



**Protecting the human rights of  
stateless individuals in society**



**UNHCR**

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**Issue:** Protecting the human rights of stateless individuals in society

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## Introduction

Citizenship isn't a value that the international community regularly thinks of, basically because it is a fundamental quality they have from birth. Though for some people, it is a daily life topic of concern, since they do not hold any citizenship and lack any rights that it brings, the rights that the rest of the community takes for granted. In a world of coexistence through legal grounds, citizenship is the only sign of presence; as it is the key that unlocks the door to a world of rights, responsibilities, and shared identity.

Article 1 of the 1954 Convention to the Status of Stateless Persons defines a stateless person as "a person who is not considered as a national by any State under the operation of its law". It is someone who is not recognized as a citizen under the laws of any country and, therefore, cannot obtain the rights that are associated with citizenship. The concept of statelessness has existed as long as states have. It continued to be used as a punishment for a long time in history. After World War II, when statelessness was irrefutably used as a measure to disenfranchise minority populations, the global community started to draw attention to this action and passed various treaties against statelessness. According to statistics from the United Nations High Commissioner for Refugees, by the end of 2022, there were estimated 4.4 million stateless people around the world. However it is safe to say that even this high of a number does not reflect the truth. There are several challenges associated with collecting data about statelessness, including the lack of self-awareness in society, common malfunctions of legal documentation, the limited report from countries to international organizations, and the broad and different definitions of notions related to statelessness. In most cases, statelessness isn't drawn enough attention to, mainly because it does not take on the form of killing, destroying, or violence, but rather acts as a silent form of exclusion. As the UNHCR, it is important to understand the logic behind statelessness, its forms, its consequences, and its connection with human rights and values.

## Definition of Key Terms

### Statelessness

Not being considered as a national by any State under the operation of its law.

### Nationality

Legal membership, citizenship and belonging to a particular country.

### Refugee

People who are forced to flee their country because of persecution, war, or violence. As the United Nations High Commissioner for Refugees, the link between statelessness and refuge is important to examine.

### Displacement

The process of people being involuntarily moved from their homes because of war, government policies, or other societal actions, requiring groups of people to find new places to live.

### Asylum

A form of international protection granted by a country to foreign nationals who have fled their own country due to fear of persecution. Understanding asylum is crucial for comprehending the legal mechanisms in place to provide refuge to those in need.

### Disenfranchisement

The state of being deprived of a right or privilege, particularly used referring to the right to vote. It's possible for delegates to come across this term often while researching since historical sources frequently include statelessness as a way to disenfranchise populations.

## General Overview

### Causes of Statelessness

The factors causing statelessness can be divided into two: people who are born stateless, and people who become.

One prominent factor that leads to statelessness is conflict. In states of war, families are often at risk of losing essential identification papers that are crucial for proving ties to a specific country. This loss, together with the chaotic nature of conflict zones, creates a situation where registering a child becomes a formidable, if not impossible, task, leading to an increased risk of statelessness.

Additionally, discrimination is and always has been a significant force in causing statelessness, with certain countries enforcing policies that unequally affect certain groups of people. In commonly seen instances, parents are denied the right to pass on their citizenship to their children based on discriminatory criteria such as but not limited to ethnicity, religion, language or gender. That means authorities reject certain groups by using the arbitrary denial of citizenship, the legal manner that connects individuals to each other and to a State, as a weapon. This discriminatory practice deepens the vulnerability of populations, contributing to the statistic from a previous report of the UNHCR that nearly seventy percent of stateless individuals belong to marginalized communities. This underlines the systemic biases in citizenship laws, highlighting the urgent need for comprehensive and inclusive global solutions to address the legal complexities surrounding statelessness.

Another complex factor leading to an increase in statelessness is the presence of non-state territories. Needless to say, only States have nationals, which leaves people in areas that lack recognition or have lost statehood without a clear national identity. These can be residents of occupied territories where statehood has never emerged or that are largely unrecognized. The Palestinian territories are for that a significant and widely known example. Or places such as Western Sahara or Northern Cyprus – basically areas where statehood and sovereignty are open to interpretation. The creation of new countries, transfers of territory between existing countries, or any other border change can cause hardships. In such cases, certain groups of people might struggle to prove their affiliation to a specific country, increasing the risk of statelessness.

