

ENDING STATELESSNESS

BACKGROUND GUIDE
CHALLENGE TOPIC #3



The MUN Refugee Challenge is an initiative launched by UNHCR, the UN Refugee Agency, to encourage students worldwide to shape solutions for people forced to flee their homes.

This guide was drafted to help students prepare for their debates as part of the 2022 edition.

An ethnic Akha, Thida Arngee was stateless until she obtained Thai nationality thanks to a new legal framework put in place by the Royal Thai Government.

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THE CHALLENGE

Stateless people are those who lack an officially recognized nationality. As of the end of 2020, 4.2 million people were known to be stateless based on a count in half of the world's countries.

The actual number is much higher – possibly as high as 10 million – though difficult to determine as stateless people are often rendered “invisible” by their lack of documentation.

WHY IS THIS ISSUE IMPORTANT TO ADDRESS?

Having a recognized national identity is essential for people to realize their human rights. Stateless people often cannot access the most basic rights, such as education, employment, property ownership and healthcare.

Stateless people are forced to live in the shadows of society, without basic social safety nets and unprotected. They are at greater risk of gender-based violence, incarceration, exploitation and mental health problems. Statelessness also affects society more broadly. It can be a root cause of poverty, social unrest, displacement and conflict.





ROOT CAUSES OF STATELESSNESS

State succession



Dissolution of States remains one of the biggest causes of statelessness. The dissolution of the Soviet Union and Yugoslavia in 1991, left hundreds of thousands stateless as many people missed the deadline to register for a new nationality due to language barriers and location, among other factors.

Statelessness at birth



A baby might be born stateless because of inadequate nationality laws. For example, a child born in a foreign country can risk becoming stateless if that country does not permit nationality based on birth alone or prevents parents from passing on their nationality in a new country.

Sometimes people also don't register their newborns because the registration costs are too high or because they live in remote areas far away from administrative offices.

Every child has the right to a nationality and to be registered immediately after birth.

— Convention on the Rights of the Child Article 7

Discrimination and denationalization



Throughout history, discrimination against ethnic and religious minority groups has often led to deprivation of their nationality. In many contexts, governments pass a law or issue a decree that leads to the denationalization of a particular group.

For example, in 1972, the government of the Democratic Republic of Congo (DRC) retroactively invalidated the nationality of people of Rwandan or Burundian origin. Similarly, In 1982, Myanmar passed a citizenship law that rendered stateless most Rohingya, a Muslim minority that has been fleeing the country at a staggering rate since 2017 due to violence.



ROOT CAUSES OF STATELESSNESS

Nationality and gender inequality



In countries where nationalization is passed down to a child through the father only, the child can be rendered stateless if a father is not willing to claim the child or confer nationality. For example, in Lebanon, women cannot register their own children with the civil registry.

Statelessness upon a change in civil status



In many countries, the nationality of a person might change in the event of marriage or divorce. Generally, the naturalization process is easier for people married to or adopted by a national. However, in some cases, people may lose their nationality if they marry a non-national. This is true of women who live in countries where their nationality is dependent on that of her husband's. In such cases, a recently married woman may lose her original nationality without being able to obtain her husband's nationality. A woman may also become stateless after divorce or upon the death of her husband.

Statelessness in the context of displacement



Migrants and refugees are at a greater risk of statelessness. This is the case for many children who are born while their parents are fleeing their home country. People fleeing conflict might not be able to bring citizenship documents with them or they might lose them during dangerous journeys. It becomes difficult for them to prove their nationality and if the problem is not addressed, their own children can be at risk. Sometimes, people also lose their nationality of origin after living several years abroad due to legislation in their country of origin.

"Governments must do more to close the legal and policy gaps that continue to leave millions of people stateless or allow children to be born into statelessness."

—UN High Commissioner for Refugees, Filippo Grandi.



WHAT IS CURRENTLY BEING DONE TO ADDRESS THIS ISSUE?

