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Update on statelessness*Summary*

This paper highlights significant progress made in relation to key actions advocated by UNHCR's #IBelong Campaign to End Statelessness by 2024 since the update provided two years ago (EC/66/SC/CRP.11). It discusses the establishment and progress of a number of regional initiatives to prevent and address statelessness, and describes tangible action taken by States to reduce the number of stateless persons. UNHCR's supporting efforts have included the promotion of law reform and administrative capacity-building to encourage the adoption of legal safeguards to prevent childhood statelessness, remove gender discrimination from nationality laws, establish dedicated statelessness determination procedures, and increase access to birth registration and nationality documentation for communities at risk of statelessness.

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I. Introduction

1. This update reviews developments on the prevention and reduction of statelessness, as well as the identification and protection of stateless persons, since June 2015. It provides an overview of the progress achieved in the context of the #IBelong Campaign to End Statelessness in 10 years and in relation to the goals contained in the “Global action plan to end statelessness” (2014-2024). It notes the ways in which progress may be accelerated through strengthened partnerships and international response.

II. Progress and ongoing challenges

A. Resolving situations of statelessness

2. One of the key aims of the Campaign is to raise awareness of the plight of stateless persons and galvanize action to resolve their situation. Various initiatives were undertaken in this regard. In May 2017, a ministerial meeting of Member States of the Economic Community of West African States (ECOWAS) was held to accelerate progress with respect to implementation of the Abidjan Declaration on the Eradication of Statelessness through the adoption of an eight-year plan of action.¹ In 2015, the African Commission on Human and Peoples’ Rights adopted a draft Protocol on the Right to Nationality with input from UNHCR and other experts; this new instrument will be submitted for approval to African Union Member States in 2018. At the European level, the first European Union Council Conclusions on Statelessness were adopted in December 2015, inviting exchanges of good practice among Member States. In Asia, the Association of Southeast Asian Nations (ASEAN) Commission on the Promotion and Protection of the Rights of Women and Children adopted a multi-year research and capacity-building project on statelessness and supported stronger engagement with UNHCR. The League of Arab States (LAS) and UNHCR convened a regional meeting on “Belonging and legal identity”, and recommendations developed at this meeting are expected to be formally adopted by LAS later in 2017.

3. Building on this enhanced global and regional collaboration, significant steps to resolve statelessness have been taken in a number of countries around the world. In 2015 and 2016, a total of 109,868 people who were formerly stateless or of undetermined nationality acquired nationality or had their nationality confirmed (49,100 in 2015 and 60,768 in 2016).

4. Consistent with its goal of achieving zero statelessness by 2024, the Royal Thai Government announced that over 27,000 formerly stateless persons acquired Thai nationality since 2012. UNHCR has supported thousands more applications for Thai nationality by stateless persons. In December 2016, the Thai Cabinet adopted “Guidance and measures to address legal status problems and problems of stateless persons in Thailand”. Under this measure, it is expected that some 80,000 stateless children and young adults could acquire Thai nationality. Furthermore, a collective effort by Indonesia, the Philippines and UNHCR led to over 4,000 people of undetermined nationality having their Indonesian and/or Filipino citizenship confirmed in 2016. In Malaysia, as of February 2017, 12,350 stateless persons had been registered by UNHCR’s partner, the non-governmental organization (NGO) Development of Human Resources for Rural Areas. Following this registration exercise, 11,682 nationality applications were submitted, of which 1,469 have been granted. In

¹ Available from <http://www.refworld.org/pdfid/5915c88a4.pdf>.

April 2017, the Prime Minister's Office of Malaysia issued the Malaysian Indian Blueprint, which aims to "resolve stateless and documentation issues" of persons of Indian descent living in Malaysia, with a priority on children and youth.

5. In the Russian Federation, the reported number of stateless persons decreased due to acquisition or confirmation of nationality from 113,474 in 2014 to 90,771 at the end of 2016. Reduction efforts also continued in Central Asia. From 2014 to 2016, Kyrgyzstan registered some 12,000 persons and provided nearly 9,000 individuals with citizenship documentation, in line with its national action plan to end statelessness. In Tajikistan, 8,000 cases of statelessness were resolved during this same period. In December 2016, 1,381 persons were naturalized in Turkmenistan by Presidential decree.