Once a person becomes stateless, it is in many countries inevitable for statelessness to go on for generations. Passed down through family lines, these legal complexities pose significant challenges for individuals seeking citizenship. This generational transmission of obstacles creates a cycle of statelessness, leaving individuals and families stuck in a state of difficulties that hinder their ability to establish any kind of belonging. Once again, it should be kept in mind that to determine whether a person is stateless, it is necessary to analyze the nationality laws of States that these

persons have a link to, since States may have different rules and applications of laws regarding a person's nationality.

### Historical Examples

This section will provide information about significant instances of statelessness throughout history to thoroughly understand the scope of this problem. As stated before, statelessness can emerge as a consequence of conflicts around the world. A significant example of that would be the aftermath of World War II, which led to massive population movements, affecting refugees, displaced persons, and stateless individuals. It is said that after WWII, 55 million people were displaced in Europe alone, and 1.2 million of the Eastern European displaced people refused to return home, creating a large-scale refugee crisis. The experiences of refugees, concentration camp survivors, and others who fled conflict zones contributed for the first time to the development of international conventions and agencies focused on protecting the rights of refugees and stateless individuals, shaping the modern understanding of humanitarian response to displacement crises.

At around the same time, in a different part of the world, British India gained its independence, which led to the creation of India and Pakistan. The partition resulted in the displacement of millions. When the country was split, many individuals found themselves on a side where their religious or ethnic identity did not align with the newly established nations of India or Pakistan. This is a major example of how newly drawn or rearranged borders can cause complexities regarding documentation, turning a group of people into minorities and contributing to statelessness.

Likewise, the Arab-Israeli conflict had and still continues to have a big contribution to the number of stateless persons worldwide. After 1948, when the first Arab-Israeli war led to the creation of the new state of Israel, hundreds of thousands of Palestinians were forcefully displaced. Palestinian refugees sought refuge in neighboring countries including Jordan, Lebanon, or Syria. This led to a long-lasting state of refuge and statelessness, which still continues as millions of Palestinians have been living in refugee camps for generations. Although the Oslo Accords in 1990 and other UN Resolutions occasionally addressed the right to return of Palestinian refugees, none of them were clearly binding, and even if they were, it obviously still wouldn't have fully solved the issue of statelessness. Today, while some Palestinian refugees acquired citizenship in host countries, the majority of them remain stateless. More than half of the eight million Palestinians are considered *de jure* stateless persons, meaning it is legally recognized by laws and international legal standards that

these people do not belong to any nation. They fall into three categories: holders of Refugee Travel Documents, holders of nationalities of convenience (mainly temporary Jordanian passports), and holders of Palestinian passports issued by the Palestinian Authority.

Moving on to 1991, in which an even bigger change of borders is encountered. The dissolution of the Soviet Union and Yugoslavia led to the creation of new States. Ethnic minorities in the Soviet Union found themselves in these newly established states and faced many challenges, including statelessness. People had to register for a new nationality that didn't exist before, and many missed the deadline due to language or location barriers. 30 years later, thousands continue to be stateless in the former Soviet Union. And while some of the 15 post-Soviet States have made improvements toward allowing stateless persons to receive services, the path to citizenship is utterly complicated once one has missed.

Last but surely not least, the case of Rohingya Muslims is important to examine, since by the end of 2022, it was reported by the Institute on Statelessness and Inclusion that one of the countries with the largest stateless populations was Myanmar, with 650 thousand reported stateless individuals. The Rohingya are an ethnic, religious, and linguistic minority (estimated at 1.33 million people) concentrated in the northern region of Burma (Myanmar), a predominantly Buddhist country. The Rohingya were stripped of their nationality in 1982 on grounds of their ethnicity. This was done by forcing Rohingya Muslims who have survived the Bangladeshi refugee camps to return to Burma, and then enacting a Citizenship Law that primarily excluded Rohingya. To obtain citizenship, the law required that the person needed to belong to one of the national races (which didn't include Rohingya), speak one of the national languages (which excluded the Rohingya language), and prove that the person or their parents resided in Burma prior to its independence in 1948. This is an obvious example of how easy it is to deem thousands of people stateless by passing relevant laws in a country.

