



Ending Statelessness

Nusret (49), born to Montenegrin citizens, had believed all his life that he appeared in the civil registry as Serbian. He had a well-established life in Bar, Montenegro, where he owns a house, works for a construction company and is well known in the community. However, when he applied to renew his Serbian passport in 2014, he was told that there had been an administrative error in the registry. His identity documents were taken away, making it difficult for him to prove his identity to Montenegrin authorities, and leaving him stateless. Now, deprived of his nationality and documents, he says he feels like he is living in quarantine.



In the past decade, UNHCR's efforts to ensure that stateless people receive nationality have gone from strength to strength.

A greater number of civil society actors have become involved in working to resolve statelessness issues, amplifying and complementing UNHCR's activities. Media interest in the issue has risen and, most importantly, States have also increasingly demonstrated their concern and their willingness to take action. Many governments have shown that solutions can be found, often at relatively little cost.

Yet, millions of people remain stateless around the world.

UNHCR believes that there is now sufficient understanding of the problem and commitment to find solutions to ensure the success of a global campaign to end statelessness within a decade. ●●●

Statelessness today

Statelessness may occur for a variety of reasons, such as discrimination against particular ethnic or religious groups or on the basis of gender, the break-up of States, as well as gaps in nationality laws and cumbersome administrative practices. Whatever the cause, statelessness has serious consequences for people in all regions of the world.

Without the formal legal bond of nationality, stateless people are often marginalized and vulnerable to violations of their basic human rights. They may be denied formal employment, access to education and health services. They often lack identity and travel documents. Those lacking documents and legal status are at heightened risk of arbitrary and prolonged detention.

Statelessness has a detrimental impact not only on affected individuals but also on societies more generally. Excluding large populations from full participation in their society by denying them nationality can harm the economic and social development of States, and lead to political and social tensions, as well as forced displacements.

UNHCR continues to provide technical advice to governments to reform nationality laws, policies and procedures to close legal gaps that may lead to statelessness, to ensure that stateless people can acquire a nationality and that they are identified and protected.

A number of States, including in the past two years Côte d'Ivoire, Georgia, Turkey, Turkmenistan and the United Kingdom, have taken significant steps in this regard. For example, Côte d'Ivoire, a country with one of the largest stateless populations in the world, amended its legislation to allow long-term residents in the country who are stateless to acquire nationality. Both Georgia and Turkmenistan have adopted new laws on citizenship, which include safeguards to prevent future statelessness. Turkey adopted a law on foreigners and international protection which establishes a framework for the protection and identification of stateless people. The United Kingdom has introduced a statelessness determination procedure, a prerequisite for the protection of stateless people.

Strong evidence of greater commitment by States to address statelessness is also provided by the steady increase of the number of States parties to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Since 2011, there have been an unprecedented 42 accessions to these two conventions. In fact more States have acceded to the 1961 Convention over the last four years than during the four decades following its adoption. In October 2014, there were 83 States parties to the 1954 Convention and 61 to the 1961 Convention.

Regional organizations remain important partners for UNHCR and cooperation with them in recent years has led to encouraging results. Some examples include a series of resolutions adopted by the Organization of American States which underline the importance of action by its Member States to address statelessness. In West Africa, the African Union, the Economic Community of West African States, national human rights institutions, the African Court and Commission of Human and People's Rights, civil society organizations and UNHCR adopted the Banjul Appeal in December 2013, which calls upon States, NGOs, and regional and international organizations to

take specific measures to address statelessness.

In addition, NGOs around the world play a crucial role in addressing statelessness through advocacy, strategic litigation and legal aid. Supporting their work remains at the centre of UNHCR's activities under its statelessness mandate. As part of its broader strategy to build regional and global alliances, the Office promotes coalitions of civil society at regional level in order to strengthen their advocacy efforts. Promising developments have already taken place, the European Network on Statelessness being a key example, but with other regions also taking important steps to bolster NGO and civil society collaboration.

● Launching the Campaign to End Statelessness

Building on this new dynamism, and to mark the anniversary of the 1954 Convention relating to the Status of Stateless Persons, UNHCR is launching a 10-year Campaign to End Statelessness. The campaign strategy is set out in the Global Action Plan to End Statelessness: 2014–2024 (Global Action Plan) and has been developed in consultation with States, civil society and other stakeholders. As States are responsible for deciding to whom

they confer nationality, the Global Action Plan focuses principally on States and outlines 10 measures that need to be taken to end statelessness. These 10 steps aim to resolve existing situations of statelessness, to prevent new cases of statelessness from emerging, to strengthen the international legal framework governing statelessness and to gather better baseline information. A vital component of the Global Action Plan is cooperation between UNHCR and governments in drafting and

implementing national action plans that focus on specific actions required to resolve statelessness, according to national contexts.

