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Update on statelessness

Summary

This Update reviews progress made in relation to the prevention and reduction of statelessness and the identification and protection of stateless persons since the update provided two years ago (Note on statelessness, 4 June 2013, EC/64/SC/CRP.11). It discusses the increased commitment to resolve statelessness following the launch of the “#IBelong” campaign to end statelessness in 10 years and highlights the steps that are required to achieve the goals of the campaign, pursuant to the guiding framework established by the Global Action Plan to End Statelessness 2014-2024. It also identifies areas where challenges to addressing statelessness require strengthened international response.

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I. Introduction

1. This Update covers the period since the last update in June 2013. It reviews the progress made in relation to the prevention and reduction of statelessness, as well as the identification and protection of stateless persons. It discusses the increased commitment to resolve statelessness following the launch of UNHCR's *#IBelong* Campaign to End Statelessness in 10 Years and developments during the initial phase of the Campaign. The Note also discusses the areas where UNHCR faces major challenges and where a strengthened international response is required. It sets out how these challenges can be addressed and the steps that are required to end statelessness in ten years pursuant to the guiding framework established by the Global Action Plan to End Statelessness 2014-2024.

II. Progress and ongoing challenges

A. Launch of the Campaign to End Statelessness within 10 Years

2. Building on the solid commitment demonstrated by the international community since the 2011 Ministerial Intergovernmental Event, UNHCR launched the 10-year *#IBelong* Campaign to End Statelessness on 4 November 2014. Through the Campaign, UNHCR aims to raise awareness of the specific challenges statelessness creates for individuals, families and societies, and to promote and coordinate responses by various stakeholders.

3. The launch of the Campaign included the publication of a Special Report and other media tools which explain the impact of statelessness. These were accompanied by an Open Letter calling for action by States, which has been signed by more than 50 public figures from around the world, including numerous former heads of State and Nobel Laureates.

4. The core component of the Campaign is the Global Action Plan to End Statelessness: 2014–2024 (*Global Action Plan*) which sets out UNHCR's strategy for achieving the goals of the campaign. It was developed in consultation with States, civil society and other stakeholders. As it is States deciding to whom they confer nationality, the *Global Action Plan* focuses principally on States and outlines ten actions that are necessary to end statelessness. These actions aim to resolve existing situations of statelessness, to prevent new cases of statelessness from emerging, to strengthen the international legal framework governing statelessness and to gather better baseline information. A key means for taking the *Global Action Plan* forward is the development of National Action Plans. Since the launch of the Campaign, National Action Plans have been adopted or are being prepared in countries in Africa, Central Asia and Europe.

5. The Campaign immediately received broad international support, including through the 2014 UN General Assembly resolution on UNHCR (A/Res/69/152), a 2014 resolution on statelessness of the General Assembly of the Organization of American States, the Brazil Declaration and Plan of Action adopted by Latin American and Caribbean countries on 3 December 2014 and the Abidjan Declaration of Ministers of ECOWAS Member States on Eradication of Statelessness adopted by 15 West African countries at a conference hosted by Côte d'Ivoire on 25 February 2015.

6. The Campaign also provided the opportunity to re-focus on implementation of the statelessness related pledges made at UNHCR's 2011 Ministerial Intergovernmental Event. Thirty-nine percent of pledges have now been implemented, up from 22% at the beginning of the reporting period. The number of pledges which remain to be implemented highlights the need for increased support to the governments concerned.

B. Strengthened operational responses

(a) Resolving the predicament of stateless people, in particular in large-scale situations of statelessness

7. A central goal of the *Global Action Plan* is to resolve existing major statelessness situations. States have increasingly recognized the negative impact of statelessness on the enjoyment of a broad range of human rights, including the right to work, health, education, and the right to birth registration and identity documentation. These impacts are also of increasing concern from the perspectives of development and security. As a result, a growing number of States have taken steps to resolve protracted situations. According to available statistics, at least 84,300 stateless persons acquired or had their nationality confirmed in 2013 and 2014. Nonetheless, this is lower than the average annual reduction in statelessness in the past decade, highlighting the necessity for reinforced efforts in this area.

8. Recent developments in a number of countries point to the likelihood of a better performance in the coming years. For example, Côte d'Ivoire is on its way to resolve one of the largest statelessness situations in the world, including through an innovative amendment to its nationality law in 2013 which allows long-term residents in the country to acquire nationality through a simple declaration procedure. It also acceded to both of the statelessness conventions. In addition, regional initiatives, such as the February 2015 ECOWAS conference, are already facilitating greater cross-border cooperation, which is often a prerequisite for solutions.

