

Contents

- Announcements & events
- Special: Every child's right to acquire a nationality
- What's new: Publications, Tools & Resources
- What's new: Law & Policy
- Human rights mechanisms: submissions and deadlines
- Popular on Twitter this month
- A day in the life of...

A day in the life of... Francisco Quintana, Center for Justice and International Law (CEJIL)/Program Director for the Andean, North America and Caribbean Region

Two years after the 23 September 2013 Ruling of the Dominican Republic Constitutional Court which rendered over 200,000 Dominicans of Haitian descent stateless (by retroactively denying nationality to persons born in the country after 1929 without a parent of 'Dominican blood'), Francisco reflects:

"My work has allowed me to meet and help people that have been affected by discriminatory and restrictive nationality laws and practices, especially in the Dominican Republic... I have met with affected people and communities, documented cases that were brought before the Inter-America Court, and helped local organisations working on the issue. I was able to join a global movement which gave me the opportunity to meet people that are as committed as we are in the fight against statelessness."

Read the full interview in this month's "A day in the life of..." at the bottom of this bulletin.

Announcements & events

The 2015 UN High Commissioners Dialogue will be on "[Understanding and addressing root causes of displacement](#)"

The eighth annual High Commissioner's Dialogue on Protection Challenges will take place on 16 and 17 December 2015, at the Palais des Nations in Geneva, Switzerland, on the theme: Understanding and addressing root causes of displacement. As statelessness is a root cause (and means) of discrimination, persecution and forced displacement, those working on statelessness are encouraged to follow, and if possible participate in and contribute to the Dialogue.

[Call for Papers: Legal responses to climate change](#): The Tilburg Law Review welcomes submissions that are rooted in climate (adaption) law, that discuss legal responses to climate change and/or that are related to the UNCCC that will take place a few months from now. This may be an interesting opportunity for those working on statelessness and climate change to submit papers. **Deadline for Submissions: 06 November 2015.**

Call for Papers: Critical Stages, the online journal of the International Association of Theatre Critics, Special Issue on "Theatre and Statelessness in Europe" Please submit 250 word abstracts (and a brief bio) in MS Word to Dr Azadeh Sharifi (azadeh_sharifi@web.de) and Prof S E Wilmer (swilmer@tcd.ie) by **15 December 2015.**

[Call for Papers for newly established Statelessness Working Paper Series](#): After a first round in which nine submissions were made, and which will be published online by the end of the year, the Institute on Statelessness and Inclusion invites further submissions of research/policy papers for its *Statelessness Working Paper Series*. This online, open access resource offers an avenue for centralising and sharing the latest knowledge, developments, and research findings on statelessness from multiple fields (including, but not limited to law, sociology, history, economics and health), so as to inform a more effective response to the issue globally. While welcoming all submissions, we particularly welcome those with a focus on **child rights and statelessness**. **Deadline for second cycle of working papers: 15 January 2016.**

Request for information: Researcher Betsy Fisher is studying the issue of false attribution of nationality, particularly cases of individuals using fraudulent documentation for the purpose of claiming asylum, but who are then determined to hold the nationality of the purported documents. An inaccurate finding of nationality could result in issues related to credibility, firm resettlement, lack of well-founded fear as a refugee, or ineligibility for recognition as a stateless person. If you are aware of any such instances, whether particular cases or general trends, please contact Betsy Fisher at betsy.l.fisher@gmail.com

[Scholarship for Syrians or stateless persons from Syria](#): St Antony's College and the University of Oxford, in partnership with Jusoor, are offering one scholarship a year for entry in 2016/17 and 2017/18 to a Syrian citizen or a stateless person residing in Syria to study for a one year Master's degree at St Antony's College in the University of Oxford.

Special: Every child's right to acquire a nationality

In September, many resources were published and there were multiple events related to the child's right to a nationality in Geneva at the UN Human Rights Council and in Strasbourg.

