

Report of the Regional Workshop on

# Statelessness and the Rights of Women and Children



18-19 November 2011  
Manila, Philippines



**UNHCR**  
The UN Refugee Agency

## AICHR Co-Chair

### **Rafendi Djamin**

*Chair of ASEAN Intergovernmental Commission on Human Rights (AICHR) in 2011 and Representative of Indonesia to the AICHR*



South East Asia is a diverse region which faces many protection challenges today. At this workshop we discussed one of those challenges: statelessness and the rights of women and children. The region offers interesting and divergent experiences of how that challenge can be addressed, including some that can both be studied and used as examples in other regions. It is an issue that we continue to tackle and it will be interesting to see how far we can progress in the next ten years.

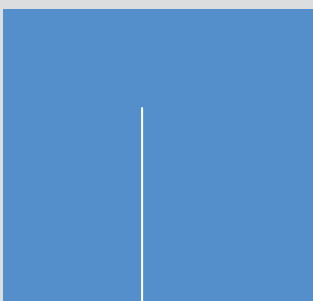
AICHR and UNHCR's joint two-day workshop yielded a number of concrete recommendations, and I hope we can implement them by strengthening our partnership with other organizations in the region. Among those recommendations, I wish to highlight a number of activities that may be prioritized.

First of all, a review of the nationality laws of ASEAN Member States could be undertaken to identify possible gaps and conflicts that contribute to statelessness.

Secondly, through ASEAN, the adoption of concrete provisions in national law to ensure that everyone's birth is registered can continue to be encouraged.

Thirdly, ASEAN Member States and international organizations can explore ways to collaborate in sharing information to identify the number of stateless persons in the region.

Finally, it would be useful if the ASEAN Human Rights Declaration, which AICHR is currently drafting, incorporates a provision to address statelessness. In particular the Declaration could include a safeguard that would ensure that the revocation or loss of nationality does not result in statelessness.





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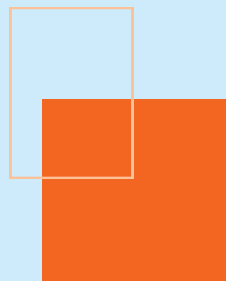
The Member States of ASEAN continue to pave the way towards addressing statelessness in the region through an array of concrete legislative and practical measures. They range from strides to ensure that children have their birth registered to measures to allow those inadvertently rendered stateless through conflicts of nationality laws to recover the nationality that they had lost.

I and other UNHCR colleagues had the pleasure to join AICHR at a joint Regional Workshop on Statelessness to review these rich initiatives and to agree on a solid set of recommendations to be considered in moving forward. This report highlights some of the areas in which progress has been made in the region in recent years and upon which Governments can continue to build. There was a collective recognition among participants that continuing to resolve statelessness is important as it promotes economic growth, social progress, stability and the rule of law in the region.

The issue is a priority for UNHCR as its Mandate includes not only protecting refugees but also addressing statelessness. This requires both the individual and collective engagement of States. This is why UNHCR is very pleased that AICHR has taken a lead on addressing statelessness in South East Asia.

It was particularly appropriate that this Workshop was held in the Philippines not only because of its ratification of the 1954 Convention on the Status of Stateless Persons in 2011, but also because of the pledges that it made to address statelessness at the Ministerial Meeting that UNHCR hosted in Geneva just a number of weeks after the Workshop. Other ASEAN countries also made pledges at this Ministerial Meeting, including Indonesia and Thailand.

UNHCR looks forward to support ASEAN Member States in their continuing work to address statelessness, and particularly to AICHR as it moves ahead in implementing the recommendations made at the Manila Regional Workshop. AICHR's work in this regard will in turn contribute to the realization of the right to a nationality and other key human rights for all peoples of ASEAN.

