



THE WORLD'S
STATELESS
PEOPLE

Q U E S T I O N S & A N S W E R S



UNHCR
The UN Refugee Agency

Thousands of Meskhetians — one of the groups deported *en masse* by Stalin during World War II — became stateless after the break-up of the Soviet Union.



THE WORLD'S STATELESS PEOPLE

QUESTIONS & ANSWERS

Cover:

A stateless woman from Myanmar living in Bangladesh.



UNHCR/G.M.B. AKASHI/8.GD.2006

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The Roma have been victimized for decades in parts of Europe and are often stateless.

PARENTS CANNOT OFFICIALLY REGISTER the birth of a newborn baby. As the child grows, he or she may not be able to attend school or university, obtain a job, travel or even get married. And when these children grow old and die, they may suffer the final indignity – an anonymous burial without any official trappings or recognition.

Welcome to the Byzantine world of the stateless – people who do not have the right to own a passport of any particular state, who do not have a country to call their own and who often have minimal, if any, access to the kind of basic political and social rights that most civilians take for granted.

“THE CONTRACTING STATES SHALL ISSUE IDENTITY PAPERS TO ANY STATELESS PERSON IN THEIR TERRITORY WHO DOES NOT POSSESS A VALID TRAVEL DOCUMENT.”

Article 27, the 1954 Convention

There are currently 8.4 million refugees and as many as 23.7 million uprooted civilians in their own countries, so-called internally displaced people. But there are also several million stateless people in many countries across the globe. And while the plight of the first two vulnerable groups is well documented, the stateless – “non-persons, legal ghosts” according to one expert – receive far less attention and are generally less understood.

There are international instruments on statelessness. The Universal Declaration of Human Rights underlines that “Everyone has the right to a nationality.” A Statelessness Protocol attached to the draft 1951 UN Refugee Convention was turned into a Convention in its own right in 1954. Seven years later, the 1961 Convention on the Reduction of Statelessness was introduced.

And because refugee and statelessness problems often overlap, the UN General Assembly designated the UN refugee agency as the natural interlocutor in the absence of any other organization with a specific mandate to deal with statelessness. UNHCR was charged with providing legal assistance to the disenfranchised and helping to promote the avoidance and elimination of statelessness globally.

Though its early work was mainly in eastern and central Europe helping such groups as descendants of the Tatars who were forcibly deported from the Crimea by the Soviet dictator Stalin in the 1940s, the agency in recent years expanded its activities to Asia, Africa, the Middle East and the Americas where problems may not be as visible but are often more deeply entrenched.

States are being urged to accede to the two statelessness Conventions and in a key development, UNHCR in 2003 surveyed 191 countries. The results of this survey have helped to build for the first time a comprehensive global picture that will assist the agency and governments to expand or introduce new laws and projects to tackle the problem.



UN/N. SCHUSTER/1837/AUT•1972

Tens of thousands of Asians were arbitrarily expelled from Uganda in the 1970s and became effectively stateless.

A WORLD OF STATELESSNESS

■ Who is a stateless person?

Someone who, under national laws, does not enjoy citizenship – the legal bond between a state and an individual – with any country. Article 1 of the 1954 Convention Relating to the Status of Stateless Persons spells out the legal definition, indicating that someone who is not a national of any state under relevant laws is therefore stateless.

■ What is nationality or citizenship?

This is a legal bond between a state, its laws, and an individual.* It encompasses political, economic, social and other rights as well as the responsibilities of both government and citizen.

** Some countries use the word 'nationality,' others 'citizenship' to denote the legal bond. In this brochure, both are used synonymously.*



Many Kurds became stateless as the result of the war between Iran and Iraq.

UNHCR/TVOETEN/BW/IRQ-2003

“THE TERM ‘STATELESS PERSON’ MEANS A PERSON WHO IS NOT CONSIDERED AS A NATIONAL BY ANY STATE UNDER THE OPERATION OF ITS LAW.”

