

Statelessness Update



UNHCR partner NGO Tenth of April staff distribute jackets to an undocumented Roma family in the town of Berezivka, Odesa region on 15 November 2017. The NGO also provided the family with legal assistance. Photo: Oleksandr Snitko, Tenth of April

What is statelessness?

“[stateless persons are] individuals who are not considered citizens or nationals under the operation of the laws of any country.”

1954 Convention relating to the Status of Stateless Persons

There are an estimated **10 million** stateless persons worldwide¹. **One-third** are children. A person’s citizenship and nationality may be determined based on the laws of a country where an individual is born or where her/his parents were born. A person can also lose citizenship and nationality in a number of ways, including when a country ceases to exist or a country adopts nationality laws that discriminate against certain groups. Stateless persons are often **excluded** from society, and denied basic human rights such as a legal identity at birth; access to education, health care, marriage, employment opportunities, and even a death certificate when they die.

In 2014, UNHCR launched the **#IBelong campaign** to end statelessness by 2024 through a Global 10-Point Action Plan. To learn more, visit:
www.unhcr.org/ibelong/

¹ According to the Handbook on Statelessness in the OSCE: <https://www.osce.org/handbook/statelessness-in-the-OSCE-area?download=true>

UNHCR and statelessness in Ukraine

From the 1990's until 2013, UNHCR has had a **historic role** and has worked extensively on the prevention and reduction of statelessness in Ukraine. UNHCR supported Formerly Deported Persons (FDPs) and their dependents returning to Ukraine in the process of relinquishing their previous citizenship and acquiring Ukrainian citizenship. Those assisted were mainly **ethnic Crimean Tatars** returning to the Autonomous Republic of Crimea from forced exile in Central Asia (mostly Uzbekistan).



In 1997, amendments to the Citizenship Law led to the naturalization of some 25,000 stateless FDPs between 1997 and 2001. In addition, Uzbekistan and Ukraine concluded an agreement backed by both UNHCR and the OSCE High Commissioner

on National Minorities facilitating the naturalization of a further 90,000 FDPs.²

82,550
 persons declared themselves to be stateless in Ukraine in a 2001 population census.

UNHCR estimates that as many as **35,000** persons are stateless in Ukraine.

In 2001, following intensive lobbying by UNHCR and the Council of Europe, a new Citizenship Law introduced a simplified naturalization procedure as a result of which applicants no longer had to renounce their previous nationality (becoming stateless in the process) before applying for Ukrainian citizenship. The previous requirements for Ukrainian language proficiency and five years of lawful residence were also waived for persons with links to Ukraine, including FDPs.

In 2013, Ukraine acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. To date, despite acceding to the Conventions, Ukraine has not yet established a functioning statelessness determination procedure in order to identify and grant full protection to stateless persons on its

territory.

The majority of persons at risk of statelessness identified by UNHCR partners in Ukraine include:

Roma minority

Holders of Soviet passports

Children born in non-government controlled areas

Homeless persons

Persons released from prisons

² "Agreement between Uzbekistan and Ukraine on co-operation on resolving citizenship issues for FDPs" valid from October to December 1999, and from November 2000 to December 2001.

In addition, there are those who arrived in Ukraine from other former Soviet republics after the collapse of the USSR who do not hold any nationality due to conflicting nationality laws or gaps in nationality legislation. A study commissioned by UNHCR in 2016 confirmed that these categories are indeed at higher risk of statelessness.

Birth Registration

The conflict that erupted in eastern Ukraine, as well as the annexation of the Autonomous Republic of Crimea, has resulted in an increased number of persons at risk of statelessness, notably because the Government of Ukraine does not automatically recognize the birth certificates issued in these territories. While a judicial procedure does exist in Ukraine allowing children from the non-government controlled areas (NGCA) to obtain birth certificates, the steps are cumbersome and expensive. A positive step has been the recent adoption of amendments to the law on court fees whereby it has exempted residents of the *temporarily occupied territories* from court fees in cases related to the establishment of facts that have legal impact, which include cases on recognition of facts of birth and death. However, NGCA residents still have to travel to the government controlled areas for several days in order to obtain the certificates, which can be burdensome, especially for vulnerable families.

A review of court records suggests that an estimated

38%

of children born in the non-government controlled areas of the Donetsk and Luhansk have obtained a birth certificate issued by the Government of Ukraine

10%

of children born in the Autonomous Republic of Crimea have obtained a birth certificate issued by the Government of Ukraine

Current activities

Legal assistance to individuals

In 2017 for the first time since 2014, UNHCR conducted a call for proposals to identify NGOs capable of conducting outreach and providing legal services to persons at risk of statelessness in three regions of Ukraine known to host a significant Roma population (Kyiv, Odesa, and Zakarpattia). UNHCR selected partners for this new activity and provided them with extensive training and mentoring. As a result, from 1 June to 31 December 2017, UNHCR partners identified and provided legal aid to **436 persons** (172 in Kyiv city and region; 174 in Zakarpattia region; and 90 in Odesa region) who were stateless, at risk of statelessness or in stateless-like situation. The Roma population was particularly targeted for outreach. Those assisted received information relating to establishing identity, acquisition/confirmation of nationality. Achievements include: **25 persons issued with a Ukrainian passport and 28 other persons received a birth certificate.**

Capacity building and advocacy

- UNHCR organized a study visit to Serbia for key government stakeholders (Ministries of Justice, Social Policy and Interior, as well as the State Migration Service) to learn good practices related to documentation of IDPs and issuance of birth certificates.
- UNHCR assisted the Austrian OSCE Chairmanship in organizing a practical seminar in Vienna on exchanging good practices on the prevention of statelessness in OSCE states.
- UNHCR also organized two outreach visits for state officials to Roma settlements in Odesa and Zakarpattia regions.
- Together with OHCHR and UNICEF, UNHCR advocated for the establishment of an administrative procedure for birth registration that is flexible and responsive to the circumstances of families living in the NGCAs, by simplifying documentary requirements, offering registration services close to the line of contact, and disseminating information about the procedure.
- In parallel, UNHCR supports the authorities in developing procedures for determining the status of stateless persons, and advocates for other legislative amendments to improve the protection of stateless persons.

Challenges

- The revised draft legislation to establish a Statelessness Status Determination Procedure has not yet been registered in the Ukrainian Parliament;
- The State Migration Policy Strategy adopted in July 2017 recognizes that statelessness is a challenge in Ukraine and that “there is a need to regulate at the legislative level the status of persons who have been residing in the territory of Ukraine for a long time violating the law.” However, the Action Plan for the implementation of the Strategy has not yet been adopted.
- Discrimination of minorities in Ukrainian society can ostracize and place additional barriers for certain groups, like the Roma, to access civil documentation.

Working in partnership

UNHCR cooperates with the Ministry of Interior, the SMS, the Parliamentary Human Rights Committee, the Parliamentary Commissioner for Human Rights, courts, the Coordination Center for Legal Aid Provision, and civil society organizations on establishing statelessness determination procedures and working towards the eradication of statelessness in Ukraine. UNHCR works with partner NGOs NEEKA, Right to Protection (R2P), and Tenth of April in the field of statelessness in Ukraine, providing support to persons of concern, conducting advocacy, and policy development.



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