

A short Note on Statelessness - Globally and in Serbia

Today, at least 10 million people around the world are denied a nationality. As a result, they often aren't allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married. They face a lifetime of obstacles and disappointment.

A stateless person is “a person who is not considered as a national by any State under the operation of its law”. In other words, a stateless person does not have the nationality of any country. Some people are born stateless, but others become stateless.

The reasons for statelessness vary. It can occur as a result of discrimination against a particular ethnic or religious group, or on the basis of gender; as a result of the emergence of new States or the transfer of territory between existing States in combination with gaps in nationality laws. Whatever the cause, statelessness has serious consequences for people in almost every country and in all regions of the world.

The international legal bases for the eradication of statelessness and the protection of stateless persons are the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*. Through a series of resolutions beginning in 1995, the UN General Assembly gave UNHCR the formal mandate to identify stateless people, prevent and reduce statelessness around the world, as well as to protect the rights of stateless people. Twenty years earlier, the Assembly had asked the UN refugee agency to provide assistance to individuals under the 1961 Convention.

In 2013, the UN High Commissioner for Refugees called for the “total commitment of the international community to end statelessness”. In 2014, on the 60th anniversary of the 1954 Convention, the UN Refugee Agency launched the global #IBelong campaign to eradicate statelessness by 2024. The *Global Action Plan to End Statelessness: 2014 – 2024 (Global Action Plan)*, developed in consultations with States, civil society and international organisations, recommends 10 actions to end statelessness within 10 years. These actions seek to resolve existing cases of statelessness, prevent new ones from emerging and to strengthen the identification and protecting of stateless populations.

Also in Serbia, UNHCR has long supported authorities in reducing and preventing statelessness. Joint surveys confirmed that it is mainly persons with Roma, Ashkali or Egyptian background, including internally displaced persons from Kosovo and Metohija, which are threatened with statelessness, as they face greater obstacles to register births and to access personal documents to demonstrate citizenship, which - in turn - prevents them from effectively enjoying social, economic, cultural and political rights.

In 2011, the Republic of Serbia, which is a party to both statelessness conventions, expressed a growing interest in combating statelessness, leading to a tripartite Memorandum of Understanding (MOU) and activities, which the Ministry of Public Administration and Local Self-Government, the Ombudsman and the Representation of UNHCR in Serbia concluded in 2012 for the period of four years.

Diverse local activities as well as the amendments of relevant regulations were implemented under this MOU. New judicial procedures of birth registration in birth registries together with amendments to regulations governing residence eased the obtaining of personal documents and thus citizenship status for persons whose ancestors had been living in Serbia for generations. Systemic changes were accompanied by targeted trainings of judges, registrars, employees in social welfare centres and the

Ministry of Interior. *In lieu* of a law on free legal aid, UNHCR continued to fund representation of persons at risk of statelessness before various government authorities, as well as assistance in obtaining personal documents. Implementation of the MOU was greatly strengthened also through a Technical Group in which representatives of all responsible government agencies, the UN Refugee Agency and civil society regularly solved specific individual cases and exchanged information on practical obstacles in accessing personal documents.

UNHCR's survey *Persons at Risk of Statelessness in Serbia – Progress Report 2010 – 2015* thus counted a 43% decrease in persons without basic identity documents amongst Roma, Ashkali and Egyptians in Serbia (from 6.8% in 2010 to 3.9% in 2015).

Serbia's achievements in the prevention and reduction of statelessness are remarkable. Some of her approaches have been used as good models in other countries of the region and beyond.

Regional and global alliances underpin support to the implementation of States' commitments under the stateless conventions and other relevant international law, including the Convention on the Rights of the Child. UNHCR and UNICEF, for example, cooperate with other organisations in a *Coalition on Every Child's Right to a Nationality*, both globally as well as in Serbia. Serbia has joined other states in a global coalition on Sustainable Development Goal 16 of Agenda 2030, which commits to i.a. "provide legal identity for all, including birth registration" (SDG 16.9). Regional partners in the prevention and reduction of statelessness include the OSCE, Council of Europe as well as the EU Council and Parliament.

In view of the great progress made to date, Serbia is amongst those countries who can eradicate statelessness by 2024, or even earlier. The UN Refugee Agency and its partners remain committed to support further positive developments especially regarding actions 6, 7 and 10 of the Global Action Plan:

To "Ensure birth registration for the prevention of statelessness" (7) and thus prevent reoccurrence of statelessness, the remaining obstacles that prevent all children from being registered into birth registries immediately after birth should be identified and removed. The most vulnerable categories could be exempted from paying administrative fees for issuance of identification cards.

To "Grant protection status to stateless migrants and facilitate their naturalization" (6) Serbia could implement its commitments under the 1954 Convention through the introduction of fair and effective statelessness determination procedures and accelerated access to citizenship for stateless persons.

Also in the context of supporting Serbia in its EU accession and the Agenda 2030 process, UNHCR and its partners remain committed to advise responsible authorities on how to collect reliable, disaggregated data on stateless persons and persons at risk of statelessness in Serbia, and to make this data publicly available, with the aim of also meeting the tenth and last goal of the Global Action Plan, namely, to "Improve quantitative and qualitative data on stateless populations".