The Institute on Statelessness and Inclusion, which is committed to helping to promote children's right to a nationality as one of its five thematic priorities, developed and published the following tools, to strengthen engagement on children's right to a nationality with the Committee on the Rights of the Child:

- An [Analytical Database](#) of the Concluding Observations of the Committee on the Rights of the Child which relate to children's right to a nationality. Instructions on how to navigate this database will also be posted online soon.
- A 4-page [Factsheet](#) summarising state parties' obligations in respect of children's right to a nationality under the CRC, according to the Committee's Recommendations.
- A draft [Policy Paper](#) discussing the work of the Committee on the Rights of the Child in promoting children's right to a nationality and how this can be strengthened. The Institute welcomes feedback on the draft Policy Paper by **20 October 2015**, after which we will finalise the draft. Please send feedback to laura.vanwaas@institutesi.org



These tools were launched during a series of events in Geneva in September 2015, including a [Workshop](#) at UNHCR for UN and Civil Society organisations on 28 September 2015 and a [Side Event](#) to the UN Human Rights Council, co-sponsored by the Permanent Mission of Uruguay, the UNHCR and the Institute on Statelessness and Inclusion on 29 September 2015. On Wednesday 30 September, the Institute also held an informal briefing for the Committee on the Rights of the Child, at which it shared its research findings with the Committee.

Also at the Human Rights Council in September, the following side events were held:

- [Achieving equal nationality rights](#) - The event on 22 September, co-sponsored by the Global Campaign for Equal Nationality Rights launched the Equal Rights Trust report entitled [My Children's Future: Ending Gender Discrimination in Nationality Laws](#), for which the Institute provided its research expertise.
- [Advancing universal birth registration](#) - The event on 30 September saw speakers from UNHCR, the Norwegian Refugee Council and other organisations address how natural disasters, conflict and discriminatory laws and practices hinder global efforts to achieve universal birth registration.

The new European Network on Statelessness report [No Child Should be Stateless](#), was launched on 21 September at an event in Strasbourg co-organised by ENS and UNHCR. Nils Muiznieks, Commissioner for Human Rights of the Council of Europe was among those who spoke at the launch. The report, based on research done by ENS members, was drafted by the Institute, an expert partner and advisory committee member of ENS.



What's new: Publications, Tools & Resources

The UNHCR [ibelong Campaign Update](#) (September 2015) provides an overview of UNHCR, state, civil society and media activity related to the global campaign to end statelessness by 2024.

"'Unable to Return' in the 1951 Refugee Convention: Stateless Refugees and Climate Change," *Florida Journal of International Law*, vol. 26, no. 3 (2015). This paper argues that it is not only a point of literal construction, but also inherent in the object and purpose of the 1951 Refugee Convention, that displaced stateless persons unable to return to their countries of former habitual residence may be eligible for refugee status even if unpersecuted.

[Statelessness: Precarity or Potentiality](#), (University of the Witwatersrand, Feb. 2015). This thesis by Moshibudi Motimele investigates "the precarity and revolutionary potentiality of statelessness with regards to the relationship between statelessness and sovereignty".

The UNHCR factsheet [South-east Asia: Mixed Maritime Movements](#), April-June 2015 provides an overview of the human rights crisis faced by stateless Rohingya boat refugees in Southeast Asia, highlighted in the [May Monthly Bulletin](#).

The [Report on UNHCR's Annual Consultations with NGOs](#), 1-3 July 2015 provides highlights of this year's Consultations, which brought together some 500 representatives from around the world, representing 273 NGOs, UN and international organisations from 86 countries, under the theme "in pursuit of solutions". The summary of the statelessness Session can be found on pages 30 - 31 of the report.

[Strategically Litigating Childhood Statelessness](#) by Adam Weiss (ENS Blog, Sept. 2015). This blog post argues that at least some of the battles against childhood statelessness must happen in the courtroom, against State authorities responsible for perpetuating childhood statelessness, and sets out how this can be approached and achieved.

A [study into the nationality status of the Makonde community in Kenya](#) by the Kenya Human Rights Commission looks into this population originating from Northern Mozambique, who are affected by, and at risk of statelessness in Kenya.

[No Country for Some Men?: Statelessness in the United States and Lessons from the European Union](#)
Georgia Journal of International and Comparative Law, vol. 43, no. 1 (2015).

What's new: Law & Policy

[The UN Sustainable Development Goals \(SDGs\)](#) were formally adopted by the UN General Assembly on 25 September 2015. Goal 16.9 which aims to "by 2030, provide legal identity for all, including birth registration", directly relates to the global campaign to end statelessness and human rights standards related to ensuring the right to a nationality for all. However, many of the other SDGs are also directly relevant to statelessness and should be implemented in a manner that includes the stateless and 'leaves no one behind'.

