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## FORUM ON MINORITY ISSUES ELEVENTH SESSION

**"Statelessness: A Minority Issue"**

**29 and 30 November 2018  
Room XVII, Palais des Nations, Geneva**

### **SUMMARY BY THE CHAIRPERSON OF THE FORUM**

Pursuant to Human Rights Council resolution 19/23 of 23 March 2012, the Forum on Minority Issues provides a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as providing thematic contributions and expertise to the work of the Special Rapporteur on minority issues, **Dr Fernand de Varennnes**. The Forum identifies and analyses best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The Forum meets annually for two days, on a different theme each year. The Special Rapporteur on minority issues is responsible for guiding the work of the Forum, preparing its annual meetings and reporting on its thematic recommendations to the Human Rights Council. The Eleventh session of the Forum took place on 29 and 30 November 2018 in Room XVII of the Palais des Nations in Geneva, Switzerland. **Ms. Rita Izsák-Ndiaye** was appointed as Chairperson of the session, which focused on the theme: **"Statelessness: A Minority Issue"**.

About 600 participants took part in the session, including Member States and specialized agencies, intergovernmental and regional organizations, human rights treaty bodies, national human rights institutions, academics and experts, and civil society actors working on minority issues. The wide range of stakeholders included persons belonging to national or ethnic, linguistic and religious minorities who are actively engaged in minority rights advocacy and diverse areas of work related to the protection and promotion of the rights of minorities, as well as experts in the field of statelessness and formerly stateless minorities.

The report of the Special Rapporteur to the 73rd session of the General Assembly, dedicated to the theme of statelessness (A/73/205), as well as the Concept Note, the Agenda of the Forum and a detailed Program of Work were made available to all Forum participants in advance of the Forum on the webpage of the Eleventh session of the Forum<sup>1</sup>, and formed the basis for the discussions.

### **Format of the Forum**

The Forum followed the procedure developed over its previous sessions. To help focus the discussions and ensure that they would be interactive, each agenda item was introduced by several invited panellists, followed by interventions from other participants based on a sign-up sheet. This year, the panellists were also given the opportunity to answer or comment on the participants' questions and interventions.

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<sup>1</sup> <https://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session11.aspx>

## Outcome documents

The present document is prepared in accordance with Human Rights Council resolution 19/23, which requests the Chair to prepare "a summary of the discussion of the Forum, to be made available to all participants of the Forum". This summary is to be complemented by the outcome document containing the recommendations of the Forum presented by the Special Rapporteur on minority issues to the Human Rights Council at its 40th session in March 2019.

This summary does not provide the full details of all presentations that were made during the Forum's proceedings. The list of speakers and the statements submitted to the Secretariat of the Forum on Minority Issues can be accessed in the following website: <https://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session11.aspx>

### Item I. Opening meeting

**The President of the Human Rights Council, H.E. Ambassador Vojislav Šuc,** welcomed all participants and stressed that the Forum serves as a unique platform for promoting dialogue and cooperation on issues pertaining to national, or ethnic, religious and linguistic minorities, and aims to provide thematic contributions and expertise to the work of the Special Rapporteur on minority issues. Addressing the theme of the Forum he referred to UNHCR's estimation that three quarters of the world's populations belong to minorities. He stated that the Forum would, inter alia, analyze practices, challenges, opportunities and initiatives in addressing statelessness as a human rights issue, inter alia, through exploring the interconnection with the promotion and protection of the human rights of persons belonging to minorities. The President highlighted the interactive, inclusive and universal character of this Forum as the foundation of its strength and importance.

He reiterated the Human Rights Council's deep appreciation for the tireless work of civil society organizations and human rights defenders around the world, often at risk of their own lives and their families and reconfirmed the Council's commitment to protect all those individuals who cooperate with the United Nations and its mechanisms against any act of intimidation, harassment or reprisal. He hoped the Forum would act as a catalyst for action to better prevent and address the impact of humanitarian crises on minority communities. He concluded by recalling the commitment of the Human Rights Council to protect the rights and lives of all individuals who cooperate with the United Nations and its mechanisms in the field of human rights.