Article 1, the 1954 Convention

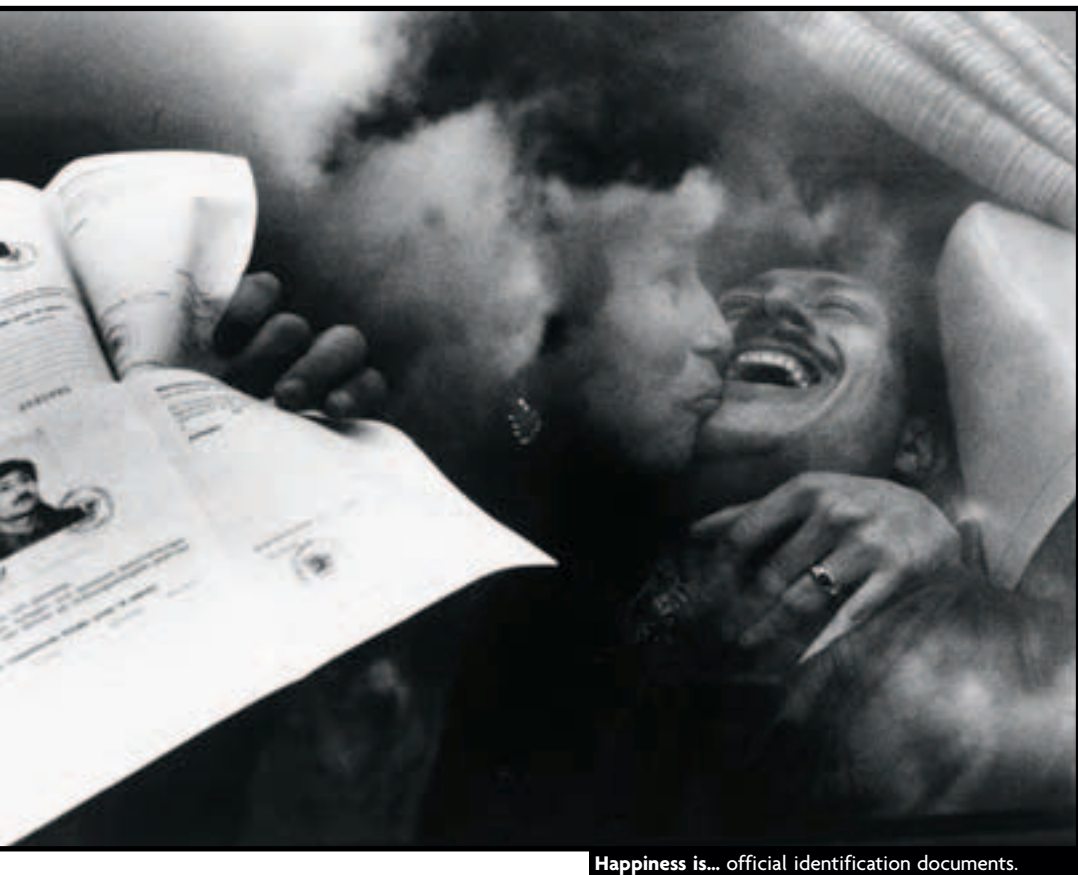
■ How is nationality granted?

Principally either through birth on a country’s territory, or through descent if a child acquires the nationality of the parent(s). In some cases it can be granted through both birth and descent. People who have been resident for a certain length of time in a particular country, or who have established other links such as marriage to an established citizen, may also be eligible for citizenship through naturalization.

■ How many stateless people are there?

Because the issue is politically delicate and many governments have not made accurate counts of these populations, an overall figure is difficult to conclude. However, recent research suggests there may be eleven million people globally without a country to call their own.





Happiness is... official identification documents.

“WHEN THE EXERCISE OF A RIGHT BY A STATELESS PERSON WOULD NORMALLY REQUIRE THE ASSISTANCE OF AUTHORITIES OF A FOREIGN COUNTRY TO WHOM HE CANNOT HAVE RECOURSE, THE CONTRACTING STATE IN WHOSE TERRITORY HE IS RESIDING SHALL ARRANGE THAT SUCH ASSISTANCE BE AFFORDED TO HIM BY THEIR OWN AUTHORITIES.”

Article 25 (1), the 1954 Convention

■ Can a stateless person also be a refugee?