The [new Constitution of Nepal was adopted](#) on 20 September 2015. The Constitution maintains many of the gender discriminatory characteristics of the previous Interim Constitution in relation to citizenship rights. For example, under the new Constitution, Nepali mothers have to prove both that their child was born in the country and that the father is not a foreigner in order for their child to acquire nationality by descent. Failure to establish either condition (which does not apply to men) means the child can only access nationality through the discretionary naturalisation process. While foreign women married to Nepali men have access to citizenship, foreign men married to Nepali women can only naturalise through the standard naturalisation process that requires 15 years residence.

Belize [Accedes to](#) the 1961 Convention on the Reduction of Statelessness (UNHCR, Aug. 2015). On 21 August 2015, Belize became the most recent state party to the 1961 Convention. It's accession to the Convention was welcomed by UNHCR.

[Positive Result in Cyprus for Stateless Kurds from Syria](#): The Rights in Exile Newsletter, no. 62 (Sept. 2015) highlights an announcement made by KISA, a Cypriot NGO, that a group of stateless Kurdish refugees from Syria, who had applied for Cypriot citizenship and had been camping in front of the Interior Ministry of Cyprus since October 2014 in protest, have finally been granted citizenship.

The ongoing Syria crisis and the resultant refugee Crisis facing Europe now and various Middle Eastern countries for many years, raises concerns regarding the [risk of statelessness of Syrian refugees](#), particularly children born in refugee contexts. The risk is particularly strong due to the gender discriminatory nature of Syria's own nationality law, which does not allow women to confer Syrian nationality on their children, and is further exacerbated by challenges related to birth registration. This is an issue prioritised by the Institute which aims to share further analysis in the near future.

Human rights mechanisms: submissions and deadlines

Universal Periodic Review

- Recent submissions by the Institute on Statelessness and Inclusion and partner organisations to the 25th Session of the UPR, on [Hungary](#), [Ireland](#), [Sudan](#) and [Thailand](#) focus on human rights challenges related to preventing and ending statelessness and protecting stateless persons in these countries.
- The 23rd Session of the UPR will be on 2-13 November 2015. The following countries (many of which have statelessness related challenges) will be reviewed: Australia, Austria, Georgia, Lebanon, Mauritania, Micronesia, Myanmar, Nauru, Nepal, Oman, Rwanda, Saint Kitts and Nevis, Saint Lucia, and Sao Tome and Principe. Organisations wishing to advocate for statelessness related recommendations, are advised to begin their advocacy imminently. The Institute is available to advise, and where relevant, collaborate on such advocacy.
- The deadline for stakeholder submissions for the 26th Session of the UPR is 21 March 2016. Countries under review are: Togo, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Iceland, Zimbabwe, Lithuania, Uganda, Timor Leste, Republic of Moldova, Haiti and South Sudan. Organisations wishing to make statelessness related

submissions on any of these countries are welcome to contact the Institute for advice and to explore possible joint submissions.

Committee on the Rights of the Child

The deadline for submitting alternate reports to the Committee for the February pre-session working group, is 1 November 2015. Countries up for review are: the Central African Republic, Sierra Leone, South Africa, Estonia, New Zealand, Qatar and Saudi Arabia. Organisations wishing to make statelessness related submissions on any of these countries are invited to contact the Institute for advice and to explore possible joint submissions. Organisations may also wish to refer to the Institute's [Analytical Database](#) of the Committee's Concluding Observations of in this regard.

Popular on Twitter this Month

UN Refugee Agency @Refugees Sep 27 Help us help kids like Stella in Liberia, say #IBelong: Join the Campaign to End Statelessness <http://www.unhcr.org/55faade36.html>

Adrian Berry @BerryAdrianC Sep 25 [My Blog post](#) on Child Statelessness in Europe @ENStatelessness #Statelesskids

Jason Tanner @jtannerphoto Sep 19 If you're in #NYC go see [There's No Place Like Home](#): #Migration, #Citizenship and #Statelessness #photography

Abbaleksandr @abbaleksandr Sep 10 [Participants in workshop are equipped to address statelessness](#) in Middle East — World Council of Churches

Bronwen Manby @BronwenManby Sep 10 Damning new [@KenyasOmbudsman report](#) on #IDcards "#StatelessinKenya" #statelessness

Moment Magazine @MomentMagazine Sep 9 Two years ago this month, Juliana Deguis Pierre became the face of Dominican statelessness: <http://www.momentmag.com/birthright-denied/>

A day in the life of...