6. In Côte d'Ivoire, a special procedure in place from 2014 to 2016 allowed 123,810 individuals to apply for Ivorian nationality by declaration. The processing of these applications has been delayed due to gaps in administrative capacity, but as of the end of 2016, approximately 11,800 persons had received nationality certificates, roughly half of whom were previously stateless. Ongoing efforts are needed for the remaining stateless population and for comprehensive law reform to ensure a path to nationality. In Kenya, the Makonde, a previously stateless ethnic minority group, were officially recognized as the 43rd tribe of the country and were promised citizenship at a ceremony hosted by President Uhuru Kenyatta in February 2017. Some 1,496 Makonde have received citizenship certificates as part of this ongoing process.

7. By November 2015, some 12,000 individuals in the Dominican Republic who were eligible for restoration of nationality through law 169-14 ("group A") had obtained their civil documents. UNHCR will continue to collaborate closely with the authorities to support the acceleration of this process.

B. Promoting law reform and providing technical advice to prevent statelessness and to protect stateless persons

8. Nationality laws and practices in a number of States have continued to render children and adults stateless. Promoting law reform and building administrative capacity therefore remained high priorities for the Office, in line with the "Global action plan". During the reporting period, several States undertook law and policy reform to prevent statelessness, and supported by UNHCR, a number of States adopted or are developing national action plans. Several States took steps to establish statelessness determination procedures and protection regimes for stateless persons in a migratory context, and UNHCR provided technical assistance and advice to a majority of States where reform was adopted or is in progress.

9. In October 2016, the Norwegian Ministry of Justice and Public Security issued a new instruction to the immigration authorities to allow all stateless children born in Norway to apply for and acquire Norwegian citizenship, regardless of the immigration status of their parents. A new Constitutional Law on Citizenship adopted by Tajikistan in August 2015 provides Tajik citizenship to all children born on the territory who would otherwise be stateless, or to children abroad who have at least one Tajik parent. In the Philippines, a high-profile Supreme Court decision in March 2016 determined that foundlings² should be considered natural-born citizens. In Italy, a decision by a civil court in Rome in 2016 now facilitates the acquisition of citizenship by stateless Roma born in Italy. In January 2017,

² The term "foundlings" refers to children found abandoned in the territory of a State.

Madagascar became the first State since the launch of the Campaign to amend its nationality legislation to allow mothers to confer nationality to their children on an equal basis as fathers. Similar reforms are under consideration in Liberia, Sierra Leone and Somalia.

10. Bulgaria, Costa Rica and Turkey established statelessness determination procedures during the reporting period, and France strengthened its legislation. In Brazil, a new migration law, which empowers the executive branch to establish a statelessness determination procedure and facilitates the naturalization of stateless persons, was signed by the President in May 2017. In January 2017, Ecuador passed the Organic Act on Human Mobility, which mandates the establishment of a statelessness determination procedure and facilitates naturalization for stateless persons. In Bolivia (Plurinational State of), the Ministry of Government adopted resolution 50/2016, which facilitates the naturalization of both refugees and stateless persons. UNHCR is currently providing technical assistance to Guatemala, Panama and Paraguay on similar initiatives.

11. In order to accelerate progress, revitalized efforts will be required to support States to reform laws that, for example, discriminate on the basis of race, ethnicity, and gender, consistent with the commitments of States made during the negotiations of the 2030 Agenda for Sustainable Development to “leave no one behind” and “reach the furthest behind first”.

C. Preventing statelessness through birth registration and the provision of identity documentation

12. Lack of birth registration creates a risk of statelessness, and therefore improving civil registration and documentation systems remained a vital activity during the reporting period. The risk of statelessness in connection with the Syria refugee situation is of particular concern, and in order to mitigate this and other risks, UNHCR coordinated a regional strategy to ensure that every Syrian refugee child’s birth is registered. The strategy includes a range of measures and innovative approaches, such as strengthened legal aid services and mobile civil status and judicial services, in partnership with the relevant authorities in countries hosting Syrian refugees. The results have been considerable: the percentage of Syrian refugee children born in the region without birth documentation fell from approximately 35 per cent in 2012 to 3 per cent in 2016.

13. In southeast Europe, UNHCR and partners have helped train local officials in charge of birth and civil registration and carried out extensive community outreach with the help of Roma mediators. In some cases, free legal assistance has been provided to help individuals acquire nationality documentation. For example, in Bosnia and Herzegovina, 1,588 individuals were assisted to confirm their citizenship from July 2009 to January 2017.

14. Regional initiatives to strengthen civil registration and vital statistics (CRVS) systems are underway in Africa and Asia. Notable examples include the “Africa programme on accelerated improvement of civil registration and vital statistics”,³ and in Asia and the Pacific, the ministerial declaration to “Get everyone in the picture”⁴ and the “Regional action framework on civil registration and vital statistics”.⁵ UNHCR is a member of the Asian Regional Steering Group on CRVS and supports States with implementation of their commitments. In 2016, UNHCR provided technical advice on refugees, internally displaced persons and stateless persons for a new eLearning course on CRVS developed by the World Bank.