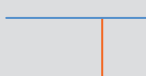




Pictured with her daughter, a Vietnamese woman who reacquired her Vietnamese nationality thanks to the Government's restoration measures. © UNHCR/C. Doan

## Contents

<b>Introduction</b>	<b>5</b>
<b>The Causes and Consequences of Statelessness</b>	<b>6</b>
<b>Statelessness and International Human Rights Laws</b>	<b>7</b>
<b>The Comprehensive Framework for Addressing Statelessness</b>	<b>9</b>
Identification: Mapping statelessness	10
Prevention: Addressing the root cause of statelessness	11
Reduction: Resolving statelessness	14
Protection: Promoting enjoyment of human rights by stateless people	16
<b>The linkage between statelessness and other issues</b>	<b>17</b>
Migration	17
Smuggling and Trafficking	18
<b>Recommendations</b>	<b>19</b>





## Introduction

Statelessness profoundly affects the lives of an estimated 12 million people worldwide, including a significant number living in South East Asia. Statelessness can be seen as the failure to realise the right to a nationality and is often caused when other human rights are not realised, such as the right of a child to have his or her birth registered. Although stateless populations are often hidden and remain unidentified, it is clear that women and children are particularly vulnerable to statelessness. Statelessness often prevents the enjoyment of the full range of human rights, acting, for example, as a barrier that can stop children from accessing primary education or prevent women from accessing maternity healthcare.

To help to address this complex challenge, the ASEAN Intergovernmental Commission of Human Rights (AICHR) and the Office for the United Nations High Commissioner for Refugees (UNHCR) co-hosted a *Regional Workshop on Statelessness and the Rights of Women and Children* in Manila, the Philippines from 18 to 19 November 2011. The participants from eight ASEAN Member States included Representatives to AICHR or their Designates, Government officials, national experts as well as UNHCR staff.

The Workshop reviewed a number of the known situations of statelessness in the region, before considering the international legal framework that exists in the region. Various good practices adopted by ASEAN Member States to address statelessness were identified, with a particular focus on successful approaches that had been taken to prevent and reduce statelessness among women and children. In doing so, the Workshop built upon previous national and regional initiatives, including the *Regional Expert Roundtable on Good Practices for the Identification, Prevention and Reduction of Statelessness and the Protection of Stateless Persons in South East Asia* held in Bangkok in October 2010 co-hosted by the National Human Rights Commission of Thailand and UNHCR.

This publication reflects the Summary Report issued by the Regional Workshop, highlighting good practices that have emerged among ASEAN Member States, and recommendations to consider for further concrete actions.

First of all, it describes some of the causes and consequences of statelessness which can affect anyone regardless of age or gender. Secondly, a summary of the discussions at the workshop on statelessness and the applicable international human rights law framework is set out. Thirdly, the report provides suggestions of how



Participants from Cambodia included the Alternate Representative of Cambodia to AICHR (*pictured middle*), Chief of Statistics and Civil Registration Office (*pictured right*), and National Officer of the Office of the Representative of Cambodia to AICHR (*pictured left*) and UNHCR Cambodia. © UNHCR/B. Abante

statelessness amongst women and children could be identified, prevented and reduced, as well as measures that have been taken to protect stateless children. Fourthly, the report concludes by setting out the linkages that can exist between statelessness, migration and human trafficking.

## The Causes and Consequences of Statelessness

As was discussed during the Workshop, nationality is a right of paramount importance as it entitles a person to the formal protection of a State when abroad and often serves as the prerequisite for the full enjoyment of his or her basic civil, political and economic rights. It is a right to which every woman, girl, man and boy is entitled. Statelessness can result from gaps or conflict of relevant nationality laws, usually between the laws of the State where the person is born and laws of the State of nationality of his or her parents. Technical flaws in nationality laws can also cause statelessness, for example when a person is required to renounce his or her original nationality before being able to apply for a new nationality. In such cases, if naturalisation does not occur and there are no other protections in place, a person is left stateless. Gender discrimination in nationality laws, where women and men are not equally able to pass on their nationality to children, can also cause statelessness particularly when a father is absent or a child is born out of wedlock. State succession can leave people without a nationality, for example where the original State of nationality dissolves leaving a person without the nationality of the new State.

Stateless people face serious consequences in their everyday lives. As they do not hold a nationality it is often not possible for them to undertake a range of basic activities such as attending school, visiting hospital, working, registering the birth of a child, owning property or travelling overseas. The stateless are

often found among people who live in chronic poverty, because they lack economic opportunities. Often they lack any identity documentation which exposes them to exploitation or people smugglers. Statelessness not only imperils the human rights of affected populations, but also carries multiple consequences for States at the national, regional and global level.