Francisco Quintana

*Center for Justice and International Law (CEJIL)
Program Director for the Andean, North America and
Caribbean Region*

Can you give us a short description of the type of work you do?

Through the use of strategic litigation, [CEJIL](#) represents victims of human rights violations before the Inter-American System. We also advocate for local legislative and policy changes to help states address potential human rights violations. Our vision is to attain a fully democratic hemisphere, where the rights of all are respected, a hemisphere where people live freely, without fear and want.



Briefly describe what type of statelessness activities your organisation is involved in.

For nearly 20 years, CEJIL has worked on the issue of statelessness in the Dominican Republic (DR). This problem was first identified when [Dilcia Yean and Violeta Bosico](#) reported that they were denied their birth certificates in 1997. After conducting research and documentation, the petition was admitted by the Inter-American Commission on Human Rights in 2001. Four years later, on September 8th 2005, the Inter-American Court issued its first decision regarding statelessness and found the DR responsible for implementing discriminatory nationality practices and ordered the State to make structural changes to its laws.

Based on these experiences, we saw the need to address statelessness through a regional collaboration instead of a one-country approach. So in 2013, during one of the UNHCR's Statelessness retreats, many of us who had been working on the DR and decided to create the Americas Network on Nationality and Statelessness

([America's Network, or its Spanish acronym - ANA](#)). The Network was formally launched in 2015 at the same time as the UNHCR's [Global Campaign](#) to end Statelessness kicked off in Washington, D.C.

Currently, we're facing several regional challenges, including the implementation of the two judgments handed down by the Inter-American Court on the issue of nationality— *Yean & Bósico, vs. the Dominican Republic*; and [Expelled Dominican and Haitian Persons vs. the Dominican Republic](#). Although the DR is obligated under international law to comply with both rulings, the country continues to deny any existence of statelessness or discriminatory practices within its borders. However, these decisions could be a starting point to modify laws and practices that exist on the island that pose barriers to the effective access to nationality.

Could you describe a particular project you are working on right now?

After the launch of the Network in November 2014, we have been dedicating our efforts to raising awareness on the issue of statelessness, bringing together experts and organisations that are committed to work on this issue, to turn the UNHCR's global campaign objectives into a reality. We really believe that [the Americas can become the first region](#) in the world to eradicate statelessness.

What do you most enjoy about this work?

My work has allowed me to meet and help people that have been affected by discriminatory and restrictive nationality laws and practices, especially in the DR. For the past 15 years, I have been able to visit the island several times and meet with affected people and communities, document cases that were brought before the Inter-America Court, and help local organisations working on the issue. Thanks to UNHCR's support, I was able to join a global movement which gave me the opportunity to meet people that are as committed as we are at CEJIL in the fight against statelessness.

What do you find are the biggest challenges you face in your work?

On the one hand, one of the biggest challenges is the lack of knowledge on this topic in the hemisphere. When you ask people in Brazil, Mexico or Colombia about statelessness, sometimes they don't even know what the term means. On the other hand—as a specific example—the DR continues to deny that statelessness is an issue. While there's a lot of work ahead of us, we expect that the Network will help address both points on the statelessness spectrum in the Americas.

What advice would you give to someone who wants to get involved in/others working on statelessness?

If you want to work on Statelessness you need to be perseverant. My recommendation is that you get to know who are the right actors and people working on the issue and establish some connection with them by supporting their cause, helping their work on a pro bono basis if you're a lawyer, or applying for an internship or fellowship. Another important thing to consider is that Statelessness is quickly opening up opportunities for academic research. Dedicating your MA or PhD studies to the topic might be another way to go.

What do you hope to accomplish through your work?

We would love to see the people currently living in a situation of statelessness to have the opportunity to access education, health care and work. In the near future we'd like to see a significant reduction of statelessness. At the State level, our expectation is to find champions that will bring the topic and the problem of the right to a nationality to the political mechanisms of the Organization of American States, and hopefully, the UN.

Contribute to the Statelessness Monthly Bulletin via
news@InstituteSI.org and visit www.InstituteSI.org