9. To further assist States to reduce statelessness, UNHCR has used dedicated funding to support operational responses in six countries in Central and Southeast Asia. For example, building on progress made in previous years, since May 2014 UNHCR worked with the Government of Kyrgyzstan and an NGO partner to provide assistance to over 6,000 people to apply for Kyrgyz nationality. Thus far, more than 3,000 of these individuals have acquired or had their Kyrgyz nationality confirmed. UNHCR also worked with the governments of Philippines and Indonesia to resolve the nationality status of persons of Indonesian descent in Mindanao. In Thailand, a pilot project was launched to improve implementation of the citizenship law by increasing the Government's capacity to process nationality applications by stateless people. In Malaysia, UNHCR supported a community-based NGO to register and provide legal assistance to an affected minority to facilitate the acquisition of Malaysian nationality.

10. Some of the best examples of resolving statelessness thus far have been published in a *Good Practices Paper on Resolving Existing Major Situations of Statelessness*, which aims to provide inspiration to States and other stakeholders seeking to resolve large-scale situations of statelessness.

11. While progress is being made towards resolution of statelessness in many countries, in the Dominican Republic a Constitutional Court ruling in September 2013 arbitrarily deprived tens of thousands of people of their nationality. The majority was of Haitian descent and had lived in the Dominican Republic for generations. As they do not possess another nationality, they were rendered stateless. Subsequently, a special naturalization law was adopted to address the consequences of the ruling but has thus far had only limited impact. UNHCR is working with the authorities to ensure that the right of stateless individuals to remain in the Dominican Republic is respected and that they are not subject to expulsion. A judgment of the Inter-American Court of Human Rights made clear that the automatic restoration of nationality, rather than a naturalization mechanism, is the most appropriate solution for the affected population.

(b) Promoting law reform and providing technical advice to prevent statelessness

12. Inadequate constitutional and legislative provisions in a significant number of States continued to render children and adults stateless and pose obstacles to resolving existing situations of statelessness. As a result, prevention of statelessness among children and removal of gender and other forms of discrimination from nationality laws are key actions in the *Global Action Plan*.

13. During 2013-2014, UNHCR promoted reform of nationality and related legislation in 87 countries, up from 71 in 2011-2013, and provided technical advice to 45 States, up from 41 in the previous period. These included Estonia, Georgia, Senegal and Turkmenistan, all of which amended their legislation during the reporting period. A number of other countries made commitments to carry out similar law reforms, including six West African States which made pledges at the February 2015 ECOWAS conference.

14. An important area for UNHCR during the reporting period was the promotion of gender equal nationality laws, both in respect of legal provisions which prevent mothers from passing on their nationality to their children and those which do not permit women to acquire, change or retain their nationality on an equal basis with men. In the past two years, Senegal and Surinam adopted legislative amendments which introduced complete gender equality in their nationality laws, bringing the total number of countries that have reformed their nationality laws to allow women to pass on their nationality to their children on equal basis with men to 12 in the last 12 years. Côte d'Ivoire and Niger reformed their laws to ensure gender equality in respect of acquisition, change and retention of nationality. Several other countries are studying the possibility of such reforms, including The Bahamas, Madagascar and Somalia. Currently, 27 countries still discriminate against women in their ability to pass on their nationality to their children and over 60 countries discriminate against women with regard to acquisition, change or retention of nationality.

15. To assist States and other actors, in March 2015 UNHCR published a paper on *Good Practices on Removing Gender Discrimination from Nationality Laws* which sets out how nationality law reforms were achieved in Algeria, Morocco and Senegal.

16. UNHCR also continued its advocacy efforts through research on the situation of children, women and entire families affected by gender discrimination in nationality laws. In collaboration with local partners, the Office conducted roundtable discussions in Kenya and Madagascar with women who had not been able to pass on their nationality to their children, or had faced difficulties in doing so, and their families.

(c) Establishing protection regimes for stateless persons in the migration context

17. While the majority of stateless persons are found within their own countries, a minority of the global population migrate. Others are rendered stateless because their nationality may have been withdrawn while they were living abroad. Effective identification of such stateless people within broader migration movements is essential for ensuring their protection in accordance with the 1954 Convention relating to the Status of Stateless Persons and relevant international human rights standards and is therefore included in the *Global Action Plan*.

18. The Office promoted adoption of statelessness determination procedures in 46 States and provided technical advice on such procedures to 20 governments. This was roughly equivalent to the efforts undertaken in 2011-2013. In May 2015, UNHCR organized a meeting with 16 governments on the identification and protection of stateless people, the

first in a series of good practices workshops. This will be followed by a good practices paper on the same topic.

