

**NGO statement on agenda item 3: High-level segment on statelessness and general debate**

Mr. Chair, Ladies and Gentlemen,

This statement is delivered on behalf of a wide range of NGOs, including many that work on the right to nationality and statelessness around the world. It has been prepared in close consultation with the NGO community and stateless activists, representing a diverse set of perspectives and expertise.

Our primary priorities are protecting every person's equal right to a nationality and the enjoyment of nationality rights without discrimination; working to secure nationality for stateless persons and to avoid statelessness for those at risk; and ensuring that stateless persons are not doubly victimized by also being discriminated against, denied their basic human rights, access to services, safety and security and the fruits of development that should be for all.

**We commend UNHCR for its efforts to combat statelessness through the #Ibelong campaign to end statelessness, and its support for civil society initiatives in this regard.**

**We also commend States that have taken meaningful steps to combat statelessness, including through legislative reforms, policy changes, and targeted initiatives.** For example, since the start of the #Ibelong campaign:

- Several countries have removed gender-discriminatory provisions in their nationality laws, including Madagascar and Sierra Leone which now uphold women's right to confer nationality on their children on an equal basis with men;
- Kyrgyzstan issued citizenship to the last known persons on the territory who were stateless as a result of the dissolution of the Soviet Union, through the issuance of passports to 50 formerly stateless persons;
- Colombia recently guaranteed Colombian nationality to approximately 24,000 children born in Colombia to Venezuelan parents.
- Several countries have adopted statelessness determination procedures to grant protection to stateless migrants on their territory, including Argentina, Brazil, Costa Rica, Ecuador, Kosovo, Panama, Paraguay, Turkey, and Uruguay.

**We also thank States that have provided civil society with vital funding support, have systematically made recommendations to other States and have championed and supported UN and regional initiatives to address statelessness.**

**At the same time, we must recognize that the threat of statelessness is growing, with children being born into statelessness and new risks of statelessness outpacing efforts to address statelessness. We stress that, in the vast majority of cases, statelessness could have already been eradicated if all States fully implemented their obligations under international law.** In most instances, statelessness, affecting

an estimated 10 to 15 million people, is rooted in discrimination on the basis of sex, ethnicity, race, religion, language, political or other opinion, disability, marital status, and other characteristics. The NGO Community is deeply concerned that some states, in contradiction to their international legal obligations, maintain laws, policies, and practices that perpetuate and increase statelessness.

**Once denied the right to a nationality, the stateless face wide-ranging human rights violations,** including the right to education, healthcare, employment, property, inheritance, movement, participation, liberty and security of the person. Stateless persons endure family separation, increased risk of gender-based violence including early and forced marriage and human trafficking, and multigenerational poverty, marginalization, discrimination, exclusion and psychological trauma.

**Just as human rights are universal, the Sustainable Development Goals aim to leave no one behind. To achieve the SDGs we must, and can, achieve a world where statelessness is a thing of the past.** While all SDGs are interconnected, nine of the seventeen SDGs are significantly inhibited by the persistence of statelessness. If we truly want to reach the furthest behind first and achieve sustainable development, urgent action must be taken to end this human-made problem.

While there are many facets to the statelessness challenge we face today, we wish to focus on eight key challenges, which we believe must be recognized and addressed in a meaningful and comprehensive manner, in accordance with human rights principles and development standards.

### **1. Gender discrimination in nationality laws**

While approximately 75% of countries uphold gender equality in their nationality laws, 25 countries have nationality laws that deny women the right to confer nationality on their children on an equal basis with men. Approximately 50 countries maintain laws that deny women equal rights with men to confer nationality on a non-national spouse or to acquire, change or retain their nationality on an equal basis with men. Several countries deny men the same right as women to confer nationality on children born outside of legal marriage. In some contexts, women are denied their nationality rights in practice, despite formal equality in the law. These root causes of statelessness persist, despite almost universal ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), of which Article 9 mandates gender equality in nationality rights and Article 2 mandates the elimination of gender-based discrimination in law, and the Convention on the Rights of the Child (CRC), which enshrines every child's right to a nationality, without discrimination on the basis of the parent or guardian's gender.

**The NGO community urges States to take immediate action to end gender discrimination in nationality laws and ensure that nationality rights are implemented without discrimination on the basis of gender.**

### **2. Discrimination**

The majority of stateless people in the world belong to racial, ethnic, religious, linguistic or other minority communities. Statelessness is often inflicted on these communities as one of a number of discriminatory measures aimed at further disadvantaging and alienating them. Their statelessness then becomes a defining characteristic of such groups and a basis for further exclusion.