**The High Commissioner for Human Rights, H.E. Madam Michelle Bachelet addressed the Forum through a video message.** The High Commissioner highlighted that the Forum is an opportunity for member states to engage with minorities, civil society organizations and UN bodies, to share policies and practices, and to develop recommendations to uphold the rights of persons belonging to minorities. She emphasized the importance of the theme of the Forum, stressing that to be stateless often means being deprived of access to many essential human rights and fundamental freedoms, since stateless people face a life without education or employment opportunities, and without adequate access to medical care or other basic human rights and public services, including access to justice, making them particularly vulnerable to abuse and exploitation. The High Commissioner emphasized that people are *made* stateless by policies which fail to ensure that all persons are provided with a nationality without

discrimination. She also indicated that minorities may be particularly susceptible to being forcibly displaced within their country or forced to migrate, making them vulnerable to becoming stateless. Madam Bachelet also stated that at the same time stateless people, many of whom are minorities, are more vulnerable to forced displacement and migration. The High Commissioner underlined that this vulnerability is often particularly acute for stateless women who may also be prevented from enjoying a range of human rights, including their sexual and reproductive health and rights, as well as children who may also suffer from the denial of education and other fundamental rights.

Madam Bachelet stressed the right to a nationality to be a fundamental human right recognized by the Universal Declaration of Human Rights and in numerous other core international human rights instruments. The High Commissioner emphasized the need for states to take positive steps to combat statelessness for everyone, but notably minorities, who are disproportionately affected by statelessness, such as ensuring access, without discrimination, to birth registration and key documentation for acquiring nationality

**The Special Rapporteur on minority issues Dr. Fernand de Varennes** welcomed participants to the Eleventh session of the Forum on minority issues. The Special Rapporteur emphasized the importance of the theme of the Forum: "Statelessness: a minority issue", since according to UNHCR 2017 estimation more than 75% of the world's stateless people belong to minorities. The Special Rapporteur highlighted the importance of the topic as stateless people are among the world's most vulnerable and marginalized populations, often unable to defend themselves or their rights. He emphasized that this is sometimes because of their ethnicity, language or religion in addition to not holding any citizenship. The Special Rapporteur stressed the importance of identifying the main causes of statelessness in order to effectively prepare appropriate responses and solutions – and especially to new situations developing into new groups of stateless minorities.

Dr. de Varennes noted that unless the main causes of statelessness are identified, it will not be possible in many cases to identify appropriate responses and solutions. The Special Rapporteur noted that unfortunately statelessness is connected to policies, practices or legislation that may result in the denial of the right to a nationality, be arbitrary or in breach of the prohibition of discrimination obligation under international law. He highlighted the importance of giving voice and space to those who could not be at the Forum and raise the visibility and awareness of statelessness as a minority issue. He further emphasized that there needs to be a greater awareness of the heart-breaking human tragedy, the horrors and suffering of millions of men, women and children, and the potential destabilising effects and almost unmanageable humanitarian crisis this can create. He warned against the situations emerging in the near future where there is the risk of millions more new people who belong to minorities being made stateless through the interpretation and application of laws and practices. Dr. de Varennes highlighted that the lack of citizenship means being particularly vulnerable to other restrictions and denial of rights, as well as more susceptibility to the scourge of racism, intolerance and exclusion.

**The Chair of the ninth session of the Forum on Minority Issues, Ms. Rita Izsák-Ndiaye** emphasized that statelessness is a disturbing worldwide phenomenon which is very often a cause and a consequence at the same time of systematic discrimination of national or ethnic, religious and linguistic minorities. She emphasized the importance of feeling of belonging which

gives everyone a sense of worth, dignity, equality, community and protection, further stating that from the beginning of history, excluding members from a certain community and thus subjecting them to become disempowered, worthless and voiceless has been one of the gravest punishments. She noted that statelessness not only leads to barriers in accessing fundamental rights and basic services, but also deeply damages the social fabric and has serious negative consequences on individual mental health and well-being.

Ms Rita Izsák-Ndiaye referred to the Convention on the Elimination of All Forms of Racial Discrimination which prohibits discrimination in the enjoyment of the right to a nationality on the grounds of race, colour, or national or ethnic origin, and General Recommendation No. 30 on the discrimination against non-citizens developed by the Committee on the Elimination of Racial Discrimination. The importance of data on the non-citizen and stateless populations, including socio-economic data disaggregated by gender and national or ethnic origin was also highlighted. The Chair emphasized the need to come up with suggestions, recommendations, good practices and creative ideas on how we cooperate better in addressing statelessness, since no UN Agency or the UN itself alone can resolve statelessness unilaterally. Ms. Izsák-Ndiaye reemphasized the need for the commitment of the states concerned as nationality can only be conferred or confirmed by states who are responsible for protecting the fundamental rights and freedoms of all people on their territory including those of stateless persons.

