

The status of statelessness 60 years on

Volker Türk

The 60th anniversary of the 1954 Convention on the Status of Stateless Persons is an opportunity to draw attention to the human face of statelessness, and to increase awareness of the impact of this issue on both the lives of individuals and societies more broadly.

There is a cruel contradiction in a world of nation-states in which millions of individuals are not recognised as belonging to any state. Sixty years ago, the international community agreed on the first international treaty regulating the status of stateless persons (to which 80 states are now party) and in 1961 on the Convention on the Reduction of Statelessness. Yet the scourge of statelessness persists, affecting the lives of individuals and communities the world over.

To be stateless is to not be considered as a national by any state under the operation of its law. Amongst many other things, a nationality entitles an individual to the full protection of a state. To be stateless therefore often implies a denial of the most basic rights, a denial of the documentation required to secure these rights and of many other elements that are necessary to lead a normal life. It also means being shunned and discriminated against, and the added pressure of passing on that stigma to children and future generations.

This is not to say that stateless people do not have ties to a particular country. However, as a result of state action or inaction, because of gaps in laws and procedures or simply because of an unfortunate convergence of circumstances, they have fallen through the cracks. This is almost always by no fault of their own.

In order to ensure every person has a nationality, UNHCR places great emphasis on promoting accession to the 1961 Convention, providing technical advice on the application of the Conventions and relevant human rights standards. However, where obstacles remain, we work towards stateless persons being granted a legal residence status similar to that enjoyed by refugees, allowing

them to access basic services. This is why UNHCR is also committed to promoting accession to the 1954 Convention, which regulates the treatment of stateless persons.

Since 2011 there have been an unprecedented 33 accessions to the two statelessness Conventions, with 22 states across four continents acceding to one or both of the Conventions. Most recently, Hungary and Mexico have withdrawn reservations to the 1954 Convention; Peru, Montenegro, Côte d'Ivoire and Lithuania have all acceded to one or both of the Conventions; and Georgia, Gambia and Colombia have passed the requisite legislation for accession. The intention is that the campaign to commemorate the 60th anniversary of the 1954 Convention will further bolster this momentum.

Positive steps

Preventive action needs to be taken to avert potential instances of mass deprivation of nationality and to ensure new situations of state succession, for example, do not result in statelessness. Further, nationality laws and administrative procedures must be reformed to eliminate discrimination and ensure that adequate safeguards are in place to prevent statelessness, particularly among children. To this end, UNHCR intensified the provision of technical advice and promotion of legal reforms in 2012 and 2013 to address gaps in nationality and related legislation in 56 states, notably from a gender equality and child protection perspective. Twenty-seven countries continue to discriminate against women by failing to allow mothers to confer their nationality on their children on an equal basis with fathers – but Kenya, Senegal and Tunisia have all amended their nationality legislation in recent years to affirm

May 2014

gender equality and thus removed the bars to the passing on by women of nationality.

Simple measures such as civil registration, combined with legislative reform, are invaluable tools in the acquisition of citizenship for stateless persons. For millions of people around the world, birth certificates – that many of us take for granted – are a dream and a key for a better future. This is poignantly evident in the proud face of every person who receives a birth certificate in Thailand and the Philippines during a recent distribution.

Birth registration, in particular, addresses not only child protection concerns but also statelessness and reintegration issues. Both Georgia and the Russian Federation

have implemented pledges in respect of civil registration and documentation systems, and birth registration will continue to be a priority for UNHCR.

Since stateless people are often without personal documentation, and therefore uncounted and unseen, identifying the magnitude of stateless situations has been a considerable obstacle in addressing this issue. But there is some progress here, with states pledging to undertake studies and surveys, and to report on the issue of statelessness. The Philippines is leading the way in this regard, and a number of countries, including Georgia, Moldova and the UK, have established statelessness determination procedures to improve the identification



IRIN/David Longstreath

A Burmese family registers their child for a Thai birth certificate at Mae Tao clinic in Mae Sot, Thailand.

and protection of stateless persons. UNHCR has advocated for and provided technical advice on the need to institute simple but effective statelessness determination procedures in 39 states, including the US, Brazil, Uruguay, Costa Rica and Panama.

Reducing statelessness

Many countries including Côte d'Ivoire, the Kyrgyz Republic, Turkmenistan, Sri Lanka, Bangladesh and the Russian Federation have made considerable progress in resolving long-standing situations of statelessness by granting nationality to stateless populations. Increasingly, governments have recognised the cost of statelessness in terms of human rights, slower growth and development and social diversity, which in extreme cases has led to conflict. Consequently, a number of states have taken the initiative to reform their nationality laws and policies over the last decade. Bangladesh, for example, has recognised the citizenship of large numbers of people who had previously been stateless, while Côte d'Ivoire is taking important steps to resolve the protracted stateless situation there and prevent further generations of stateless persons.

It is extremely encouraging to note the greater interest among NGOs to rally behind the cause of ending statelessness. With this growing civil society interest, UNHCR is committed to supporting the establishment of a global civil society movement focused on ensuring greater action on statelessness. To this end, UNHCR will continue to facilitate an annual retreat on statelessness, which brings together participants from at least 25 NGOs to promote coordination amongst civil society organisations, with the objective of strengthening and expanding the network of civil society partners working on the issue of statelessness.

In recent years, UNHCR has considerably increased its activities relating to statelessness, supported by legal initiatives such as developing guidelines setting out the applicable framework on nationality of children,¹ and a *Handbook on the*

Protection of Stateless Persons. It also runs legal aid programmes to assist stateless persons with civil status and identity documentation, providing stateless persons with access to services and supporting efforts for change in laws and policies on civil documentation in 25 countries.

At the global level UNHCR works closely with UNICEF on matters relating to birth registration, whilst working to strengthen the coordination of UN Country Teams on issues of statelessness; particularly good examples of such coordination can be found in joint action to resolve protracted statelessness in Kyrgyzstan and technical advice provided to Nepal's Constituent Assembly.

We continue to see solid progress in the endeavour to eradicate statelessness, including by states finding new and innovative ways of engaging in the debate, for example through efforts of the US to advocate in human rights fora for action by other states to reduce statelessness, or technical advice provided by Hungary to a range of states. The fact remains, however, that there are still at least 20 situations in which populations of more than 25,000 people have been stateless for over a decade.

This year UNHCR launches a campaign which includes a series of dialogues with groups of stateless persons, the dissemination of testimonies, the publication of a collection of good practices, the first Global Forum on Statelessness, and regional and national inter-governmental meetings. The campaign aims to eliminate, within the next ten years, the phenomenon of statelessness which continues to render a legally invisible population liable to discrimination, exploitation, harassment and a host of other protection challenges.

Volker Türk turk@unhcr.org is Director of International Protection at UNHCR Headquarters in Geneva. www.unhcr.org

1. *Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness*
www.refworld.org/docid/50d460c72.html