The genocide and crimes against humanity inflicted on the Rohingya by Myanmar, as well as the persistent denial of legal status and protection to Rohingya refugees in countries such as Bangladesh, India and Malaysia, remind us of the most extreme and tragic consequences of minorities being made stateless and systematically discriminated against, persecuted and cast out. NGOs stand with the Rohingya community

and urge States to prioritise their right to a nationality, justice and equality. We strongly emphasize that it is the responsibility of the international community to act to prevent genocide.

The multigenerational statelessness faced by many Palestinians is also an injustice that is not being met with the urgent action it deserves. We further draw attention to many in the Roma community who continue to face high levels of statelessness and marginalization.

**The NGO community urges States to acknowledge the disproportionate impact of statelessness on minorities, and to confront the root causes of discrimination, exclusion, denial of rights, racism and xenophobia that pervade many of our societies, and must be addressed head on, if statelessness is to be effectively eradicated.**

### **3. Documentation and proof of belonging**

NGOs are particularly concerned with unravelling situations, in which communities – often minorities – are either being denied documentation or being required to prove their links to a state, despite having lived there as citizens for generations. In Assam, India, 1.9 million people have been effectively stripped of their nationality and pushed to the brink of statelessness, as a result of being excluded from the National Registry of Citizens. The victims must now appeal before Foreigners Tribunals, known for their historical bias, poor and arbitrary decision making and failure to adhere to procedural standards. NGOs also remain deeply concerned with the continued failure to rectify the arbitrary deprivation of nationality of Dominicans of Haitian origin in the Dominican Republic. Five years after Law 169-14, that supposedly provided a path to restored nationality, only 27,000 of the 61,000 people identified in the Civil Registry audit by the government as eligible for documents have received them. Furthermore, of the 8,755 Dominicans who registered to receive documents for the first time, only 5,671 have received a form of permanent residence, and none have had their citizenship recognized.

**The NGO community urges States to comply with their international obligations and not subject citizens or residents to arbitrary and discriminatory procedures that require them to verify and prove their status by providing documents, often going back generations.**

### **4. Citizenship Stripping**

An increasing number of countries, including Australia, Bahrain, Belgium, the Netherlands, Russia, Turkey and the United Kingdom have amended their laws to expand the government's power to deprive its own citizens of their nationality (purportedly) in response to national security or terrorist threats. There is also an uptake in the use of this measure in practice, including in some countries such as Bahrain, a growing incidence of the instrumentalisation of withdrawal of nationality to target political opponents and human rights defenders, including in the context of flawed criminal justice systems. While the majority of countries do not engage in this practice, this upward trend in the use of nationality deprivation as a “security” measure is of urgent concern.

The inherent arbitrariness, discrimination and lack of proportionality of the measure renders it untenable under international law. Further, the impact of deprivation of nationality on the individual, their family, community and society as a whole, is immense. Where those concerned do not possess a second nationality, deprivation leaves them stateless, which can have an even greater individual and societal impact.

**NGOs urge States to review and reassess laws, policies and practices which provide for the deprivation of nationality as a national security measure, to ensure compliance with the right to not**

**be arbitrarily deprived of nationality and the right to not be discriminated against, as well as the obligation to avoid statelessness.**

### **5. The child's right to a nationality and birth registration**

Article 7 of CRC protects every child's right to acquire a nationality and to be registered immediately after birth. SDG 16.9 aspires to achieving legal identity for all by 2030, including birth registration. International law makes provision for the acquisition of citizenship for children born stateless in that state's territory. If this fundamental principle was respected by all states, no child would be born stateless. The UN Committee on the Rights of the Child has consistently found that it is in the best interests of the child to be registered and to acquire a nationality immediately after birth regardless of the legal, immigration or marital status or gender of their parents. The child's best interests are to be protected and her nationality determined and secured in order to effectively eradicate statelessness. Universal birth registration is crucial to the prevention of statelessness. Lack of birth registration due to discrimination, high registration fees or other administrative barriers can lead directly to statelessness in the long term as proof of nationality becomes increasingly difficult, particularly in the case of vulnerable and unaccompanied migrant children.