## **Item II. Root causes and consequences of statelessness affecting minorities: preventing statelessness through a human rights approach**

This session discussed the main factors which serve as underlying causes of statelessness of minorities and addressed the negative impact of statelessness on a person's ability to enjoy fully human rights and fundamental freedoms, and have access to justice. This session explored ways to prevent statelessness through the promotion and protection of the human rights of persons belonging to minorities, as well as the importance of elimination of discrimination on all grounds, in particular discrimination on the basis of race, ethnicity, religion and language.

**Mr. Amal de Chickera, Institute on Statelessness and Inclusion**, stated that statelessness is a global phenomenon affecting minorities around the world, and stressed that discrimination on the basis of race, ethnicity, culture, religion, language, being the defining characteristics of minorities, often serves as the root causes of their statelessness. Parallels were drawn between intersection of such discrimination with the one on the basis of gender, disability, socio-economic disadvantage, which may further aggravate the situation. He further emphasized that the problem of statelessness and its impact on minorities cannot be ignored, since it stands contrary to the affirmation of human rights and the vision for more equal and inclusive societies.

Challenges of patriarchy, racism, fundamentalism, nationalism and xenophobia, among others, were named to be at the heart of structures of power, as well as at the heart of discrimination. The necessity of challenging stereotypes and dismantling structural discrimination and the idea that some belong but others do not was emphasized. He further referred to historical facts such as dissolution of the states, independence from colonial powers, the requirement to register as citizens of newly formed countries, the passing of discriminatory nationality laws, wars and displacement were also stated as factors that had generated statelessness among minorities. Amal de Chickera highlighted the need to challenge the

perceived tension between state sovereignty in determining who belongs and the right of every person to a nationality . He further stressed the need to use the collective wisdom, norms, mechanisms and tools that has been built over generations to combat statelessness. He suggested that in order to perceive root causes of statelessness, there is a need to question if there has been a collective failure to do what we are obliged to do by law, by institutional mandate and by our basic humanity.

**Ms. Diana Gichengo, Kenya Human Rights Commission**, started her presentation by emphasizing her own experience as a person coming from a majority ethnic community in Kenya, that was instructive to guide her journey to understand that statelessness is a minority issue. She stated that discrimination against minorities is often concealed in certain laws and policies, that have gaps which are most evident when it comes to implementation. Minorities are often deprived of nationality without having any safeguards to be able to remedy the situation. Technical or administrative requirements are often tailored to the needs of majority communities, and are often difficult to be met by minority and nomadic communities. Another root cause for statelessness was considered to be difficulties accessing birth registration, national identity cards and passports for minorities, in the result leaving people stateless, without state protection and unable to enjoy any fundamental rights and freedoms. She mentioned the importance of ensuring the legal identity for all, without any form of discrimination. Diana Gichengo emphasized the need to ensure nationality at birth in order to combat statelessness. She further noted that the fact that stateless people have no registration hinders their access to human rights and basic services. Stateless people do not have access to any forum where they can raise their voice, they do not have access to health services, they face difficulties proving their existence. She also referred to Sustainable Development Goals, and particularly target 16.9 as a useful tool for states to ensure legal identity for stateless persons. She referred to the African Union Draft Protocol on Right to a Nationality and Eradication of Statelessness in Africa, calling upon the member states of the African Union to adopt and ratify it.

**Ms. Olena Vaidalovych, Charitable Organization "Roma Women Fund "Chiricli"** stated that discrimination is both a cause and a consequence of statelessness. She contributed to the discussion through an example of her own Roma community in Ukraine which faces direct and multiple discrimination not only in the documentation procedure but also in accessing fundamental rights and freedoms such as education. She noted that Roma women who are stateless find themselves subjected to triple discrimination-as a woman, as a Roma woman and as a stateless person. She further noted that absence of registration documents prevents Roma women from enjoying economic and social rights, deprives children from the enjoyment of the right to education and ultimately makes it impossible for them to obtain higher education and employment. Women without documents cannot receive birth certificates for their children and, consequently, this leads to transgenerational statelessness.

