

# Addressing situations of statelessness

Statelessness is more widespread than usually believed. Not only does it affect a great many people and countries, it often leads to the denial of many human rights. UNHCR faces many challenges in implementing its mandate to prevent and reduce statelessness and protect the rights of stateless people. Nonetheless, with the international momentum to address the issue gathering pace, there is hope that many situations of statelessness could soon be resolved.

Addressing statelessness is difficult because stateless individuals are often “invisible” — they may not appear in official records or be identified as stateless in any other way. Thus, while UNHCR estimates that there are some 15 million stateless people worldwide, at the end of 2006 reliable data existed only for 5.8 million in 49 countries.

Some Governments have resolved situations of statelessness with the support of UNHCR. But many long-standing situations remain intractable because stateless groups are widely viewed as outsiders in their countries of residence, even if they have lived there for generations.

Simply amending national legislation is often not enough; at times the help of the international community is required. Only then can the resources be found to strengthen civil registries; undertake citizenship and information campaigns; and provide legal and administrative assistance to stateless individuals seeking to regularize their status. UNHCR has helped many States in this regard, but has sometimes found it difficult to do so because of competing priorities, staff shortages and insufficient funds.



Sri Lanka. Unlike this boy, of Indian origin, attending a primary school, many stateless people are denied basic human rights such as access to education.

Statelessness can be prevented and reduced by applying the rules in the 1961 Convention on the Reduction of Statelessness, including those on acquisition of nationality at birth and on minimizing possibilities for States to deprive individuals of their nationality. However, as of August 2007 only 33 States were party to the Convention. Similarly, the 1954 Convention relating to the Status of Stateless Persons guarantees them minimum rights, but only 62 States are party to it. Other human rights treaties also provide important protection for stateless people, but their provisions are often ignored in practice.

For its part, UNHCR will continue to advise Governments on how to avoid and resolve situations of statelessness. Where statelessness can be prevented by legislative means, UNHCR will continue to perform its low-profile — but high-impact — role of providing technical advice to States on their nationality laws, with emphasis on the adoption of safeguards against arbitrary denial or deprivation of nationality.

The Office will continue to help States develop their capacity to identify stateless individuals and compile statistical data on them. Working with academic institutions and independent experts, UNHCR will conduct country studies that identify stateless populations, the reasons for their statelessness, and possible solutions. This should result in more comprehensive statistics by the end of 2009.

Conclusion 106 of UNHCR's Executive Committee, adopted in October 2006, focuses on the identification, prevention and reduction of statelessness and the protection of stateless people. Besides providing detailed, action-oriented guidance, it emphasizes the importance of collaboration with agencies such as OHCHR, UNICEF, UNFPA and UNDP.

As part of efforts to implement Conclusion 106, UNHCR's Statelessness Unit will boost support for regional and field offices, increasing their capacity to address the issue. Furthermore, partnerships with other United Nations agencies should lead to greater awareness of statelessness by them. Operational responses will include helping States disseminate information on access to citizenship including naturalization, promotion of birth registration, as well as direct assistance to stateless persons through access to documentation and legal aid. A self-study module will help staff to develop their knowledge of the subject,

while managers will benefit from a learning programme on strategic responses to statelessness.

In most countries, technical and financial resources are not enough to find a solution for statelessness; it also requires political will. UNHCR will therefore increase its advocacy and awareness-raising efforts at the country level by disseminating information directly to the media and through the web ([www.unhcr.org/statelessness](http://www.unhcr.org/statelessness)). With greater awareness and action on the part of civil society and the media, and with the support of donors, UNHCR

will be in a better position to respond to the needs of stateless people.

The Office will persevere with its campaign to convince States to accede to the statelessness conventions; indeed, the Office is hopeful that accessions will rise to 70 for the 1954 Convention and 40 for the 1961 Convention by the end of 2009. With more states on board, and UNHCR's continuing action and advocacy, the international community could see a reduction in the number of stateless people and a better protection framework for them in several countries.

## Ensuring access to effective nationality in Nepal

An example of UNHCR's efforts to address statelessness is its support for the Nepalese Government's campaign to distribute citizenship certificates. This massive effort helped more than 2.6 million people in Nepal to resolve their nationality problems in 2007.

The 2007 citizenship campaign followed the adoption of a new Citizenship Act, which presented a historic opportunity to resolve the status of the undocumented population of Nepal. Under the terms of the Act, the Government dispatched mobile teams across the country. Between January and April 2007, the Ministry of Home Affairs deployed 562 officials charged with distributing citizenship certificates in all of Nepal's 75 districts. The progress of the mobile teams was remarkable in view of the limited time available for the campaign, security concerns and the remoteness of many of the locations.

The citizenship certificate provides proof of legal identity and of citizenship. Those who have been issued with the certificate will now have better economic opportunities and access to public services and benefits. They will enjoy basic rights, such as being able to register property, open a bank account, and bestow or receive an inheritance.

Although millions of previously stateless individuals now enjoy Nepalese citizenship, UNHCR has identified specific groups and individuals who were not issued with citizenship certificates, particularly women and members of the most disadvantaged communities. UNHCR therefore plans to help the Nepalese Government to ensure that those inhabitants who are entitled to citizenship certificates, but were not given them, do indeed apply and receive them.

To support the Government in the follow-up to the citizenship certificate distribution campaign, UNHCR will:

- Help the administration train local administration officials in citizenship and prevention-of-statelessness issues, with priority given to districts where the 2007 citizenship campaign could not be fully implemented.
- Support the Government in doing targeted citizenship-awareness campaigns at the district level so that marginalized communities and women, in particular, are better aware of the importance of obtaining citizenship certificates.
- Support poor communities as they fulfil the sometimes burdensome and costly documentary and evidentiary requirements of applying for citizenship certificates.
- Work with civil-society and international organizations on advocacy and educational programmes on statelessness.