**The NGO community urges States to take targeted action to protect every child's right to acquire a nationality and to promote and achieve universal and immediate birth registration of each child, including children of refugees, foreigners, minorities including indigenous populations, stateless persons and children born outside legal marriage. We also call on States to ensure each parent's equal and independent right to obtain birth certificates for their children, regardless of gender and marital status.**

### **6. Statelessness & Forced Migration**

The New York Declaration explicitly recognises that statelessness can be a root cause of forced displacement and that forced displacement, in turn, can lead to statelessness. The Global Compact on Refugees, CRRF, Programme of Action and Global Refugee Forum all provide important opportunities to build resilience, solidarity and solutions, as well as benchmarking progress, to address statelessness in the context of forced migration around the world.

While welcoming Colombia's steps to grant nationality to approximately 24,000 children of Venezuelan refugees, we note that this is a temporary and exceptional measure, and encourage Colombia and other States to continue its efforts to provide a lasting solution for statelessness resulting not only from Venezuela but any other displacement context.

**The NGO community urges States to ensure that addressing statelessness is fully mainstreamed and integrated into work to implement the Global Compact on Refugees, and to take measures to prevent statelessness amongst those impacted by forced displacement.**

### **7. The detention of stateless persons**

Stateless people are at high risk of arrest and arbitrary and prolonged detention because they often lack documentation and legal residence and have no country that recognises them as a national. Stateless persons have also been detained as a result of their engaging in peaceful protest of their stateless status. It is unlawful to detain a stateless person, who cannot be removed from the State territory, on removal grounds. But, many stateless persons are detained on removal grounds and subject to prolonged and in some cases indefinite detention, while no country is willing to accept them. Immigration detention has serious negative impacts

on health and well-being and impacts on the ability for stateless people to access legal aid and to resolve their status. Being undocumented or lacking required immigration or residence permits cannot be used as a justification for detention of stateless persons. Early comprehensive screening and referral processes to procedures to determine statelessness and grant stateless people protection are critical to avoid damaging, arbitrary and unnecessary detention. UNHCR's Vulnerability Screening Tool and Statelessness in Detention tool are practical mechanisms available for States in this regard.

**The NGO Community urges States to implement identification, screening and determination procedures to ensure stateless people are not detained and ensure statelessness determination procedures are linked to permanent options to resolve an individual's status, including protection status and residence rights, and a facilitated route to naturalisation in line with the 1954 Convention.**

## **8. Data and statistics on statelessness**

Data and statistical information on statelessness continues to be scarce, with the latest UN statistics only recording statelessness data from 78 countries. A further 22 countries are marked with an asterisk, meaning there is a known stateless population, but no reliable data. These include the Dominican Republic and Zimbabwe, which previously reported figures and featured in the list of the ten States with the largest stateless populations. Data collection is reported to be ongoing in these and some other "asterisk countries", but the problem of unavailability of data on several large-scale situations of statelessness persists. Further, stateless refugees and IDPs, as well as stateless Palestinians, are not included within UN statistical reporting methodology on statelessness – with the exception of Rohingya IDPs in Myanmar and Rohingya refugees in Bangladesh. While a review of the statistical reporting methodology was announced in 2018, there has been no further update in this regard.

**The NGO community urges States to engage in comprehensive, disaggregated data collection on statelessness. We also urge the UN to improve its statistical reporting methodology to provide greater transparency on statelessness and displacement, specifically by presenting data for all other stateless people who also have "another reportable status".**

**We, the NGO community, commit to continue to work to protect everyone's right to a nationality, to end statelessness and to protect the rights of stateless persons. In furtherance of these objectives, we will continue to collaborate with States, UN agencies, stateless persons, and other actors, including through knowledge sharing, targeted programs such as legal support for stateless persons, research, capacity building, resource development and advocacy.**

**There are known, often-simple actions that can be taken today to end statelessness. However, as the provision of citizenship can only be undertaken by states, it is States that ultimately have the responsibility to eliminate this human tragedy once and for all. We urge States, the UN and other stakeholders to do so by acting in collaboration with stateless persons and being accountable to them.**

**We underscore and remain hopeful that statelessness can be eradicated through the commitment of States to uphold international human rights and humanitarian law and the implementation of UNHCR's Global Action Plan to End Statelessness. We look forward to supporting you in this critical effort to ensure this most basic human right – the right to nationality, to inclusion, to belong.**

Thank you, Chair.