



Indian-origin tea pickers  
prepare to start work at  
Chrystler's farm estate in  
Kotagala, Sri Lanka.



# Addressing Situations of Statelessness

**P**ositive developments in the Field, such as improvements in staff capacity and the adoption of new laws in some countries, allowed UNHCR to do much to implement its mandate to address statelessness in 2009. Nonetheless, much more needs to be done. Statelessness remains a massive problem that affects some 12 million people worldwide, and tackling the issue continued to be a Global Strategic Objective for UNHCR.

Statelessness defines the condition of an individual who is not considered a national by any State. Possession of nationality is essential for full participation in society and entitles a citizen to the protection of his or her State when abroad. Political rights, as well as the unconditional right to enter and reside in a country, are frequently limited to nationals. Non-refugee stateless persons, on the other hand,

often do not enjoy the full range of basic human rights. They may be detained because they are stateless, denied access to education and health services, or blocked from seeking gainful employment.

Under its mandate given by the UN General Assembly to address statelessness, UNHCR strives to increase the number of States that are party to the international conventions on statelessness. It also advocates for legislative and other measures to prevent and reduce statelessness and to protect stateless persons.

In 2009, UNHCR took practical steps to help stateless persons acquire a nationality and exercise their rights. For instance, it worked with governments to increase their capacity to examine cases of statelessness and issue documentation where appropriate. In this regard, UNHCR's 2006 Executive Committee Conclusion on Statelessness, which

serves as a blueprint for action on the issue, has led to a number of successes in the identification, prevention and reduction of statelessness and the protection of stateless persons.

## TRAINING AND TOOLS

UNHCR has made considerable progress in increasing the capacity of its staff and those of its partners to address statelessness. There is a growing body of guidance and operational experience on the issue, while more structured knowledge is disseminated through the Thematic Protection Learning Programme.

The publication *Statelessness: An Analytical Framework for Prevention, Reduction and Protection*, published in early 2009, helped numerous UNHCR offices to identify key protection issues. In Central Asia, it formed the basis for gaps analyses which informed national and regional discussions on statelessness.

Three Thematic Protection Learning Programmes sessions on statelessness were held in 2009. These benefited 66 staff from UNHCR, UN partners and key non-governmental organizations (NGOs) in 23 countries in the Middle East, South-East Asia and Africa. Consequently, UNHCR staff and partners analysed legislation in a number of countries and conducted focus group discussions using the participatory assessment methodology. Additional training tools in the form of a self-study module and an e-Learning programme were prepared and will be launched in 2010.

### PROMOTING INTERNATIONAL STANDARDS

The year 2009 saw important developments relating to international legal standards. Following an intensive drafting process with significant UNHCR participation, the Council of Europe adopted a Recommendation on the Nationality of Children. UNHCR played an active role in the drafting of a resolution of the Human Rights Council on arbitrary deprivation of nationality. It also made a significant contribution to the drafting of the UN Secretary-General's report on arbitrary deprivation of nationality.

UNHCR promoted accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of

Statelessness, which now has 37 States parties.

A record number of 51 UNHCR country operations set specific objectives relating to statelessness in their 2010 plans, as opposed to 28 for the 2008–2009 period.

### IDENTIFICATION OF STATELESSNESS

As a solid understanding of statelessness at the country level is a prerequisite for action, field offices stepped up efforts to identify stateless populations, establish the causes of their statelessness, identify obstacles to solutions and spot protection gaps.

UNHCR field offices adopted a range of innovative methods to “map” statelessness. In Kyrgyzstan, UNHCR published a study of statelessness entitled *A Place to Call Home*, which is based on three field surveys. The study highlights the situation of more than 11,000 people identified through the surveys and analyses the various categories of persons who are stateless or at risk of statelessness.

