



Statelessness

THE YEAR 2008 WAS the 60th anniversary of the Universal Declaration of Human Rights, which recognizes that every human being is entitled to a nationality. Yet, sixty years on, some 12 million people are denied this fundamental right. Though UNHCR made progress in addressing statelessness in a number of countries during the past year, the sheer

magnitude of the problem means there is much more to be done.

In law, the stateless are those who are not considered nationals by any State. Some stateless people in certain countries enjoy many of the same rights as nationals. But in most cases, the stateless find themselves in a devastating situation. They usually have no access to education, health care and legal employment, and no rights to



Two young refugees make a new house in a makeshift camp in Cox's Bazaar District, Bangladesh.

UNHCR / G.M.B. AKASH / BGD•2006

property ownership, electoral voting or freedom of movement. Indeed, the world often ignores the stateless, consigning them to the shadows of society.

The UN General Assembly has given UNHCR a global mandate to prevent and reduce statelessness and protect the rights of stateless people. The General Assembly also specifically designated UNHCR as the agency responsible for working to resolve the situation of stateless individuals and people at risk of statelessness; both categories are covered by the 1961 Convention on the Reduction of Statelessness.

UNHCR's Executive Committee set out concrete steps to address

statelessness in its 2006 Conclusion on the Identification, Prevention and Reduction of Statelessness and the Protection of Stateless Persons. A specialized unit within UNHCR's Department of International Protection Services (DIPS) guides field offices and external partners on the application of UNHCR's statelessness mandate.

In 2008 UNHCR took a number of measures to implement that mandate more systematically. Of particular note was the development of the *Focus* software, which will have a major impact on planning of statelessness activities for the 2010-2011 biennium, in particular because it will help identify gaps in UNHCR's response.

IDENTIFYING STATELESS PEOPLE

At a rough estimate, there are 12 million stateless people in the world. UNHCR continues to work to ascertain the real magnitude of statelessness. At the end of 2008, the Office had statistics on 6.6 million stateless persons and was able to expand the number of countries on which it had information on statelessness from 53 to 58.

Some countries made significant progress in identifying stateless people in 2008. This was so in the Central Asian States of Turkmenistan and Kyrgyzstan, where statelessness remains a problem almost two decades after these countries gained independence.

In **Turkmenistan**, the Government

continued a campaign begun in 2007 with support from UNHCR under which undocumented individuals were registered by mobile teams and assisted with applications for permanent residence and naturalization. By the end of 2008 some 12,000 cases had been registered and were being processed by the Government.

In **Kyrgyzstan**, UNHCR supported a survey undertaken by NGO partners to identify stateless people in the north of the country. As a result of the project, approximately 10,000 stateless people were identified and registered. This was in addition to the previously known population of almost 10,000. Of these, over 550 people were assisted by UNHCR to acquire citizenship. The

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identification project will continue in 2009 in southern regions of the country.

Similarly, a survey in **Côte d'Ivoire**, conducted in partnership with the Norwegian Refugee Council, evaluated gaps with regard to identity documents, and the risk of statelessness in regions with high concentrations of internally displaced persons (IDPs). This project paved the way for targeted interventions with national authorities to obtain identity documents for people at risk of statelessness in these regions.

THE 2006 EXECUTIVE Committee Conclusion on statelessness called on UNHCR to work with States and other UN agencies to identify stateless populations and populations with undetermined nationality. One means of identifying stateless people is through a population census, and in 2008 UNHCR and UNFPA agreed to strengthen cooperation in this area. UNHCR also provided guidance to the Economic Commission for Europe on the use of population censuses to identify stateless people. In Central Asia, UNHCR successfully lobbied for the introduction of questions designed to identify stateless people in questionnaires to be used during the 2009 censuses in **Kazakhstan** and **Kyrgyzstan**.

PREVENTING STATELESSNESS

UNHCR'S STATELESSNESS MANDATE explicitly requires preventive action. Indeed, the best and cheapest means of addressing statelessness is to prevent new cases from occurring whether at birth or later in a person's life. The Office undertook a range of activities in this regard, such as advising States to address loopholes in nationality legislation which could lead to statelessness, promoting accession to the 1961 Statelessness Convention, and supporting birth registration.

In 2008, UNHCR continued to promote law reform in countries where nationality legislation contains provisions which may lead to statelessness. Several countries,

including **Australia**, **Georgia** and **Viet Nam** took steps to revise legislation to improve safeguards against statelessness.

In some States which are considering accession to the Statelessness Conventions, UNHCR commissioned studies on the compatibility of national legislation with the conventions and provided advice on accession. Such studies were completed in **Belarus**, **Georgia** and **the Republic of Moldova**. Only one country—**Finland**—acceded to the 1961 Statelessness Convention during the year, bringing the total number of State parties to it to 35.

The registration of births can serve to prevent statelessness among children because this proves where they were born, and who their parents are, or were. In **Georgia**, the lack of birth certificates among children in some remote regions populated by ethnic minorities had given rise to a risk of statelessness, particularly where the parents were also without identity documents. UNHCR and UNICEF worked together with a local NGO to conduct an information campaign on birth registration and assisted more than 600 cases identified during visits to more than 30 villages. Gaps in law and procedure identified during this field work were presented during a workshop with national

authorities, and concrete recommendations were made for amendments to national legislation.

UNHCR continued to promote the adoption of international standards to prevent and reduce statelessness. As arbitrary deprivation of nationality is a major cause of statelessness, UNHCR worked with Member States of the UN Human Rights Council to draft a resolution on this subject, and also provided a report on the issue at the request of the Council. Finally, it worked closely with the Council of Europe in the preparation of a draft recommendation on children and nationality.

