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BACKGROUND PAPER

No nationality, no rights? Strategies and tools for the protection of stateless persons

Wednesday 4 July 2012, 14h30 – 18h30 – Room 2

The stateless person, without a right to residence and without the right to work, had of course constantly to transgress the law. He was liable to jail sentences without ever committing a crime (Hanna Arendt, 1951)

Stateless people have no nationality anywhere. As a result, they often do not have access to the same rights and services as citizens even though they may have lived in the same place for generations. Sometimes stateless persons suffer multiple deprivations and violations of rights as a direct result of not having a nationality. This may include compromised access to education and health care, restricted freedom of movement, and limited or no property rights. The panel “**No nationality, no rights? Strategies and tools for the protection of stateless persons**” will consider three areas where stateless persons are particularly vulnerable: discrimination, arbitrary detention, and lack of birth registration and identity documents.

Discrimination on grounds of ethnicity, religion and gender are frequently both a cause and a consequence of statelessness. In some places, ethnic minorities are not considered to be nationals even though they have never left the country where they live. In other places a female national who has a child with a stateless man may be unable to confer her nationality to that child. As a result the child often becomes stateless. In Kenya, a stateless Nubian man explained:

I went to the vetting manager for ID cards [vetting is a procedure that certain ethnic groups have to go through in order to confirm their nationality] and she asked me whether I was a Muslim and I responded, “Yes.” She told me, “We don’t deal with the issue of Muslims here. (OSF, 2010)

In several countries countless stateless persons have endured and continue to endure unnecessary, arbitrary and at times, indefinite detention. This is primarily because the immigration laws, policies and practices of most states do not sufficiently take into account the unique characteristics that set stateless persons apart from other migrants – some are awaiting removal but there is no country to remove them too. One stateless detainee in Australia said:

I asked to be removed from Australia. I signed papers saying I would go to Kuwait, and if they couldn’t arrange that then I would go to Palestine, or to Israel, or to Jordan, or to Syria, or to Egypt. Then they asked if I would go to Thailand or the Philippines, or Cambodia. I said yes. My friend took the map of the world and put his finger in the middle of the ocean. He said, “Put us here, we will go anywhere, just take us out of this situation.” We didn’t have a country. (Equal Rights Trust, 2010)

Most stateless persons also have poor or no access to birth registration and personal identification documents. Sometimes the very lack of such documents, coupled with other factors, can put persons at risk of statelessness. Birth registration in particular has been acknowledged by governments, international organizations and civil society as an essential tool to avoid and prevent statelessness. In a 2011 report, Praxis explained the situation in Serbia:

“...due to the unresolved issue of citizenship, thousands of individuals are deprived of exercising their fundamental human rights...the fact that many of them have for years been unsuccessful in proving their identity or citizenship and that in some families this problem is transgenerational, represents a serious challenge and leaves these persons in a state of uncertainty that is sometimes almost equal to the absence of citizenship.”
(Praxis, 2011)

Year 2011 marked a turning point for global efforts to address statelessness. During UNHCR's Ministerial Meeting last December, an unprecedented 61 states from all continents pledged to take measures in this area. Among them, ten states pledged to establish statelessness determination procedures or to improve existing mechanisms to protect stateless persons. Another 12 states made commitments to strengthen civil registration and documentation systems to prevent and reduce statelessness. NGOs can play a vital role in supporting states to turn these pledges into reality and ensure that stateless persons are better protected and enjoy the human rights to which they are entitled.

The panel **“No nationality, no rights? Strategies and tools for the protection of stateless persons”** will discuss what can be done to improve the protection situation of stateless individuals. NGOs will share experiences from their work at the national and international levels and UNHCR will explain who it is currently strengthening its own efforts in this area.

The panel aims to spur greater civil society interest and involvement in issues around statelessness. Following the plenary session, where the panelists will present different themes and perspectives on the human rights situation of stateless persons and the challenges they face in terms of protection, the session will break into three workshops. Each of these workshops will focus on specific challenges, protection strategies and tools, including statelessness status determination and grant of status at the national level to stateless persons; birth registration and documentation; and protecting stateless persons from arbitrary detention.

This panel was proposed by:

Asylum Aid

Equal Rights Trust

Lawyers for Human Rights

NGO Committee on Migration

Open Society Justice Initiative

Praxis

Refugees International

UNHCR, Statelessness Unit