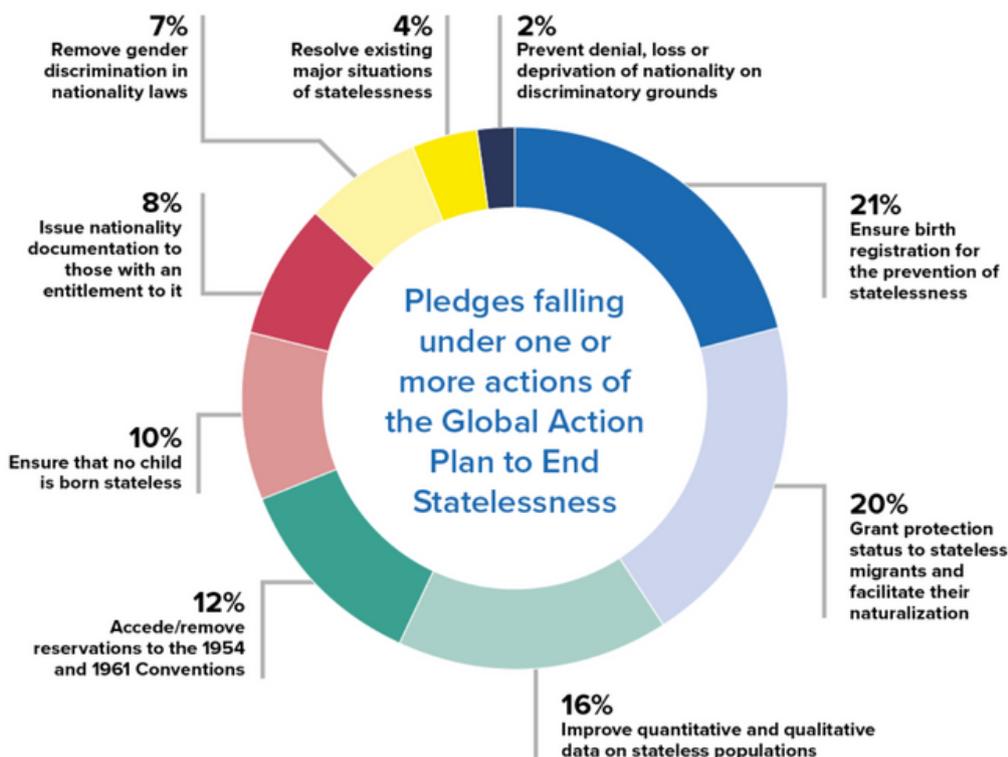


UNHCR is the main agency working to find solutions to statelessness and protect stateless people. In 2014, UNHCR launched the I Belong campaign, a 10-year global campaign to eradicate statelessness. As part of this campaign, UNHCR created the Global Action Plan to End Statelessness, a list of 10 actions to be undertaken by States and other stakeholders.

Global Action plan to End Statelessness

1. Resolve existing major situations of statelessness
2. Ensure that no child is born stateless
3. Remove gender discrimination from nationality laws
4. Prevent denial, loss or deprivation of nationality on discriminatory grounds
5. Prevent statelessness on cases of state succession
6. Grant protection status to stateless migrants and facilitate their naturalization
7. Ensure birth registration for the prevention of statelessness
8. Issue nationality documentation to those with entitlement to it
9. Accede to the UN Stateless conventions (1954 and 1961 conventions explained below)
10. Improve qualitative and quantitative data on stateless populations