## Statelessness and International Human Rights Law

The Workshop provided an opportunity to review the international legal framework for protecting the right to a nationality and preventing and reducing statelessness. A stateless person is defined in international law as “a person who is not considered the national of any state under the operation of its law”. International human rights law aims to prevent statelessness. This ambition is reflected in the Universal Declaration of Human Rights (UDHR), which recognizes that “everyone has the right to a nationality” and that “no one shall be arbitrarily deprived of his nationality nor denied his rights to nationality”. Every ASEAN Member State has accepted international legal obligations to help to realise the right to a nationality by ratifying the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of Discrimination Against Women (CEDAW). In addition, several ASEAN Member States are parties to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of Racial Discrimination (CERD), which contain other relevant provisions. These instruments provide an important legal framework that can help address statelessness in the region. For example, CRC and ICCPR both provide that all children within the territory of State parties and subject to its jurisdiction must be registered at birth, and that all children have the right to acquire a nationality.

### Universal Declaration of Human Rights, Article 15 states that

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.



Furthermore each of these treaties require that the right to a nationality should be enjoyed without discrimination. CEDAW includes specific guarantees to ensure that women enjoy equal

rights to men to acquire, change and retain their nationality (particularly to avoid statelessness), as well as to pass on their nationality to their children. CERD provides that the right to a nationality should be enjoyed without distinction as to “race, colour, or national or ethnic origin”, a provision which is also reflected in the CRC and ICCPR.



**ASEAN instruments** that are good tools to prevent and reduce statelessness include the:

- ASEAN Declaration on the Protection and Promotion on the Rights of Migrant Workers
- Declaration on the Elimination of Violence Against Women in the ASEAN Region
- ASEAN Declaration Against Trafficking in Persons Particularly Women and Children

Participants at the Workshop noted that ASEAN has adopted a number of instruments that include standards that can help to prevent and reduce statelessness and address the human rights challenges that stateless persons face in various contexts. These instruments include the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, the Declaration

on the Elimination of Violence Against Women in the ASEAN Region and the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children. They encourage co-operation between States to, for example, establish the nationality of migrant workers who are undocumented and to preserve the integrity of the travel documents of victims of trafficking.

AICHR's mandate to promote and protect the human rights of all ASEAN peoples extends to addressing the causes and consequences of statelessness within this framework. The applicable international human rights law framework provides a legal basis under which AICHR and ASEAN Member States can rely and build upon to improve the situation of stateless people in the region.

Some key areas were highlighted at the Workshop where AICHR and ASEAN Member States could further explore how to address statelessness in the region. They include:

- Encouraging accession and ratification to key international human rights instruments, particularly the 1954 Convention Relating to the Status of Stateless Persons, and the 1961 Convention on Reduction of Statelessness;





*Right:* Ricardo V. Paras III, the Philippines' Chief State Counsel, Department of Justice, explains to the Workshop how the country built upon the foundation of ratifying the 1954 Convention by amending its domestic law. Workshop participants commended the Philippines for being the first ASEAN Member State to ratify the Convention. *Left:* Participants from the Philippines. © UNHCR/B. Abante

- Noting that the Human Rights framework, and particularly the 1954 Convention and the 1961 Convention, represent minimum standards, States may wish to establish further protections against statelessness beyond these instruments;
- Recognizing that women and children are particularly at risk of statelessness when a conflict exists between the nationality laws of States, acknowledging further study of such conflicts of law would be useful;
- Given that education is a human right to which all children are entitled, irrespective of their nationality, immigration status, or possible statelessness, welcoming flexible practices to allow children to enrol in primary school.

## The Comprehensive Framework for Addressing Statelessness

The United Nations General Assembly has entrusted UNHCR with a mandate relating to the identification, prevention and reduction of statelessness and the protection of stateless persons. The discussions at the Workshop concentrated on all four of these pillars, although it was also noted that there are strong inter-linkages between the different pillars.