³ See www.apai-crvs.org.

⁴ See www.getinthepicture.org/ministerial-declaration.

⁵ See www.unescap.org/resources/regional-action-framework-civil-registration-and-vital-statistics-asia-and-pacific.

D. Promoting accession

15. Through workshops, targeted letters and other outreach, UNHCR advocated accessions to the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) and the 1961 Convention on the Reduction of Statelessness (1961 Convention). The statelessness Conventions were also featured during the annual United Nations treaty event in 2016. During the reporting period, three States acceded to the 1954 Convention (Guinea-Bissau, Mali and Sierra Leone) and five States acceded to the 1961 Convention (Belize, Guinea-Bissau, Italy, Mali and Sierra Leone). These accessions bring the total number of parties to both Conventions to 89 and 68, respectively. In February 2017, Luxembourg's Parliament adopted a law approving accession to the 1961 Convention and facilitating the acquisition of nationality for stateless persons. In March 2017, the Parliament of Haiti voted to accede to both statelessness Conventions.

E. Strengthening partnerships

16. A new "Group of friends" of the Campaign to End Statelessness was launched during the reporting period. It includes some 20 States engaged in advocacy and that are promoting opportunities to address the problem through United Nations human rights mechanisms, the sustainable development goals, and processes related to the global compacts on refugees and for safe, orderly and regular migration. UNHCR has also strengthened its partnerships with United Nations agencies, NGOs, and academic institutions. For example, in late 2016, UNHCR and the United Nations Children's Fund (UNICEF) co-launched a Coalition on Every Child's Right to Nationality, and joint statelessness strategies are underway accordingly in more than 20 countries. Also in 2016, UNHCR partnered with the World Bank, the United Nations Development Programme (UNDP), UNICEF, the private sector and others to produce new principles on identification for sustainable development, which promote the inclusion of all individuals in national identification systems, consistent with target 16.9 of the sustainable development goals.⁶

17. In 2015, UNHCR, the Inter-Parliamentary Union and the Parliament of South Africa co-organized the "Conference on ensuring everyone's right to a nationality: The role of parliaments in preventing and ending statelessness", which was attended by more than 100 parliamentarians from 39 countries. An outcome document adopted at the conference featured a seven-point plan of action.⁷ This plan includes the review of national legislation to ensure compliance with international standards to prevent and reduce statelessness, and legislative reform to remove any discrimination from nationality laws.

18. In 2015 and 2016, UNHCR hosted statelessness retreats with over 50 civil society groups. Thematic and country-level priorities for collective action, such as the development of new tools to assist paralegals in providing counselling to stateless persons and to support the identification and protection of stateless persons in detention, were outlined. UNHCR also supported the establishment of new regional statelessness networks in Asia and the Pacific, Central Asia and Southern Africa. In order to boost the capacity of NGOs, government officials and others, the International Institute for Humanitarian Law launched a course on statelessness in 2016. The course was held again in April 2017 and will now form part of the Institute's regular annual curriculum. A total of 87 participants from 51 countries have benefitted from this new training opportunity. Following a successful conference on

⁶ See <https://sustainabledevelopment.un.org/sdg16>.

⁷ Available from <http://www.ipu.org/splz-e/captown15/outcome.pdf>.

research relating to statelessness which Melbourne University and UNHCR co-hosted in January 2016, UNHCR provided technical assistance to the university to create a new Centre devoted to study of statelessness.

F. Improving quantitative and qualitative data on statelessness

19. During the reporting period, UNHCR undertook surveys to better understand the views of stateless children and youth through a series of participatory consultations in seven countries around the world. Their testimonies were presented in two Campaign publications: “I am here, I belong: The urgent need to end childhood statelessness”⁸ and “I’M VISIBLE: Photographs – statelessness children and youth”. The information gathered has helped inform UNHCR’s advocacy approaches.

20. UNHCR continued to advocate the inclusion of questions related to nationality in national censuses and surveys and to conduct studies on stateless populations in partnership with others, including Statistics Norway. Studies containing qualitative and some quantitative information have been completed in many countries, including Austria, Chile, Côte d’Ivoire, Estonia, Lithuania, Norway, Serbia and Sweden.

21. In 2016, the Office reported statistical information on stateless persons in 74 States totalling some 3.2 million individuals worldwide. The persistent, large gap between the number of stateless persons reported by UNHCR and the total estimated number of stateless persons remains a cause for concern. Greater collective efforts are needed to identify all stateless persons and provide them with protection and a pathway to a solution.

