



UNHCR works to ensure that the people belonging to the Bihari/Urdu-speaking community are able to exercise their rights as citizens of Bangladesh.

Addressing Statelessness

An estimated 12 million people worldwide do not possess a nationality or enjoy its legal benefits. These are the stateless, and they are most often condemned to live in a legal limbo.

Stateless persons are frequently unable to do the things most people take for granted, such as registering the birth of a child, travelling, going to school, opening a bank account or owning property. The problem is global in scope and no region is spared. But compared to the plight of many displaced populations, the situation of stateless persons remains largely unknown among the wider public.

Nonetheless, the international community and concerned States can prevent statelessness and address the specific protection needs of stateless persons through a combination of low-cost measures. These include legal reform, birth registration, citizenship campaigns and the naturalization of individuals.

The UN General Assembly has given UNHCR a global mandate to prevent and reduce statelessness and protect the rights of the stateless, with

specific responsibility for helping to resolve the situation of stateless individuals covered by the 1961 Convention on the Reduction of Statelessness. UNHCR's Executive Committee has provided detailed guidance on concrete steps to be taken by States, civil society and UNHCR to address statelessness.

Operational responses to situations of statelessness are carried out by UNHCR field offices. A specialized unit within UNHCR's Division of International Protection provides guidance on the organization's statelessness mandate through documents, such as *UNHCR Action to Address Statelessness: A Strategy Note*, issued in 2010.

STEPPING UP ACTION TO ADDRESS STATELESSNESS

The year 2011 will mark not only the 60th anniversary of the 1951 Convention relating to the Status of Refugees, but also the 50th anniversary of the 1961 Convention on the Reduction of Statelessness. UNHCR will use the occasion to mobilize international action to focus on global statelessness efforts in 2011. Key action points will include

bolstering the international legal framework by promoting accession to the 1961 Convention and the 1954 Convention relating to the Status of Stateless Persons. More detailed guidance on these instruments will be issued following a round of experts' meetings.

UNHCR will increase efforts to prevent statelessness through law reform, and to resolve statelessness situations through citizenship campaigns. It will press for the dissemination of good practices, in particular through a series of regional conferences in the lead-up to the December 2011 anniversary meeting of States Parties.

UNHCR's new budget structure has allowed for an expansion of statelessness activities. The budget for Global Stateless Programme has risen from USD 38.5 million in 2010 to USD 63 million in 2011. The number of operations that are implementing activities related to statelessness has continued to climb since the introduction of the new structure. Some 60 operations have planned significant statelessness-related activities in 2011, up from 51 in 2010.

A major obstacle in addressing statelessness remains the lack of accurate baseline data on stateless populations. Establishing reliable data on the number of stateless persons, including information on gender and age, remains a major challenge in many countries. While UNHCR has country-level data on 6.6 million stateless persons, the total number of stateless people worldwide is believed to stand far higher, at some 12 million.

UNHCR will continue to cooperate with governments, relevant UN agencies and civil society partners in 2011, to improve statistical reporting. Surveys are being conducted in Indonesia, Kenya, Serbia and elsewhere to provide a better understanding of the magnitude and causes of statelessness, and the protection risks faced by stateless persons. UNHCR is also working with national authorities and UNFPA in Armenia, Montenegro and Turkmenistan, to ensure that stateless persons are identified in population censuses.

A FAVOURABLE PROTECTION ENVIRONMENT

While all States have obligations to prevent and reduce statelessness, and to protect stateless persons under international law, relatively few have signed up to the specific standards set out in the 1954 and 1961 Conventions. Increasing the number of States Parties to these two Conventions is crucial if a favourable protection environment is to be created.

One of UNHCR's global priorities, which it hopes to fulfil by the end of 2011, is to increase the number of States Parties to the 1961 Convention from 37 to 41 and to the 1954 Convention from 65 to 68. In pursuit of this goal, UNHCR will raise the issue of statelessness at international forums and produce new accession brochures. A number of international bodies, including the UN General Assembly, the Human Rights Council and UNHCR's Executive Committee, have already made calls for States to consider accession.

UNHCR will use the events organized in the context of the forthcoming anniversaries in order to clarify the importance of the two Statelessness Conventions to governments and civil society. In particular, the meeting of States Parties to be held in December 2011 will provide an opportunity for States to affirm their

commitment to accede to these Conventions. Finally, UNHCR will assist governments with preparations for accession, including through analyses of the compatibility of national legislation with international standards, and technical assistance for any legislative amendments or administrative arrangements.

PREVENTION AND REDUCTION OF STATELESSNESS

The introduction of safeguards in nationality legislation is essential to avoid statelessness. Such efforts need to be undertaken in countries which are parties to the 1961 Convention on the Reduction of Statelessness as well as in those which are not. Law reform is a slow and painstaking process that requires significant staff resources. In line with UNHCR's global priorities, the Office aims to ensure that at least eight countries improve their legislation so that persons born there, who would otherwise be stateless, can acquire a nationality.