Types of pledges made at the 2019 High-Level Segment on Statelessness





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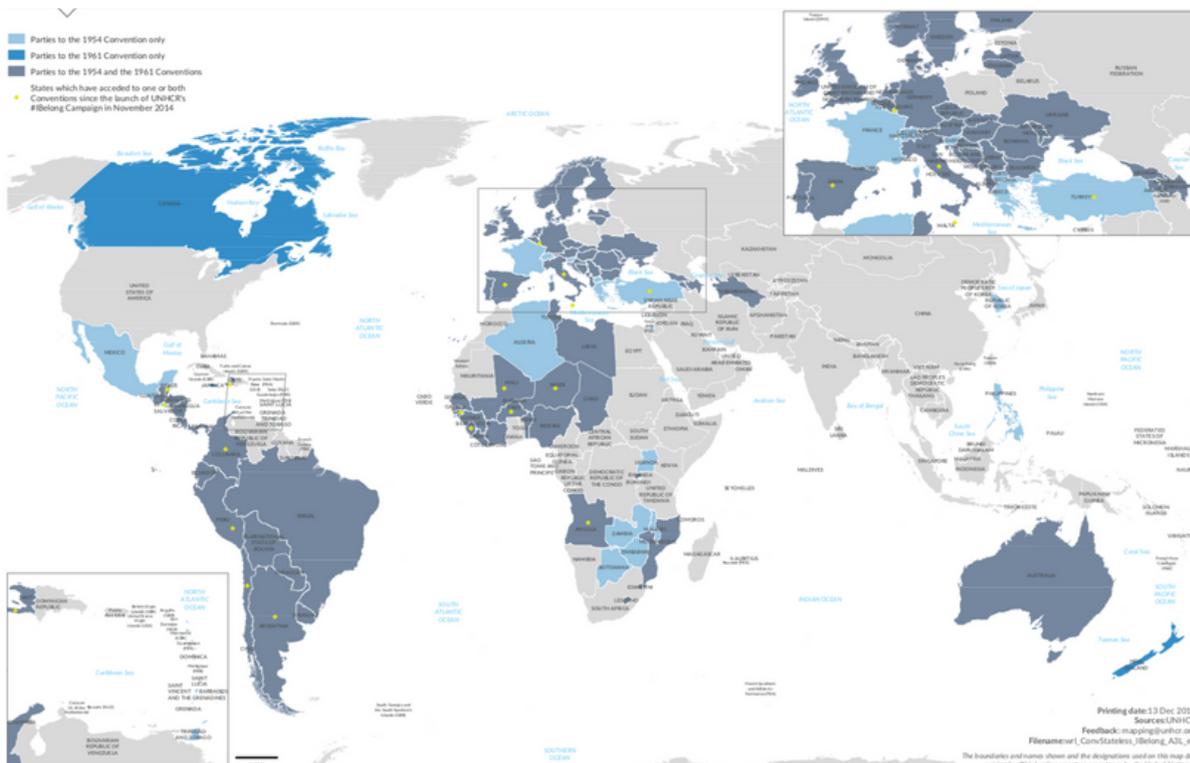
GOVERNMENTS



The first action that States can take is to accede to the 1954 and 1961 conventions.

- The 1954 Convention relating to the Status of Stateless Persons establishes the definition of a stateless person as someone who is “not recognized as a national by any State under the operation of its law.” This Convention also establishes the minimum number of rights that must be afforded to stateless people, including the right to identity, travel documents, and administrative assistance. At the end of 2021, 96 States are party to the 1954 convention.
- The 1961 Convention on the Reduction of Statelessness is an international framework to ensure the right of every person to a nationality. It requires that States establish safeguards in their nationality laws to prevent statelessness at birth and later in life. The most important provision of the convention establishes that children are to acquire the nationality of the country in which they are born if they do not acquire any other nationality. As of the end of 2021, 77 States have joined the 1961 Convention, with accessions accelerating in the last decade. Since 2010, 40 States have become parties, most recently Iceland and Togo.
- At the 2019 High-Level Segment on Statelessness, States delivered 252 pledges announcing a broad range of actions that they were going to take to address statelessness.

Map of States Party to the Stateless Conventions (as of 13th December 2019)





WHAT IS CURRENTLY BEING DONE TO ADDRESS THIS ISSUE?



GOVERNMENTS

Here are specific examples of actions that States can take to end statelessness.

- Granting citizenship, legal status, or personal documentation to stateless persons
 - [Tajikistan's decision to grant legal status to 20,000 stateless people](#) by putting in place an Amnesty Law to help former citizens of the Soviet Union and exempting people from administrative penalties for irregular stay.
 - [Thousands of people given nationality in Thailand](#) - including by sending mobile teams to remote locations where stateless people live.
 - [Uzbekistan's decision to end statelessness for 50,00 people](#) - by giving citizenship to those granted permanent residence in the country before 1995 as well as their children.
- Changing the laws that create statelessness in the first place
 - Granting citizenship to every child born on the country's soil. Example, [Turkmenistan's](#) and [Kazakhstan's](#) decision to embrace universal birth registration.
 - Ending discriminatory laws that deny nationality to certain ethnic groups. Example, [Kenya's decision to resolve the statelessness of the Shona and persons of Rwandan descent](#).
 - Ending discriminatory laws that deny nationality based on the gender of the parent. Example, [Sierra Leone's](#) and [Iran's](#) decisions to acknowledge equal right of women to confer nationality to children.
- Protecting the wellbeing of stateless persons

Until they are granted nationality, it is also important to ensure that stateless people have the same rights as citizens. This includes social and economic inclusion, protection from abuse, and freedom of movement.