## Identification: Mapping statelessness

The identification of statelessness serves as a foundation for constructing an effective response to prevent and reduce statelessness and to address any gaps in the protection of stateless persons. Through the identification of stateless populations, States and other stakeholders obtain specific information on the size, location, profile of the population and the cause of their statelessness. Such detailed information enables States to take critical steps in providing protection for stateless people and undertaking effective actions to resolve their lack of nationality. During the Workshop, the lack of comprehensive national statistics on stateless persons was noted, and ASEAN Member States were encouraged to strengthen measures to collect data on stateless people. Improved data collection relating to statelessness in national census and surveys will greatly help to identify the demographic profile of stateless populations in Member States.



Participants from Lao PDR (pictured first and second from left) and Malaysia (pictured third and fourth from left). © UNHCR/B. Abante

In identifying stateless populations it is crucial to adopt and apply an appropriate definition of who is a stateless person. The definition of a stateless person found in Article 1 the

*1954 Convention relating to the Status of Stateless Persons* is considered to be part of customary international law. **Lao PDR** and **Viet Nam** are amongst the ASEAN Member States that have taken the first steps to reflect this definition in nationality law.

Detailed legal analysis comparing the nationality laws of different States and identifying gaps and conflicts that cause statelessness was seen as a way to identify the profile of stateless populations and those at risk of statelessness. An example of a gap in nationality law is where the nationality of one State is automatically lost after long-term residence abroad, and the individual losing his or her nationality does not possess or has not acquired a new nationality. Participants agreed that a comparative mapping study would be worthwhile and encouraged initiatives to be undertaken on research to identify gaps or

**A stateless person is “a person who is not considered as a national by any State under operation of its law”.**

1954 Convention relating to the Status of Stateless Persons, Article 1(1)

Definition of Stateless Persons as defined in national laws of ASEAN countries

**“An ‘apatrid’ is an individual residing in the territory of the Lao People’s Democratic Republic who is not a Lao citizen and who is unable to certify his nationality.”**

Article 7, Law on Lao Nationality, 2004

**“Stateless person is a person who has neither Vietnamese nationality nor foreign nationality.”**

Article 3(2) of Law on Vietnamese Nationality, 2008



conflicts in the nationality laws of ASEAN Member States that can lead to statelessness. This study would highlight possible technical reforms to nationality law that may be required to prevent and reduce statelessness in the region.

## Prevention: Addressing the root cause of statelessness

There was general consensus that preventing statelessness is better than trying to resolve statelessness that has already arisen. Closing gaps in laws and policies that may cause statelessness at birth among children was seen as a key area to address in order to prevent statelessness. ASEAN Member States have implemented a number of key legal reforms to ensure gender equality in nationality law and to try to achieve universal birth registration. In addition, large scale nationality verification exercises have resulted in the confirmation of nationality for large numbers of migrant workers, helping to eliminate the risk of statelessness for that group.

The large birth registration campaign that took place in **Cambodia** between 2004-2005 was highlighted as a good practice case study. More than 7 million birth certificates were issued



Birth registration is of paramount importance for all children because a birth certificate is the legal document that proves their name, their place of birth and age, their parents’ identities. © UNHCR/P. Jambor

### Main principles for granting nationality

Globally, States have adopted two main principles in order to grant a nationality:

*Jus soli* (Latin: the law of the soil) is the principle by which a child born within a country's territorial jurisdiction acquires that country's nationality. This principle is the basis of the nationality laws of most States

*Jus sanguinis* (Latin: the law of the blood) is the principle by which a child acquires the nationality of his or her parents by descent.

Today, most if not all countries apply a mixture of these two principles: neither granting citizenship to everyone born within the country's jurisdiction, nor denying citizenship to the children born abroad.

during the campaign. The Civil Registry, located in the capital, Phnom Penh, had been completely destroyed during the civil war in the 1970s. Until 2002 most Cambodians did not have birth registration documents. This issue was initially addressed by the Ministry of the Interior, which introduced the Sub-Decree No. 103 in 2000 to create a legal framework for a national civil registration system. This decree entered into force in 2002 with the objective of registering the entire population under a uniform computerized system by August 2005. Subsequently a national civil registration exercise was undertaken with the support of the Asian Development Bank, UNICEF and Plan International. A key component of the success of the project was the use of mobile registration teams, which allowed people living in remote areas to register when previously registration had been inaccessible. The registration teams provided applicants with birth certificates without charging a fee. The project

was said to have brought the level of birth registration in the country from less than five per cent to almost 95 per cent by 2008, with the total records of 13 million people under one national system.

