

STATELESSNESSES



UNHCR Action to Address Statelessness

A Strategy Note

Division of International Protection
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Cover photo: Among those left stateless after the dissolution of the USSR were Tajik refugees who fled to Kyrgyzstan in the early 1990s. As a result of changes in the law and assistance from UNHCR, close to 10,000 have acquired Kyrgyz citizenship, including this former Tajik refugee and his grandson. He is the proud owner of many hand-made blankets, symbols of wealth in Central Asia.

UNHCR / A. PLOTNIKOV

Back cover photo: Nguyen Thi Diem Chi and her daughter at their house in Ho Chi Minh City, Viet Nam. Like thousands of other Vietnamese women, Chi married a Taiwanese man and renounced her Vietnamese nationality in order to naturalize in Taiwan. The marriage collapsed before Chi could acquire Taiwanese nationality and she was left stateless. UNHCR discussed this issue with the Vietnamese Government. The new Law on Vietnamese Nationality now prevents Vietnamese citizens from renouncing their nationality unless they have acquired another nationality. Women like Chi can now also apply for restoration of their Vietnamese nationality.

UNHCR / K. MCKINSEY

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I. Introduction

1. Since its creation, the United Nations has endeavoured to address and resolve a wide range of issues of an international character, including statelessness. Today, an estimated 12 million⁽¹⁾ people are stateless worldwide: they are not considered as nationals by any State under the operation of its law. Statelessness often limits access to birth registration, identity documentation, education, health care, legal employment, property ownership, political participation and freedom of movement. Denial of these rights impacts not only the individuals concerned but also society as a whole, in particular because excluding an entire sector of the population may create social tension and significantly impair efforts to promote economic and social development. Moreover, statelessness may lead to forced displacement, in particular where it results from arbitrary deprivation of nationality. For all of these reasons, UNHCR needs to redouble its efforts to address statelessness together with States and working in coordination with other UN agencies, regional organizations, NGOs and civil society at large.
2. This *Strategy Note* provides a framework of action to address statelessness issues. Effective responses to statelessness require a partnership approach. The *Note* is therefore being published in the belief that it may also prove helpful for governmental, UN and civil society partners, as well as regional organizations. This *Note* highlights the major issues to be addressed at the field level but is not exhaustive and will be complemented by further guidance on specific doctrinal and policy questions. One area in which additional guidance is required is *de facto* statelessness. Questions relating to how *de facto* statelessness is defined and addressed will therefore be dealt with in subsequent guidance. The present *Strategy Note* is focused principally on *de jure* statelessness, i.e. statelessness as defined in the 1954 Convention relating to the Status of Stateless Persons and customary international law.⁽²⁾

II. UNHCR's Statelessness Mandate

3. UNHCR's responsibilities for stateless persons began with refugees who are stateless under paragraph 6(A) (II) of its Statute and article 1(A) (2) of the 1951 Convention relating to the Status of Refugees (1951 Convention), both of which refer to stateless persons who meet the criteria of the refugee definition. UNHCR's mandate responsibilities concerning statelessness were expanded following the adoption of the 1954 Convention relating to the Status of Stateless Persons (1954 Convention), and the 1961 Convention on the Reduction of Statelessness (1961 Convention). General Assembly resolutions 3274 (XXIV) and 31/36 designated UNHCR as the body mandated to examine the cases of persons who claim the benefit of the 1961 Convention and to assist such persons in presenting their claims to the appropriate national authorities. Subsequently, the United Nations General Assembly conferred upon UNHCR a global mandate for the identification, prevention and reduction of statelessness and for the international protection of stateless persons.⁽³⁾ This mandate has continued to evolve as the General Assembly has endorsed the conclusions of the Executive Committee, notably Executive Committee Conclusion No. 106 of 2006 on "Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons".⁽⁴⁾

¹ See available population statistics in Annex I. Note that UNHCR is not yet in a position to provide comprehensive statistics on stateless populations worldwide. As a result there is a discrepancy between the reliable country-level data currently available (covering some 6.6 million people as at end 2009) and the estimated stateless population worldwide, approximately 12 million people.

² Article 1 of the Convention defines a stateless person as someone "who is not considered as a national by any State under the operation of its law." The International Law Commission has stated that this definition now forms part of customary international law. See Report of the International Law Commission, Text of the draft articles on diplomatic protection adopted by the Commission on first reading: commentary on article 8, General Assembly, Fifty-ninth session, Supplement No. 10 (A/59/10), 2004, at page 46.

³ See UNGA resolutions A/RES/49/169 of 23 December 1994 and A/RES/50/152 of 21 December 1995. The latter endorses Executive Committee Conclusion No. 78 (XLVI) – 1995.

⁴ See UNGA resolution A/RES/61/137 of 19 December 2006.

4. The UN General Assembly resolutions which set out UNHCR's mandate on statelessness are universal in scope and do not restrict UNHCR's activities to States Parties to either the 1954 Convention or the 1961 Convention.
5. The mandate includes *prevention* of statelessness. As a result, it is not limited to addressing cases of statelessness which have already occurred. This means that UNHCR works to identify and address risks of statelessness which may affect a broad cross-section of the population.
6. UNHCR's statelessness mandate covers all situations of statelessness. There is some overlap between UNHCR's statelessness mandate and its refugee mandate because stateless refugees are protected under the provisions of the 1951 Convention. When refugee status ceases, though, individuals may remain stateless and therefore of concern to UNHCR. UNHCR's statelessness mandate may also apply to individuals who are internally displaced.

III. International legal framework

7. Under general international law, States set the rules for acquisition, change and loss of nationality as part of their sovereign power. At the same time, the discretion of States with regard to nationality is limited by obligations under international treaties to which they are party, customary international law and general principles of law.⁽⁵⁾
8. International treaties establish obligations for States relating to acquisition and loss of nationality and to standards of treatment of stateless persons. Specific obligations relating to prevention and reduction of statelessness are established under the 1961 Convention on the Reduction of Statelessness and in regional treaties. The 1961 Convention requires that States establish safeguards in legislation to address statelessness occurring at birth or later in life. The Convention also establishes obligations for States in the event of State succession. These provisions are complemented by the comprehensive Draft Articles on the Nationality of Natural Persons in Relation to the Succession of States of the International Law Commission. The content of the Convention is explained in further detail in the forthcoming information brochure *Preventing and Reducing Statelessness: The 1961 Convention on the Reduction of Statelessness*. While the Convention has relatively few States Parties, UNHCR has used the principles it contains as a yardstick for reviewing and recommending amendments to nationality laws and the practice of States. A list of States Parties to the 1961 Convention is contained in Annex III.
9. The 1954 Convention relating to the Status of Stateless Persons is the cornerstone of the international protection regime for stateless persons. The 1954 Convention is similar in many respects to the 1951 Refugee Convention. The 1954 Convention provides a definition of a (*de jure*) stateless person, establishes an internationally recognized status for stateless persons which extends to them specific rights, for instance, relating to issuance of identity and travel documents. Additional guidance on the content of the 1954 Convention is contained in the forthcoming information brochure *Protecting the Rights of Stateless Persons: The 1954 Convention relating to the Status of Stateless Persons*. A list of States Parties to the 1954 Convention is contained in Annex II while Annex IV contains a map of States Parties to both the 1954 and 1961 Conventions.
10. The 1954 and 1961 Statelessness Conventions are complemented by the standards contained in regional treaties. Regional treaties in Africa,⁽⁶⁾ the Americas⁽⁷⁾ and Europe⁽⁸⁾ recognize the right to a nationality and establish additional obligations for States Parties relating to the prevention of statelessness by, among other means, requiring that nationality be granted to children born in the territory of a State if they would otherwise be stateless. The most detailed standards have been adopted in Europe. Specifically, the 1997 European Convention on Nationality regulates the acquisition and loss of nationality and includes, *inter alia*, a range of safeguards against statelessness, most of which mirror those of the 1961 Convention. Subsequently, the Council of Europe adopted the 2006 Convention on the Avoidance of Statelessness in Relation to State

⁵ See in this regard article 1 of the 1930 Hague Convention Concerning Certain Questions relating to the Conflict of Nationality Laws and the judgment of the Permanent Court of International Justice in the case of the Tunis and Morocco Nationality Decrees.

⁶ African Charter on the Rights and Welfare of the Child, article 6.

⁷ American Convention on Human Rights, article 20.

⁸ European Convention on Nationality, article 6.

Succession which contains the most detailed provisions of any international treaty on State obligations to prevent and reduce statelessness in the context of State succession. The texts of these treaties are available on www.unhcr.org/statelessness and www.refworld.org.

11. At the global level, a range of instruments recognize the right to a nationality, albeit with varying formulations. These instruments include:

- Universal Declaration of Human Rights (UDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); and the
- Convention on the Rights of Persons with Disabilities (CRPD).

An overview of the relevant international standards is provided in the 2009 document *Human rights and arbitrary deprivation of nationality: report of the Secretary-General*.⁽⁹⁾

12. More generally, human rights treaties establish that a broad range of human rights are to be enjoyed by stateless persons. States have the primary responsibility to respect, protect and fulfill the enjoyment of human rights of stateless persons under their jurisdiction. The 1954 Convention, together with the ICCPR, the International Covenant on Economic, Social and Cultural Rights, CERD, CRC, CEDAW, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CRPD and other UN and regional treaties are part of a web of an international regime that establishes minimum standards of treatment for stateless persons.

13. Human rights treaties complement the Statelessness Conventions because they have greater numbers of States Parties.⁽¹⁰⁾ Moreover, the bodies created to supervise their implementation can examine issues related to statelessness to the degree those issues fall under the purview of each treaty, thereby supplementing UNHCR's supervisory responsibilities.

14. Some human rights norms form part of customary international law and therefore apply to all States, irrespective of a State's precise treaty commitments. In particular, the prohibition of racial discrimination is a key customary norm that applies both to the acquisition/loss of nationality and the treatment of stateless persons.

⁹ UN Human Rights Council, Human rights and arbitrary deprivation of nationality: report of the Secretary-General, 14 December 2009, A/HRC/13/34, available at: <http://www.unhcr.org/refworld/docid/4b83a9cb2.html>.

¹⁰ As of 15 February 2010, there were 65 State Parties to the 1954 Convention and only 37 State Parties to the 1961 Convention. In contrast, the Convention on the Rights of the Child, which recognizes the right of every child to acquire a nationality, had 193 State Parties. Virtually all States are party to more than one human rights treaty that is of relevance to the right to a nationality.



UNHCR staff discuss procedures for obtaining identity documents with stateless tea plantation workers in Sri Lanka.

UNHCR / G. AMARASINGHE

IV. Implementing UNHCR’s statelessness mandate

15. UNHCR involvement may be triggered when there are indications that an individual or population could be stateless. Such evidence would include: (1) legislation of relevant States; (2) information on its implementation, including with regard to issuance of documents which constitute proof of nationality; (3) government statements on nationality of the persons in question. UNHCR will generally also need to become involved where there is a risk of future statelessness due to such factors as gaps in legislation, administrative hurdles to acquisition or confirmation of nationality, or State succession.