The importance of ensuring access to documentation in order to determine the nationality, as well as allocating sufficient funds for this purpose, was also emphasized. She suggested collecting comprehensive gender disaggregated official data on the number of Roma, as well as on their socio-economic situation. Olena Vaidalovych highlighted the need to ensure that instances of violence, murder and hate attacks against Roma are effectively investigated and redressed. She also attached a great importance to the engagement of affected community in decision and policy making.

**Mr. John Packer, University of Ottawa**, who moderated the discussion emphasized that a rigorous application of the human rights based approach would bring to an end the global problem of statelessness. He mentioned that the enjoyment of human rights should not be connected with having a nationality or not rather than stipulated by virtue of being a human being. He referred to the Convention on the Rights of the Child, mainly Article 7 therein, which if respected would serve as effective means to combat statelessness. If states would respect their obligation to ensure the right to a nationality and thus the obligation not to create statelessness, it would bring a solution to the problem and eradicate statelessness.

### ***Discussion***

The following issues were raised during the discussion under Item II:

- The need of understanding and addressing the fact that statelessness undermines human dignity and hinders the enjoyment of human rights and fundamental freedoms for persons belonging to minorities;
- The need to combat discrimination, stigma and hatred against the minorities and ensuring access to human rights and fundamental freedoms without any form of discrimination;
- The importance of eliminating arbitrary barriers for persons belonging to minorities in accessing identification documents, including, through law and policy reform;
- The importance of inclusion of minorities and their representatives in decision-making processes to combat statelessness;

### **Item III. Statelessness resulting from conflicts, forced population movements and migration affecting minorities: main challenges and possible solutions**

This session discussed the impact of conflicts and their consequences in terms of statelessness of persons belonging to minorities, as a result of, inter alia, forced displacement, population transfers and forced migration. Consideration were also given to examples illustrating measures to adopt fair statelessness determination procedures in order to ensure that individuals enjoy their human rights during border crossing, until they acquire a nationality.

**Ms. Shahrzad Tadjbakhsh, Office of the United Nations High Commissioner for Refugees (UNHCR)** presented the work done by the UNHCR, including through "IBelong" Campaign to End Statelessness, which has also focused on the issue of stateless minorities. She emphasized that what unites the theme of statelessness as a potential consequence of conflict, forced displacement and migration is that all three phenomena often have the effect of uprooting a person from the place where they are born, or have lived most of their lives causing family separation, loss of identity documentation and prolonged exile from the place of origin. These factors often exacerbate the discriminatory treatment that minorities receive because of their inability to prove or establish their nationality, and can also make it much harder for them to access remedies that might be available to those who do not belong to minorities. Destruction of or lack of access to civil registration systems can also leave minorities vulnerable to risks of statelessness. Shahrzad Tadjbakhsh also highlighted irregular migration as another phenomenon

giving rise to risks of statelessness, particularly for children who may not be registered at birth, owing to their parents' concerns around being sanctioned for unauthorised entry, or because of exclusionary laws, policies or practices, particularly towards minorities.

Shahzad Tadjbakhsh noted that statelessness can equally be a root cause and consequence of conflict, forced displacement and migration. Where statelessness is a cause, minority groups tend to be disproportionately represented as they are usually the ones that bear the brunt of the discrimination, marginalisation and denial of basic rights often perceived as "outsiders" or not belonging because of their ethnicity, race, religion or language. She suggested that resolving existing protracted situations of statelessness could contribute to preventing conflict and forced displacement. She further emphasized the possibility of preventing childhood statelessness through the establishment of safeguards in nationality laws which allow children of parents who are stateless or who are unable to pass on their nationality to acquire a nationality. Another suggestion was for states to identify and protect stateless persons on their territory who may be in a migratory situation through the establishment of statelessness determination procedures.

**Ms. Wai Wai Nu - Women's Peace Network Arakan**, addressed the topic of the panel through the example of her own Rohingya community in Myanmar. She stressed that statelessness hinders the access of many human rights. Among several factors causing statelessness she highlighted the exclusion and marginalization of minorities. She also emphasized that repressive and discriminatory laws policies and practices can also be a cause of statelessness. Wai Wai Nu further underlined that the denial or deprivation of citizenship can trigger violence, mass atrocities, forced displacement and sometimes even destruction of entire community. She stated that the creation of the narrative of "outsiders" and "others" is often aimed at justifying repressive policies and actions, which are often systematic and intentional policies aimed at destruction of entire populations.