REDUCING STATELESSNESS

THERE WERE SEVERAL BREAKTHROUGHS with regard to protracted statelessness in 2008. The problem of the Bihari/Urdu speakers of **Bangladesh**, one of the largest protracted statelessness situations in the world, was resolved in 2008. The registration of voters within this group and the provision of identity cards to them were stepped up after a landmark decision by the High Court in Bangladesh reconfirmed that the Bihari/Urdu speakers are Bangladeshi citizens. The Bihari/Urdu speakers had not been recognized as Bangladeshi citizens following the separation of what is now Bangladesh from Pakistan in 1971.

UNHCR had funded research on the legal status of the Bihari/Urdu-speaking community and lobbied extensively for a solution to their situation. An estimated 250,000 to 300,000 people benefited from the recent change in policy and a large proportion of them subsequently voted for the first time in the general elections held in December 2008. UNHCR will continue to advocate for and monitor the inclusion of the group in poverty reduction and other development programmes, besides striving to ensure that they receive identity documents and enjoy other human rights.

The **United Arab Emirates (UAE)** made progress towards resolving another protracted statelessness situation, that of the Bidoon, a population found in several of the Gulf States. The UAE Government launched a registration exercise for the Bidoon in 2008. However, it remained unclear at the end of the year how many stateless people or people with undetermined nationality would eventually acquire the nationality of the UAE.

There were developments during the year in the situation of stateless former refugees from Cambodia in **Viet Nam**. These people had been unable to naturalize in Viet Nam because the law required them to prove they had renounced their Cambodian citizenship. But Cambodia no longer had proof of their citizenship. Now, however, after several years of discussions, the group's naturalization has become possible as the Vietnamese Government has simplified the requirements. Under an operational plan developed in consultation with UNHCR, a community-based information campaign informed the population about the naturalization process. A census was completed and a first group of approximately 2,300 persons in rural areas applied for Vietnamese nationality. To complete the integration of this population into Vietnamese society, UNHCR funded projects run by local authorities focusing on vocational training and early childhood education. The process of registering the remaining population of some 6,500 people in urban areas will begin in 2009.

UNHCR reported on the massive reduction of statelessness in **Nepal** through a nationwide campaign in 2007. In 2008, it worked to resolve the situation of those populations in Nepal that did not benefit from the 2007 campaign, including those who formally possess a nationality but have no documentation to prove it. UNHCR supported two local NGOs in assisting women and members of indigenous communities to apply for citizenship certificates—the key proof of nationality in Nepal.

risk of statelessness because they were unable to prove their identity or nationality. In **The former Yugoslav Republic of Macedonia** almost 800 Roma in similar circumstances were assisted, and in more than 500 cases, identity and civil registration documents were delivered. UNHCR also helped the Macedonian Government to reduce statelessness by assisting 279 long-term habitual residents to naturalize, bringing the total number of people naturalized since 2004 to almost 5,000.

The long-standing legal assistance programme in **Ukraine** continued to reduce the number of stateless people in that country. Through a national partner, UNHCR provided advice to more than 2,700 formerly deported people, many of whom were stateless, and some 1,200 stateless people were naturalized by the Government.

Similarly, in **Côte d'Ivoire**, UNHCR worked with NGO partners to help 6,000 people obtain birth certificates and other identity documents. These efforts supported the large-scale *audiences foraines*, or itinerant judicial hearings for granting of birth certificates and identity papers, which benefited some 760,000 people and are part of efforts to resolve nationality issues in Côte d'Ivoire.

PROTECTING STATELESS PEOPLE

AUSTRIA ACCEDED TO THE 1954 Convention relating to the Status of Stateless Persons, bringing the number of States parties to it to 63. Relatively few States Parties have introduced the procedures required to determine who is stateless. UNHCR therefore provided technical advice and conducted targeted

programme was piloted in seven UNHCR country operations in the Middle East as well as with staff from the Office of the High Commissioner for Human Rights. The learning programme will be expanded to another two regions in 2009.

UNHCR continued to make guidance on statelessness available to as many government authorities as possible. The UNHCR/Inter-Parliamentary Union Handbook on Nationality and Statelessness for Parliamentarians was translated into Azeri, Georgian and Spanish, bringing the total number of translations to 16.

Efforts continued to expand the number of UN and civil-society partners working with UNHCR to address statelessness. UNHCR and UNFPA pledged to strengthen cooperation on issues such as civil status and birth registration. The Office also provided guidance to the UN Economic Commission for Europe on using population censuses to identify stateless people. UNHCR participated in the negotiations on a resolution of the Human Rights Council on arbitrary deprivation of nationality, and provided detailed input for a report by the Secretary-General on the same issue.

UNHCR undertook a wide series of field-based activities in partnership with national and international NGOs, in particular projects focusing on information sharing and legal aid for populations that are stateless, or at risk of it. UNHCR also cooperated closely with NGOs engaged in statelessness-related advocacy, including

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The Office worked with national and international NGO partners in a number of States to provide information and legal advice to individuals at risk of becoming stateless, to allow them to acquire an effective nationality or to exercise their rights despite being stateless.

In **Serbia**, more than 1,500 requests for identity documents were pursued on behalf of Roma individuals who were at

advocacy for the introduction or improvement of determination procedures in States such as Austria and Mexico.

TRAINING, TOOLS AND PARTNERSHIPS ON STATELESSNESS

IN ORDER TO DEVELOP THE CAPACITY OF UNHCR staff and partners, a thematic learning programme on statelessness was designed in 2008. The

Refugees International and the Open Society Justice Initiative.

The number of NGOs working on statelessness remains relatively low. To try and improve the situation, a special session on statelessness at the annual NGO Consultations in Geneva focused on how more NGOs could become engaged in both advocacy and operational responses to statelessness situations. ■