16. Consistent with the approach adopted in Executive Committee Conclusion No. 106, the following sections set out the principal types of response which can be undertaken with regard to identification, prevention and reduction of statelessness and the protection of stateless persons. A concluding section explains what kind of responses UNHCR would typically undertake to address sensitivities and lack of awareness.

a. Identification – “mapping” stateless populations and their situation

17. The Executive Committee has explicitly called on UNHCR to undertake and share research “to promote increased understanding of the nature and scope of the problem of statelessness, to identify stateless populations and to understand reasons which led to statelessness” and to “establish a more formal, systematic methodology for information gathering, updating and sharing” and to publish such data.¹¹ This requires that identification goes beyond acquisition of basic statistics on the magnitude of statelessness; in fact, it requires a broad “mapping” of the statelessness situation. Identification refers to:

- Assessment of the scale of the problem (numbers, geographical spread, etc.);
- Establishing the profile of the population affected (demographic composition, including data disaggregated by sex and age);
- Determining causes and obstacles to solutions to statelessness (gaps in legislation, administrative practice, etc.);
- Uncovering any protection issues faced; and
- Identifying all stakeholders.

¹¹ Executive Committee Conclusion No. 106 (LVII) – 2006, paras. (c) and (d).

18. The UNHCR publication *Statelessness: An Analytical Framework for Prevention, Reduction and Protection*⁽¹²⁾ provides helpful guidance on which aspects need to be addressed in identification activities. The results of a gaps analysis conducted using the *Analytical Framework* at the field level should feed directly into UNHCR's annual planning process.

19. As a general rule, identification of statelessness begins with a situational analysis, including a **desk review and participatory assessment**. Relevant information on statelessness for a desk review can be found in a variety of sources, including:

- Relevant legislation;
- Studies by government or UN agencies, NGOs and academic institutions;
- Data from population census, relevant public registers (civil registry, electoral authorities), focused surveys and a statelessness registration system (if one exists).

20. During the desk review, information gaps will become apparent. It can then be assessed how such gaps may be filled and how information can be updated through other information gathering mechanisms.

21. Primary among such mechanisms is the **participatory assessment**. Participation in decisions that affect them is a right of all persons of concern and a fundamental element of UNHCR planning. Mainstreaming age, gender and diversity considerations requires the meaningful participation of girls, boys, women and men of all ages and backgrounds in the design, implementation, monitoring and evaluation of all UNHCR policies and operations so that these impact equitably on stateless persons and address all causes of statelessness. This is particularly important in the statelessness context because statelessness frequently begins at birth, including due to gender discrimination. Participatory assessments therefore need to be undertaken with stateless populations and populations at risk of statelessness and UNHCR Field Offices are advised to use the *UNHCR Tool for Participatory Assessment in Operations*⁽¹³⁾ for this purpose. Results of participatory assessments will in particular inform States, UNHCR and partners about causes of statelessness, obstacles to acquisition of nationality, protection needs of stateless populations, including status and documentation, and the population's capacity to contribute to a solution.

22. Where information gaps have been identified through a desk review, **studies** by academics, national research institutes, specialized NGOs or consultants can be helpful for gathering additional data.

23. If a **national census** is being planned, this opportunity can be used to promote the inclusion of specific questions in the census questionnaires that permit the identification of stateless persons and to obtain socio-economic data.⁽¹⁴⁾ UNHCR may seek to assist relevant authorities to formulate questions for the census questionnaire as well as coding for responses and parameters for analysis of data. As set out in the joint letter signed by the High Commissioner and the UNFPA Executive Director on 30 April 2008, UNFPA is the relevant partner for work on population census at the country level. UN Regional Economic Commissions are also important partners as they establish general guidance for States on population censuses. UNHCR has provided guidance to States through the UN Economic Commission for Europe which may be drawn on in other regions as well.⁽¹⁵⁾ In planning such activities, Field Offices need to take into account that national census methodology is generally prepared by statistical authorities many months in advance.

24. **Population profiling, including surveys** are also important tools for identification and planning purposes. Where a governmental policy framework and adequate procedures exist, a survey may be combined with registration, information and

IDENTIFICATION

Mapping of size and profile of the population, causes, obstacles to solutions, protection issues and stakeholders

☑ Tool: *Statelessness: An Analytical Framework for Prevention, Reduction and Protection*

☞ In all situations: desk review + participatory assessment

☞ Studies to fill research gaps

☞ Support for population census

☞ Profiling / surveys to obtain detailed data, including to identify stateless individuals

¹² UN High Commissioner for Refugees, *Statelessness: An Analytical Framework for Prevention, Reduction and Protection*, 2008, available at: <http://www.unhcr.org/refworld/docid/49a28afb2.html>.

¹³ UN High Commissioner for Refugees, *UNHCR Tool for Participatory Assessment in Operations*, May 2006, First edition, available at: <http://www.unhcr.org/refworld/docid/462df4232.html>.

¹⁴ *Executive Committee Conclusion No. 106 (LVII) – 2006, para. (b)*.

¹⁵ See: UN High Commissioner for Refugees, *Measuring Statelessness through Population Census. Note by the Secretariat of the United Nations High Commissioner for Refugees*, 13 May 2008, ECE/CES/AC.6/2008/SP/5, available at: <http://www.unhcr.org/refworld/docid/4a705e4b2.html>.

legal advice to assist individual stateless persons in accessing relevant procedures for acquisition of citizenship, documentation procedures or, in the absence of solutions, a determination procedure that is linked to a secure status (statelessness status determination procedures are discussed in greater detail below in section IV.d)⁽¹⁶⁾. A survey is particularly suited to situations in which the target population is relatively concentrated and located in a geographically limited area.

b. Prevention – addressing causes of statelessness

25. In contrast to UNHCR’s international refugee protection mandate, a principal focus of the statelessness mandate is to prevent statelessness from occurring in the first place. This avoids considerable hardship for individuals, generally at small cost. Prevention of statelessness means addressing possible causes of future statelessness. It is reflected in UNHCR’s Global Strategic Priority 1.3. It entails analyzing and addressing such issues as gaps in nationality legislation, State succession, arbitrary deprivation of nationality (e.g. on discriminatory grounds), administrative obstacles, birth registration, issuance of identity documentation and determination of nationality status. It needs to be kept in mind that although the apparent causes of statelessness are often legal and technical, discrimination on racial, ethnic, religious, linguistic and other grounds is frequently a key factor. The document *Statelessness: An Analytical Framework* can be used to identify the full range of causes of statelessness. Accession to the 1961 Convention on the Reduction of Statelessness can address many of these issues.

Gaps in nationality legislation

26. Where causes of statelessness relate to constitutional provisions or nationality legislation, UNHCR Field Offices may consider proactively providing advice on international standards and how they may be implemented at the national level.⁽¹⁷⁾ For this purpose, Field Offices may invoke the 1961 Convention and its obligations with State parties. In States which are not parties, the 1961 Convention can be used as a yardstick to identify gaps in nationality legislation and to advise governments on measures to prevent and reduce statelessness. The *Analytical Framework* can be used to identify specific gaps.⁽¹⁸⁾ In the specific case that a national constitution is being adopted or amended, Field Offices and other UN agencies may draw on the 2009 *Guidance Note of the Secretary-General: United Nations Assistance to Constitution-making Processes*.⁽¹⁹⁾

27. There are a number of safeguards to prevent statelessness but the most important is that children born on the territory of a State should acquire the nationality of that State where they would otherwise be stateless. This safeguard is the cornerstone of efforts to reduce statelessness over time. It is not only relevant where the parents are stateless but in any situation in which the child would otherwise be stateless, including where one or both parents possess nationality but face restrictions on conferring it on their children. This safeguard is not only required by the 1961 Convention but also, albeit with slightly different formulations, by the African Charter on the Rights and Welfare of the Child,⁽²⁰⁾ the American Convention of Human Rights⁽²¹⁾ and the European

PREVENTION

Addressing causes (legal and practical) of future statelessness so that it does not occur

- ☞ Targeted advocacy and technical advice to close gaps in nationality legislation, in particular through use of the 1961 Convention, regional treaties, human rights law and international customary law
 - Tool: *Statelessness: An Analytical Framework*
- ☞ Advocacy and advice on administrative obstacles
- ☞ Potential State succession: seek advice from Headquarters
- ☞ Birth registration and documentation
- ☞ Promote accession to 1961 Convention on the Reduction of Statelessness
 - Tool: *1961 Convention Brochure*

¹⁶ *Statelessness status determination procedures are discussed in greater detail below in section IV.d.*

¹⁷ *Executive Committee Conclusion No. 106 (LVII) – 2006, paras. (i) and (j).*

¹⁸ *See also above at para. 18.*

¹⁹ *UN Secretary General (UNSG), Guidance Note of the Secretary-General: United Nations Assistance to Constitution-making Processes, April 2009, available at: <http://www.unhcr.org/refworld/docid/4b8648b52.html>.*

²⁰ *As of 1 January 2010, 45 States are party to the African Charter on the Rights and Welfare of the Child. Its article 6, paragraphs 3 and 4 read as follows:*

“3. Every child has the right to acquire a nationality.

Convention on Nationality.⁽²²⁾⁽²³⁾ As a result, 100 States have a clear international legal obligation to grant nationality in such circumstances.⁽²⁴⁾ Of relevance also are the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights which establish that all children have the right to acquire a nationality. In order to ensure this right, children who would otherwise be stateless and who are born on the territory of a State or to a national should acquire the nationality of the State. As a result, a specific target to implement this safeguard at the national level is established in the Global Strategic Priorities (GSP 1.3). In seeking to establish and implement this safeguard, UNHCR Field Offices may refer to these universal and, where relevant, regional standards.

28. Similarly, prevention of statelessness requires verifying whether there are safeguards in legislation which prevent loss, renunciation or deprivation of nationality which results in statelessness. Again, the 1961 Convention can be used to provide guidance and is the general international standard in this regard.

29. Action by UNHCR Field Offices is also necessary in those States in which discrimination against women in nationality matters can cause or perpetuate statelessness. For example, statelessness may result when children cannot acquire the mother's nationality and when the father possesses a different nationality but cannot confer it on his children due to limitations in the law of his State, or where he is unknown or stateless. In States which discriminate against women and their children in this way, UNHCR may refer to the relevant standards in the Convention on the Elimination of Discrimination against Women,⁽²⁵⁾ the Convention on the Rights of the Child,⁽²⁵⁾ and the International Covenant on Civil and Political Rights.⁽²⁶⁾

Administrative obstacles

30. Statelessness can also result from costly, complex procedures and onerous bureaucratic requirements for the acquisition or confirmation of nationality and issuance of relevant documentation proving nationality. These problems may be particularly serious for children born outside the country of nationality of their parents. When such gaps are identified, the relevant authorities need to be advised on how they may be addressed.