### Consequences of Statelessness

What challenges do people face exactly when they are not citizens of any country? As inequality and discrimination lead to statelessness, statelessness, too, leads to inequality and discrimination. Article 15 of the Universal Declaration on Human Rights (1948) provides every person with a right to nationality. And basically, those without citizenship have no access to any of the rights being a citizen brings. Stateless people have no legal protection, they have no right to vote. They often lack access to healthcare, education, legal employment, marriage, or property.

Many stateless people have no registration of birth, and even an official burial or a death certificate when they die.

Stateless people are also particularly vulnerable to discrimination, exploitation, and abuse. The absence of legal status often leaves them marginalized and at risk of being targeted for various forms of abuse, including sexual and physical violence, trafficking, or forced labor.

Additionally, as seen in the historical background, a significant number of stateless people are subject to displacement. In some cases, they are victims of forced displacement, being deprived of their nationality and expelled from the country. In other cases, they flee themselves because of the persecution and discrimination they face. They are then considered a refugee under the 1951 Convention on the Status of Refugees. When an individual is both stateless and a refugee, both statuses need to be recognized. Needless to say, this creates a harder situation for the people facing the challenge.

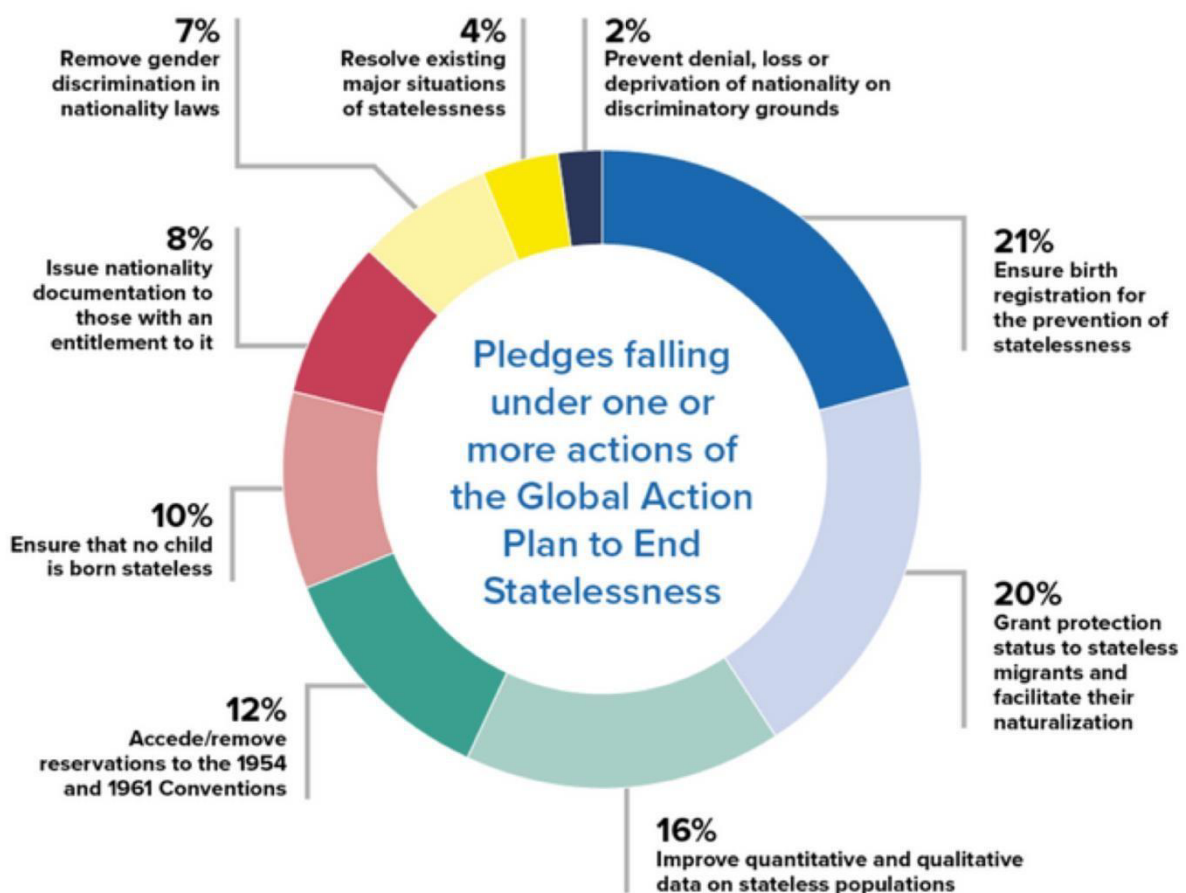
### Past Actions to Resolve the Issue

From 1922 to 1938, in between when a refugee crisis had arisen between redrawn national borders, the League of Nations Office of the High Commissioner for Refugees came up with passports for stateless people, called Nansen Passports. It was a humane measure for thousands of people who had left their homes due to war and persecution and did not have passports, related documents, or nations to issue them. It enabled holders to travel to countries and look for work. The significance of the Nansen Passport was summed up by historian Michael Marrus: "For the first time it permitted determination of the juridical status of stateless persons through a specific international agreement." In essence, it was an innovative measure that provided a form of international protection to stateless people, independent from the authority of a state.

Currently, the United Nations High Commissioner for Refugees is actively involved in protecting the rights of stateless people. Its role includes working to save ones without nationality from vulnerabilities as well as preventing the spread of statelessness. UNHCR provides technical assistance to States in establishing so-called stateless determination procedures (SDPs) and enhancing the existing ones. SDPs are necessary for countries and other relevant authorities to discover and legally recognize stateless people around the world, and to ensure that they receive the needed support. Recognizing statelessness may help people access basic rights such as education and healthcare, go through legal examination on the way to acquiring a nationality, or seek protection as a refugee. UNHCR helps States in determining a person's legal status and

nationality by acting as an information source. It examines nationality claims under Article 11 of the 1961 Convention on the Reduction of Statelessness and presents them to the relevant State authorities.

