NGO Statement on Statelessness

Dear Chairperson, Ladies and Gentlemen,

This statement has been drafted in consultation with, and is delivered on behalf of a wide range of NGOs and regional civil society networks working on statelessness across the globe.

The NGO Community appreciates the efforts made by States to address statelessness, through adopting new policies to identify and protect stateless persons, as well as avoid and reduce statelessness. NGOs also appreciate the increase in recommendations on statelessness via the Universal Periodic Review mechanism and in State accessions to the 1954 and 1961 Statelessness Conventions. NGOs also commend regional efforts to end statelessness, including the meeting of African Union Member States on the Draft Protocol to the African Charter on Human and Peoples’ Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa.

The NGO Community, nevertheless, remains deeply concerned about the severe human rights impact of statelessness, still affecting an estimated 15 million people in the world.1 Meanwhile, new risks of statelessness are on the rise 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.

The right to a nationality for all children

Every child has the right to acquire a nationality, yet, every 10 minutes a child is born stateless somewhere in the world. In the States with the largest stateless populations, at least 70,000 stateless children are born annually,2 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 as well as the lack of safeguards in national laws to prevent statelessness.

25 countries do not grant women equal rights as men in conferring nationality to their children.3 The Middle East has most countries with gender discriminatory nationality laws, followed by (North) Africa and the Asia Pacific. In the Americas, The Bahamas and Barbados are yet to enact needed reforms.

---

1 UNHCR estimates that 10 million people are stateless across the globe. ISI conducted its own study and estimates 15 million people including stateless refugees and persons under UNRWA’s mandate. It should be noted that both numbers are estimates as mapping studies have not been conducted in all countries worldwide.
2 UN High Commissioner for Refugees (UNHCR), I am here, I belong, The urgent need to end childhood statelessness, http://www.unhcr.org/ibelong/the-urgent-need-to-end-childhood-statelessness/
3 UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness, 2018, http://www.refworld.org/docid/5aa10f9d94.html
Birth registration is a vital step in the process of acquiring a nationality, yet it remains a universal problem. The Sustainable Development Agenda aspires to leave no one behind, and Goal 16.9 targets universal birth registration. Despite these commitments, NGOs are particularly 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, and to prevent new cases of statelessness and protect stateless children.

**The right to a nationality without discrimination**

The NGO Community underscores the primacy of the customary international norm against racial and ethnic discrimination in laws on acquisition, renunciation or loss of citizenship. However, discriminatory nationality laws and discriminatory implementation of nationality laws are the primary cause of statelessness in the world. In a number of Sub-Saharan African and North African countries, persons can only acquire nationality from birth if they are respectively “Negro(African)” or “Arab” by 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 Federal Republic of Yugoslavia and the USSR 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, for example, the ethnic Vietnamese in Cambodia, the Hill Tribes in Thailand, and the ethnic Indonesians and Filipino’s residing in 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 the 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.

**The right to a nationality in the context of forced displacement**

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. The NGO Community is 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 act of *refoulement*, strictly prohibited under international law. Concerns also exist about labelling – despite clear evidence to the contrary – Rohingya as “forcibly displaced nationals from Myanmar”. This position denies both their statelessness and their refugee status, each of which entitle them to international protection.

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 (stateless Kurds for example) or at

---

4 In Liberia only, people of “Negro” descent can acquire nationality. In Sierra Leone only, people of “Negro-African” descent can acquire nationality. In Uganda, Nigeria, DR Congo and Somalia people of specific ethnic groups can acquire nationality. The latter is also the case in Morocco, Algeria, Egypt, Libya and Egypt in relation to religion and/or Arab descent.

risk of statelessness (due to gender discriminatory nationality laws) face significant protection challenges in neighboring countries and in Europe.

The NGO Community calls 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.

**The prohibition of arbitrary deprivation of nationality**

The NGO Community welcomes the Anudo decision of the African Court on Human and People’s Rights, condemning arbitrary deprivation of nationality and ordering 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, the NGO Community remains deeply concerned about the mass arbitrary and retroactive denial of nationality in the Dominican Republic. It has now been almost five years since the Constitutional Tribunal decision in 2013, yet its impact still has not been addressed in an effective manner.6

Further, the NGO Community is 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. Also, misuse of nationality deprivation can leave innocent people stuck in limbo. This is the case for the British aid workers in Syria and activists in Bahrain.7

The NGO community urges States to take decisive action to end statelessness, in line with international law and international and regional efforts such as, the Global Action Plan to end Statelessness by 2024, the Coalition on Every Child’s Right to a Nationality, the Abidjan declaration by the Heads of State of the Economic Community of West African States, the Brazil Declaration and Plan of Action, the League of Arab States Declaration on Belonging and Legal Identity, the Global Campaign for Equal Nationality Rights, and the UN Global Compact for Safe, Orderly and Regular Migration.

Thank you, Chair.

---

6 Law 169/14, passed in 2014, classified individuals affected by the Constitutional Tribunal in two groups: 1) individuals whose births had been registered in the Dominican Civil Registry and 2) individuals whose births were not registered in the Dominican Civil Registry, although they were born in the Dominican Republic. In both cases, issues and risks of statelessness exist.