This registration campaign was successful because it addressed two main challenges. First, mobile registration teams could reach communities in remote areas. Second, public awareness of the importance of birth registration was raised through the use of television spots and documentaries, advertising, and events to attract media exposure, combined with the grassroots support of spokespersons, including community leaders such as village heads, teachers and monks.

Improvements in the legal framework relating to birth registration in **Thailand** were also described, where civil registration law was revised to entitle all children born in its territory to be registered at birth. To facilitate

***Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Article 9 provides***

“1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.”



improved registration, Thailand has established a database that connects the hospital to civil registration office to ensure that newborn babies born in hospital are registered in the civil registration system.

The delegate from **Indonesia** explained how his country reformed its nationality law with the aim of preventing statelessness, particularly among children. Three improvements were made in 2006. The first amended the provision that stipulated that the nationality of Indonesians who lived abroad for more than 5 years would be withdrawn if no declaration was made indicating that the wish to retain their nationality. The old law created many stateless persons. The new law no longer requires such a declaration if a person would become stateless as a result of losing his or her Indonesian nationality, closing this gap.

The second reform permitted children to retain dual-citizenship until they reach an age of adulthood. This policy ensures that children of mixed marriages who qualify for the nationality of both parents can defer the choice of nationality until they reach adulthood. It prevents statelessness among children, whose parents do not agree on the nationality the child should hold.



Ario Priojati (pictured left), Division Head of political party registration, Ministry of Justice and Human Rights, shared at the Workshop Indonesia's laws on nationality and measures in place to prevent statelessness among Indonesians residing overseas. © UNHCR/B. Abante



The third reform aimed at achieving gender equality in nationality law. Previously the law allowed only male citizens to convey citizenship; in contrast, the new law provides that either the mother or the father can pass on Indonesian nationality to their children by descent. This change significantly lowers the risk of statelessness among children of Indonesian mothers whose fathers are non-nationals.

It is important to note that Indonesia is not alone in improving the gender equality of its nationality law. For example, in 2004, **Singapore** amended its Constitution to enable women to convey nationality to children born abroad, thereby ensuring that its legal system offers both women and men full and equal rights with respect to transmitting citizenship by descent. In addition to granting additional social and legal protection to Singaporean women who have children abroad — and assuring that these children will not be stateless — these reforms also allowed Singapore to lift its reservation to CEDAW Article 9(2). This provision requires that States parties adopt gender-neutral policies with respect to the acquisition of nationality by descent.

## Reduction: Resolving situation of stateless people

Reduction of statelessness is achieved through granting or confirming a nationality to stateless individuals and documenting them as nationals of a particular State. Resolving current cases of statelessness also serves as a preventive measure for following generations who can subsequently acquire



Some of the former Cambodian refugees who received their citizenship certificates at a ceremony held in Ho Chi Minh City in July 2010. ©UNHCR/A. T. Lieu

the nationality of their parents by descent. The good practices in the reduction of statelessness by ASEAN Member States discussed during the Workshop included the restoration of nationality to former citizens, the registration of persons who lack documents to confirm nationality and the naturalization of long-term residents.

**Viet Nam** has led efforts to restore nationality to former citizens. A significant number of

former citizens had become stateless because they had renounced their Vietnamese citizenship in order to acquire a new nationality, but the process of acquisition had not been successful. An expert from Ho Chi Minh City presented the details of how Viet Nam has taken the steps to assist former Vietnamese citizens, who are mostly women who have married foreigners. This policy was said to affect some 200,000 women. Their situation has been resolved through bilateral agreements between Viet Nam and the concerned States. As a result, the renunciation requirement demanded by, for example, Korean nationality law is lifted and the procedure for this population to acquire a new nationality is simplified thereby reducing the risk of statelessness. In addition, Viet Nam will not accept the renunciation of nationality unless there is a written confirmation given by another State that the person has successfully acquired a new nationality.