G. Developing guidance and disseminating good practices

22. During the reporting period, considerable efforts were made to develop policy and guidance to assist UNHCR’s offices, States and other stakeholders to implement the “Global action plan” and to learn from good practices. An internal “Global strategy and implementation plan” (2016-2018) was also designed to guide UNHCR’s operational efforts to address statelessness. UNHCR staff in operations in Africa and Asia were trained on how to more effectively plan and implement statelessness activities. The trainings also helped inform new “Guidance on programming for statelessness”, which was disseminated to operations in February 2017. A guidance paper linking the sustainable development goals and targets most relevant to addressing statelessness, such as target 16.9 on universal legal identity, was published in 2016.⁹

23. As part of a paper series on good practices relating to the “Global action plan”, new papers on action 2 (“Ensuring no child is born stateless”) and action 6 (“Establishing statelessness determination procedures to protect stateless persons”) were published, highlighting positive practices from countries as diverse as Benin, Chile, Finland, the Philippines and the Republic of Moldova. UNHCR and the Organization for Security and Co-operation in Europe (OSCE) also published a new “Handbook on statelessness in the OSCE area”.¹⁰

⁸ Available from http://www.unhcr.org/ibelong/wp-content/uploads/2015-10-StatelessReport_ENG16.pdf.

⁹ Available from <http://www.refworld.org/pdfid/58b6e3364.pdf>.

¹⁰ Available from <http://www.osce.org/handbook/statelessness-in-the-OSCE-area?download=true>.

24. UNHCR worked with United Nations and NGO partners, such as UNICEF and the Global Campaign for Equal Nationality Rights, to develop quick reference guides on statelessness and human rights treaties. These are intended to assist practitioners working on statelessness and to bring attention to statelessness by human rights treaty bodies and the Human Rights Council. Such reference guides have been produced for the International Covenant on Civil and Political Rights,¹¹ the Convention on the Rights of the Child,¹² and the Convention on the Elimination of Discrimination against Women.¹³ Pursuant to a 2016 Human Rights Council resolution on the right to nationality, in May 2017 the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNHCR co-organized an intersessional workshop on the removal of gender discrimination from nationality laws, which produced a set of practical recommendations to States.

III. Resources

25. The statelessness budget, pillar II in UNHCR's budget structure, decreased somewhat as a result of resource constraints. To draw attention to the financial resources needed to strengthen implementation of UNHCR's statelessness mandate, UNHCR launched the first-ever special appeal on statelessness for 2017-2018 in the amount of US\$ 47 million, which targets 11 countries hosting major stateless or at-risk populations.¹⁴ Notwithstanding the increased focus on statelessness by United Nations Member States, additional engagement and support is needed to reach the Campaign's goals.

26. The seven dedicated regional statelessness posts filled from 2012 to 2014 strengthened UNHCR's capacity to address statelessness. One additional position covering East Africa was created in 2016, and a new position was established at Headquarters in 2017. New positions dedicated fully or partly to statelessness were also created in Côte d'Ivoire, Kenya, Malaysia, South Sudan, Sudan and Thailand. Statelessness Officers were deployed to Côte d'Ivoire, Senegal, Thailand and Zimbabwe under the specialized roster of the "Surge protection capacity project" from 2015 to 2017. UNHCR also provided targeted resources to support activities related to statelessness through the "Seeds for solutions" mechanism and other specialized funds.

IV. Conclusion and outlook

27. As recent experience has shown, the Campaign has raised awareness and produced tangible results, but more needs to be done to accelerate the reduction and prevention of statelessness in order to meet the ambitious targets of the "Global action plan". In the coming two-year period, UNHCR will seek the support of United Nations Member States to prioritize statelessness in a number of countries, consistent with the Office's "Strategic directions" (2017-2021). The Office will also continue to work with United Nations Member States and agencies as well as civil society to link statelessness advocacy efforts to relevant initiatives, including the 2030 Agenda for Sustainable Development and the global compacts on refugees and for safe, orderly and regular migration. The "programme of action" of the global compact on refugees will provide an important opportunity to address statelessness as a root cause of displacement and to link improvements in the refugee response to the prevention and reduction of statelessness, including in the areas of reception and admission and with respect to the provision of civil documentation.

¹¹ Available from <http://www.refworld.org/docid/58c25e3a4.html>.

¹² Available from <http://www.refworld.org/docid/58c25eb14.html>.

¹³ Available from <http://www.refworld.org/docid/58e38a3f4.html>.

¹⁴ Available from <http://bit.ly/2qMDHDI>.