

Information Note
Joint Hearing on Statelessness to be held on 09 April 2014
organized by AS/MIG and AS/JUR with UNHCR

What is statelessness and what are its causes?

- A stateless person is “not considered as a national by any State under the operation of its law”.¹
- Nationality is the legal bond between the State and the individual, which entitles individuals to the protection of a State and enables them to exercise a wide range of rights.
- The causes of statelessness include: formation of new States/ State succession; gaps in nationality laws that allow for statelessness at birth or upon loss and deprivation; discriminatory nationality laws or practice.
- Children born stateless in Europe often inherit their statelessness from their parents but they may also fall through the cracks of citizenship laws.
- Statelessness in Europe is largely a product of the dissolution of the Soviet Union and Yugoslavia but can also be found among migrant populations.

The importance of birth registration and issuance of a birth certificate

Birth registration and the issuance of a birth certificate are key for acquiring and proving nationality. Most children without birth registration are not stateless, but they face difficulties proving their links to a State. Where children are born in circumstances that might cause statelessness – such as born to mixed parentage, born in a migratory setting, born to ethnic or other marginalized minorities denied citizenship – lack of birth registration can result in statelessness. In Europe, children remain unregistered at birth for example because their parents cannot meet the documentary requirements to do so, they cannot pay the fees, or they are unaware of the importance of registration.

What does being stateless mean?

Stateless persons are often not entitled to a wide range of basic human rights, namely economic, social and political rights such as: education, employment, healthcare, social assistance, housing, freedom of movement, the right to liberty and the right to vote. Many stateless children are denied access to education and health care. They are particularly vulnerable to exploitation and abuse, including being trafficked, forced into hazardous labour and sexual exploitation.

How many persons are stateless and in which European countries do they mainly reside?

- UNHCR estimated that more than 10 million persons were stateless worldwide in 2012.²
- In Europe, UNHCR reported 681,225 persons under its statelessness mandate at the end of 2012, with Latvia, the Russian Federation, Estonia and Ukraine having the most significant population.³

10 CoE Members States with highest number of stateless persons and persons of undetermined nationality (end 2012)	
CoE Member States	No. of persons
Latvia	280,584
Russian Federation	178,000
Estonia	94,235
Ukraine	35,000
Poland	10,825
Sweden	9,596
Serbia (and Kosovo: UNSCR 1244)	8,500
Albania	7,443
Germany	5,683
Bosnia and Herzegovina	4500

¹ Article 1, 1954 Convention Relating to the Status of Stateless Persons.

² UN High Commissioner for Refugees, *UNHCR Global Trends 2012: Displacement, The New 21st Century Challenge*, 19 June 2013, p.7, available at: <http://www.unhcr.org/51bacb0f9.html>.

³ *Ibid.*, p. 42 – 46 and footnote 8 on page 46, at: See table 7 at: <http://www.unhcr.org/statistics/12-WRD-table-7.xls>. This includes stateless persons and persons of undetermined nationality and is drawn from numbers of persons registered with governments or NGOs, census figures and estimates. Monaco, Malta, Cyprus, Andorra, San Marino, Bulgaria did not report any statistics in 2013 (on 2012).

The main relevant **international** instruments:

- **The 1948 Universal Declaration of Human Rights** affirms that everyone has the right to a nationality (art.15(1)) and that nobody shall be arbitrarily deprived of their nationality (art.15(2)).
- **The 1954 Convention Relating to the Status of Stateless Persons** provides an internationally recognized definition of a stateless person and a framework for States to protect stateless people, including children. The Convention further addresses a variety of rights which have an important effect on day-to-day life such as employment, public education, public relief, labour legislation and social security.
- **The 1961 Convention on the Reduction of Statelessness** deals with the means to avoid statelessness at birth or later in life. The Convention provides for example for the acquisition of nationality by children born in a Contracting State who are otherwise stateless.
- **The 1989 Convention on the Rights of the Child** affirms that children have the right to acquire a nationality (art.7(1)).
- Many other international instruments affirm the right to a nationality without discrimination.⁴

In the **European** context:

- **The 1997 European Convention on Nationality** affirms that everyone has the right to a nationality, statelessness shall be avoided, and that no one shall be arbitrarily deprived of their nationality.
- **The 2006 CoE Convention on the Avoidance of Statelessness in relation to State Succession** regulates how States should prevent cases of statelessness arising from State succession.
- **The 2009 Recommendation of the Committee of Ministers on the Nationality of Children** aims to reduce statelessness of children, facilitate their access to a nationality and ensure their right to a nationality.
- **The Recommendation and Resolution** of the Council of Europe Parliamentary Assembly on access to nationality and the effective implementation of the European Convention on Nationality is scheduled for adoption in April 2014.

CoE Member States that are State Parties to the Stateless Conventions (as of 01 January 2014)	
Convention	Member States
1954 Convention relating to the Status of Stateless Persons	37
1961 Convention on the Reduction of Statelessness	27
1997 European Convention on Nationality	20
2006 Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession	6

What measures can be taken by Parliamentarians to reduce statelessness (including with a focus on children)?

- Raise awareness about the protection needs of stateless persons in Europe and the possible solutions to their plight, with a particular focus on statelessness among children.
- Promote ratification, accession and implementation of the relevant UN and Council of Europe Conventions and standards relating to statelessness.
- Advocate for effective and accessible administrative procedures for stateless persons to acquire a nationality.
- Advocate for further action in terms of identifying potential stateless populations.
- Raise awareness about the need to prevent children being born stateless in Europe.
- Advocate for amendments to nationality laws to prevent statelessness at birth.
- Advocate for universal birth registration.
- Advocate for the inclusion of the plight of stateless children in the development and implementation of international, European and national policies, advocacy campaigns, programme work and research on children’s health, education, protection, labour, trafficking, migration, poverty reduction and development.
- Assist stateless children to enjoy basic rights, including those related to housing, health and education.

UNHCR Representation to the European Institutions in Strasbourg , 29 January 2014

⁴ See for example the 1965 Convention on the Elimination of All Forms of Racial Discrimination, the 1966 International Covenant on Civil and Political Rights, and the 1979 Convention on the Elimination of All Forms of Discrimination Against Women.