4. States Parties to the present Charter shall undertake to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws."

²¹ *As of 1 January 2010, 23 States are party to the American Convention of Human Rights. Its article 20 paragraphs 1 and 2 read as follows:*

- 1. Every person has the right to a nationality.*
- 2. Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality."*

²² *As of 1 January 2010, 19 States are party to the European Convention on Nationality. Its article 6 paragraph 2 reads as follows:*

- 2. Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality. Such nationality shall be granted:
 - a. at birth ex lege; or*
 - b. subsequently, to children who remained stateless, upon an application being lodged with the appropriate authority, by or on behalf of the child concerned, in the manner prescribed by the internal law of the State Party. Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years immediately preceding the lodging of the application."**

²³ *Note also that article 7 paragraph 2 of the Covenant on the Rights of the Child in Islam contains an obligation according to which States "shall make every effort to resolve the issue of statelessness for any child born on their territories".*

²⁴ *Annex V lists these States as well as the relevant articles of the treaties mentioned above.*

²⁵ *In particular, article 9(2) which establishes that "States Parties shall grant women equal rights with men with respect to the nationality of their children."*

²⁶ *See Human Rights Committee General Comment No. 28: Equality of Rights between Men and Women (Article 3 of the International Covenant on Civil and Political Rights) (2000) in which the Committee states that "to fulfil their obligations under article 23, paragraph 4, States Parties must ensure that the matrimonial regime contains equal rights and obligations for both spouses with regard to [...] the capacity to transmit to children the parent's nationality".*

State succession

31. Another major cause of statelessness is State succession including:

- Transfer of part of the territory of one State to another State;
- Separation of part of the territory of a State and formation of one or more new States;
- Dissolution of a State and formation of two or more States.

32. It is UNHCR's role to promote cooperation between the authorities of the (future) States concerned and advocate for the adoption of agreements and legislation that will avoid statelessness, for instance, by granting nationality based on residence on the territory affected.⁽²⁷⁾ Article 10 of the 1961 Convention contains specific obligations in this respect. The International Law Commission has prepared comprehensive "Draft Articles on Nationality of Natural Persons in Relation to the Succession of States" which set out principles that serve to avoid statelessness in cases of State succession. The Draft Articles reflect general principles of law, existing treaty law and State practice but numerous provisions constitute progressive development of international law. The General Assembly is to consider whether it will elaborate a convention or declaration based on the Draft Articles. Offices in Europe may also rely on the 2006 Convention on the Avoidance of Statelessness in relation to State Succession as well as provisions of the European Convention on Nationality. Given the complexities of addressing statelessness in the context of State succession, any UNHCR Field Office aware of a possible case of State succession needs to alert Headquarters.

Birth registration and documentation

33. Persons are often at risk of statelessness because they have difficulties proving they possess links to a State. Lack of birth registration and personal documentation create such a risk. Birth registration is a basic human right and can be fundamental for proving acquisition of a nationality because:

- Birth registration documents *where* a person was born (relevant where nationality is acquired by *jus soli*, i.e. birth on the territory); and
- Birth registration documents *who* a person's parents are (essential for acquisition of nationality by *jus sanguinis*, i.e. based on descent).

34. Birth registration is also relevant for protection of a range of other rights, including education, avoidance of recruitment into armed forces or armed groups by children, prevention of trafficking and other forms of exploitation. UNHCR therefore has a two-fold interest in birth registration: to prevent statelessness and as a protection tool for persons of concern. Under Global Strategic Priority 2.5, UNHCR must therefore work with UNICEF, UNFPA and other partners to ensure that all persons of concern are registered at birth (or through subsequent or late registration).⁽²⁸⁾

35. Problems related to proof of nationality due to lack of birth registration may affect not only persons of concern to UNHCR but the broader population as well. The following categories of persons, which are not mutually exclusive, may be at particular risk of statelessness due to absence of birth registration:

- Persons living in border areas where lack of birth registration may lead to confusion as to whether they are nationals of one State or another;
- Minorities and persons who have perceived or actual ties with foreign States;
- Nomadic or semi-nomadic populations whose territories cross international borders;
- Migrant populations where difficulties to prove nationality of the country of origin may occur when one or more generations of children are born abroad (a risk that increases with each successive generation).

²⁷ Executive Committee Conclusion No. 106 (LVII) – 2006, para. (k).

²⁸ Executive Committee Conclusion No. 106 (LVII) – 2006, para. (h).

36. The risk of statelessness for such groups may increase as a result of other circumstances such as when girls in some cultures are not registered because the family would not take necessary administrative action for them or where children are born out of wedlock, particularly as a result of sexual exploitation and abuse.

37. For populations which are not otherwise of concern, UNHCR would only become engaged where it is likely in the specific context that nationality may be questioned, giving rise to a heightened risk of statelessness. Given their expertise in this domain, such efforts need to be undertaken in partnership with UNICEF and UNFPA.⁽²⁹⁾ Where the affected population is not made up of persons of concern or of a population at heightened risk, such as those mentioned above, UNHCR will generally not be the most appropriate agency to lead the efforts of the UN.

Identity documentation

38. In order to address risks of statelessness arising from difficulties proving nationality, UNHCR sometimes needs to promote accessible procedures for issuance of nationality documentation. In practice, this may mean that in addition to advocacy, technical advice and capacity building, UNHCR may need to become operationally involved through information campaigns or assistance programmes helping persons at risk to avail themselves of documentation procedures.

Assistance to determine nationality status

39. As a means of preventing statelessness, UNHCR may in certain circumstances need to provide assistance to States and individuals for determination of their nationality, in particular where an individual claims that he or she has acquired, or should have acquired, nationality under provisions implementing the 1961 Convention. This aspect is elaborated upon under "Addressing Individual Cases".

Promotion of accession to the 1961 Convention on the Reduction of Statelessness

40. Statelessness often results from differing approaches to acquisition, change and loss of nationality by States and the absence of basic safeguards in their national legislation. It is therefore an area regulated by international law in which commonly agreed standards are particularly important. The UN General Assembly⁽³⁰⁾ and the Executive Committee⁽³¹⁾ have therefore encouraged States to consider accession to the 1961 Convention but also requested UNHCR to promote accession and implementation of the Convention. Achieving an increased number of accessions is a target under Global Strategic Priority 1.1.

c. Reduction – seeking solutions for stateless populations

41. There are currently an estimated 12 million stateless persons worldwide. Available public domain population data on stateless populations around the world from UNHCR's 2008 Global Trends report is contained in Annex I. A significant focus of UNHCR's statelessness mandate is to reduce the magnitude of statelessness worldwide. Global Strategic Priority 1.3 sets a specific reduction target: at least 500,000 stateless people will have nationality granted or confirmed during 2010 and 2011.

42. Major statelessness situations are often linked to failure to include specific groups in the body of citizens at the time of independence, sometimes for discriminatory reasons. These situations are generally of a protracted nature. A particular focus since 2004 has been on finding definitive solutions to such protracted statelessness situations.⁽³²⁾

²⁹ Executive Committee Conclusions No. 106 (LVII) – 2006, para. (h) and No. 107 (LVIII) – 2007, para. (h).

³⁰ UNGA Resolution A/RES/64/127 of 18 December 2009, para. 4.

³¹ Executive Committee Conclusion No. 106 (LVII) – 2006, para. (n).

³² Executive Committee Conclusions No. 99 (LV) – 2004, para. (bb); No. 102 (LVI) – 2005, para. (y); No. 106 (LVII) – 2006, para. (o).

REDUCTION

Seeking solutions for stateless populations through acquisition of an effective nationality

- ☞ Targeted advocacy and technical advice on solutions
- ☞ Support solutions through
 - Building capacity of State procedures
 - Information campaigns
 - Legal counseling to individuals
 - Community outreach and mobile teams
- ☞ Advocate for changes to law and policy so that stateless populations are included in the body of citizens (especially useful for large-scale situations)
- ☞ Advocate for facilitated naturalization, in particular through lower residence requirements and fees
- ☞ Ensure that durable solutions for stateless refugees include (re)acquisition of a nationality

43. Strategies to resolve such protracted situations often require sustained advocacy efforts coordinated with other actors. UNHCR Field Offices may usefully provide advice on how resolution of such situations can be brought about through changes to legislation or government policy (i.e. how legislation is interpreted and applied). For example, for large-scale situations, rules for conferral of nationality can be changed so that all persons resident in the territory are considered nationals provided that they were born on the territory (or have resided there) before a certain date, or are descended from such persons.

44. Where the State has taken steps to resolve a statelessness situation, activities to ensure successful outcomes may include:

- Addressing capacity gaps in administrative procedures (e.g. relating to processing of cases or issuance of documentation);
- Public information campaigns;
- Legal counseling to stateless persons on how to access procedures;
- Support for mobile teams to ensure all sectors of the population have access to procedures;
- Support for integration and national reconciliation and confidence-building initiatives.

45. Acquisition of nationality on a smaller scale is most commonly accomplished through naturalization. Offices should advocate for facilitated naturalization by stateless persons, for instance, through simplified procedures, lower fees and reduced residence or other requirements. Under the 1954 Convention, States have an obligation to facilitate the naturalization of stateless persons (article 32). The European Convention on Nationality also establishes an explicit obligation to facilitate naturalization.⁽³³⁾ Regardless of whether States are party to either of these conventions, the principle of non-discrimination must be respected with regard to criteria and procedures for naturalization. The effectiveness of naturalization and other nationality processes generally requires that adequate information and counseling on procedures is available to stateless persons and that they have effective access to procedures.⁽³⁴⁾ In practice, this will sometimes mean that besides advocacy, technical advice and capacity building, UNHCR will need to become operationally involved through information and citizenship campaigns or legal aid programmes.

46. Reduction of statelessness is also a goal in the context of UNHCR's mandate to seek durable solutions for refugees. When former refugees remain stateless, there is heightened risk of subsequent forced displacement. Hence, durable solutions strategies need to ensure that acquisition, reacquisition or confirmation of an effective nationality are outcomes for refugees.⁽³⁵⁾

47. Assistance to individual cases for acquisition of nationality is addressed under "Addressing individual cases".

d. Protection – acting to ensure that stateless persons enjoy fundamental human rights

48. Despite efforts to prevent and reduce statelessness, statelessness continues to occur. Stateless persons must therefore be afforded protection until such time as their predicament can be resolved through acquisition of an effective nationality. Whenever possible, interventions to protect stateless persons should be undertaken within a broader strategy to prevent and

³³ Article 6(4) of the Convention stipulates:

“(4) Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons:
[...]

(g) stateless persons and recognised refugees lawfully and habitually resident on its territory.”

³⁴ Executive Committee Conclusion No. 107 (LVIII) – 2007, para. (h).

³⁵ Executive Committee Conclusion No. 101 (LV) – 2004, para. (h).



A Nubian woman in front of one of the oldest homes in Kibera, Nairobi, Kenya. Changes in administrative procedures have enabled a growing number of Nubians to confirm that they are Kenyan nationals and acquire relevant documentation. Many others remain stateless.