In Montenegro, UNHCR and UNICEF conducted a survey which identified lack of civil registration (including birth registration) as creating a significant risk of statelessness for many members of the country's Roma population. Almost 40 per cent of the over 7,000 persons surveyed were found to lack one or more of the documents required for civil registration, with 70

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Statelessness by holding discussions with national authorities and analysing the compatibility of national legislation with the Conventions. The UNHCR/Inter-Parliamentary Union Handbook for Parliamentarians: *Nationality and Statelessness*, now available in 23 languages, was widely disseminated.

Liechtenstein and Malawi acceded to the 1954 Convention in 2009, bringing the total number of States parties to the Convention to 65. Hungary and Liechtenstein acceded to the 1961 Convention on the Reduction of

per cent of those affected being children.

UNHCR offices in a range of countries, including Indonesia, Kenya, the Russian Federation, Tajikistan and Turkmenistan, explored means of measuring statelessness through population census together with national statistical authorities, UNFPA, and NGOs. UNHCR advocated for the inclusion of specific questions which would yield reliable data on statelessness.

A number of offices in Africa, South-East Asia and Central Asia conducted their first participatory

assessments with stateless populations. The information gained proved useful for planning purposes and increased the credibility of UNHCR's advocacy.

In Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan, UNHCR shared the findings of its gaps analyses and participatory assessments with government counterparts as well as with UN and NGO partners. At the end of the year, UNHCR and the Organization for Security and Cooperation in Europe (OSCE) organized a regional conference on statelessness in Turkmenistan. Government representatives from the four States identified gaps in law and practice and discussed appropriate responses.

#### **PREVENTING AND REDUCING STATELESSNESS AND PROTECTING STATELESS PEOPLE**

A new law in Viet Nam filled gaps which had led to cases of statelessness in the past. The statute allows re-acquisition of nationality by women who had become stateless following marriage to foreign men. It will also facilitate the naturalization of stateless people. Zimbabwe and Bangladesh amended national legislation in order to give women the same right as men to confer nationality on their children. Numerous other States, including Algeria, Egypt, Indonesia, Iraq and Morocco, have addressed this cause of statelessness in recent years.

While some situations of statelessness can be prevented or reduced through legal reform and the simplification of procedures, others require painstaking informational and legal support for individuals. UNHCR field offices assisted tens of thousands of people through information and legal-advice programmes.

In Bosnia and Herzegovina, Montenegro, Serbia and The former Yugoslav Republic of Macedonia, people at risk of statelessness were helped to acquire birth certificates and other vital identity documents needed to establish their nationality. Between January 2008 and July 2009 UNHCR's programmes in these countries assisted more than 15,000 individuals at risk of statelessness. Most of those benefiting were from the so-called Ashkali, Egyptian and Roma communities. These groups face particular challenges

in obtaining documentation due to poverty, social exclusion and low levels of education.

A similar programme was established in Croatia towards the end of 2009.

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Information and legal aid programmes also continued to steadily reduce the number of stateless persons and persons with undetermined nationality in Iraq, Kyrgyzstan, Nepal, the Russian Federation and Ukraine.

#### **RAISING AWARENESS AND WORKING IN PARTNERSHIP**

The relatively low level of awareness of the issue of statelessness can hinder the search for responses to the problem. UNHCR addressed this by improving the content on its dedicated webpage ([www.unhcr.org/statelessness](http://www.unhcr.org/statelessness)) and supporting the publication of a special issue of the Forced Migration Review. A photo exhibition on statelessness was held during the concurrent meetings of UNHCR's Executive Committee and the Human Rights Council at the Palais des Nations in Geneva. UNHCR also contributed to the first-ever Oxford University course on statelessness.

UNHCR worked with a broad range of external partners and continued to expand partnerships, particularly with UNICEF, UNFPA and UNDP. The Thematic Protection Learning Programme served to strengthen ties with partners at the national level, including OHCHR, UNICEF, ILO and a number of key NGOs. Links with the Africa Governance Monitoring and Advocacy Project of the Open Society Institute, a key partner for UNHCR, were also strengthened. ■