In addition to UNHCR, other UN agencies, regional organizations, civil society and stateless people all have roles to play in supporting governments to accomplish actions relevant to each State. To this end, UNHCR will continue to promote coordination between stakeholders.

WITHOUT THE FORMAL LEGAL BOND OF NATIONALITY, STATELESS PEOPLE ARE OFTEN MARGINALIZED AND VULNERABLE TO VIOLATIONS OF THEIR BASIC HUMAN RIGHTS

The 10-year Campaign to End Statelessness is accompanied by an extensive media component which aims to raise public awareness of statelessness and mobilize civil society, individuals and the private sector to take action and contribute to ending statelessness by 2024.

Increased financial support for UNHCR's work on statelessness is essential for successful implementation of the Global Action Plan. UNHCR is currently exploring innovative and effective ways of funding statelessness

activities. An additional USD 3 million has been allocated to provide targeted funding to field offices to implement the Global Action Plan in 2015. Additional financing for the best field-level initiatives to resolve statelessness is already being provided through the Seeds for Solutions process. In 2014, UNHCR has supported six projects in Central Asia and South-East Asia, which are being implemented in cooperation with governments and civil society actors. For example, in Kazakhstan and Tajikistan, projects are now in place to reach out to stateless people and those with undetermined nationality, the majority of whom are former Soviet Union citizens, and to assist them to acquire or confirm nationality.

In the Philippines, UNHCR is funding a programme in Mindanao Province to resolve the nationality status of persons of Indonesian descent, whose nationality is currently undetermined, in cooperation with the Governments of the Philippines and Indonesia.

The increased financial support foreseen for UNHCR global statelessness programmes in 2015 will enable the organization to implement innovative solutions strategies in a larger number of countries.

Eliminating gender discrimination in nationality laws

Removing gender discrimination in nationality laws is also one of the key components of UNHCR's Global Action Plan.

Sixty years ago, the nationality laws of the majority of States did not provide equal rights to women in terms of nationality. This has radically changed for the better since the adoption in 1979 of the Convention on the Elimination of All Forms of Discrimination against Women. However, 27 countries maintain laws which prevent mothers from passing on their nationality to their children on an equal basis with fathers, and over 60 countries do not permit women to acquire, change or retain their nationality on an equal basis as men.

A child who cannot acquire nationality from his or her mother because of discrimination in the nationality law and whose father is stateless, unknown, deceased or unable or unwilling to take administrative steps to document the nationality of his child, may be rendered stateless. Laws which do not allow women to acquire, change or retain their nationality equally with men, can leave them vulnerable to statelessness, along with their foreign spouses, and limit their ability to lead safe and secure lives.

Apart from being one of the major causes of statelessness, gender

discrimination in nationality laws is a violation of the fundamental human rights principle that all people – women, men, girls and boys – have the right to be treated as equals. UNHCR remains committed to working with governments to reform laws, policies and practices which do not treat women and men equally in matters concerning nationality.

In the last ten years, 12 countries have taken steps to remove gender discrimination from their nationality laws. Most recent examples of countries to introduce gender equality into their nationality legislation include Senegal in 2013 and Suriname in 2014. UNHCR is advising other States, including the Bahamas and Madagascar, on how to bring their nationality laws in line with the international standards on gender equality and in so doing also reduce the risk of statelessness.

Further evidence of joint efforts to address statelessness is the Campaign to End Gender Discrimination in Nationality Laws which was launched in June 2014 by a coalition of NGOs supported by UNHCR and UN Women. The campaign aims to achieve law reforms through advocacy, provision of technical assistance and training on national level, supported by research. Cooperation with UN Women, UNICEF and civil society members on the campaign is an important element of UNHCR's work in this area. ■

**AREAS OF INTERVENTION
ANTICIPATED IN 2015**

EXAMPLES

Durable solutions

Greater reduction of statelessness achieved

Develop and implement strategies based on UNHCR's Global Action Plan to End Statelessness to resolve protracted situations of statelessness

Assist stateless people and those with undetermined nationality to acquire or confirm nationality

Provide training and technical advice to government officials on statelessness reduction measures, including acquisition or confirmation of nationality by stateless people and those with undetermined nationality

- At least 150,000 stateless people will acquire a nationality or have it confirmed.
- Law, policy and administrative reforms will be introduced to grant or confirm nationality in three of the 20 countries with the largest non-refugee statelessness situations.
- Three new regional statelessness officers will bolster UNHCR capacity to address statelessness.
- Three regional meetings will be held to disseminate good practices relating to reduction of statelessness.
- Implementation of the media strategy for the Campaign to End Statelessness will continue throughout the year.