In the international fight against statelessness, UNHCR launched a global campaign to end statelessness and therefore established a Global Action Plan. The plan urged governments to revise their national refugee legislation to prevent new cases from emerging. It assured that the commissioner would provide technical and financial support to administrative and judicial institutions regarding persons' nationality. Under the action plan, UNHCR also created advocacy campaigns, primarily the #IBelong campaign, in order to raise awareness about this phenomenon and encourage action. The national efforts motivated by the #IBelong campaign helped more than 340,000 stateless people acquire nationality. This comprehensive action plan aimed to end statelessness by 2024, though it becomes now obvious that there is still a lot to be done.





## Timeline of Key Events

Date	Event
July 3, 1922	The Nansen Passport came into use.
December 10, 1948	The Universal Declaration of Human Rights recognized the right to nationality. (The UDHR granted the right in general but gave no clue as to how responsibility for granting citizenship should fall on a particular state. This may explain why the right to nationality has attracted little international attention and has developed slowly.)
December 19, 1950	The United Nations High Commissioner for Refugees was founded.
September 28, 1954	Convention Relating to the Status of Stateless Persons was adopted.
February 20, 1959	The Convention on the Nationality of Married Women addressed gender-related aspects of nationality.
August 30, 1961	Convention on the Reduction of Statelessness was adopted.
November 20, 1989	Convention on the Rights of the Child addressed the right to nationality for children.
November 7, 2014	UNHCR launched the Ibelong Campaign to end statelessness by 2024.
December 14, 2018	Global Compact for Safe, Orderly and Regular Migration recognized the importance of legal identity and nationality.
December 17, 2019	Global Refugee Forum made commitments to address statelessness.

## Major Parties Involved

### **The Institute on Statelessness and Inclusion**

The Institute on Statelessness and Inclusion (ISI) is an independent non-profit organization working on research, analysis, empowerment, advocacy, and awareness about statelessness globally. It was founded in 2014 and it has been setting goals and working to achieve them ever since.

### **The International Stateless Persons Organization**

ISPO is an international NGO founded in March 2012 in the Philippines. It aims to provide representation to stateless persons throughout its network of volunteering human rights defenders that each represent their countries.

### **Myanmar**

The historical examples section has shown Myanmar's role in statelessness globally. The ethnic minority group in Myanmar have faced discriminatory policies and statelessness for decades, and the situation is still present. Data from the UNHCR shows that the Rohingya community from Myanmar accounts for 1.57 million (38%) of the global reported stateless population. The situation escalated in 2017 when a violent military crackdown unfolded against the Rohingya Muslims, massive groups of Rohingya people fled to Bangladesh, escaping from killings, rapes, and burnings of villages. The United Nations termed this ethnic cleansing and called for the urgent resolution of the root causes, but progress has been slow. The Rohingya's statelessness besides their situation as refugees remains a critical issue.

