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A day in the life of... Ayalew Getachew Assefa, Child Rights Legal Researcher at the Secretariat of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

“The discourse around nationality and prevention of statelessness, I believe, is a growing focus particularly in the context of the African human rights system. Africa is revealing a solid commitment towards responding to the challenges of statelessness through establishing normative and institutional frameworks. The Decisions of the African Human Rights Organs and the upcoming Protocol on the right to a nationality are a guide to our future engagements with the issues of nationality and prevention of statelessness across the continent...”

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

Spotlight on: The Syria refugee crisis - A new generation of stateless Syrians?

Fleeing towards death. The situation of hundreds of refugees who tried to escape the conflict in Syria but never survived the perilous journey to perceived safety. Since the summer, with a surge in the number of Syrian refugees fleeing towards Europe - many unsuccessfully - there has been unprecedented coverage of the issue of the Syrian refugee crisis. The coverage has looked mainly at the immediate problems these individuals and families face – hazardous boat trips, a lack of shelter, lack of access to healthcare and hostile treatment by host authorities. [Estimates show](#) that more than 4 million Syrians have fled Syria, whilst nearly 8 million have been left internally displaced.

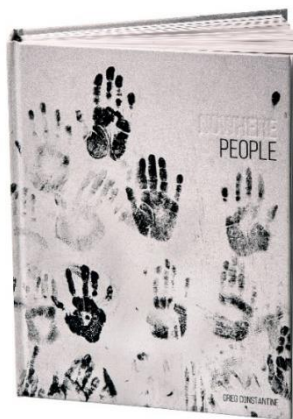
The Syrian conflict exemplifies the [nexus between statelessness and displacement](#), which adds a level of complexity to humanitarian and human rights responses to conflict. Unable to prove their link to Syria or to access Syrian nationality through maternal descent, tens of thousands of children – if not more - may be denied nationality due to discriminatory laws and registration systems. For example, laws in Syria and neighbouring countries do not allow women to pass on their nationality to their children. This is particularly problematic as many of the displaced families are [headed by women](#), as their husbands are deceased, imprisoned, fighting or with no proof of marriage. Furthermore, complicated birth registration infrastructures – particularly in [Lebanon](#) and [Turkey](#) – has resulted in refugees having no documentation. As many as three in four new-born babies are unable to acquire birth certificates in a statelessness [‘ticking time bomb’](#).

There are other factors which further exacerbate the problem. For example some refugees were already stateless prior to their displacement - approximately [300,000 Kurds were denationalised by an arbitrary census conducted in 1962](#)- and Syria's nationality regulations worryingly give the State extensive powers to deprive Syrians of their nationality.

The potential layers of vulnerability that statelessness adds to already vulnerable and displaced people are immense. For example their access to basic rights and services can be undermined without documentation and a nationality. Furthermore, their ability to be resettled in third countries or to return home when possible can be severely hampered by their statelessness. There have been numerous reports by media outlets about the risks of displaced Syrians becoming stateless – most recently in the [Economist](#), [Reuters](#) and [Open Democracy](#). These reports also raise concern that with the full implications of statelessness and forced displacement not clearly understood, particularly as there is uncertainty regarding the future of the Syrian state, this crisis can potentially have an even greater long-term impact on the lives of those caught in its throes. Despite this precarious situation, there has to-date been inadequate discussion at a policy level on what can be done to prevent or resolve this aspect of the crisis. Urgent action is needed to ensure that today's refugees do not become tomorrow's stateless.

For an interesting insight into life in one of the Syrian refugee camps in Iraq, courtesy of an award-winning multimedia tool, take a look at the [Refugee Republic](#) project.