Favourable protection environment

Law and policy developed or strengthened

Advocate and provide technical advice to governments for reform of nationality laws, policies and procedures to close gaps that may lead to statelessness, to ensure that stateless persons can acquire a nationality

Advocate and provide technical advice to governments for introduction or improvement of statelessness determination procedures

Advocate and provide technical advice to governments for elimination of gender discrimination in nationality laws

Support civil society advocacy as part of the Campaign to End Gender Discrimination in Nationality Laws

- Ten States will take steps to improve their nationality laws, policies and procedures so as to be consistent with international standards on the prevention and reduction of statelessness.
- Five States will establish or improve statelessness determination procedures.

- Three States will introduce gender equality into their nationality laws.

International and regional instruments acceded to, ratified or strengthened

Promote accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness

- The number of States party to the 1954 and 1961 Conventions will increase by 16.

Fair protection processes and documentation

Identification of statelessness improved

Support identification/registration exercises and surveys to increase knowledge of the number of stateless people, their situation and possible solutions

Advocate and provide technical advice for improved statistics on stateless people

- Improved quantitative and qualitative baseline data will be available in seven additional States.
- UNHCR will draw on many studies disseminated during the First Global Forum on Statelessness held in The Hague in September 2014.

- The number of countries for which UNHCR reports statistical data on stateless people will increase to 85.

Statelessness: Hoping to acquire a nationality and put down roots

This article is an adapted version of a UNHCR news story

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UNHCR/S. HOPPER

BRUSSELS, September 2014 | Three years ago, Railya Abulkhanova told a UNHCR film crew that she felt like a tumbleweed. “It rolls . . . with the breeze it rolls away. That is what it is. That is statelessness,” she said in the story-telling series interview. “And me; I want to put down roots,” Railya added.

Railya Abulkhanova is an ethnic Tatar who was born Kazakhstan. She now lives in France and hopes that she will obtain citizenship soon. Railya will be telling her story at a global forum on statelessness in the Netherlands.

Like many other stateless people around the world, including thousands from former Soviet republics, she's still waiting. Without a nationality, stateless people find it difficult to access the services and rights enjoyed by citizens. But for the first time in many years, and after several failed attempts, Railya hopes she is close to getting a nationality.

At the time of the 2011 interview, Railya, an ethnic Tatar, was living in France after being registered as a stateless person. She was born in Kazakhstan when it was a Soviet republic, and in 1990, aged 17, went to university in the Russian city of Ufa. She was a Soviet citizen with a passport, but lived in Russia on a temporary residency permit, known as a *propiska*.

Life seemed good, but in 1991 the Soviet Union disintegrated and Railya and tens of thousands of other people fell through the cracks as newly independent States like Kazakhstan passed their own nationality legislation. “Our minds just could not process the information that the [Soviet] Union had

broken up. No one believed that it could happen,” Railya told UNHCR recently in a phone call from France.

She moved in 1995 to study in Tashkent in Uzbekistan, another former Soviet republic, where she worked as a teacher and completed a PhD in philology. In 2005, she applied for naturalization, hoping that her status as a university professor with several publications to her name, would ease the process; but to no avail.

Today, Railya is grateful to France, where she moved to in 2009 after marrying a French citizen. She was granted formal status as a stateless person, giving her some measure of assistance. Railya told UNHCR that getting this status had given her “a certain confidence . . . some sort of certainty of my situation,” as well as theoretically the right to work, to pursue her studies and to get medical help.

However even the recognition by France that she is stateless has not solved all of Railya's problems. She is entitled to

work but has struggled to find full-time employment, working sporadically as an interpreter. Initially, potential employers treated her with suspicion because they were unfamiliar with the concept of statelessness. Now, she says, they “ask fewer questions about my strange status” because they have seen her UNHCR story-telling video on YouTube.

Much remains to be done to reduce the number of stateless people in France (more than 1,200) and Europe (an estimated 600,000) and to ensure that people like Railya can enjoy basic rights and the chance to acquire a nationality one day.

“I am sure that I will have a country of my own someday. And I will be able to say, ‘I'm coming home.’ And I'll have the chance to build my future,” said Railya, who will have a chance to tell her story later this month in the Netherlands. She will be a speaker at a three-day global forum on statelessness to be co-hosted in the Hague by UNHCR and Tilburg University. ○