In certain circumstances. If, for instance, a person is forced to leave a country of habitual residence because of persecution. However, there are stateless people who do not have a well-founded fear of persecution,

as well as many who never leave their long-term homes and are therefore not classed as refugees. Similarly, some refugees may be stateless, but most are not.

“A FOUNDLING FOUND IN THE TERRITORY OF A CONTRACTING STATE SHALL, IN THE ABSENCE OF PROOF TO THE CONTRARY, BE CONSIDERED TO HAVE BEEN BORN WITHIN THAT TERRITORY OF PARENTS POSSESSING THE NATIONALITY OF THAT STATE.”

Article 2, the 1961 Convention



UNHCR/G.M.B. AKASH/85032006

■ How do people become stateless?

Through a bewildering series of sovereign, political, legal, technical or administrative directives or oversights which include the following:

- transfer of territory or sovereignty which alters the nationality status of some citizens of the former state(s), leaving them without citizenship.
- administrative oversights, misunderstandings or conflicts of law – for instance, when a child is born in a country that grants nationality by descent only, but the law of the state of which the parents are nationals grants citizenship only to people born on its territory.
- arbitrary deprivation of nationality of either individuals or groups by a government.
- administrative or procedural problems such as excessive fees, unrealistic deadlines, lack of appeal or review procedures and failure to



Many stateless Biharis in Bangladesh live in extreme poverty.

“A CONTRACTING STATE MAY NOT DEPRIVE ANY PERSON OR GROUP OF PERSONS OF THEIR NATIONALITY ON RACIAL, ETHNIC, RELIGIOUS OR POLITICAL GROUNDS.”

Article 9, the 1961 Convention

notify individuals of the need to register or other obligations.

- individual renunciation of one nationality without first acquiring another.
- automatic alteration of nationality in the case of marriage, or the dissolution of a

marriage, between couples from different countries.

- failure to register children at birth so there is no proof of where or to whom they were born.
- being born to stateless parents.



Crimean Tatars in Simferopol, Ukraine, during a 60th anniversary ceremony commemorating their mass deportation to Central Asia during World War II.

■ Are there any legal instruments on statelessness?

Several international and regional treaties offer a degree of guidance on the subject including:

- The 1948 Universal Declaration of Human Rights underlines that “Everyone has the right to a nationality” and should not be arbitrarily deprived of nationality.
- When the 1951 UN Refugee Convention was promulgated, a Statelessness Protocol was attached and then postponed for consideration at a later date. It was subsequently made into a treaty in its own right: the 1954 Convention Relating to the Status of Stateless Persons. This requests signatory countries to provide documentation to stateless people and to consider granting them a lawful residence in appropriate cases.
- The 1961 Convention on the Reduction of Statelessness gives guidance to countries on how to prevent children becoming stateless at birth and how to protect them against loss of nationality later in life.

“IF THE LAW OF A CONTRACTING STATE PERMITS RENUNCIATION OF NATIONALITY, SUCH RENUNCIATION SHALL NOT RESULT IN LOSS OF NATIONALITY UNLESS THE PERSON CONCERNED POSSESSES OR ACQUIRES ANOTHER NATIONALITY.”

Article 7, the 1961 Convention

- Regional treaties such as the 1969 American Convention on Human Rights, the 1990 African Charter on the Rights and Welfare of the Child and the 1997 European Convention on Nationality emphasize that everyone should have a nationality. They seek to clarify the rights and responsibilities of countries in ensuring this right in practical ways.

However, international support for these treaties has been lethargic and needs to be strengthened. Fifty-nine nations are party to the 1954 Convention and just 31 to the 1961 Convention compared to the 146 countries that have acceded to the 1951 Refugee Convention and/or its 1967 Protocol.

“THE CONTRACTING STATES SHALL PROMOTE THE ESTABLISHMENT WITHIN THE FRAMEWORK OF THE UNITED NATIONS...OF A 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.”

Article II, the 1961 Convention

Many of the Indonesian refugees in Papua New Guinea are stateless.