What's new: Publications, Tools & Resources

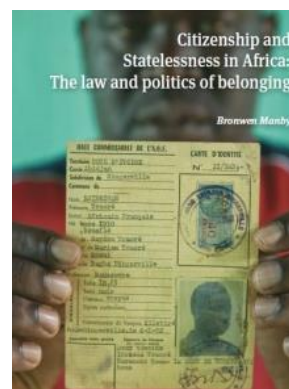


Nowhere People book by photographer Greg Constantine

The long-awaited book, “Nowhere People” by award-winning photographer Greg Constantine is now available. Nowhere People is a 10-year exploration into the lives of individuals and communities who have been denied or stripped of their nationality and are stateless. The book exposes the impact statelessness has on communities in twelve countries around the world, including Myanmar, Nepal, Kenya, Ivory Coast, Kuwait, Iraq, Serbia, Ukraine and the Dominican Republic. Photographs are interwoven with quotes, testimonies, poems and song lyrics from people within these communities. Read the review on [Mother Jones](#). The book can be purchased online via the website, www.nowherepeople.org or on www.amazon.com. To see book launches, lectures and other events related to the book and the Nowhere People project please visit this FB Page: <https://www.facebook.com/nohwerepeoplebook/>. Next month, our regular interview feature will be a day in the life of... Greg Constantine, where he will talk more about his remarkable multi-year photography project and the Nowhere People book.

[Citizenship and statelessness in Africa: the law and politics of belonging](#)

Bronwen Manby recently defended her PhD thesis on comparative African nationality law at Maastricht University. Her thesis looks into the degree to which citizenship law as it has developed before and since independence has been a positive or negative force in the project of “nation-building”; the extent to which it has been a factor, and if so which particular provisions have been problematic - and which have been helpful. Based on this analysis, recommendations follow for amendments to citizenship laws that can help to solve some of the complex questions of identity and belonging. The full text of the thesis can be found [here](#), and an accompanying blog post on her thesis can be found [here](#).



For more on citizenship issues in Africa, read the new [edition of the newsletter from Citizenship Rights in Africa Initiative](#) which contains, among others, articles on “Challenging discriminatory legislation in Sudan using African legal architecture” (by Sophie Chiasson, International Refugee Rights Initiative), “Statelessness in Africa with a focus on the Gambia” (by Prof. Katim Touray, Action Pour les Droits Humains et l’Amitié) and “A significant step in favour of women’s rights in Senegal” (by Djibril Balde, International Refugee Rights Initiative). The [communication on the West Africa Consultative Conference](#), co-organised by Open Society Initiative for West Africa and the UN High Commissioner for Refugees offers an insight into a Consultative Conference which reviewed the actions undertaken by States to implement their commitments, follow-ups, and future approaches in relation to the Abidjan Declaration of 19 May 2015 on the eradication of statelessness in West Africa. There is also a short video about statelessness in West Africa and the latest efforts to address these problems, courtesy of the “Humanitarian Channel” at Buzzcast, available [here](#).

[African Commission Calls on Kenya to Address Discrimination in Access to National Identity Cards and Recognise Land Rights of Nubian Community](#): This call is contained in the decision of the Commission on the communication filed by the Open Society Justice Initiative and IHRDA on behalf of Nubian adults against Kenya. This factsheet provides information on the Kenyan Nubians, why the discriminatory vetting must end, and Kenya must recognise Security of Tenure. For more on statelessness in the African human rights system, read the **monthly interview** at the end of this newsletter.

[Disenfranchisement and Desperation in Myanmar's Rakhine State: Drivers of a Regional Crisis](#)

This ASEAN Parliamentarians for Human Rights report considers the situation and root causes of the Rohingya exodus through field research that considered different perspectives. The conclusion is clear: “*Unless serious steps are taken to address the situation of deprivation and despair in Rakhine State, many Rohingya will have no other option but to flee in search of asylum elsewhere*”. A series of recent reports and documentaries explore whether the well documented state crimes against the Rohingya amount to genocide. These include: [Countdown to Annihilation: Genocide in Myanmar](#), a comprehensive report by the International State Crime Initiative of Queen Mary University of London; [Persecution of the Rohingya Muslims: Is genocide occurring in Myanmar's Rakhine State?](#) a paper, by the Allard K. Lowenstein International Human Rights Clinic, Yale Law School, which was prepared for Fortify Rights; and [Genocide Agenda](#), a documentary film by the Al Jazeera investigative unit that uncovers “strong evidence” of genocide against the Rohingya.

Other recent reports and discussions on the Rohingya include: [Full Circle with the Rohingya](#), a blog post by Sarnata Reynolds on the situation of Rohingya refugees in Malaysia; [The Rohingya: Humanitarian Crisis or Security Threat?](#) an article by Siegfried O. Wolf, as part of the series ‘Southeast Asia: Refugees in Crisis’, that discusses the rise of global attention to the Rohingya; and [Deadly Journeys - The Refugee and Trafficking Crisis in Southeast Asia](#) a report by Amnesty International that includes testimonies from the Rohingya migrants, refugees and trafficking-victims about the horrible conditions they suffered on the boats for weeks to months on end.