At the Workshop, Ngo Thi Hong Loan (*pictured second from right*) represented the Department of Foreign Affairs, Ho Chi Minh City. She is involved in helping many former nationals reacquire Vietnamese nationality. © UNHCR/B. Abante

These approaches in Viet Nam have been complemented by the opening of marriage assistance centres nationwide, which are operated by the Viet Nam Women's Union. They raise awareness about possible conflict of laws that could cause statelessness and share information on culture and customs of the new country. Viet Nam is currently undertaking a national plan (2010-2012) on naturalization for stateless people, who mostly are former citizens who have returned to live in the country and wish to regain Vietnamese citizenship. These measures have been widely applauded as contributing to the effort to reduce the world's stateless populations.

**Indonesia** is another ASEAN country that has adopted measures to reduce statelessness. Changes to nationality law in 2006 aimed to reduce the numbers of stateless persons created by the previous requirement, described above, that those residing for more than 5 years abroad must make a declaration of their intention to retain their

Indonesian citizenship, or lose it. The reform allowed former citizens who lost their nationality in this way to apply to restore their citizenship with the Indonesian authorities. As a result, it was reported that by 2010 over 125,000 labour migrants in Malaysia alone have regained their citizenship following the Indonesian Government's implementation of an assistance programme. The delegate from Indonesia indicated this programme is continuing and covers not only people in Malaysia, but also those living in such countries such as Saudi Arabia, Japan, New Zealand, the United States and the United Kingdom.

In addition, Indonesia took steps to confirm the citizenship of ethnic minorities by removing the terms "indigenous" or "non-indigenous" groups from its law. This reform benefits a large number of people who have resided in the country for a long time but who were without citizenship; some of whose families have been settled for generations. They particularly included people of Chinese, Malay or Middle Eastern ethnicities. The subsequent programme to confirm citizenship for these groups was jointly carried out by the Ministry of Human Rights, which validates the long-term ties to the State, and the Ministry of Home Affairs, which issues ID cards for those confirmed as citizens.

## Protection: Promoting enjoyment of human rights by stateless people

Stateless people are not considered nationals by any State which can prevent the enjoyment of the full range of human rights guaranteed by international law.



Stateless children attending a Thai school near Bangkok. © UNHCR/B. Napaumporn

Primary education is a human right to which all children are entitled, irrespective of their nationality, immigration status or possible statelessness. A number of ASEAN Member States have adopted flexible practices to allow children to enrol in primary school even if they do not have identity

documentation, and several States allow non-nationals to receive primary education in the public system. Participants from **Thailand** elaborated that its universal education policy was adopted in 2005 and allows all children in the country to enrol in public primary and secondary schools free of charge. Coupled with Thailand's establishment of universal birth registration, these policies have increased the protection offered to children against statelessness and the consequences of statelessness.

## The linkage between statelessness and other issues

The Workshop identified that statelessness is a crosscutting issue. Statelessness was seen as a women's issue, a children's issue, a migration issue, a human trafficking issue and a community development issue. It could also engage other concerns such as national security. The Workshop particularly discussed the two related issues of labour migration and trafficking.



The session on the linkage of statelessness and other issues was chaired by the Representative of Myanmar to AICHR (*pictured at centre*). © UNHCR/B. Abante

## Migration

**Migration** can create the risk of statelessness resulting from the fact that nationals are residing in a country that is not the country of their nationality. The nationality laws of some States terminate nationality after an extended residence abroad, while other States

limit the ability of their nationals to convey nationality by descent to children born outside the country or stipulate that nationality cannot be passed indefinitely to successive generations living abroad. In these situations, children of later generations face a risk of statelessness, a risk heightened if the State of residence does not grant citizenship under *jus soli* principle to children born in its territory or applies the principle with significant restrictions.