19. The findings of studies in a number of countries in the past two years, such as Finland, Iceland, Japan, Malta and the Republic of Korea provided useful information on gaps in legislation and administrative practices as well the challenges faced by stateless migrants in the absence of identification and protection mechanisms. Despite these efforts, progress in this area was slow. Only two countries, namely Kosovo and Turkey, established statelessness determination procedures during the reporting period. A number of other countries, including Argentina, Armenia, Brazil, Costa Rica, Iceland, the Netherlands, Panama and Uruguay are working towards the creation of such procedures.

20. Efforts at the national level were bolstered by publication in June 2014 of the *Handbook on Protection of Stateless Person under the 1954 Convention relating to the Status of Stateless Persons*. The Handbook combines the content of the three Guidelines published in 2012 on the definition of a stateless person, determination procedures and status of stateless persons. It aims to provide guidance to governments, judges, practitioners, UNHCR staff and others involved in identification and protection of stateless persons.

(d) Preventing statelessness through birth registration and provision of identity documentation

21. Lack of birth registration and documentation proving nationality can create a risk of statelessness and improving government civil registration and documentation systems remained vital activities under UNHCR's mandate to prevent statelessness. Work in this area continued to intensify: responses were undertaken in 56 States, up from 35 in the preceding period. Both birth registration and issuance of identity documentation to those entitled to it are included in the *Global Action Plan*.

22. UNHCR and its partners promoted universal birth registration among Syrian refugee children born in Egypt, Iraq, Jordan, Lebanon and Turkey through advocacy, distribution of country-specific print and video materials to local authorities and Syrian refugees and provision of legal aid. For example, over 40,000 families were counselled on birth registration procedures in Lebanon in 2014 and the Government simplified the procedures to register new refugee births. Jordan launched mobile birth registration for all camp-based refugees and issued 2,400 birth certificates to Syrian refugee children in 2014, compared to fewer than 300 birth certificates in 2013.

23. In South Sudan, UNHCR supported the Government in issuing nationality documentation through provision of material assistance, training and technical advice and conducted awareness-raising activities. Similar activities were carried out in Sudan where a team of South Sudanese nationality officers was deployed with UNHCR support to issue South Sudanese travel and nationality documents in order to address heightened risks of statelessness among South Sudanese residing in Sudan. The crisis in South Sudan affected the nationality documentation activities in both countries.

(e) Promoting accession

24. Promotion of accessions to the 1954 and 1961 Statelessness Conventions remained a major focus. The Office promoted accession to the 1954 Convention in 90 States, as compared to 67 in 2011-2013. With respect to the 1961 Convention, UNHCR promoted accession in 112 States, a major increase over the previous period when the Office did so in 55 States. Promotion activities included advocacy letters to a number of governments,

analysis of compatibility between national legislation and the conventions, training to government officials and facilitation of experience-sharing between countries that were already Parties and those considering accession.

25. These efforts yielded considerable results. During the reporting period there were 21 accessions by 16 States, bringing the total number of accessions since 2011 to 47 accessions by 31 countries. At the end of May 2015, there were 86 States Parties to the 1954 Convention and 63 States Parties to the 1961 Convention. States had implemented 54% of pledges on accession made at UNHCR's 2011 Ministerial Meeting.

(f) Improving quantitative and qualitative data on stateless populations

26. With the launch of the Campaign, improving baseline population data has become increasingly important. Yet, measuring statelessness remains complicated and progress in this area limited.

27. The Office continued to advocate for inclusion of questions related to nationality, including statelessness, in national censuses and supported or directly undertook studies, surveys or registration exercises in 63 States, up slightly from 61 during the previous period. Statistical information was available for 78 States at the end of 2014, six more than at the end of 2012. UNHCR reported 3.5 million stateless persons in its statistics for the end of 2014, slightly higher than at the end of 2012 (3.34 million). However, the estimated total of statelessness persons globally remains at least 10 million.

(g) Developing international legal standards and doctrinal guidance

28. The Office held an expert meeting on *Avoiding Statelessness resulting from Loss and Deprivation of Nationality* in Tunis in late 2013. Guidelines on this issue are to be issued in late 2015. The African Commission on Human and People's Rights began the process of drafting a Protocol to the African Charter on Human and Peoples' Rights on the Right to a Nationality. It is hoped that the text will be adopted by the Commission and then submitted to the African Union Commission with a recommendation that it be adopted by Member States of the AU.