[Using the UN Human Rights Special Procedures to Address Statelessness](#): In this blogpost Rachel Brett sets out the UN Special Procedures and shares her extensive expertise on how civil society organisations can tap into this often untouched platform to raise and address statelessness issues.

[Statelessness in Australia](#): This Refugee Council of Australia report focuses on the situation of stateless people in Australia by providing background information on the situation of stateless persons worldwide, an overview of issues and challenges faced by stateless persons in Australia. As well as recommendations for improving the protection for stateless persons in Australia. See also the [APRRN Country Briefings for Australia and New Zealand](#) which summarise issues of concern, including statelessness, and highlight practical steps that governments can take to address them. Countries covered include Indonesia, Malaysia, Pakistan, Sri Lanka, & Thailand.

[UNHCR maps portal](#): This new tool can display various data sets in combination, including Presence of Population of Concern, State-parties to the refugee or statelessness conventions, and UN-recognised International and Administrative boundaries.

[IOM report on 'How the world views migration'](#): This report, presented at the Global Forum for Migration and Development and based on interviews with over 183,000 adults across more than 140 countries around the world, looks at public attitudes worldwide to migration. It also includes information on the demographics of immigration. A key finding is that – with the exception of Europe – in every major region of the world people are more likely to want immigration levels in their countries to either stay at their present level or to increase, rather than decrease. This contrasts with the negative perceptions of migration often portrayed in the media in certain regions of the world.

Announcements & events

[Marking the first Anniversary of the launch of the UNHCR Campaign to End Statelessness in 10 years](#): 4 November 2015 marks the first anniversary of UNHCR's #ibelong campaign to end statelessness by 2024. A series of events will be carried out around the world to mark this anniversary, details of which will be featured in the November Monthly Bulletin.

[Call for papers for a session at: Association of Critical Heritage Studies Third Biennial Conference in Montreal, Canada](#)
The call for papers is for a session titled: "Changing places, changing people? Critical heritage(s) of diaspora, migration and belonging". This session addresses the relationship between critical heritage and redefinitions of self, other, community and place within the contemporary global reality of movement and flux. Along with papers, other formats with a capacity to capture our subject matter, such as artwork, poetry or performance are also welcomed. Submissions can be made either in English or French. **Deadline for submission: 1 November 2015**

[Call for Papers: Refugee Watch Online. Special Issue: The Boat People](#): For its November-December 2015 issue, Refugee Watch Online seeks 700-1000 word long research articles, news reports, perspectives and views on the boat people, "as a powerful metaphor for dispossession, forced migration and statelessness". Other relevant submissions, including reviews of relevant books, films, and other cultural products are also solicited. **Deadline for applications: 15 November 2015.**

[Panel on Inclusion & Exclusion: Ethical & human rights implications of identification systems in context of statelessness](#)
During the National Identification Conference, hosted by Harvard T.H. Chan. School of Public Health, this panel discusses legal identity as a fundamental human right that enables access to other important rights, benefits and services. However, examples from Nazi Germany and the genocide in Rwanda illustrate how national ID cards have facilitated the targeting and extermination of persons. This panel aims to unpack these contradictory narratives; exploring the risks of easy identification and the potential of a national ID system to address statelessness and increase financial and social inclusion, particularly for marginalised populations. This event will take place on **Saturday November 21.**

What's new: Law & Policy

66th Session of UNHCR's Executive Committee (ExCom): In his [closing remarks](#) to ExCom, High Commissioner Guterres said about statelessness: *"I believe that we need to underline the enormous progress made by our commitment to end statelessness. Since 2011, since we started this stronger involvement, there were 48 accessions to the conventions, many nationality laws have been changed, but what is for me even more remarkable is that we have started to deal with the most complex stateless situations in the world. Again if I have to select an example, Côte d'Ivoire deserves our enormous admiration for the courage with which it has faced an old problem with hundreds of thousands – if not more than a million – people not benefiting from any nationality, and for their determination to bring a solution to one of the oldest and most complex statelessness problems in the world"*. The [NGO Protection Statement to the 66th Session of the Executive Committee of the High Commissioner's Programme](#) also references the current attention for statelessness and the need to increase such attention. Among the decisions taken at this ExCom session was a [multi-year Work Plan](#) for ExCom conclusions which identifies "Youth" and "International cooperation from a protection and solutions perspective"

as the themes for consideration in 2016. These themes are very relevant to statelessness and it will be important to ensure that the issue features in both conclusions.