UNHCR / G. CONSTANTINE

reduce statelessness. This section looks at some of the common protection problems faced by stateless persons before examining various aspects of protection responses, including status determination, measures to ensure enjoyment of rights by stateless persons, use of resettlement as a protection tool and promotion of accession to the 1954 Convention relating to the Status of Stateless Persons.

Selected protection issues faced by stateless persons

49. Stateless populations often face a broad range of protection risks. These risks can be addressed or at least mitigated when a protection regime for stateless persons is in place at the national level. The following non-exhaustive list provides an overview of protection issues frequently faced by stateless persons:

- Failure or refusal to register births and issue birth certificates (linked also to prevention of statelessness);
- Lack of documentation (and as a result difficulties to be recognized as a person before the law, marry, etc.);
- Refusal or failure to determine and grant status and rights as a stateless person;
- Non-recognition of the right to reside in one's own country and resulting risk of expulsion;
- Refusal or failure to allow return from abroad of habitually resident stateless persons;
- Detention, particularly in the migration context and where the country of origin refuses to allow return;
- Discrimination and abuse by authorities;
- Heightened risk of trafficking and sexual and gender-based violence;
- Limited or no access to education and health care;
- Lack of access to the labour market;
- Limits on property ownership;
- Difficulties to enter into contracts, obtain business licenses or open bank accounts.

Statelessness Status Determination

50. A formal, individual determination of statelessness by UNHCR or a relevant State authority will generally not be required where UNHCR undertakes activities on behalf of an entire population. Moreover, resources should not be dedicated to a formal determination of statelessness where a realistic, immediate goal is the acquisition, reacquisition or confirmation of nationality by such a population. This will usually be the case for those protracted situations in which an entire population has significant ties only with the State in which they are resident.

51. Nonetheless, there are situations in which an individual status determination is required. These include situations in which an immediate solution is unlikely and the most effective short-term response is recognition of a person (or population) as stateless and the grant of statelessness status together with identity documents and recognition of a set of rights. Such measures can grant a degree of stability and dignity until a solution can be found. In fact, grant of a status can be a stepping-stone to acquisition of nationality. This approach may be necessary in countries in which the stateless population includes migrants who face difficulties in obtaining readmission to their respective countries of origin. Such individuals may end up in limbo unless statelessness status determination procedures are in place.

52. The Executive Committee has requested UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.⁽³⁶⁾ However, at present, very few States have this type of procedure in place. As set out in the Global Strategic Priorities, UNHCR therefore advocates for and supports the establishment of such procedures and seeks to improve access by individuals who may be stateless (GSP 2.2).

53. Determining statelessness status will require a specialized procedure to examine the nationality legislation of relevant countries as well as how it is applied. It may also require contacting the authorities of the respective countries. A formal determination of statelessness status must therefore only be conducted once it is certain that the person is not entitled to asylum since an exchange with the country in question could put the person at risk. The Division of International Protection is currently developing additional guidance on the statelessness definition and procedures for determination of statelessness status.

54. In some circumstances it may be necessary that UNHCR assesses whether or not a person is stateless. As in refugee status determination, UNHCR can assess, whether to the Office's knowledge, a person is stateless or possesses a specific nationality.

Enjoyment of rights by stateless persons

55. As indicated in section III, it is States which bear responsibilities to respect, protect and fulfill the rights of stateless persons. In seeking adequate protection for stateless persons, UNHCR's role is first and foremost to advocate for and provide technical advice on adequate legislation and good administrative practices as well as to seek to positively influence public opinion. The Office also promotes access by stateless persons to administrative and judicial remedies, including through legal counseling programmes. In doing so, UNHCR takes into account the existing legal obligations of the State, including the 1954 Convention and relevant international human rights law.

56. Being stateless does not automatically entail a right to reside in the respective State and the 1954 Convention does not prescribe that States must grant stay to all stateless persons. The criteria for granting stay and concomitant rights will be dealt with in a separate guidance note.

PROTECTION

Ensuring enjoyment of basic human rights by stateless persons

- ☞ Focus first and foremost on addressing causes of statelessness and obstacles to solutions
- ☞ Advocate and provide technical advice
 - For establishing / improving status determination procedures for stateless persons
 - On adequate legislation and good administrative practices to ensure rights of stateless persons
- ☞ Advocate for integration of stateless persons / formerly stateless persons into development programmes
- ☞ Promote accession to the 1954 Convention relating to the Status of Stateless Persons
 - ☑ Tool: 1954 Convention Brochure

³⁶ Executive Committee Conclusion No. 106 (LVII) – 2006, para. (t).

57. As statelessness is often a result of discrimination, efforts to promote economic and social integration may also be necessary for solutions. UNHCR therefore sometimes needs to undertake advocacy for integration of stateless persons in development programmes carried out by other UN agencies, the State, multilateral and national development agencies, or NGOs.⁽³⁷⁾ UNHCR may also provide time-bound, targeted support to the implementation of integration programmes. Advocacy efforts may even be required after formal acquisition of a nationality and relevant identity documents, as social exclusion and discrimination resulting from statelessness may persist.

58. In specific settings, UNHCR may also provide assistance to stateless persons to enable them to enjoy basic human rights, including rights to housing, education and health.⁽³⁸⁾ When doing so, UNHCR needs to ensure equal enjoyment of rights regardless of sex, age and background, using a participatory, rights-based and community-based approach. The factors which need to be taken into account when contemplating such interventions include (1) the extent to which their situation meets international standards; (2) existing national capacity; (3) the broader protection benefits for the population expected from such action and; (4) the situation of the stateless population compared to that of other populations and what impact assistance may have on relations between communities.

Return of Stateless Persons

59. Stateless persons are frequently denied re-entry to their States of habitual residence. Action by UNHCR Field Offices may be required to promote the readmission of stateless persons who are found not to be in need of international refugee protection to avoid a situation in which they end up in limbo, including in detention. In such situations, Field Offices may invoke the right of every person to return to one's "own country" as provided for by article 12 (4) of the International Covenant on Civil and Political Rights.³⁹

60. In the context of return of stateless persons, it is therefore critical to ensure, including in readmission agreements:

- Respect for basic human rights, during and upon return.
- Issuance of appropriate travel documents.
- Issuance of identity documents and inclusion in, or updating of civil registries.
- Recognition of a right to lawful residence.

This is particularly important in situations where the right of stateless persons to reside in the country may be questioned at a later stage.

Resettlement

61. In some circumstances, addressing protection problems faced by stateless persons may require seeking solutions outside of both the country of habitual residence and of other countries with which they have links through former nationality, birth, descent or former habitual residence. Executive Committee Conclusion No. 95 (2003) encourages States "to co-operate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious".⁽⁴⁰⁾ Additional guidance on resettlement of non-refugee stateless persons is available in the Resettlement Handbook.⁽⁴¹⁾

³⁷ Executive Committee Conclusion No. 106 (LVII) – 2006, para. (p).

³⁸ Executive Committee Conclusion No. 106 (LVII) – 2006, para. (p).

³⁹ For further guidance, see UN Human Rights Committee, General Comment No. 27: Article 12 (Freedom of Movement), 2 November 1999, CCPR/C/21/Rev.1/Add.9, available at: <http://www.unhcr.org/refworld/docid/45139c394.html>.

⁴⁰ Executive Committee Conclusion No. 95 (LIV) – 2003, para. (v).

⁴¹ UN High Commissioner for Refugees, Resettlement Handbook (country chapters last updated September 2009), 1 November 2004, available at: <http://www.unhcr.org/refworld/docid/3ae6b35e0.html>.

Promotion of accession to the 1954 Convention relating to the Status of Stateless Persons

62. As noted above, the 1954 Convention is part of a broader set of universal and regional standards. It is the only treaty which provides for an internationally recognized status for stateless persons. The Convention also resolves a series of practical problems through provisions on travel documents and administrative assistance. The UN General Assembly⁽⁴²⁾ and the Executive Committee⁽⁴³⁾ have therefore both encouraged States to consider accession to the Convention and instructed UNHCR to promote accession. The Executive Committee has specifically requested that UNHCR assist States to implement the Convention.⁽⁴⁴⁾ Achieving an increased number of accessions is a target under Global Strategic Priority 1.1.

63. Assistance to individual cases on protection issues is addressed under “Addressing individual cases”.

e. Addressing sensitivities and lack of awareness

64. Prior to, or in parallel with other concrete steps such as those mentioned above, UNHCR must sometimes undertake activities to address sensitivities (often framed in terms of national sovereignty), and lack of awareness and understanding of statelessness situations.

65. Awareness-raising activities on statelessness are often among the first steps to be taken by UNHCR to address statelessness. Awareness-raising is important both as a preliminary step to mobilize other actors and also as a means of preparing the way for action directly by UNHCR.⁽⁴⁵⁾ Field Offices can, for instance, disseminate relevant international standards or information on statelessness and its impact at the global regional or country levels. Many Offices have found that the UNHCR/Inter-Parliamentary Union *Handbook on Nationality and Statelessness* has served as a useful tool to broach the issue and introduce UNHCR’s statelessness mandate at the national level.⁽⁴⁶⁾ The Handbook can be launched together with the national parliament. Thus far, the Handbook is available in 23 languages, including all official UN languages.

66. Government authorities may view issues relating to nationality and statelessness as sensitive. Such sensitivities can sometimes be addressed by assisting authorities to understand the causes and consequences of statelessness, not only for individuals but also for society and for the State. Where references to the term “statelessness” may lead to misunderstandings, it may be helpful if UNHCR and partners highlight issues which are linked to statelessness and on which there are shared concerns with the authorities. For example, depending on the situation, UNHCR Field Offices may initially wish to refer to issues such as civil documentation and registration, child protection and the right to acquire a nationality, gender discrimination or assistance to victims of trafficking.⁽⁴⁷⁾ Where there are risks of statelessness but it is not clear that a given population is in fact stateless, Field Offices can refer to the Organization’s mandate responsibility to prevent statelessness. Cooperation with partners who are not perceived as primarily interested in the issue of statelessness or refugee protection can bolster such an approach.

V. Addressing individual cases

67. Contacts with stateless persons and individuals at risk of statelessness are essential to understanding their predicament and are fundamental to effective implementation of UNHCR’s mandate. While conducting field visits, participatory assessments or when attending individuals who have approached UNHCR or partners, Field Offices may identify individuals who require specific forms of assistance under the statelessness mandate.

⁴² UNGA Resolution A/RES/64/127 of 18 December 2009, para. 4.