(h) Bolstering partnerships

29. Regional organizations remain important partners for UNHCR and cooperation with them has led to encouraging results in the past two years. In the Asia Pacific region, UNHCR co-hosted a ministerial conference on Civil Registration and Vital Statistics in Bangkok in November 2014, at which a Ministerial Declaration was adopted by 44 States in which they set the goal of universal civil registration by 2024 and recognize the role of birth registration in the prevention of statelessness.

30. In October 2014, UNHCR, in partnership with the Emirate of Sharjah, convened the first regional conference on the protection of refugee children in the Middle East and North Africa. The conference concluded with the adoption of the Sharjah Principles which call for all refugee children in the region to have their births registered to help prevent statelessness. In Central Asia, an International Conference on Statelessness and Migration organized by UNHCR, IOM and the Turkmen Government in June 2014 brought together 25 States and called on governments and international organizations to resolve statelessness.

31. NGOs around the world play a crucial role in addressing statelessness through advocacy, awareness raising, legal aid and strategic litigation. As part of its broader strategy to build global and regional alliances, the Office has since 2012 brought together an increasing number of NGOs to an annual retreat to develop joint strategies to address statelessness. In 2014, 28 NGOs participated. The European Network on Statelessness emerged as a major actor in Europe and NGOs in the Americas joined to create the Americas Network on Nationality and Statelessness. There was also increased coordination between civil society organizations in Africa.

32. Some 300 participants from over 70 countries attended the First Global Forum on Statelessness, which was held in September 2014 at the Peace Palace in The Hague, The Netherlands. Co-organized by UNHCR and the Statelessness Programme of Tilburg University, the Forum provided an unprecedented opportunity for a wide range of actors to meet and share their experiences, research and ideas on statelessness.

33. Further evidence of joint efforts to address statelessness is the Global Campaign for Equal Nationality Rights launched in June 2014 by a coalition of NGOs supported by UNHCR and UN Women, which aims at removing gender discrimination from nationality laws. In addition, in February 2015, UNHCR together with UN Women and OHCHR organised a High-Level Side Event on Equal Nationality Rights at the Commission on the Status of Women in New York.

34. UNHCR and the Inter-Parliamentary Union published a second edition of *Nationality and Statelessness: Handbook for Parliamentarians* which provides guidance on action that can be taken by parliamentarians and information on contemporary statelessness issues, developments in international law and good practice examples.

III. Resources

35. The Office continued to enhance its response to statelessness in line with its mandate and Executive Committee Conclusions. There was a continued increase in the number of UNHCR operations which set objectives relating to statelessness, from 60 operations in 2012 to 64 in 2015. The statelessness budget, pillar II in UNHCR's budget structure, remained in the range of USD 67-69.5 million in 2014 and 2015, a decrease from USD79.2 in 2013. In contrast, actual expenditure under pillar II remained largely stable: USD36 million in 2013 and USD35.9 in 2014.

36. The five dedicated regional statelessness posts filled in 2012 and 2013 significantly bolstered UNHCR's capacity to address statelessness. Two additional regional positions covering Central and West Asia and Southern Africa were created through the High Commissioner's Capacity Building Initiative in 2014. In addition, dedicated statelessness positions were created in Myanmar and Lebanon and statelessness officers were deployed to nine countries under the specialized roster of the Surge Protection Capacity Project during the reporting period.

IV. Conclusion and Outlook

37. UNHCR achieved significant progress on statelessness during the past two years. The call to end statelessness by 2024 resonated widely in the months following the launch of the *#Ibelong* Campaign. Early indications are that the Campaign is becoming a rallying point for a number of "champion" governments and for civil society. UNHCR's capacity to undertake targeted advocacy and to deliver technical advice to governments increased as new regional posts were filled. The commitment of a growing number of governments to tackle the issue was highlighted by the number of accessions to the statelessness

conventions and several law reforms. On the other hand, there were no breakthroughs that led to resolution of major protracted situations.

38. Going forward, the challenge will be to sustain the momentum achieved since the launch and to convert the increased awareness of statelessness into the reforms needed to resolve existing situations and prevent new cases from emerging. This will require further investment in advocacy and provision of technical advice to governments, as well as promoting the development of national action plans consistent with UNHCR's *Global Action Plan*. UNHCR will also redouble efforts to disseminate examples of good practices, including through the series of thematic papers and workshops with governments initiated in 2015. It will be essential to mobilize champion governments and support the development of civil society coalitions focusing on specific regions and themes such as prevention of statelessness among children. The inclusion of targets and indicators relevant to statelessness in the post-2015 development agenda, including those relating to gender equality and legal identity, will help ensure that efforts to end statelessness are placed high on the agenda of States.