23rd Session of the Universal Periodic Review: During the 23rd session of the Universal Periodic Review, from 2-13 November 2015, Australia, Austria, Georgia, Lebanon, Mauritania, Micronesia (Federated States of), Myanmar, Nauru, Nepal, Oman, Rwanda, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe will have their human rights record reviewed by the UN Human Rights Council. The Institute has put together a [summary document](#) which highlights the statelessness related human rights challenges in these states. These include challenges related to: the right of every child to acquire a nationality, the right of every women to acquire, retain and transfer nationality on an equal basis with men, the right of every person to not be arbitrarily deprived of their nationality, and the obligation of states to identify and protect stateless persons. The Institute has also collaborated on a separate [joint submission](#) and one page [summary](#) sheet outlining the situation in **Nepal** and related recommendations.

Popular on Twitter this Month

Manjushree Thapa @manjushreethapa Oct 29 Discriminatory citizenship provisions in Nepal's new constitution create **statelessness** & violate past nat'l & int'l commitments. [#NepalUPR](#)

UN Refugee Agency @Refugees Oct 22 Costa Rica President Guillermo Solis signed [#IBelong](#) Campaign Letter to End **Statelessness** <http://www.unhcr.org/ibelong/president-of-costa-rica-signs-the-ibelong-open-letter/>

IJDH @ijdh Oct 20 **Statelessness** crisis in [#DR](#) isn't over. We must keep demanding justice. Check out these upcoming events & petitions: <http://www.ijdh.org/resources/dominican-republic-citizenship-crisis/>

ECRE @ecre Oct 15 Conveying right messages on [#statelessness](#) through media is key for ending **statelessness** - [@ENStatelessness](#) [#ECRE2015](#) [#UNHCR](#) consultations

GDX @GDXryerson Oct 10 RT [@Refugees](#): We can end **statelessness**. Listen to Cate Blanchett's [#IBelong](#) playlist <https://www.facebook.com/UNHCR/videos/vb.13204463437/10154389740183438/?type=2&theater>

A day in the life of...

Ayalew Getachew Assefa

Child Rights Legal Researcher at the Secretariat of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)



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

I work as a Child Rights Legal Researcher at the Secretariat of the [African Committee of Experts on the Rights and Welfare of the Child \(ACERWC\) at the Department of Social Affairs, African Union Commission](#). My key responsibilities include: assisting the Committee in consideration of State Parties and Complementary Reports; including drafting list of issues and concluding observations; assisting the Committee in consideration of communications, including preparing admissibility briefs and undertaking extensive legal research on the legal issues; coordinating the Committee's collaboration with other AU Organs with Human Rights Mandate including the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights and the AU Peace and Security Council; coordinating the Committee's investigative and advocacy missions with a view of protecting and promoting children's rights in Africa; and assisting the Committee in drafting General Comments.

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

The body I am working for is established to monitor the implementation of the African Children's Charter across Africa. Drawing its mandate from article 42 of the Charter, the Committee undertakes a number of activities with a view of promoting and protecting the rights and welfare of the child in Africa, which includes interpreting the provisions of the Charter and laying down principles in the form of General Comments. Accordingly, the ACERWC developed a [General Comment on Article 6 of the African Children's Charter](#), where I participated at various levels of the drafting process. The General Comment provides an authoritative interpretation of Article 6 of the Charter which recognises three interlinked rights namely: the right to a name (Art 6 (1)), the right to birth registration (Art 6 (2)) and the right to a nationality (Art 6 (3)). The General Comment includes principles which guide member States to establish a functioning, well managed, resourced, integrated, universal, free and accessible birth registration system with a view of preventing statelessness.