### **Côte d'Ivoire**

In a 2019 table documenting statelessness, Côte d'Ivoire holds the top position in the number of individuals defined as stateless under UNHCR's mandate among various countries, holding 955,400 stateless persons. After the death of president Felix Houphouët-Boigny in 1993, Côte d'Ivoire shifted to exclusionary citizenship policies, particularly targeting predominantly Muslim groups in the north of the country known as "dioulas". The 1998 law restricted other rights of foreigners even more, leading to an obvious increase in the number of stateless people and to the violation of human rights. It is a major example of how legal frameworks in a country affect migrants and their descendants, increasing the presence of stateless persons.

### **Kuwait**

Another country that has experienced high rates in statelessness is Kuwait. The situation in Kuwait primarily involves the Bidun, which translates to "without" in Arabic. The lack of documentation of the Bidun community is a result of the absence of clear citizenship criteria in early years of Kuwait's development. Over

time, Kuwait has implemented various attempts to address the Bidun issue, such as registration campaigns or status regularization initiatives. However, political, legal, and societal complexities continue to outweigh the attempts for a comprehensive resolution.

## Possible Solutions

Delegates are expected to come up with solutions to minimize the challenges stateless people face in society, as well as long-lasting ways to stop the increase in statelessness in the first place. Just like how the status of nationality can easily be managed through laws, the way to protect the rights of the stateless also lies in making legal reforms. There are several countries that have done or considered doing legal reforms regarding statelessness and nationality, such as Kyrgyzstan, Kenya, and Cote d'Ivoire. It is crucial that this progress is seen in others. The establishment of statelessness determination procedures (SDPs) holds utmost importance. Countries must review and reform their nationality laws by coming up with fair and accessible procedures to identify stateless individuals, so that they can later be allowed to access rights and protections. The review of these laws must be done in compliance with international standards; the 1954 and 1961 conventions as well as other international documents related to statelessness need to be ratified by each country and they need to serve as a basis while coming up with national frameworks.

To act in accordance with an objective and experienced organization, countries or institutions need to work closely with UNHCR while addressing any effect of statelessness. It is also possible that States use the existing efforts the UNHCR makes, for instance in the field of raising awareness. Making the public and policymakers aware of the concept of statelessness and its effects will help build national support and contribute to non-discriminatory policies. To address the root causes of the problem, each State should have panels that work on information gathering specifically about the statelessness of the public. Pathways to acquire nationality or to the resettlement of stateless individuals who cannot return to their country of origin need to be searched for. But these can't be found unless there's specific information obtained about the scope and characteristics of statelessness in a society.

What is a valid solution for every State regardless of its position though, is improving birth registration, a basic necessity for establishing nationality and preventing statelessness. It must be ensured that every child is registered at birth, by means such as but not limited to building

administrative capacity for the registry, integrating birth registration processes with healthcare services, encouraging registration immediately after childbirth, making registration procedures simplified and more accessible, or engaging the community about the benefits of birth registration.

Human rights are for everyone; and in cases where it is known that individuals cannot access basic proceedings due to the lack of documentation, best efforts should be made to help those out. Barriers preventing stateless people from accessing healthcare or education should be eliminated. Until a permanent measure is found, non-governmental organizations should be encouraged to work in providing these fundamental services to those who cannot access them from the states themselves.

## Further Reading

- Impact of Statelessness: Are we ready to face? – Open Journal of Social Sciences, Bilkis Afroza Siddika, 2019: <https://www.scirp.org/journal/paperinformation?paperid=96841> An objective source that gives a right and brief overview of the topic statelessness, focusing on legal frameworks and the actions of international community.
- Citizenship and Statelessness: (in)equality and (non)discrimination – Institute on Statelessness and Inclusion: <https://files.institutesi.org/Statelessness-and-discrimination.pdf> A paper from the Institute on Statelessness and Inclusion that underlines the societal consequences of statelessness.
- Statelessness and Nationality in Cote d'Ivoire, Mirna Adjami: <https://www.refworld.org/pdfid/58594d114.pdf#page60> A study for the UNHCR that examines the current situation in Cote d'Ivoire, and makes recommendations to the country as well as to the international community. Analyzing the situation over the country with the highest number of stateless individuals may help gain insight into possible ways to counter the escalating problem.

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