



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés



Strengthening the International Legal Framework on Statelessness:

Expert Meeting Series

Background to the statelessness expert meeting series

In anticipation of the 50th anniversary of the 1961 Convention on the Reduction of Statelessness, UNHCR is undertaking various initiatives to strengthen the international response to statelessness. Among them is a series of expert meetings to develop the international legal framework on statelessness through the development and dissemination of UNHCR guidelines on statelessness-related issues.

Three expert meetings will address five conceptual themes related to the 1954 and 1961 Statelessness Conventions: (i) the definition of a “stateless person” in article 1(1) of the 1954 Convention; (ii) the concept of *de facto* statelessness; (iii) procedures for determining whether a person is stateless; (iv) the status in national law to be granted to stateless persons and attendant benefits; and (v) the scope of international legal safeguards for preventing statelessness among children or at birth.

UNHCR will draw primarily on external experts to contribute to these discussions. The questions to be explored call upon significant background knowledge of the international legal framework on statelessness, human rights, and nationality law. Evolving state practice and emerging responses to fill protection gaps for stateless persons will be addressed. The meetings will include government officials, judicial actors, civil society advocates, legal practitioners, and academics to consider a wide range of perspectives. UNHCR will oversee the preparation of background papers and will draft and disseminate a summary of conclusions for each meeting.

The following provides an overview of the themes to be explored over the course of three expert meetings to be held from 2010 to 2011:

Expert meeting on the statelessness definition and *de facto* statelessness Prato, Italy (27-28 May 2010)

The first expert meeting addresses two foundational questions arising from the 1954 Convention relating to the Status of Stateless Persons. It will discuss the definition of the term “stateless person” in article 1(1) of the 1954 Convention as “a person who is not considered as a national by Any State under the operation of its law,” by analyzing the various components of that definition. The concept of *de facto* statelessness will also be explored. While article 1(1) of the 1954 Convention has served as the standard definition of *de jure* statelessness, some confusion has persisted with respect to the concept of *de facto* statelessness, which was referenced in various preparatory reports and the Final Act of the Conference that drew up that Convention. Discussing these definitional questions in parallel will develop a common understanding of who should be considered a stateless person. This will help expand consensus on which groups of stateless persons fall within the scope of UNHCR’s mandate and prompt reflections on the need to conceptualize complementary responses for addressing questions pertaining to *de facto* statelessness.

**Expert meeting on procedures for determining statelessness and statelessness status
Geneva, Switzerland (6-7 December 2010)**

The second expert meeting addresses two practical prerequisites to ensuring the protection of stateless persons: mechanisms for their identification and appropriate standards for their treatment once they are recognized as stateless persons under national law. Although the 1954 Convention does not prescribe a particular procedure for determining statelessness, a few States have legislated formal procedures to this end. But many States are confronted with situations of statelessness and are being increasingly required to make determinations on nationality – or statelessness – of persons on their territory. The second expert meeting will explore the range of procedures that are being developed to determine whether an individual is stateless, with particular emphasis on determination for the purpose of application of the 1954 Convention. Questions such as institutional arrangements, evidentiary considerations, including burden of proof, will be addressed. This meeting will also explore the standard of treatment to be extended to stateless persons when statelessness status is granted under national law, again primarily focusing on persons covered by the 1954 Convention.

**Expert meeting on safeguards for preventing statelessness among children or at birth
*Location and date to be determined (2nd quarter 2011)***

The third expert meeting will turn to doctrinal questions arising from the 1961 Convention on the Reduction of Statelessness, particularly exploring the scope of the safeguards contained therein to prevent statelessness among children or at birth and examining the dynamic between these provisions and international human rights norms. Articles 1 to 4 of the 1961 Convention provide clear guidelines according to which States Parties shall grant nationality to children who would otherwise be stateless who are either born on their territory or born to nationals abroad. The 1961 Convention provides that States should grant nationality to such children either at birth or through an application procedure at a later age. Human rights treaties such as the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, however, have created additional obligations on States to prevent statelessness at birth by guaranteeing a child's right to acquire a nationality. The Convention on the Elimination of All Forms of Discrimination against Women and other international prohibitions against gender discrimination also create obligations beyond the 1961 Convention with respect to preventing statelessness at birth. This meeting will explore how these complementary provisions can be invoked to create stronger protection responses to preventing statelessness at birth and among children.

Outcome of the statelessness expert meeting series: statelessness-related guidelines

This expert meeting series will result in the development and dissemination of a set of UNHCR guidelines on statelessness-related issues over the course of 2010 and 2011. These guidelines will be useful tools for States and practitioners to better undertake efforts aimed at identifying, preventing, or reducing statelessness and protecting the rights of stateless persons.