

## NGO Statement on Statelessness

Dear Chairperson, Ladies and Gentlemen,

This statement is drafted in consultation with and delivered on behalf of NGOs and networks that promote the right to nationality and rights of stateless persons worldwide. Importantly, it incorporates the views of NGOs and grassroots groups established and led by activists directly impacted by statelessness, who must be able to fully participate in UNHCR and State-led decision-making processes and be consulted in matters related to the rights of their communities.

While statistical data remains incomplete, it is estimated that approximately 15 million people worldwide are stateless<sup>1</sup>, with the nationality of tens of millions at risk. Statelessness is mostly caused and perpetuated by discrimination. An estimated 75% of stateless persons belong to minority communities. Further, despite commitments to gender equality, 25 countries still deny women equal rights to confer nationality on their children. Disabled persons, older people, LGBTQI+ persons and those of migrant heritage are all disproportionately impacted by statelessness. Many stateless communities endure rights deprivations in all areas, including equality, liberty, security, political participation, movement, health, education, and livelihoods. Along with new risks of statelessness, the COVID-19 pandemic has exacerbated existing precarities and disadvantages.

In this context, NGOs acknowledge positive measures taken by States, including the implementation of some pledges made at the 2019 High-Level Segment on Statelessness, for example, strengthening nationality law safeguards in Albania and Côte d'Ivoire. NGOs also commend regional efforts, including the Arab League Action Plan for the Arab Declaration on Belonging and Legal identity<sup>2</sup>, which calls for gender equality in nationality laws and protecting every child's right to a nationality.

However, far more urgent, and concerted action is needed by UNHCR and States to meet UNHCR's #IBelong campaign to eradicate statelessness by 2024, protect the rights of stateless persons and promote their right to nationality. While there are many issues of concern, this statement draws attention to COVID-19, childhood statelessness, forced migration, nationality deprivation and UNHCR's role.

### COVID-19

Every-day deprivations now have life and death implications as stateless persons' livelihoods, health and wellbeing have been severely battered, even as many are excluded from relief, emergency healthcare and vaccination schemes<sup>3</sup>. Birth registration, statelessness determination, asylum, nationality acquisition and visa renewal procedures have also been halted or reduced in some countries<sup>4</sup>. NGOs urge UNHCR and States to find solutions for such procedures to continue, even when embassies and consulates are closed.

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<sup>1</sup> There are considerable gaps in available statistical information on statelessness. According to UNHCR's most recent statistics, there are 4.2 million recorded stateless people in the 76 countries for which statistics are available. Many countries with known large stateless populations do not report statistics and UNHCR has previously conservatively estimated the world's stateless population to be around 10 million. This estimate excluded stateless Palestinians under the UNRWA mandate and stateless refugees (other than Rohingya refugees in certain countries). Thus, the Institute on Statelessness and Inclusion has estimated the total stateless population to be at least 15 million (including stateless refugees and stateless Palestinians). For more analysis, see: [https://files.institutesi.org/ISI\\_statistics\\_analysis\\_2020.pdf](https://files.institutesi.org/ISI_statistics_analysis_2020.pdf)

<sup>2</sup> Please note: on 25 May, the Action Plan was developed, and it is expected to be endorsed at an Arab League meeting in the coming months.

<sup>3</sup> Joint Statement in solidarity with the stateless - *An urgent call to States, donors and other stakeholders to promote and protect the rights of stateless persons in their COVID-19 response*, <https://www.institutesi.org/resources/joint-statement-in-solidarity-with-the-stateless>.

<sup>4</sup> Institute on Statelessness and Inclusion, *COVID-19 Stateless Impact Report*, (2020), available at [https://files.institutesi.org/Covid19\\_Stateless\\_Impact\\_Report.pdf](https://files.institutesi.org/Covid19_Stateless_Impact_Report.pdf). See also, European Network on Statelessness, *Situation assessment of statelessness, health, and COVID-19 in Europe*, (April 2021), available at [https://www.statelessness.eu/sites/default/files/2021-04/ENS\\_Health\\_Situation\\_Assessment\\_Europe.pdf](https://www.statelessness.eu/sites/default/files/2021-04/ENS_Health_Situation_Assessment_Europe.pdf).

