NGO Statement on Statelessness

Dear Chairperson,

This statement is delivered on behalf of a wide range of NGOs.

The NGO Community appreciates efforts to address statelessness, through new policies to identify and protect stateless persons, and avoid and reduce statelessness. NGOs also welcome the increased recommendations on statelessness made via the UPR process and in State accessions to the 1954 and 1961 Conventions. Regional efforts to end statelessness are also commendable, including the recent African Union meeting on the Draft Protocol on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa.

Nevertheless, NGOs remain deeply concerned about the severe human rights impact of statelessness, still affecting an estimated 15 million people in the world. New risks of statelessness are also appearing and should be addressed, particularly to prevent and resolve statelessness among children, women, the forcibly displaced, ethnic, racial and religious minorities and those arbitrarily deprived of their nationality.

In particular, every child has the right to acquire a nationality, yet, in the States with the largest stateless populations, at least 70,000 stateless children are born annually, leaving them unable to grow to their full potential. Besides the widespread inheritance of statelessness, other significant causes of childhood statelessness include gender discrimination in the conferral of nationality, lack of birth registration, discriminatory policies and practices and the lack of safeguards in national laws to prevent statelessness.

25 countries do not grant women equal rights in conferring nationality to their children, mainly in the Middle East, followed by Africa and the Asia Pacific.

Birth registration is a vital step in the process of acquiring a nationality, yet it remains a universal problem. The 2030 Agenda aspires to leave no one behind and targets universal birth registration. Nevertheless, NGOs are concerned about the lack of birth registration among minority and vulnerable populations, including refugees – leaving such populations vulnerable to statelessness.

NGOs call upon States to take decisive action to end statelessness, in line with their human rights obligations to guarantee that every child has a nationality, to prevent new cases of statelessness and to protect stateless children.

With regard to the right to a nationality without discrimination NGOs underscore the primacy of customary international norms against racial and ethnic discrimination in laws on acquisition,
renunciation or loss of citizenship. Discriminatory nationality laws and their discriminatory implementation are the primary cause of statelessness worldwide. In some Sub-Saharan African and North African countries, a person can only acquire nationality from birth if they are of “African” or “Arab” descent or if they belong to specific ethnic groups. In Europe, the statelessness of the Roma and other ethnic minorities is linked, in part, to the dissolution of the Socialist order in in the early 1990s. In Asia and the Pacific, the main causes of statelessness are nationality laws, policies or practices that discriminate on the basis of gender, ethnicity and religion. This applies to statelessness among the Rohingya, but also to other ethnic groups in Cambodia, Thailand and the State of Sabah in Malaysian Borneo. There are strong linkages in the region between hate speech against minorities, the creation and perpetuation of statelessness and persecution of such communities.

The NGO Community calls upon States to eliminate all forms of discrimination in their citizenship laws and their implementation, in line with international law.

Moreover, Stateless communities can be at risk of forced displacement and forced displacement can also lead to statelessness. The largest stateless communities are often targeted by systematic racial, ethnic or religious discrimination. They can be denied nationality or be forcibly deported. NGOs are deeply concerned about the protection of stateless Rohingya and the repatriation of Rohingya refugees. Any such effort in the current context would amount to an unlawful act of refoulement. Concerns also exist about labelling the Rohingya as “forcibly displaced nationals from Myanmar”. This denies their right to international protection based on both their statelessness and refugee status.

Refugees from South Sudan may also be at risk of statelessness, depending on how the revisions to the Sudanese and the new South Sudanese nationality laws are implemented in practice. This is also the case in the context of forced displacement of Boko Haram victims in Nigeria and the Banyarwanda in Congo. Furthermore, refugees from Syria who are already stateless or at risk of statelessness face significant protection challenges in neighboring countries, and in Europe.

NGOs call upon States to provide safeguards to ensure the right to a nationality in the context of forced displacement and to guarantee the protection of stateless persons in national migration laws and policies, in line with international law.

On the prohibition of arbitrary deprivation of nationality, NGOs welcome the Anudo decision of the African Court on Human and People’ s Rights, which called on Tanzania to “amend its legislation to provide individuals with judicial remedies in the event of dispute over their citizenship” and to “take all necessary steps to restore the applicant’s rights”. However, concerns remain about the mass arbitrary and retroactive denial of nationality in other contexts, such as the Dominican Republic.

Further, NGOs are concerned about statelessness and human rights violations resulting from the increase in nationality deprivation in national security contexts. Revocation of nationality is increasingly adopted as a counterterrorism policy. Many States only apply citizenship deprivation to citizens with more than one nationality. However, this does not eradicate risks of statelessness, for instance, if nationality laws of all countries concerned invoke nationality revocation to protect national security or if the assessment of a person’s other nationality is not adequately carried out. Misuse of nationality deprivation can leave innocent people stuck in limbo.

The NGO community urges States to take decisive action to end statelessness, in line with international law as well as international and regional efforts.
A detailed version of this intervention is available on icvanetwork.org

Thank you.