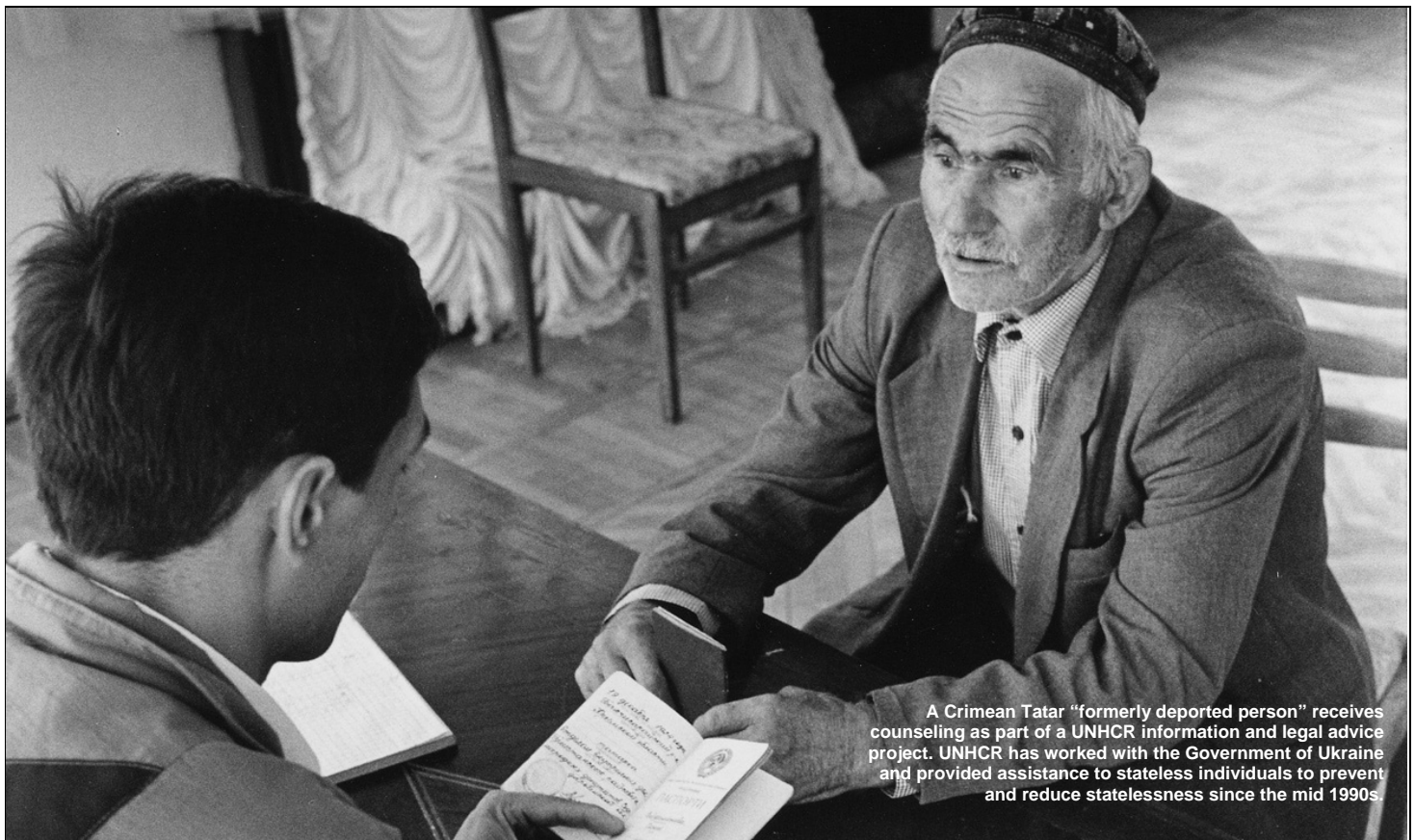
⁴³ Executive Committee Conclusion No. 106 (LVII) – 2006, para. (s).

⁴⁴ Executive Committee Conclusion No. 106 (LVII) – 2006, para. (x).

⁴⁵ Executive Committee Conclusion No. 106 (LVII) – 2006, para. (c).

⁴⁶ Executive Committee Conclusion No. 106 (LVII) – 2006, para. (g).

⁴⁷ Executive Committee Conclusion No. 90 (LII) – 2001, para. (s).



A Crimean Tatar “formerly deported person” receives counseling as part of a UNHCR information and legal advice project. UNHCR has worked with the Government of Ukraine and provided assistance to stateless individuals to prevent and reduce statelessness since the mid 1990s.

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68. Under **article 11 of the 1961 Convention**, UNHCR has a specific mandate to assist individuals. In fact, the UN General Assembly designated UNHCR as the body “to which a person claiming the benefit of this Convention may apply for the examination of his claim and for assistance in presenting it to the appropriate authority”. Indeed, UNHCR *must* intervene in such cases.

69. Where the State is a party to the 1961 Convention, relevant activities under article 11 include:

- Publicizing UNHCR’s role, including through contacts with relevant State authorities, NGOs and lawyers’ networks;
- Reaching out to individuals who Field Offices believe may have valid claims under the terms of the Convention;
- Assessing the compatibility of the State’s legislation with its obligations under the 1961 Convention with relevance to the case;
- Assessing whether the individual falls under the scope of a relevant provision, e.g. whether or not a child would otherwise be stateless if not granted the nationality of the State in question;
- Presenting findings to the individual concerned, the authorities or in court proceedings where necessary through *amicus curiae* briefs.

INDIVIDUAL CASES

- ☞ Article 11 of the 1961 Convention on the Reduction of Statelessness
 - Raise awareness of UNHCR’s role
 - Assess compatibility of national legislation
 - Assist individuals who claim the benefit of the 1961 Convention
 - Present findings to authorities
- ☞ In States which are not party to 1961 Convention
 - Information and counseling
 - Interventions with authorities where deemed necessary, in particular regarding the prevention and reduction of statelessness
- ☞ Evaluate whether specific projects needed to act on situations of individuals

70. UNHCR Field Offices may also need to intervene to prevent or reduce statelessness in cases which are not related to the 1961 Convention because the State concerned is not a party or the issue is not addressed by the Convention. In such cases the first step is to explore links an individual has with any State based on birth on the territory, parentage, marriage, prolonged residence, or former nationality and to establish whether or not the person possesses one of these States’ nationalities or can possibly obtain one. Individuals should be provided with advice to that effect as well as information and counseling on relevant procedures for acquisition/confirmation of nationality or establishment of statelessness status. If necessary, UNHCR may intervene with (consular) authorities to obtain relevant information and advocate for confirmation/

acquisition of nationality. It may also be necessary to advocate and provide technical advice on changes to legislation and/or administrative practice.

71. Under the 1954 Convention, States Parties have an obligation to issue identity documents to stateless persons on their territory who do not possess a valid travel document. Where States do not do so and UNHCR has determined a person to be stateless, UNHCR Field Offices may issue a document to that effect which may help the individual in his or her dealings with authorities and are advised to contact the Division of International Protection for the appropriate format.

72. Regarding other protection concerns, notably detention and expulsion, UNHCR may need to intervene with the authorities as it does for refugees, asylum-seekers and returnees. Being stateless does not automatically entail a right to reside in a specific State. For more information, please refer to section IV.d. above.

73. UNHCR Field Offices are advised to register individual cases dealt with under UNHCR's statelessness mandate in proGres. More detailed guidance will be issued on this in future.

74. For individual cases, which do not relate to the 1961 Convention, Field Offices must assess the resources that may be required to respond. They are advised to carefully prioritize in which cases they need to intervene and analyze how they go about responding. Relevant criteria for such prioritization and how individual cases are to be dealt with are, amongst others:

- Gravity of issues faced;
- Capacity at national level to provide such assistance;
- Ability of UNHCR to achieve positive results;
- Broader protection benefits to be achieved, for example as a basis for future good practice;
- Legal framework;
- Size of population and number of individuals requiring assistance;
- Degree of social and economic integration.

75. Where a large number of persons who approach UNHCR or partners experience similar difficulties, it may be worth considering cooperating with a local or international NGO to which cases can be referred for advice and assistance.⁽⁴⁸⁾ UNHCR has established such information and legal advice programmes in a range of countries. Frequently such programmes are the only means of providing adequate support to individuals.

VI. Setting priorities

76. Many UNHCR Field Offices experience constraints in staff and financial resources when planning statelessness activities. There is hence a need to set priorities. The Global Strategic Priorities provide critical guidance for such prioritization. UNHCR's main priorities in the area of statelessness are the prevention and reduction of statelessness and the improvement of legal frameworks. Field Offices therefore need to prioritize:

- Identification activities which are prerequisite for further action;
- Measures which will help stateless persons/persons at risk of statelessness to acquire a nationality or to confirm their nationality (GSP 1.3);
- The inclusion of safeguards in nationality legislation consistent with international standards, in particular the grant of nationality to children born in the territory who would otherwise be stateless (GSP 1.3);
- Establishment of fair and efficient status determination procedures (GSP 2.2 and 2.3);
- Improved access to birth registration (including late registration) by all persons of concern (GSP 2.5);

⁴⁸ *Executive Committee Conclusion No. 106 (LVII) – 2006, para. (v).*

- The improvement of the national legal framework to make it consistent with international protection standards, in particular through accession to the statelessness conventions (GSP 1.1);

77. Acquisition or confirmation of a nationality is the end result of protection activities for stateless persons and persons at risk of statelessness, which is why concentrating on prevention and reduction of statelessness is imperative.

VII. Developing partnerships

78. In all statelessness situations, key stakeholders are the affected population, the State, civil society and other UN, international and regional organizations. UNHCR guidance on the participatory, community-based and rights-based approach apply to all populations of concern, including to stateless populations.

79. State institutions such as legislative bodies, ministries, local authorities, the judiciary, and national human rights institutions all have a major influence on any statelessness situation. These authorities are often not the same as those responsible for forced displacement issues and effective responses by UNHCR and partners may therefore require developing additional relationships. A careful stakeholder analysis may reveal that some State actors seek international support to address issues relating to statelessness.

80. The Executive Committee has also requested that UNHCR cooperate with other United Nations and international as well as relevant regional and non-governmental organizations to address statelessness.⁽⁴⁹⁾ The following sections provide additional information on these actors and their potential role in the field of statelessness.

a. Civil society

81. Civil society actors are key strategic allies as well as partners for UNHCR programmes. Successful responses in the past have frequently hinged on full engagement of a range of civil society actors, in particular national NGOs. Stakeholder analysis may therefore be useful to identify those actors who are already engaged or could potentially be engaged in efforts to address statelessness. They include:

- Academic institutions and experts (research, teaching and provision of technical advice to States);
- NGOs, legal aid organizations and lawyers associations (studies and surveys, assistance and advice to individuals, advocacy to address gaps in law and practice);
- Religious leaders and faith-based organizations (community outreach, advocacy);
- Trade unions and workers organizations (community outreach, advocacy);
- The media.