Reform of legislation often begins with an analysis of compatibility of national laws with international legal standards, in particular those in the 1961 Convention. UNHCR has undertaken or supported such analyses in a range of States, including Djibouti, Kenya, Kyrgyzstan, Nepal and Poland. In this regard, the entry into force in 2010 of Kenya's new constitution has been an important development, since it gives women full rights to confer their nationality on their children.

UNHCR will continue to promote similar reforms around the world in 2011, focusing in particular on those countries where constitutional or legislative changes are underway, or where governments are considering accession to the statelessness Conventions. At least 30 operations have set specific objectives relating to the improvement of national legal frameworks.

UNHCR has set an ambitious target for the reduction of statelessness: a decline of 500,000 in the number of stateless persons worldwide by the end of 2011. More than 30 UNHCR operations have identified this as an objective for next year. But even though States such as Belarus, Iraq, Kazakhstan, the Russian Federation, Ukraine and Kyrgyzstan grant citizenship to significant numbers of stateless persons every year, reaching the target will

require the resolution of one or more major statelessness situations, similar to the breakthroughs achieved in Nepal in 2007 and in Bangladesh in 2008.

FAIR PROTECTION AND DOCUMENTATION PROCESSES

Stateless persons are often not afforded protection simply because they are not identified. In such cases they are deprived of any legal status and therefore exposed to a range of protection problems which can include prolonged detention. Only a limited number of countries currently have procedures in place to determine whether individuals are stateless, and offer them legal status.

To address this challenge, UNHCR has convened a series of expert meetings which bring together governmental, judicial, academic, NGO and UN experts to analyse key questions relating to procedures that define and determine statelessness. In 2011 UNHCR will publish guidelines on these issues, aimed at bringing about improvements in status determination, particularly in States which are parties to the 1954 Convention. UNHCR has made it a priority to see that at least six countries establish or improve statelessness determination procedures by the end of 2011.

Registration and the issuance of documentation are key elements for preventing and reducing statelessness and for protecting stateless persons. Without documents which provide proof of basic information such as name, place of birth and parentage, individuals who should be entitled to a nationality may be unable to acquire it. Furthermore, people who are stateless may be unable to exercise their rights because they cannot prove their identity.

UNHCR offices in Central Asia, Côte d'Ivoire, Iraq, Nepal and the western Balkans are already implementing programmes to issue identity documents to stateless persons, and those at risk of becoming stateless. These programmes benefit tens of thousands of people every year. The number of beneficiaries will increase in 2011, when more than 20 UNHCR operations plan activities in this area.

In some instances, stateless persons should be registered directly by UNHCR, for example when they are identified in the context of mandate status determination procedures. UNHCR and its partners will also

improve their capacity to register stateless individuals when the upgraded version of the *proGres* registration software is rolled out in 2011.

The registration and documentation of children at birth is a key measure in preventing statelessness, as it proves parentage and where a child was born. In 2011, UNHCR will step up its cooperation with UNICEF and other partners in situations where the lack of birth registration leads to a substantial risk of statelessness. A case in point is

will include participants from a wide range of institutions, including OHCHR and the UN Human Rights Treaty Bodies. UNHCR will work closely with the Inter-Parliamentary Union (IPU) to provide information to parliamentarians, through dissemination of the *IPU-UNHCR Handbook on Nationality and Statelessness*, and activities which coincide with IPU assemblies. The Office will continue to promote standard-setting on nationality and

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Sudan, where UNHCR is already supporting birth registration campaigns conducted by its partners.

Statelessness is such a massive problem worldwide that effective responses require interventions by a range of actors. Building on efforts already underway, in 2011 UNHCR will expand its cooperation with other UN agencies, regional organizations and NGOs on issues relating to nationality and statelessness.

Such cooperation can have a major impact. NGOs, practitioners, national human rights institutions and academic partners are essential for the success of efforts to identify stateless populations, and to address the causes and consequences of statelessness. UNHCR will increase the number of its partnerships, building on existing cooperation with organizations such as the Open Society Institute, Refugees International, Plan International and the Equal Rights Trust. Furthermore, its *Guide to Teaching on Statelessness* will promote education and research on statelessness.

In 2011, expert meetings to develop guidance on key international standards

statelessness, including through the UN Human Rights Council and regional bodies such as the Organization of American States.

UNHCR will continue to improve training for staff and partners on statelessness issues. By the end of 2011, approximately 160 staff from UNHCR, UN partners, regional organizations and NGOs in 65 countries in the Middle East, Asia, Africa and Europe will have participated in the Thematic Protection Learning Programme on Statelessness, since its launch in 2008. In addition, the dissemination of a self-study module and e-learning programme on statelessness will allow a broad range of staff and partners to improve their knowledge of these issues.

Though UNHCR has made important strides in its efforts to develop tools to address statelessness, the magnitude of the problem poses an enormous challenge for the international community. Still, with strong financial and political support, UNHCR can ensure that 2011 marks a high point in international efforts to address the plight of stateless people worldwide. ■

● FOR FURTHER INFORMATION ON STATELESSNESS, SEE INSERT AFTER PAGE 114