Wai Wai Nu stated that in order to address statelessness we need to address persecution and denial of identity of minorities. She called upon states and the United Nations to review their policies to address statelessness and minority issues in a holistic manner with consultation with affected communities, as well as addressing ongoing and systematic exclusion, persecution and deprivation of citizenship of minorities. She called upon states to address the root causes of statelessness, inter alia, via reforming discriminatory citizenship laws, as well as to combat hate propaganda against minorities. She called upon states to create favourable condition for repatriation of displaced minorities and restore their citizenship rights. She further urged UN and its agencies to review their statelessness policies taking into consideration specificities of each conflict and context and in conformity with the Secretary-General's Human Rights Up Front initiative. She emphasized that most conflicts and situations of statelessness include minority communities and further emphasized the importance of the promotion and protection of the rights of persons belonging to minorities through, inter alia, promoting diversity and inclusion.

**Mr. P.P. Sivapragasam, Human Development Organization**, noted that statelessness continues to be a fundamental cause of discrimination, exploitation, and forced displacement of minorities in all regions of the world. He stated that statelessness is a source of human insecurity and forced displacement and conflicts. He noted that statelessness can be a result of political upheaval, political crisis between the states, as well as discrimination on the basis of nationality,

race, ethnicity, and, in the result, burdensome nationality requirements and birth registration problems. He further emphasized that in the consequence, statelessness deprives minorities of their human rights and freedoms, including right to access nationality documents, right to vote, right to housing and property, freedom of movement, and other human rights. He described the issue of statelessness affecting Tamil community in Sri Lanka.

P.P. Sivapragasam emphasized the important role the international community, political entities and civil society can play to resolve the issue of statelessness affecting minorities. He suggested to encourage states to set up national minority rights commissions in their respective countries and enact or reform laws to ensure citizenship rights of minority communities are protected. He further stressed the need to eliminate discriminatory practices against minorities, also in relation to the enjoyment of civil and political, economic, social and cultural rights; to declare Global Program of Action on Right to Development of Minority Groups. He also emphasized the importance of ensuring the protection of women's and children's rights in ensuring the promotion and protection of the rights of the minorities, He also suggested to have a global study on citizenship rights of minorities and statelessness. He emphasized the importance of promoting and enhancing international human rights mechanisms available to address issues concerning minorities.

### ***Discussion***

The following issues were raised during the discussion under Item III:

- The importance of understanding the issue of statelessness as both cause and consequence of conflicts and forced population movements.
- The ways to prevent statelessness through promotion and protection of the rights of persons belonging to minorities and prevention of conflicts.
- The aggravated impact of the effect of uprooting of minorities from the place where they were born caused by conflict, forced displacement and migration
- The impact of irregular migration especially on children whose parents do not have documentation.
- The need for identifying and protecting stateless persons who are in a migratory context through the establishment of a statelessness determination procedure that allows stateless persons to access basic rights

### **Item IV. Ensuring the right to a nationality for persons belonging to minorities through facilitation of birth registration, naturalization and citizenship for stateless minorities**

Participants addressed the challenges faced by persons belonging to minorities, including nomadic and other non-traditional minorities and minorities for the elimination of laws and practices that arbitrarily deny or deprive persons of their nationality on the basis of discriminatory grounds such as race, ethnicity, religion and language.

Participants shared views on ways to ensure access to the documentation needed to prove nationality or entitlement to nationality for all, without discrimination, which, inter alia, include facilitation of birth registration, naturalization, confirmation and acquisition of citizenship.

**Mr. Khalid Hussain, Council of Minorities**, contributed to the discussion with his own example of successfully combating statelessness. Formerly a stateless minority himself, he described stateless people being socially, culturally and economically subject to marginalization and exclusion, and further elaborated on the difficulties faced by stateless minorities who are without citizenship, without having access to state-guaranteed rights and basic services that include housing, water and sanitation, education, jobs and other livelihoods. Khalid Hussain described his own experience of addressing the issue of statelessness affecting Bihari community in Bangladesh and stated that together with other stateless people he managed to obtain citizenship by addressing the High Court in Bangladesh to regain their citizenship rights and later started a community based paralegal project assisting stateless minority community in his country to achieve civil documentations like birth certificate, national identity card, passport and others citizenship documents. He mentioned that stateless people face difficulties in complying with administrative requirements for such documentation. Khalid Hussain mentioned that often even after obtaining identity documentation stateless minorities continue living without having a change in their socio-economic status due to deep-rooted discrimination and marginalization. Khalid Hussein stressed the importance of reviewing citizenship laws in order to eliminate or amend provisions that may put people at risk of statelessness. The importance of issuance of passports, birth certificates, and other identity documentation to stateless minorities on an equal basis and without administrative burdens was further emphasized. He also stressed that forced evictions of stateless communities should stop and they should be provided rehabilitation in dignity.