- [Côte d'Ivoire's decision](#) to formally recognize stateless people and protect their right to access health, education, and opportunity for employment.
- [Ukraine's decision](#) to protect stateless people's right to education, healthcare, and opportunity for employment.



WHAT IS CURRENTLY BEING DONE TO ADDRESS THIS ISSUE?



ACTIVISTS

Advocates who are or were themselves stateless

- [Maha Mamo](#) was born to Syrian parents in Lebanon, which made her ineligible for either nationality. Today, she is an activist, author, and public speaker.
- [Lynn Al-khatib](#) was born as a stateless Palestinian in Syria. In 2014, she moved to Sweden and has since been outspoken about the impact of statelessness on people living in Europe. She is a member of the European Network on Statelessness.
- [Yutthachai Jaju](#), was born in northern Thailand in the Lahu tribe and only became a citizen as a teenager. She now supports stateless people with their nationality applications.

Non-stateless advocates

- [Azizbek Ashurov](#) is a lawyer from Kyrgyzstan. He spent more than a decade championing the rights of stateless people in his country and supporting the Kyrgyz Republic in becoming the first country in the world to end statelessness. He is the [2019 winner of the Nansen Refugee Award](#).
- [Jean Lambert](#), a former UK Member of the European Parliament is an advocate for the plight of stateless people in Europe.



Maha Mamo, who was born stateless to Lebanese parents in Syria, became a Brazilian national in 2018 after many years of perseverance.



Azizbek Ashurov sometimes travels on horseback to reach stateless people who need his help in remote areas of Kyrgyzstan.



Jean Lambert, a former UK Member of the European Parliament is an advocate for the plight of stateless people in Europe.



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OTHER AGENCIES



- Many nongovernmental organizations (NGOs) and other UN agencies such as The UN Human Rights Office (OHCHR) and UNICEF are also active in the fight against statelessness. OHCHR focuses on ending gender discrimination in nationality laws.
- The Coalition on Every Child's Right to a Nationality is a co-led effort by UNHCR and UNICEF and includes 70 international NGOs. The coalition aims to “expand and strengthen international co-operation to raise awareness about and combat the hidden problem of childhood statelessness.”





Questions to Guide the Debate

- How can we better identify stateless persons?
- How can we fight discrimination in nationality laws?
- How can we better include stateless people in education, healthcare, and the economy?
- How can we better educate the public about the existence and consequences of statelessness?
- How can we encourage States to grant citizenship to stateless people in their country?
- How can we protect stateless people from gender-based violence and economic exploitation?
- How can we resolve statelessness in cases of state succession?
- How can we protect refugees and displaced people from statelessness?
- How can nationality-holders better support stateless people in their country?
- How to encourage States to enact laws that grant citizenship to children born within their borders?
- How can we ensure that non-legal barriers to birth registration such as fees and distance (for stateless people living in remote areas) are removed?

Useful Resources

UNHCR Press releases

- [UNHCR warns of vaccine gap risk for world's stateless](#)
- [Displaced and stateless women and girls at heightened risk of gender-based violence](#)
- [The 1961 Statelessness Convention: 60 years of protecting the right to a nationality](#)
- [Kyrgyzstan ends statelessness in historic first](#)

Videos

- [What does it mean to be stateless? \(UNHCR\)](#)
- [What Does It Mean to be Stateless? \(NowThisWorld\)](#)
- [Cate Blanchett: Statelessness Exists Everywhere | #iBelong](#)
- [Living as a Stateless Person](#)

Webpages, articles, and stories

- [OHCHR and the right to a nationality](#)
- [Birth Registration - UNICEF Data](#)
- [What is birth registration and why does it matter?](#)

Documents and Reports

- [Global Action Plan to End Statelessness \(2014 - 2024\)](#)
- [Birth Registration for Every Child by 2030: Are we on track?](#)

Contact us

If you have any questions about UNHCR's MUN Refugee Challenge or this background guide, please visit our [webpage](#) or contact hqmunrefugee@unhcr.org.