82. There are relatively few international NGOs with dedicated programmes focusing on statelessness. They include the *Open Society Institute* which promotes legislative reform, undertakes litigation and advocacy on standard-setting and is also engaged in studies and surveys.⁽⁵⁰⁾ *Refugees International* undertakes international advocacy efforts and regularly publishes country reports based on information gathered during field missions.⁽⁵¹⁾

⁴⁹ *Executive Committee Conclusions No. 78 (XLVI) – 1995, para. (d); No. 90 (LII) – 2001, para. (q); and No. 106 (LVII) – 2006, para. (p).*

⁵⁰ *See in particular Africa Governance Monitoring and Advocacy Project (AfriMAP) and the Open Society Justice Initiative Citizenship Law in Africa: A Comparative Study, available at http://www.soros.org/initiatives/justice/focus/equality_citizenship/articles_publications/publications/citizenship_20091009.*

⁵¹ *Field work by Refugees International also informed the 2008 publication Nationality Rights for All: A Progress Report and Global Survey on Statelessness, available at <http://www.refugeesinternational.org/policy/in-depth-report/nationality-rights-all>.*

b. UN system

83. Effective responses to statelessness require a coordinated international response. Statelessness is a problem of significant magnitude at the global level and issues of statelessness are characterized by political and technical complexity, often relating to the mandates of several UN agencies. Flexible coordination structures are therefore encouraged.

84. Cooperation and coordination under the Common Country Assessment (CCA), the UN Development Assistance Framework (UNDAF) and *Delivering as One* initiatives are of relevance particularly because addressing statelessness is frequently linked to development programmes. UNHCR Field Offices should therefore strongly consider contributing to and making use of these mechanisms to address statelessness, particularly in the fields of promotion of non-discrimination and inclusion of stateless populations in development programmes, legal reform, as well as citizenship and documentation campaigns. UNHCR Field Offices may seek to include statelessness, as appropriate, in the Consolidated Appeal Process (CAP).

85. At the field level, UNHCR has already worked closely in a number of contexts with OHCHR, UNICEF, UNFPA and UNDP as well as with peace-keeping missions. The mandates and expertise of these agencies and missions often intersect with UNHCR's statelessness mandate. Field Offices are therefore encouraged to build and consolidate ties with these partners, including on joint advocacy, technical advice, operational support to States and training.

86. Engaging with UN agencies in the area of statelessness may also be enhanced through the Rule of Law Coordination and Resource Group, which brings together a number of UN actors at Headquarters level.⁽⁵²⁾ The Resource Group has already provided UN system-wide guidance on constitution-making⁽⁵³⁾ and serves as a means of sharing information and best practices.

c. Other international and regional organizations

87. Wherever statelessness is linked to migration as a cause or a consequence of migration, the International Organization for Migration (IOM) may be a potential partner. For instance, prevention of and assistance to victims of trafficking and smuggling⁽⁵⁴⁾ as well as return of stateless migrants may be areas where UNHCR can address statelessness along with IOM.

88. Statelessness often originates with legislative gaps that require legislative solutions. Parliamentarians are therefore a key actor. The Inter-Parliamentary Union (IPU) is an international organization of which 153 national parliaments are currently members. The IPU can facilitate contacts and exchanges with parliamentarians who UNHCR wishes to engage in efforts to address statelessness.⁽⁵⁵⁾ UNHCR Field Offices may use the UNHCR/Inter-Parliamentary Union publication *Nationality and Statelessness: A Handbook for Parliamentarians* for this purpose.

89. Regional organizations and institutions can play a key role as *fora* for standard-setting, advocacy and awareness-raising. As noted above, some of the key international standards to prevent statelessness are contained in regional treaties. In many instances UNHCR played a role in the development of those standards. As well, UNHCR has worked closely with regional organizations to address statelessness in specific countries. Regional organizations with which UNHCR has undertaken initiatives relating to statelessness in the past include:

- African Union;
- Organization of American States;
- League of Arab States;
- Council of Europe;
- Organization for Security and Cooperation in Europe;
- European Union;
- Asian-African Legal Consultative Organization;
- Regional human rights systems.

⁵² See the UN Rule of Law website at <http://www.unrol.org>.

⁵³ Guidance Note of the Secretary-General: United Nations Assistance to Constitution-making Processes, available at http://www.unrol.org/doc.aspx?n=Guidance_Note_United_Nations_Assistance_to_Constitution-making_Processes_FINAL.pdf

⁵⁴ See also the Joint IOM/UNHCR Framework Document for Developing Standard Operating Procedures to Facilitate the Protection of Trafficked Persons.

⁵⁵ Executive Committee Conclusion No. 106 (LVII) – 2006, para. (g).

VIII. The way forward

90. Statelessness poses numerous legal, operational and policy challenges. But past experience shows that the solutions required are not necessarily complex or costly to implement. Moreover, States often require legal, technical and operational assistance to address gaps in their own capacity. As a result of growing momentum to address situations of statelessness worldwide and increased expertise within the Office, the conditions are now in place for UNHCR to achieve significant progress on statelessness at the global level. The guidance contained in this *Note* is an important basis for such efforts.

Annexes

Annex I: Stateless population statistics from UNHCR 2009 Global Trends report (updated, first publication contained data from 2008)

Annex II: States Parties to the 1954 Convention relating to the Status of Stateless Persons

Annex III: States Parties to the 1961 Convention on the Reduction of Statelessness

Annex IV: Map of States Parties to the 1954 and 1961 Conventions

Annex V: States with an obligation under an international treaty to grant nationality to children born in their territory who would otherwise be stateless

ANNEX I

Stateless Persons¹ - Extract from UNHCR's 2009 Global Trends - Table 7**N.B.** Stateless refugees are included in Table 3 and stateless asylum-seekers in Table 12.

Data is not complete and includes estimates. Countries for which UNHCR has information about stateless persons but no reliable data have been included in the table and marked with an asterisk (*).

Country of residence	Description/origin	Pop. start-2009		Pop. end-2009	
		Total	of whom: UNHCR-assisted	Total	of whom: UNHCR-assisted
Austria	Stateless	464	-	523	-
Azerbaijan	Stateless	2,078	-	2,078	-
Bahamas	Stateless	*	-	*	-
Belarus	Stateless	7,818	1	7,799	1
Belgium	Stateless	557	-	637	-
Bosnia and Herzegovina ²	Citizens of former Yugoslavia	10,000	-	9,688	524
Bhutan	Stateless	*	-	*	-
Brazil	Stateless	106	-	106	-
Brunei Darussalam	Stateless	*	-	*	-
Burundi	Stateless	*	-	*	-
Cambodia	Stateless	*	-	*	-
Colombia	Stateless	11	-	11	-
Côte d'Ivoire	Stateless	*	-	*	-
Croatia	Stateless	180	160	237	160
Dem. Rep. of the Congo ³	Stateless	*	-	*	-
Denmark	Stateless	3,687	-	3,263	-
Dominican Republic	Stateless	*	-	*	-
Egypt	Stateless	64	64	64	64
Eritrea	Stateless	*	-	*	-
Estonia ⁴	Stateless	110,315	-	104,813	-
Ethiopia	Stateless	*	-	*	-
Finland	Stateless	1,397	-	2,407	-
France	Stateless	1,006	-	1,078	-
Georgia	Stateless	1,544	-	1,677	-
Germany	Stateless	9,322	-	8,226	-
Greece ⁵	Stateless	258	-	260	-
Hungary	Stateless	30	30	49	49
Iceland	Stateless	116	-	133	-
India	Stateless	*	-	*	-
Indonesia	Stateless	*	-	*	-
Iraq	Stateless	230,000	-	230,000	-
Italy ⁶	Stateless	722	-	793	-
Japan ⁶	Stateless	1,573	-	1,525	-
Kazakhstan	Stateless	7,602	1	7,649	42
Kenya	Stateless	100,000	-	100,000	-
Kuwait	Bidoons	92,000	178	93,000	-
Kyrgyzstan ⁷	Stateless	19,943	-	24,615	-
Latvia ⁸	Stateless	266	-	168	-
Latvia ⁹	Non-citizens	365,151	-	344,095	-
Lebanon	Stateless	*	-	*	-
Liechtenstein	Stateless	6	-	6	-
Lithuania	Stateless	5,900	-	3,902	-
Luxembourg	Stateless	162	-	177	-
Madagascar	Stateless	*	-	*	-
Malaysia ¹⁰	Stateless	40,001	-	40,001	-
Mongolia	Stateless	358	-	373	-
Montenegro ¹¹	Citizens of former Yugoslavia	1,500	-	1,500	29
Myanmar ¹²	Stateless	723,571	200,000	723,571	200,000

ANNEX I

Country of residence	Description/origin	Pop. start-2009		Pop. end-2009	
		Total	of whom: UNHCR-assisted	Total	of whom: UNHCR-assisted
Nepal ¹³	Stateless	800,000	-	800,000	-
Netherlands	Stateless	4,591	-	5,034	-
Niger	Stateless	*	-	*	-
Norway	Stateless	1,788	-	2,860	-
Pakistan	Stateless	*	-	*	-
Panama	Stateless	1	1	1	1
Papua New Guinea	Stateless	*	-	*	-
Philippines	Stateless	*	-	*	-
Poland	Stateless	839	-	865	-
Portugal	Stateless	273	-	31	-
Qatar	Bidoons	1,200	-	1,200	-
Rep. of Korea	Stateless	236	-	103	-
Rep. of Moldova	Stateless	1,805	-	2,014	-
Romania	Stateless	253	-	306	-
Russian Federation	Meskhethians	1,200	-	300	-
Russian Federation ¹⁴	Stateless	48,800	167	49,700	2,488
Saudi Arabia	Stateless	70,000	-	70,000	-
Serbia ¹⁵	Citizens of former Yugoslavia	17,000	1,000	16,700	1,600
Slovakia	Stateless	911	-	911	-
Slovenia	Citizens of former Yugoslavia	4,090	-	4,090	-
Spain	Stateless	26	-	28	-
Sri Lanka ¹⁶	Stateless	*	-	*	-
Sweden	Stateless	6,239	-	7,758	-
Switzerland	Stateless	75	-	67	-
Syrian Arab Republic ¹⁷	Stateless	300,000	-	300,000	-
Tajikistan ¹⁸	Stateless	2,549	-	2,626	-
Thailand ¹⁹	Stateless	3,500,000	-	3,500,000	-
The former Yugoslav Republic of Macedonia ²⁰	Long-term habitual residents without effective citizenship and Roma at risk of becoming stateless/with documentation gaps	1,051	1,051	1,911	1,911
Turkey ²¹	Stateless	2,739	-	2,739	-
Turkmenistan	Stateless	8,500	-	12,000	-
Ukraine	Formerly deported persons in Crimea, Ukraine	3,500	2,000	4,500	1,940
Ukraine ²²	Stateless	52,850	60	52,000	60
United Arab Emirates ²³	Stateless	*	-	*	-
United Kingdom ²⁴	Stateless	205	-	205	-
Viet Nam	Former Cambodian refugees	7,200	-	7,200	-
Zimbabwe	Stateless	*	-	*	-
Total		6,575,629	204,713	6,559,573	208,869

Notes

¹ This category covers *de jure* and *de facto* stateless persons, including persons who are unable to establish their nationality.

² The great majority of these people have yet to have their Bosnian nationality formally recognized.

³ It has yet to be determined whether the statelessness situation has remained a significant problem after the November 2004 Congolese Nationality Law was enacted.

⁴ Almost all people recorded as being stateless have permanent residence and enjoy more rights than foreseen in the 1954 Convention relating to the Status of Stateless Persons.