## Smuggling and trafficking

**People smuggling and human trafficking** can be both causes and consequences of statelessness. They can cause statelessness when smugglers or traffickers confiscate people's travel documents, which can leave the victim without proof of nationality and present challenges for States in verifying a victim's nationality. People smuggling and human trafficking can



Saowanee Khomepatr, Director of the Bureau for Anti-Trafficking in Women and Children (BATWC), Ministry of Social Development and Human Security. She presented to the workshop how Thailand has put in place the system for addressing the protection needs of victims of trafficking. © UNHCR/B. Abante

be a consequence of statelessness where stateless persons are forced to live in extreme poverty because of denial of access to education or employment. Stateless persons in such situations are often unable to access regular forms of migration that leave them vulnerable to exploitation by smugglers and traffickers.

The national expert on trafficking issues from **Thailand** described how the Bureau of Anti-Trafficking in Women and Children under the Ministry of Social Development and Human Security, protects victims of human trafficking, including stateless people, identified in the country. She noted that Thailand is a country of origin, transit as well as destination. Among various Thai Government entities and other stakeholders involved in this issue, the Bureau is responsible for providing assistance to victims of trafficking. Specifically, her team coordinates with related agencies to identify and rescue victims, refer them to shelters and provide them with basic services. From 2008 to 2011, some 1,884 persons have been under the care of the Bureau. Thailand's ministerial

regulations allow victims a temporary stay while repatriation and reintegration are facilitated through established bilateral agreements with neighbouring countries such as Cambodia, Lao PDR and Myanmar. In



In addition, the Bureau also coordinates with countries outside the region. The services provided to identified victims include counselling, education, vocational training, medical care, legal assistance, family tracing assistance, and training on reintegration and repatriation. Family tracing and documentation to facilitate reintegration and repatriation were seen as concrete measures that can be taken to reduce the risk of statelessness amongst victims of trafficking. However, this could not occur without international co-operation.

## Recommendations

At the conclusion of the Regional Workshop, participants identified recommendations for further concrete actions for AICHR and ASEAN Member States to consider in cooperation with stakeholders at the national and regional level.

- Encourage that concrete provisions be adopted in national laws throughout ASEAN to provide universal birth registration, and to adopt good practices recognizing that universal birth registration needs to be progressively realized, subject to availability of resources;
- Undertake a study to analyse nationality laws of ASEAN Member States to identify conflicts and gaps that could result in statelessness, particularly in the light of high levels of migration in the region, and the reality that the lives and families of migrants often span multiple countries;
- Explore collaboration between AICHR, ASEAN Member States and international organizations to share information on the identification of stateless populations, as well as their size and location;
- Consider flexible and expedited proceedings for reacquiring nationality for former nationals who are stateless;
- Recognizing the need for multinational approach to statelessness in the region, the vital role of ASEAN, the relevant ASEAN Declarations already adopted and future adoption of Declaration on Human Rights, encourage cooperation and consolidation among relevant ASEAN sectoral bodies and its relevant programmes.

Participants highlighted that these recommendations for consideration would require the support and cooperation of international organizations such as UNHCR.



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## Map of ASEAN Member States



The Association of Southeast Asian Nations, or ASEAN, was established on 8 August 1967 in Bangkok, with the signing of the ASEAN Declaration (Bangkok Declaration). Its current ten Member States include Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam.



*Cover:*  
Newly registered women in Mindanao proudly hold up their birth certificates in an expression of joy, alongside the acting regional secretary Karon-Kader of the Philippines.  
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If you would like more information about:

**International law relating to the prevention, and reduction of statelessness and the protection of stateless persons, including the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness**

visit UNHCR's Refworld website at [www.refworld.org](http://www.refworld.org)



UNHCR Brochures published in 2010 explain the statelessness conventions in detail. These can be found at [www.refworld.org](http://www.refworld.org)

**ASEAN Intergovernmental Commission on Human Rights**

Visit its website at [www.aichr.org](http://www.aichr.org)

**UNHCR and its works on statelessness**

Visit UNHCR's statelessness website at [www.unhcr.org/statelessness](http://www.unhcr.org/statelessness)



**“Everyone has the  
right to a nationality.**

**No one shall be  
arbitrarily deprived of  
his nationality nor  
denied the right to  
change his  
nationality.”**

Universal Declaration of Human Rights

*This Regional Workshop on Statelessness and the Rights of Women and Children was co-hosted by the ASEAN Intergovernmental Commission on Human Rights and the United Nations High Commissioner for Refugees with support from the Government of the Philippines.*



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