UNHCR/J. SIFFOINTE/PNG-2004



REUTERS/R. RAHMAN/BGD-2005

Stateless Biharis stage a protest on the streets of Dhaka where their citizenship has not been settled since the independence of Bangladesh in 1971.

STATES AND STATELESSNESS

In the decades following World War II and the burgeoning problem of uprooted peoples, the international community concentrated its attention on refugees and, more recently, on the internally displaced. The issue of statelessness was politically sensitive in many affected countries and often viewed as a private, internal problem.

An ambitious 2003 global survey aimed for the first time to construct a comprehensive picture of statelessness. It identified current weaknesses in the system, underlined both the concerns and specific needs of affected states and will help UNHCR develop a future blueprint to fulfill its role more effectively.

Fewer than half of the responding governments, for instance, know the precise magnitude of the problem in their countries. Only around half have procedures to identify individuals who may actually be stateless, even though the same countries may have mechanisms to process refugee claimants.

IDEAS AND CONCLUSIONS UNDER REVIEW

- recognition that the displacement of stateless people may act as an early warning of larger refugee exoduses since the two often overlap; and recognition that unless the problems of the stateless are identified and addressed, effective solutions to refugee problems may be severely hampered.
- improving bilateral, regional and international cooperation, including sharing 'best practices' in areas such as registration and documentation thereby preventing people falling between the cracks and becoming accidental victims of statelessness because of different systems in different countries.
- ensuring that people do not renounce one nationality without first being guaranteed the right to another.
- recognizing the necessity of an 'oversight' agency – UNHCR – to help avoid conflicting approaches to the problem. The refugee agency aims to work closely at national, regional and international levels to develop new policies and strengthen existing laws.
- consultation – and development of policies – in specific areas such as strengthening the rights and individual identities of women and children and ensuring each child is registered at birth.
- improving training at all levels for relevant civil servants. Harmonized approaches to first help identify cases of statelessness – a fundamental problem in many countries – and then adopt relevant solutions.
- creating policies to tackle new problems such as statelessness resulting from the burgeoning global phenomenon of people trafficking.

"IF THE LAW OF A CONTRACTING STATE ENTAILS LOSS OF NATIONALITY AS A CONSEQUENCE OF ANY CHANGE IN THE PERSONAL STATUS OF A PERSON SUCH AS MARRIAGE, TERMINATION OF MARRIAGE, LEGITIMATION, RECOGNITION OR ADOPTION, SUCH LOSS SHALL BE CONDITIONAL UPON POSSESSION OR ACQUISITION OF ANOTHER NATIONALITY."

*Article 5,
the 1961 Convention*

THE ROLE OF UNHCR

Because refugee and statelessness problems sometimes overlap and may be interdependent, UNHCR has been designated by the UN General Assembly to effectively become the overseer and guardian of the world's stateless people and the various efforts to help them.



Many stateless persons are denied even basic human rights, but at least these children from Bhutan enjoy primary school while they await their fate in Nepal.

UNHCR/H.J. DAVIES/NPL/1997

The 1954 Convention Relating to the Status of Stateless Persons was the first international treaty to deal specifically with this group and UNHCR promotes accession to and implementation of the Convention.

In accordance with Article 11 of the 1961 Convention on the Reduction of Statelessness, UNHCR provides assistance to individuals by helping them to resolve their legal problems, obtain relevant documents and eventually restart their lives.

UNHCR also helps governments to implement or strengthen national legislation, trains officials, cooperates and coordinates with other interested organizations, disseminates relevant information and maintains a global watching brief.

Various 'Conclusions' of the agency's governing Executive Committee have reinforced this role.

Further information can be obtained from UNHCR's Division of International Protection Services in Geneva (including an Information and Accession Package: The 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness) and via the agency's international web site www.unhcr.org

Most stateless people in Sri Lanka are descended from people imported in the 19th century from India to work on the coffee and tea plantations.



UNHCR
The UN Refugee Agency

PUBLISHED BY:

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and Public
Information Service
P.O. Box 2500
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Back cover:

**Close to 200,000
previously stateless
people are now Sri
Lankan citizens thanks
to a progressive law
enacted in 2003.**

UNHCR / C.P. WIJETUNGA / LKA*2004