Moreover, I represent the Committee in the unfolding discussions on the draft protocol on the rights to nationality and prevention of statelessness in Africa. The Protocol is inspired, among others, by the decision of the ACERWC on the case concerning the plight of children of Nubian descents in Kenya, where the Committee recognises the right to nationality as

protected right and legal status and condemns arbitrary deprivation of nationality. The Committee, in this [Decision](#), urged the Government of Kenya to take all necessary legislative, administrative, and other measures in order to ensure that children of Nubian decent in Kenya, that are otherwise stateless, can acquire a Kenyan nationality and the proof of such a nationality at birth.

Furthermore, the Committee, as part of the process of consideration of State Party Reports, notes that despite the impressive ratification of international and regional child rights instruments by AU Member States, implementation of the rights to nationality and birth registration remain the major challenges in Africa. [In its observations and recommendations](#) to the Governments of Kenya, Tanzania, Burkina Faso, Cameroon, Libya, Mali, Uganda, South Africa, Rwanda, etc., the ACERWC points out the low level of birth registration, which place children at risk of statelessness as the main concern.

What do you most enjoy about this work?

The discourse around nationality and prevention of statelessness, I believe, is a growing focus particularly in the context of the African human rights system. Africa is revealing a solid commitment towards responding to the challenges of statelessness through establishing normative and institutional frameworks. The Decisions of the African Human Rights Organs and the upcoming Protocol on the right to a nationality are a guide to our future engagements with the issues of nationality and prevention of statelessness. The fact that I am part of this process of responding to the very neglected challenges of stateless people in Africa indeed brings me delight. Besides, as working on nationality and statelessness brings the interplay of various disciplines into the process, it enhances knowledge and experience sharing.

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

I consider lack of focus on and recognition as to the existence of the challenge of statelessness as a major challenge in Africa. The issue of statelessness has not been considered as a serious challenge in Africa for long time hence there are inadequate laws and normative frameworks which respond to the problem. It is only very recently that the African Commission on Human and Peoples' Rights has initiated the process of drafting a Protocol on nationality and prevention of statelessness in Africa. Of course it is important to note that although the African Charter is not exhaustive on the issue, the African Commission, through a bold interpretation of the African Charter, has endeavoured to limit the margins of manoeuvre of States Parties that are tempted to use their national legislation to deprive individuals of their nationality. In this regard, one may look at the communications *John Modise v. The Republic of Botswana*, *Amnesty International v. The Republic of Zambia*, and *Legal Resources Foundation v. The Republic of Zambia*.

Moreover, most African countries do not have legislation that guarantee the nationality of every child born in their territory – in violation of commitments under the African Charter on the Rights and Welfare of the Child. Quite a number of countries in Africa still discriminate against women in the area of nationality. Furthermore, the laws of at least half a dozen countries effectively ensure that persons belonging to certain ethnic groups or their children and grandchildren, can never obtain nationality by birth. Unfortunately, it is still difficult to exactly tell the gravity of the problem of statelessness which results from the absence of the right laws and the existence of discriminatory principles. There seems to be a serious gap in documenting the number of stateless children/people in Africa. The level of awareness on statelessness and the risk of statelessness, including at the highest political/decision-making levels is really low, which undermines the accelerated process of prevention and appropriate responses to statelessness. There is still an acute need for surveys and national plans to identify stateless persons and persons at risk of statelessness in Member States. Resourcing is also one of the challenges, therefore, the African Union and its partners should coordinate their actions and mobilise the necessary resources for the prevention of statelessness.

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

As my work very much focuses on the area of research and studies at policy level, my words could only be relevant to those who want to pursue their studies and research on nationality and statelessness. One cannot come up with a mechanism of addressing statelessness without fully understanding the political and historical context of the group in the Country where they are considered stateless, through a thorough socio-political study and analysis.

What do you hope to accomplish through your work?

Looking at the literature produced on statelessness, most focus on the problem of statelessness across countries in the world. Only few make particular emphasis on Africa. Focusing on the realities in Africa, I would like to conduct research which aims at assessing and analysing the legal and political responses to the challenges of statelessness among children in selected African countries. In the research, I would like to identify root causes to statelessness, which will also include the most recent initiatives and undertakings at the African Union level, with a view of identifying a functional approach which informs and guides the countries' legal framework to respond to the challenges of statelessness among children.

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