**Ms. Elizabete Krivcova, Latvian Non-Citizen's Congress**, mentioned that each case of statelessness has a different cause, but consequences are always the same, which is exclusion, stigmatization and violation of human rights. She contributed to the discussion through demonstrating the example of Latvian non-citizens, mostly belonging to Russian linguistic minority, who despite having access to many human rights, still face many restrictions on their minority rights, especially in the field of education and language, as well as persecution of activists defending these rights. She reiterated that statelessness is a violation of human rights and emphasized the need to stop it together with some substitute statuses between citizenship and statelessness. Elizabete Krivcova referred to the definition of the "stateless person" enshrined in the Convention relating to the Status of Stateless Persons and recommended its application in statelessness determination. She highlighted the importance of improving administrative procedures of registering new-born children. Elizabete Krivcova attached high importance to naturalization procedure and emphasized the need for the procedure to be fair and effective, designed in an inclusive manner. She referred to situations when people lost their citizenship because of state succession, secession or change of borders and when in those situations one group living in the country is granted a nationality, while another one may face arbitrary requirements, such as proof of loyalty, incomes, uninterrupted residence or a language exam. She attached great importance to implementation practice and administrative procedure, and suggested, as an example of eliminating arbitrary practices, to replace language exam with language courses as a step forward between majority and minority communities. She reemphasized that only fair naturalization procedures will be an effective means to combat statelessness.

**Mr. Beneco Enecia, Center for Sustainable Development (CEDES0),** provided his inputs to the discussion drawing from his experience of addressing statelessness in Dominican Republic, mostly affecting people of Haitian descent. He emphasized the important role regional courts and human rights mechanisms can play in ensuring the right to a nationality, making a reference to the decision of the Inter-American Court of Human Rights in 2005 addressing statelessness in Dominican Republic. He stated that restrictive laws often posed arbitrary and discriminatory requirements for minorities for acquisition of nationality, referring to the challenges faced by Haitian-descended Dominicans.

He highlighted the importance of ratifying the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness. He recommended to cooperate with UNHCR and civil society in identifying persons who are stateless or at risk of statelessness, He recommended to take the necessary measures to avoid arrest or expulsions of stateless persons. He emphasized the need to recognize and adopt comprehensive measures to combat discrimination, racism, xenophobia and hate speech as a preventive measure to combat statelessness. He emphasized the importance of addressing comprehensively the link between the denial of nationality, discrimination and xenophobia.

**Mr. Amal de Chickera, Institute on Statelessness and Inclusion,** referred to Article 7 of the Convention on the Rights of the Child, which stipulates the right to a nationality for all children, particularly if they otherwise would be stateless. Similarly he referred to target 16.9 of Sustainable Development Goals calling on providing legal identity for all. By referring to importance of legislation to ensure the right to a nationality, he reaffirmed the need of understanding that unfortunately despite the fact that laws and policies should be designed to protect human beings, in some cases arbitrary or discriminatory laws can cause statelessness. He also mentioned that in other cases legislation is comprehensive and ensures the right to a nationality for minorities, however, additional procedural and administrative requirements impede its application and are burdensome for minorities. He emphasized the need to address these procedural and administrative barriers, such as standard of proof, language, etc.

Amal de Chickera highlighted the role of lawyers and paralegals in ensuring that stateless people have access to mechanisms to obtain citizenship, as well as encouraged awareness-raising activities on how to obtain citizenship. He also referred to naturalization, mentioning that in their own countries people should have the right to nationality without naturalization being seen as a discretion. He also welcomed the suggestion from the participants to have national action plan to tackle statelessness of minorities, however, he further elaborated that such national action plans should be comprehensive and address deeper structural problems and root causes of statelessness of minorities. He also stressed the importance of recognizing the impact of intersecting forms of discrimination, mentioning that, for example women, persons with disabilities from stateless minority communities bear the burden of additional barriers and discrimination. In conclusion he advised to hold consultations with affected communities and stateless minorities, as well as United Nations and civil society in addressing the matter.