⁵ Includes people deprived of their citizenship under previous nationality legislation, stateless individuals with permanent residence who are recognized as "stateless foreigners" and other stateless persons resident in Greece.

⁶ Figure refers to the end of 2008; no data available for 2009.

⁷ 11,843 stateless persons acquired Kyrgyz nationality or had it confirmed during the year.

⁸ The Republic of Latvia enacted a Law on Stateless Persons on 17 February 2004, which replaced the Law on the Status of Stateless Persons in the Republic of Latvia of 18 February 1999, and which determines the legal status of persons who are not considered as citizens by the legislation of any State and whose status is not determined by the 25th April 1995 Law (quoted below).

⁹ The Republic of Latvia, by the 25th April 1995 Law on the Status of Those Former USSR Citizens who are not Citizens of Latvia or of Any Other State, granted a transitional legal status to permanently residing persons (non-citizens) entitling them to a set of rights and obligations beyond the minimum rights prescribed by the 1954 Convention relating to the Status of Stateless Persons.

¹⁰ Figure includes one individual from the Czech Republic and an estimated number of individuals who are stateless, including people who are unable to establish their nationality from among the following populations: Indian community, children of Filipino refugees, and children of undocumented migrants. Estimate is based on NGO and media reports, some citing official sources.

¹¹ The great majority of these people have yet to have their Montenegrin nationality formally recognized.

¹² Muslim residents of northern Rakhine State.

¹³ Estimated number of persons who remained stateless after the issuance of approximately 2.6 million Citizenship Certificates in 2007.

¹⁴ UNHCR estimate provided in the absence of comprehensive Government statistics on the number of stateless persons in the Russian Federation. According to figures from the Russian Federation Federal Migration Service, 42,000 stateless persons were granted Russian citizenship in 2009 and a total of 228,091 persons were granted citizenship between 2006 and 2009.

¹⁵ The great majority of these people have yet to have their Serbian nationality formally recognized.

¹⁶ A large number of stateless persons benefited from acquisition/confirmation of Sri Lankan nationality since 2003 but information gathered by UNHCR in the field indicates that several thousand persons remain stateless.

¹⁷ Figures are based on estimates from Amnesty International and Human Rights Watch.

¹⁸ The figure is based on data from the last population census in Tajikistan in 2000 and includes 326 persons officially registered by the Government of Tajikistan as being stateless.

¹⁹ The figure is based on publicly available estimates.

²⁰ The great majority of this population are people who are yet to have their nationality of the former Yugoslav Republic of Macedonia formally recognized, as well as those who are long term habitual residents without effective citizenship.

²¹ Figure refers to the year 2000; no data available for subsequent years.

²² The figure is based on an extrapolation from the number of stateless persons registered in the 2001 census in Ukraine. It includes 6,490 stateless persons who were registered with the Ukrainian Ministry of Interior at the end of 2009.

²³ The UAE has acknowledged 10,000 persons to be stateless while other sources put the total stateless population in the country at 20,000 or more. The Government undertook a registration exercise during 2008 and naturalized a small number of individuals with the remaining decisions still pending at the end of 2008.

²⁴ Figure refers to the end of 2005; no data available for subsequent years.

ANNEX II

States Parties to the 1954 Convention relating to the Status of Stateless Persons

Date of entry into force: 6 June 1960

As of 28 February 2010

Total number of States Parties: 65

Most recent ratification:

Malawi 07 Oct 2009 a

Countries	Signature	Ratification (r): accession (a), succession (d)
Albania		23 Jun 2003 a
Algeria		15 Jul 1964 a
Antigua and Barbuda		25 Oct 1988 d
Argentina		01 Jun 1972 a
Armenia		18 May 1994 a
Australia		13 Dec 1973 a
Austria		08 Feb 2008 a
Azerbaijan		16 Aug 1996 a
Barbados		06 Mar 1972 d
Belgium	28 Sep 1954	27 May 1960 r
Belize		14 Sep 2006 a
Bolivia (the Plurinational State of)		06 Oct 1983 a
Bosnia and Herzegovina		01 Sep 1993 d
Botswana		25 Feb 1969 d
Brazil	28 Sep 1954	13 Aug 1996 r
Chad		12 Aug 1999 a
Colombia	30 Dec 1954	
Costa Rica	28 Sep 1954	02 Nov 1977 r
Croatia		12 Oct 1992 d
Czech Republic		19 Jul 2004 a
Denmark	28 Sep 1954	17 Jan 1956 r
Ecuador	28 Sep 1954	02 Oct 1970 r
El Salvador	28 Sep 1954	
Fiji		12 Jun 1972 d
Finland		10 Oct 1968 a
France	12 Jan 1955	08 Mar 1960 r
Germany	28 Sep 1954	26 Oct 1976 r
Greece		04 Nov 1975 a
Guatemala	28 Sep 1954	28 Nov 2000 a
Guinea		21 Mar 1962 a
Holy See	28 Sep 1954	
Honduras	28 Sep 1954	
Hungary		21 Nov 2001 a
Ireland		17 Dec 1962 a

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Israel	01 Oct 1954	23 Dec 1958 r
Italy	20 Oct 1954	03 Dec 1962 r
Kiribati		29 Nov 1983 d
Latvia		05 Nov 1999 a
Lesotho		04 Nov 1974 d
Liberia		11 Sep 1964 a
Libyan Arab Jamahiriya		16 May 1989 a
Liechtenstein	28 Sep 1954	22 Sep 2009 r
Lithuania		07 Feb 2000 a
Luxembourg	28 Oct 1955	27 Jun 1960 r
Madagascar *		[20 Feb 1962 a]
Malawi		07 Oct 2009 a
Mexico		07 June 2000 a
Montenegro		23 Oct 2006 a
Netherlands	28 Sep 1954	12 Apr 1962 r
Norway	28 Sep 1954	19 Nov 1956 r
Philippines	22 Jun 1955	
Republic of Korea		22 Aug 1962 a
Romania		27 Jan 2006 a
Rwanda		04 Oct 2006 a
Saint Vincent and the Grenadines		27 Apr 1999 d
Senegal		21 Sep 2005 a
Serbia		12 Mar 2001 d
Slovakia		03 Apr 2000 a
Slovenia		06 Jul 1992 d
Spain		12 May 1997 a
Swaziland		16 Nov 1999 a
Sweden	28 Sep 1954	02 Apr 1965 r
Switzerland	28 Sep 1954	03 Jul 1972 r
The former Yugoslav Republic of Macedonia		18 Jan 1994 d
Trinidad and Tobago		11 Apr 1966 d
Tunisia		29 Jul 1969 a
Uganda		15 Apr 1965 a
United Kingdom of Great Britain and Northern Ireland	28 Sep 1954	16 Apr 1959 r
Uruguay		02 Apr 2004 a
Zambia		01 Nov 1974 d
Zimbabwe		01 Dec 1998 d

* By a notification received by the Secretary-General on 2 April 1965, the Government of Madagascar denounced the Convention; the denunciation took effect on 2 April 1966.

ANNEX III

States Parties to the 1961 Convention on the Reduction of Statelessness

Date of entry into force: 13 December 1975

As of 28 February 2010

Total Number of States Parties: 37

Most recent ratification:

Liechtenstein 25 Sep 2009 a

Countries	Signature	Ratification (r): accession (a), succession (d)
Albania		09 Jul 2003 a
Armenia		18 May 1994 a
Australia		13 Dec 1973 a
Austria		22 Sep 1972 a
Azerbaijan		16 Aug 1996 a
Bolivia (the Plurinational State of)		06 Oct 1983 a
Bosnia and Herzegovina		13 Dec 1996 a
Brazil		25 Oct 2007 a
Canada		17 Jul 1978 a
Chad		12 Aug 1999 a
Costa Rica		02 Nov 1977 a
Czech Republic		19 Dec 2001 a
Denmark		11 Jul 1977 a
Dominican Republic	05 Dec 1961	
Finland		07 Aug 2008 a
France	31 May 1962	
Germany		31 Aug 1977 a
Guatemala		19 Jul 2001 a
Hungary		12 May 2009 a
Ireland		18 Jan 1973 a
Israel	30 Aug 1961	
Kiribati		29 Nov 1983 d
Latvia		14 Apr 1992 a
Lesotho		24 Sep 2004 a
Liberia		22 Sep 2004 a
Libyan Arab Jamahiriya		16 May 1989 a
Liechtenstein		25 Sep 2009 a
Netherlands	30 Aug 1961	13 May 1985 r
New Zealand		20 Sep 2006 a
Niger		17 Jun 1985 a
Norway		11 Aug 1971 a
Romania		27 Jan 2006 a

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Rwanda		4 Oct 2006 a
Senegal		21 Sep 2005 a
Slovakia		03 Apr 2000 a
Swaziland		16 Nov 1999 a
Sweden		19 Feb 1969 a
Tunisia		12 May 2000 a
United Kingdom of Great Britain and Northern Ireland	30 Aug 1961	29 Mar 1966 r
Uruguay		21 Sep 2001 a

