

Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons

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The Executive Committee,

Remaining deeply concerned with the persistence of statelessness problems in various regions of the world and the emergence of new situations of statelessness,

Recognizing the right of States to establish laws governing the acquisition, renunciation or loss of nationality and noting that the issue of statelessness is already under consideration by the United Nations General Assembly within the broad issue of State succession,¹

Expressing concern at the serious and precarious conditions faced by many stateless persons, which can include the absence of a legal identity and non-enjoyment of civil, political, economic, social and cultural rights as a result of non-access to education; limited freedom of movement; situations of prolonged detention; inability to seek employment; non-access to property ownership; non-access to basic health care,

Noting that despite some progress, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness have only been ratified or acceded to by a limited number of States, sixty and thirty-two States respectively,

Recalling the right of every person to a nationality and the right not to be arbitrarily deprived of one's nationality as enunciated by the Universal Declaration of Human Rights and referenced in human rights instruments such as the Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child,

Recalling that all human beings are born free and equal in dignity and they are entitled to the rights and freedoms enshrined in the Universal Declaration of Human Rights, without distinction of any kind,

Reaffirming the responsibilities given to the High Commissioner by the United Nations General Assembly to contribute to the prevention and reduction of statelessness and to further the protection of stateless persons,

Recalling its Conclusion No 78 (XLVI) on the prevention and reduction of statelessness and protection of stateless persons as well as Conclusions 90 (LII), 95 (LIV), 96 (LIV), and Conclusions 99 (LV) and 102 (LVI) with regard to solving protracted statelessness situations,

(a) *Urges* UNHCR, in cooperation with governments, other United Nations and international as well as relevant regional and non-governmental organizations, to strengthen its efforts in this domain by pursuing targeted activities to support the identification, prevention and reduction of statelessness and to further the protection of stateless persons;

Identification of Statelessness

(b) *Calls on* UNHCR to continue to work with interested Governments to engage in or to renew efforts to identify stateless populations and populations with undetermined nationality residing in their territory, in cooperation with other United Nations agencies, in particular UNICEF and UNFPA as well as DPA, OHCHR and UNDP within the framework of national programmes, which may include, as appropriate, processes linked to birth registration and updating of population data;

(c) *Encourages* UNHCR to undertake and share research, particularly in the regions where little research is done on statelessness, with relevant academic institutions or experts, and governments, so as to promote increased understanding of the nature and scope of the problem of statelessness, to identify stateless populations and to understand reasons which led to statelessness, all of which would serve as a basis for crafting strategies to addressing the problem;

(d) *Encourages* those States which are in possession of statistics on stateless persons or individuals with undetermined nationality to share those statistics with UNHCR and *calls on* UNHCR to establish a more formal, systematic methodology for information gathering, updating, and sharing;

(e) *Encourages* UNHCR to include in its biennial reports on activities related to stateless persons to the Executive Committee, statistics provided by States and research undertaken by academic institutions and experts, civil society and its own staff in the field on the magnitude of statelessness;

(f) *Encourages* UNHCR to continue to provide technical advice and operational support to States, and to promote an understanding of the problem of statelessness, also serving to facilitate the dialogue between interested States at the global and regional levels;

(g) *Takes note* of the cooperation established with the Inter-Parliamentary Union (IPU) in the field of nationality and statelessness, and *notes further* the 2005 *Nationality and Statelessness Handbook for Parliamentarians* which is being used in national and regional parliaments to raise awareness and build capacity among State administrations and civil society;

Prevention of Statelessness

(h) *Calls on* States to facilitate birth registration and issuance of birth or other appropriate certificates as a means to providing an identity to children and where necessary and when relevant, to do so with the assistance of UNHCR, UNICEF, and UNFPA;

(i) *Encourages* States to consider examining their nationality laws and other relevant legislation with a view to adopting and implementing safeguards, consistent with fundamental principles of international law, to prevent the occurrence of statelessness which results from arbitrary denial or deprivation of nationality; and *requests* UNHCR to continue to provide technical advice in this regard;

(j) *Notes* that statelessness may arise as a result of restrictions applied to parents in passing on nationality to their children; denial of a woman's ability to pass on nationality; renunciation without having secured another nationality; automatic loss of citizenship from prolonged residence abroad; deprivation of nationality owing to

failure to perform military or alternative civil service; loss of nationality due to a person's marriage to an alien or due to a change in nationality of a spouse during marriage; and deprivation of nationality resulting from discriminatory practices; and *requests* UNHCR to continue to provide technical advice in this regard;

(k) *Stresses* that in the event of State succession, the concerned States put in place appropriate measures to prevent statelessness situations from arising as a result and take action to address such situations;

(l) *Encourages* States to seek appropriate solutions for persons who have no genuine travel or other identity documents, including migrants and those who have been smuggled or trafficked, and where necessary and as appropriate, for the relevant States to cooperate with each other in verifying their nationality status, while fully respecting the international human rights of these individuals as well as relevant national laws;

(m) *Calls upon* States Parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime, to respect their obligation to assist in verifying the nationality of the persons referred to them who have been smuggled or trafficked with a view to issuing travel and identity documents and facilitating the return of such persons; and, *encourages* other States to provide similar assistance;

Reduction of Statelessness

(n) *Encourages* States to give consideration to acceding to the 1961 Convention on the Reduction of Statelessness and, in regard to States Parties, to consider lifting reservations;

(o) *Encourages* UNHCR to reinforce its cooperation with other relevant United Nations agencies to assist States to reduce statelessness, particularly in protracted statelessness situations;

(p) *Encourages* States, where appropriate and while taking note of the United Nations General Assembly Resolution 60/129 of 2005, to consider measures to allow the integration of persons in situations of protracted statelessness, through developing programmes in the field of education, housing, access to health and income generation, in partnership with relevant United Nations agencies;

(q) *Encourages* States to safeguard the right of every child to acquire a nationality, particularly where the child might otherwise be stateless, bearing in mind Article 7 of the Convention on the Rights of the Child (CRC), and *further encourages* UNHCR to cooperate with UNICEF and UNFPA to provide technical and operational support to this end;

(r) *Encourages* States to actively disseminate information regarding access to citizenship, including naturalization procedures, through the organization of citizenship information campaigns with the support of UNHCR, as appropriate;

Protection of Stateless Persons

(s) *Encourages* States to give consideration to acceding to the 1954 Convention

relating to the Status of Stateless Persons and, in regard to States Parties, to consider lifting reservations;

(t) *Requests* UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons;

(u) *Encourages* States which are not yet Parties to the 1954 Convention relating to the Status of Stateless Persons to treat stateless persons lawfully residing on their territory in accordance with international human rights law; and to consider, as appropriate, facilitating the naturalization of habitually and lawfully residing stateless persons in accordance with national legislation;

(v) *Encourages* UNHCR to implement programmes, at the request of concerned States, which contribute to protecting and assisting stateless persons, in particular by assisting stateless persons to access legal remedies to redress their stateless situation and in this context, to work with NGOs in providing legal counselling and other assistance as appropriate;

(w) *Calls on* States not to detain stateless persons on the sole basis of their being stateless and to treat them in accordance with international human rights law and also *calls on* States Parties to the 1954 Convention relating to the Status of Stateless Persons to fully implement its provisions;

(x) *Requests* UNHCR to further improve the training of its own staff and those of other United Nations agencies on issues relating to statelessness to enable UNHCR to provide technical advice to States Parties on the implementation of the 1954 Convention so as to ensure consistent implementation of its provisions.