Stateless persons often live in **densely populated areas** in conditions conducive to the fast spread of the virus, with no possibility to socially distance or utilise personal protective equipment. Many have to work in dangerous environments without protection or face debilitating poverty and starvation. The pandemic has also catalysed **racism, xenophobia, ageism, antigypsism and scapegoating**, blaming stateless minorities for spreading the virus<sup>5</sup>. **Gender-based violence** has dramatically increased. Stateless women often cannot or fear accessing authorities due to their irregular status, while women whose children cannot access their nationality because of discriminatory laws face greater obstacles in leaving abusive relationships. NGOs urge States to not discriminate in COVID-19 responses on any grounds including citizenship, documentation, or migration status and to ensure that no one's right to nationality is undermined due to disruptions to registries. We ask UNHCR and other UN agencies to take all necessary steps to ensure that stateless people are equally included in COVID-19 responses, that their contexts are recognised and addressed, their rights are upheld, and that they should not be penalised in any way, including by threat or harassment, arrest, and detention, due to their lack of documentation or legal status, or any other aspect of their identity. Such steps should be taken with regard to, among others, vaccinations, healthcare relief, livelihoods, education, and civil registration<sup>6</sup>.

### **Childhood statelessness**

Despite strong safeguards protecting the child's right to a nationality, statelessness is mainly perpetuated because children inherit statelessness from their parents or are denied their parents' nationality. The Human Rights Committee recently [held](#) that the Netherlands violated the child's right to a nationality by registering 'nationality unknown' in civil records, preventing recognition and protection as a stateless child. NGOs welcome this ruling and remind States of their international law obligations to recognise and protect stateless children and their right to nationality.

NGOs also stress the importance of the UNHCR-UNICEF Coalition on Every Child's Right to a Nationality and urge UNHCR and UNICEF to heighten their engagement with governments and civil society to end childhood statelessness.

### **Forced migration**

Statelessness is both a cause and a consequence of forced displacement. The Global Compact on Refugees (GCR), the Comprehensive Refugee Response Framework Programme of Action and the 2019 Global Refugee Forum all recognise the importance of building resilience, solidarity, and solutions and benchmarking progress to address statelessness, but urgent action is needed to effectively mainstream and integrate priorities to protect stateless people and prevent statelessness under the GCR.

NGOs welcome the opportunity to engage with the November GRF stocktaking session, but statelessness must also be fully integrated in the agenda of December's High-Level Officials Meeting and mainstreamed under the Division of Resilience and Solutions and the new World Bank Group-UNHCR Joint Data Centre on Forced Displacement.

NGOs also urge States to implement identification, screening, and determination procedures to recognise stateless persons, guarantee their rights and legal status, and provide facilitated pathways to naturalisation in line with the 1954 Statelessness Convention. This is also critical to prevent arbitrary detention of stateless people during immigration removal proceedings, particularly in the context of the pandemic. States are urged to use community-based alternatives to detention.

### **Arbitrary deprivation of nationality**

NGOs are deeply concerned by the growing (mis)use of citizenship deprivation, affecting minority communities, human rights defenders, dissidents, and suspected terrorists, including in Bahrain where at least 434 persons' nationality has been arbitrarily revoked (and not restored). Under international law, State discretion to deprive nationality is subject to, among others, the prohibition of arbitrary deprivation of nationality, discrimination, and the obligation to avoid statelessness.

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<sup>5</sup> Institute on Statelessness and Inclusion, *COVID-19 Stateless Impact Report*, (2020), available at [https://files.institutesi.org/Covid19\\_Stateless\\_Impact\\_Report.pdf](https://files.institutesi.org/Covid19_Stateless_Impact_Report.pdf).

<sup>6</sup> 2021 joint civil society statement, *Building back better for stateless people. An urgent call to States, UN agencies, donors and other stakeholders to learn lessons from the COVID-19 pandemic and take sustained action to correct past mistakes and prioritise protection stateless people's rights and the right to nationality*, 6 July 2021

NGOs urge States to cease denationalisations and repatriate (former) citizens stranded abroad, in line with international standards as articulated in the Principles on Deprivation of Nationality as a National Security Measure<sup>7</sup> and UNHCR's Guidelines on Statelessness No 5.

### **UNHCR's role**

In conclusion, NGOs recognise the important role that UNHCR continues to play in addressing statelessness. Recent external evaluations of UNHCR's statelessness work provide a critical window of opportunity to acknowledge progress but also recognise how much more needs to be done if UNHCR is to even get close to meeting the objective it set itself under the #IBelong campaign to eradicate statelessness by 2024.

NGOs urge that evaluation recommendations are acted upon as a priority and their implementation closely monitored. In particular, we call for greater resourcing of UNHCR and NGOs working on statelessness, and more concerted efforts to consult affected persons and be directly accountable to them.

Thank you, Chair.

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<sup>7</sup> *Principles on Deprivation of Nationality as a National Security Measure*, March 2020. Available at: <https://files.institutesi.org/PRINCIPLES.pdf>.