico City, UNHCR organized events to encourage governments to act on statelessness in the anniversary year, or to submit pledges to take such action at the December ministerial meeting.

Several regional events were also organized to foster the exchange of good practices between States and spur action to address statelessness. The first event of this kind organized in southern Africa was held in the town of Nelspruit, South Africa, with participants from eight States. In the western Balkans, UNHCR organized a Regional Conference on Civil Documentation and Registration, which resulted in the adoption of the Zagreb Declaration, encouraging States in the region to take a series of measures in this important area. A workshop was also organized in Manila for ASEAN member States on Statelessness and the

rights of Women and Children.

Some of these events promoted cooperation with regional organizations. The Manila workshop fostered relations with the ASEAN Intergovernmental Commission on Human Rights, whereas the Zagreb conference was co-organized with the OSCE High Commissioner on National Minorities and supported by the European Union. To encourage more cooperation on the issue within the UN system, a Guidance Note by the Secretary-General on the UN and Statelessness was issued. UNHCR was closely involved in the development of the Note.

UNHCR also continued to expand its collaboration on statelessness with NGOs. In 2011, particular areas of focus were statelessness among children and gender discrimination in nationality matters. A Regional Dialogue organized in Beirut, focusing on the effects of gender discrimination in nationality laws on women and children, brought together women's rights organizations and women from seven countries in North Africa and the Middle East.

Cooperation was strengthened with the NGO, Plan International, with the goal of increasing awareness of statelessness affecting children. UNHCR also continued its collaboration with longstanding NGO partners, such as the Open Society Foundations and Refugees International. At the country level, a growing number of national NGOs were mapping statelessness, offering legal assistance to stateless people or advocating for legal reform, including through the use of strategic litigation. ■