## ***Discussion***

The following issues were raised during the discussion under Item IV:

- The need of ensuring the right to a nationality for all without discrimination and facilitating access to birth registration and other identity documentation to acquire a nationality.
- The importance of ratifying international human rights instruments, as well as the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness
- The need to reform and amend any repressive or discriminatory laws that may cause statelessness for minorities
- The need to remove any arbitrary procedural and administrative barriers in accessing identity documentation and nationality.

#### **Item V. Minority women and children affected by statelessness: advancing gender equality in nationality laws**

This session addressed the right to a nationality, which is a fundamental human right enshrined in the Universal Declaration of Human Rights. It highlighted that complex or onerous documentary and other requirements for proving one's citizenship, barriers to birth registration, as well as laws, policies and practices that arbitrarily deny or deprive persons of their nationality can all contribute to the vulnerability of minorities, including those having nomadic lifestyle, to statelessness.

The session discussed more effective and adapted ways to ensure access to documentation needed to prove nationality or entitlement to nationality for all without discrimination. This session highlighted the need for facilitation of birth registration, naturalization, confirmation or acquisition of citizenship. It also addressed the importance of taking effective measures to eliminate laws and practices that arbitrarily deny or deprive persons of their nationality on the basis of discriminatory grounds such as race, ethnicity, religion, or language.

**Ms. Nina Murray, European Network on Statelessness** noted that if we are to fully understand how and why statelessness impacts on minorities around the world and find solutions, we have to understand multiple and intersecting disadvantages faced by people affected. She addressed statelessness affecting minority women in particular, since they face multiple disadvantages as a woman, a minority woman, a minority stateless woman. She also highlighted that the right to a nationality is enshrined in the Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Racial Discrimination and Convention on the Rights of Persons with Disabilities, linking it to the importance of addressing structural inequality and various forms of discrimination in addressing the issue of statelessness. She mentioned that statelessness is both a minority issue, a gender issue, a disability issue and a child's right issue for people subjected to intersecting forms of discrimination. She highlighted the need to eliminate provisions in nationality laws that directly discriminate against women, which can be one of the main causes of statelessness.

Nina Murray also stressed the necessity to look beyond explicit legal discrimination to understand the subtler forms of indirect discrimination in the way seemingly neutral laws are implemented in practice. She referred to the case of Roma women and children in Europe who are disproportionately affected by statelessness. She mentioned that though nationality laws do

not explicitly exclude Roma women and children from citizenship, they often bear the disproportionate impact of administrative barriers, discrimination and lack of access to justice. Consequently, Roma women face barriers to accessing reproductive healthcare because of documentation problems, as well as barriers to registering their children's births, thus the risk of statelessness being passed on to the next generation. Inequality and lack of documentation also contribute to patterns of violence and exploitation, hinder the access to legal aid to remedy those violations. Nina Murray emphasized the primary responsibility of states in addressing the issue of statelessness, in particular affecting minority women and children engaging with those affected in order to address the issue in a comprehensive manner. She also emphasized the need to address the problem of childhood statelessness in refugee communities in Europe,

**Ms. Noro Rawaozanany, Focus Development Association,** discussed the example of her own country, Madagascar, in addressing the issue of statelessness affecting minorities. She emphasized the importance of addressing intersectional discrimination in the context of preventing statelessness affecting women and children. She referred to the positive legal reform of 2016 of Madagascar, which allowed women to transmit their nationality to their children on an equal basis with men. She noted that since entry into force, the new legislation reduced statelessness in Madagascar significantly and people, who obtained nationality, finally had access to many human rights and freedoms.

Noro Rawaozanany highlighted the importance of addressing gender discrimination and to provide women and men equal right to confer their nationality upon their children and spouses. She also highlighted the importance of reforming laws and policies that may discriminate on the basis of race and ethnicity, in particular against children whose parents are unknown. She noted the importance of facilitation of naturalization process, as well as having a principled human rights approach to the issue of statelessness. She further stressed the need to ratify the international instruments addressing the issue of statelessness and to raise awareness about the issue at the global level. In conclusion, she mentioned that there is a need to be proactive in addressing the challenges of statelessness with the view of combating the phenomenon.

**Mr. Benyam Dawit Mezmur, Committee on the Rights of the Child,** reaffirmed that statelessness is a minority issue, as well as a child's rights issue, since statelessness disproportionately affects children. He mentioned that there are numerous negative consequences of statelessness for children, but one thing to be singled out was that it has lifelong and negative intergenerational impact. He further noted that the violation of the rights of the child being affected by statelessness starts before the child is born. Benyam Mezmur highlighted these points as violations of the Convention, indicating that throughout the past 25 years statelessness was addressed by the Committee on the Rights of the Child.