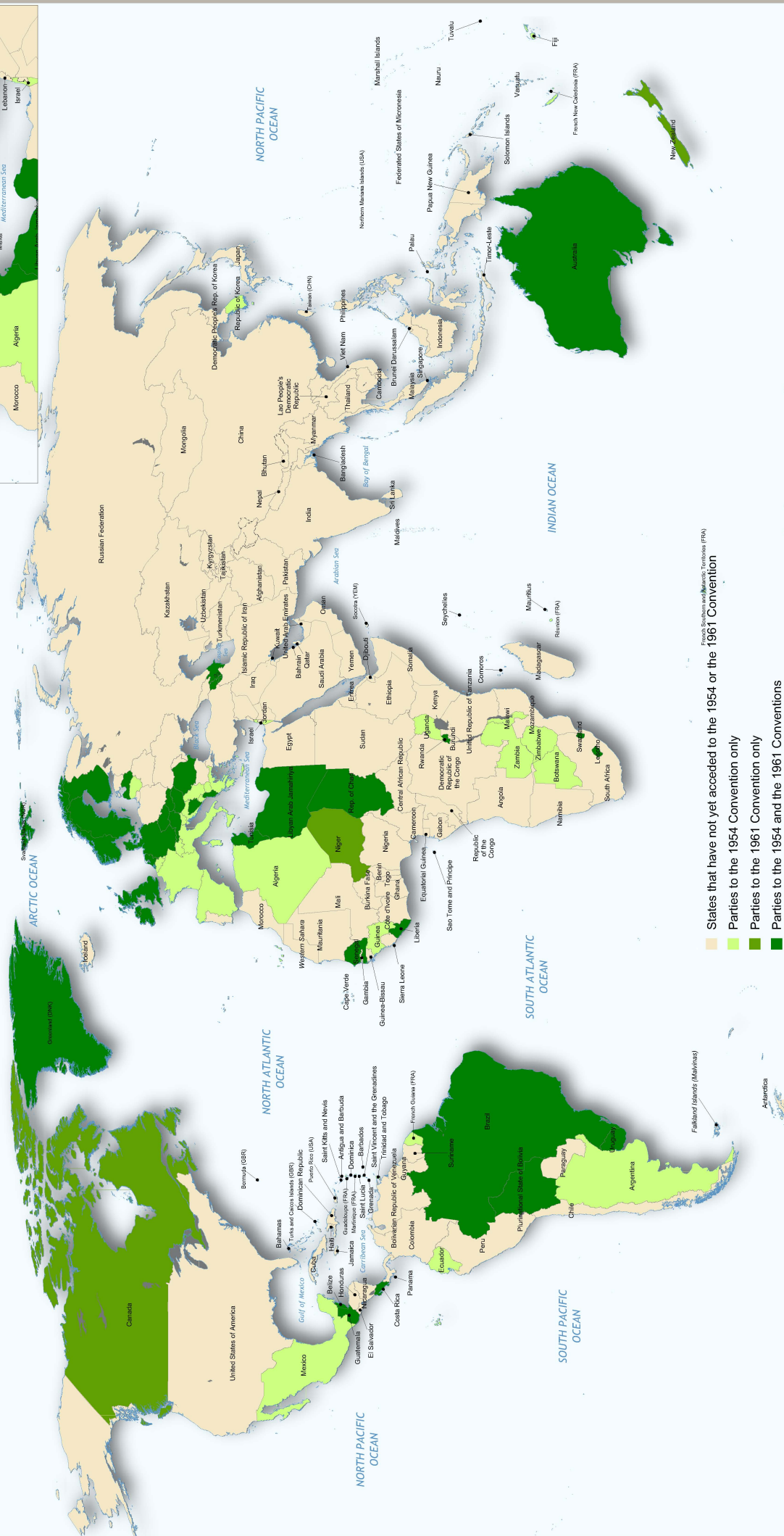
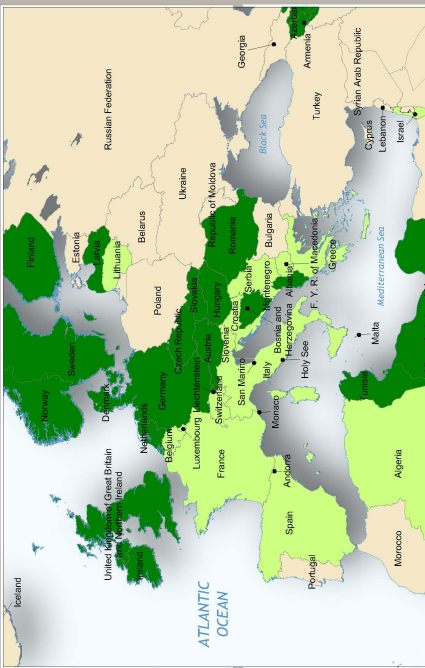
Parties to the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness As of 10 October 2009



FIGGS
Field Information and
Coordination Support Section
Division of Operational Services

Sources:
UNHCR, Global Insight digital mapping
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States that have not yet acceded to the 1954 or the 1961 Convention
Parties to the 1954 Convention only
Parties to the 1961 Convention only
Parties to the 1954 and the 1961 Conventions

ANNEX V

State parties to either the 1961 Convention on the Reduction of Statelessness or a regional treaty which contains a safeguard for children born in the territory who would otherwise be stateless

State	Treaty/ies to which the State is party
Albania	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
Algeria	African Charter on the Rights and Welfare of the Child
Angola	African Charter on the Rights and Welfare of the Child
Argentina	American Convention on Human Rights
Armenia	1961 Convention on the Reduction of Statelessness
Australia	1961 Convention on the Reduction of Statelessness
Austria	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
Azerbaijan	1961 Convention on the Reduction of Statelessness
Barbados	American Convention on Human Rights
Benin	African Charter on the Rights and Welfare of the Child
Bolivia (Plurinational State of)	1961 Convention on the Reduction of Statelessness and American Convention on Human Rights
Bosnia and Herzegovina	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
Botswana	African Charter on the Rights and Welfare of the Child
Brazil	1961 Convention on the Reduction of Statelessness and American Convention on Human Rights
Bulgaria	European Convention on Nationality
Burkina Faso	African Charter on the Rights and Welfare of the Child
Burundi	African Charter on the Rights and Welfare of the Child
Cameroon	African Charter on the Rights and Welfare of the Child
Canada	1961 Convention on the Reduction of Statelessness
Cape Verde	African Charter on the Rights and Welfare of the Child
Chad	1961 Convention on the Reduction of Statelessness and African Charter on the Rights and Welfare of the Child
Chile	American Convention on Human Rights
Colombia	American Convention on Human Rights
Comoros	African Charter on the Rights and Welfare of the Child
Congo	African Charter on the Rights and Welfare of the Child

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State	Treaty/ies to which the State is party
Costa Rica	1961 Convention on the Reduction of Statelessness and American Convention on Human Rights
Côte d'Ivoire	African Charter on the Rights and Welfare of the Child
Czech Republic	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
Denmark	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
Dominica	American Convention on Human Rights
Dominican Republic	American Convention on Human Rights
Ecuador	American Convention on Human Rights
Egypt	African Charter on the Rights and Welfare of the Child
El Salvador	American Convention on Human Rights
Equatorial Guinea	African Charter on the Rights and Welfare of the Child
Eritrea	African Charter on the Rights and Welfare of the Child
Ethiopia	African Charter on the Rights and Welfare of the Child
Finland	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
Gabon	African Charter on the Rights and Welfare of the Child
Gambia	African Charter on the Rights and Welfare of the Child
Germany	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
Ghana	African Charter on the Rights and Welfare of the Child
Grenada	American Convention on Human Rights
Guatemala	1961 Convention on the Reduction of Statelessness and American Convention on Human Rights
Guinea	African Charter on the Rights and Welfare of the Child
Guinea-Bissau	African Charter on the Rights and Welfare of the Child
Haiti	American Convention on Human Rights
Honduras	American Convention on Human Rights
Hungary	European Convention on Nationality
Iceland	European Convention on Nationality
Ireland	1961 Convention on the Reduction of Statelessness
Jamaica	American Convention on Human Rights
Kenya	African Charter on the Rights and Welfare of the Child

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State	Treaty/ies to which the State is party
Kiribati	1961 Convention on the Reduction of Statelessness
Latvia	1961 Convention on the Reduction of Statelessness
Lesotho	1961 Convention on the Reduction of Statelessness and African Charter on the Rights and Welfare of the Child
Liberia	1961 Convention on the Reduction of Statelessness and African Charter on the Rights and Welfare of the Child
Libyan Arab Jamahiriya	1961 Convention on the Reduction of Statelessness and African Charter on the Rights and Welfare of the Child
Madagascar	African Charter on the Rights and Welfare of the Child
Malawi	African Charter on the Rights and Welfare of the Child
Mali	African Charter on the Rights and Welfare of the Child
Mauritania	African Charter on the Rights and Welfare of the Child
Mauritius	African Charter on the Rights and Welfare of the Child
Mexico	American Convention on Human Rights
Mozambique	African Charter on the Rights and Welfare of the Child
Namibia	African Charter on the Rights and Welfare of the Child
Netherlands	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
New Zealand	1961 Convention on the Reduction of Statelessness
Nicaragua	American Convention on Human Rights
Niger	1961 Convention on the Reduction of Statelessness and African Charter on the Rights and Welfare of the Child
Nigeria	African Charter on the Rights and Welfare of the Child
Norway	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
Panama	American Convention on Human Rights
Paraguay	American Convention on Human Rights
Peru	American Convention on Human Rights
Portugal	European Convention on Nationality
Republic of Moldova	European Convention on Nationality
Romania	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
Rwanda	1961 Convention on the Reduction of Statelessness and African Charter on the Rights and Welfare of the Child
Senegal	1961 Convention on the Reduction of Statelessness and African

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State	Treaty/ies to which the State is party
	Charter on the Rights and Welfare of the Child
Seychelles	African Charter on the Rights and Welfare of the Child
Sierra Leone	African Charter on the Rights and Welfare of the Child
Slovakia	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
South Africa	African Charter on the Rights and Welfare of the Child
Sudan	African Charter on the Rights and Welfare of the Child
Suriname	American Convention on Human Rights
Swaziland	1961 Convention on the Reduction of Statelessness
Sweden	1961 Convention on the Reduction of Statelessness and European Convention on Nationality
The former Yugoslav Republic of Macedonia	European Convention on Nationality
Togo	African Charter on the Rights and Welfare of the Child
Trinidad and Tobago	American Convention on Human Rights
Tunisia	1961 Convention on the Reduction of Statelessness
Uganda	African Charter on the Rights and Welfare of the Child
Ukraine	European Convention on Nationality
United Kingdom of Great Britain and Northern Ireland	1961 Convention on the Reduction of Statelessness
United Republic of Tanzania	African Charter on the Rights and Welfare of the Child
Uruguay	1961 Convention on the Reduction of Statelessness and American Convention on Human Rights
Venezuela (Bolivarian Republic of)	American Convention on Human Rights
Zambia	African Charter on the Rights and Welfare of the Child
Zimbabwe	African Charter on the Rights and Welfare of the Child

ANNEX V

Extracts from international treaties that contain a safeguard for children born in the territory who would otherwise be stateless

1961 Convention on the Reduction of Statelessness, article 1

1. A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless. Such nationality shall be granted:

- (a) At birth, by operation of law, or
- (b) Upon an application being lodged with the appropriate authority, by or on behalf of the person concerned, in the manner prescribed by the national law. Subject to the provisions of paragraph 2 of this article, no such application may be rejected.

A Contracting State which provides for the grant of its nationality in accordance with subparagraph (b) of this paragraph may also provide for the grant of its nationality by operation of law at such age and subject to such conditions as may be prescribed by the national law.

2. A Contracting State may make the grant of its nationality in accordance with subparagraph (b) of paragraph 1 of this article subject to one or more of the following conditions:

- (a) That the application is lodged during a period, fixed by the Contracting State, beginning not later than at the age of eighteen years and ending not earlier than at the age of twenty-one years, so, however, that the person concerned shall be allowed at least one year during which he may himself make the application without having to obtain legal authorization to do so;
- (b) That the person concerned has habitually resided in the territory of the Contracting State for such period as may be fixed by that State, not exceeding five years immediately preceding the lodging of the application nor ten years in all;
- (c) That the person concerned has neither been convicted of an offence against national security nor has been sentenced to imprisonment for a term of five years or more on a criminal charge;
- (d) That the person concerned has always been stateless.

African Charter on the Rights and Welfare of the Child, article 6

(4) States Parties to the present Charter shall undertake to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws.

American Convention on Human Rights, article 20

(2) Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.

ANNEX V

European Convention on Nationality, article 6

(1) Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality. Such nationality shall be granted:

1. at birth ex lege; or
2. subsequently, to children who remained stateless, upon an application being lodged with the appropriate authority, by or on behalf of the child concerned, in the manner prescribed by the internal law of the State Party. Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years immediately preceding the lodging of the application.