Benyam Mezmur highlighted the need to ratify the international and regional human rights instruments on statelessness and on the rights of the child, as well as the need for states to withdraw their reservations to Article 7 of the Convention of the Rights of the Child, as well as their reservations to the Convention on the Elimination of All Forms of Discrimination against Women. He emphasized the need of eliminating discriminatory laws in the area, as well as the necessity of having disaggregated data on statelessness in the countries. He stressed that granting nationality should be an expedited process, since it's absolutely critical and time is often of essence. Benyam Mezmur concluded his presentation with positive examples of states taking measures to protect stateless minority children, by, inter alia, enacting legislation ensuring

registration at birth for all children within the jurisdiction of states. He further emphasized the urgency of the matter and, therefore, the need for states to take necessary measures to combat statelessness as a matter of priority.

**Ms. Anastasia Crickley, International Association for Community Development,** commended the courage, commitment and contribution of women from minority communities in addressing key global issues, including statelessness by which they are affected. Addressing statelessness can be within the capacity of international community, including through addressing gender equality in nationality laws. She summarized the presentations made by the panelists, emphasizing the need to address the discrimination against minority communities, and the need to take measures without further delay. She mentioned that states should ratify international human rights instruments, such as the Convention on the Rights of the Child, Convention on the Elimination of all Forms of Discrimination against women, as well as the Convention on the Elimination of all Forms of Racial Discrimination, since racial discrimination is a key issue to be addressed in combating statelessness and should be viewed together with the rights of the child and gender equality. She further highlighted the importance of participation of women and children in the process. Anastasia Crickley further pointed out that women and children who are stateless do have rights now, and she emphasized the need for these rights to be articulated and protected.

### ***Discussion***

The following points were raised under agenda item V:

- The need to ratify all international legal instruments addressing the issue of statelessness and nationality rights, with a particular emphasis to the importance of ratification of and withdrawal of all reservations from the Convention on the Elimination of all Forms of Discrimination against Women and Convention on the Rights of the Child.
- The need for advancement of gender equality in nationality laws and ensuring that women are granted the same rights and possibilities to confer their nationality to their children without any discrimination in law or in practice.
- The need for the recognition of multiple and intersecting disadvantages faced by minority women and children affected by statelessness.
- The importance of inclusion of minority women and children in decision-making processes affecting them and their nationality.

### **VI. Concluding remarks**

**The Special Rapporteur on minority issues, Dr. Fernand de Varennes,** reiterated the call to raise the visibility and awareness of statelessness as a minority issue by looking into prevention of statelessness from a more holistic point of view that is fully cognisant of how this often is underpinned by exclusionary and discriminatory causes. He attached great importance to

simplifying and removing procedural and other barriers that particularly are due to intersectional discrimination, in areas such as registration, language and documentation requirements that are excessive or particularly burdensome for minorities. He further acknowledged the importance of signaling the importance of eradicating the scourge of statelessness with a designation of formal international day to this effect. The Special Rapporteur referred to "IBelong" campaign and the UNCHR High-Level Event 2019 and called on the states to highlight their suggestions on how to combat statelessness during the event. He also noted some of the constructive suggestions emanating from the discussions, including one suggesting the recognition of a world day against statelessness to highlight the importance of recognition and addressing this issue, including as a minority issue.

The Special Rapporteur thanked Austria and other friends of the Forum whose support was essential to enable the functioning of the Forum. He thanked the more than 600 participants of the Forum, including states, civil society organizations, experts on the matter and others for their invaluable insights and contribution to the Forum. The Special Rapporteur also thanked everyone who had worked on the preparation of the event.

The Special Rapporteur expressed his enthusiasm about the large number of participants and their contribution to the importance of addressing the issue of statelessness from the perspective of the promotion of the rights of persons belonging to minorities, as well as about the commitment and desire to reflect, strategize and re-channel efforts in this area.

**The Chairperson of the Forum, Ms Rita Izsák-Ndiaye,** concluded the discussion and thanked all the participants of the Forum, as well as everyone that organized the event. She attached a great importance to the suggestion to designate an International Day on the Eradication of Statelessness, which would allow to keep the topic of the Forum high on the agenda and continue reflecting upon it.