

STATELESSNESS: MONTHLY BULLETIN

February 2016

Contents

- Spotlight on: The latest from UPR and CRC
- What's new: Publications, Tools & Resources
- Announcements & events
- What's new: Law & Policy
- Popular on Twitter
- A day in the life of...

A day in the life of... Catherine Harrington
Campaign Manager of the Global Campaign for
Equal Nationality Rights

"To have the opportunity to contribute in any small way to their efforts is a privilege, as is engaging with such issues — citizenship rights and gender equality — that have such a significant impact on the lives of so many people globally."

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

Spotlight on: The latest from UPR and CRC

The 24th session of the Universal Periodic Review (UPR) took place from 18 – 29 January 2016. During this session, a total of 46 recommendations were made in relation to statelessness and/or the right to a nationality. Latvia and Estonia received the highest number of recommendations issues of statelessness, accounting for 17 and 12 recommendations respectively. The recommendations were made by a wide array of states, 29 in total. Spain, Mexico, Ecuador, Australia, Kenya and the Russian Federation were most active in making recommendations on statelessness/nationality during this UPR session. The main topics relating to statelessness raised in this session were: taking further steps to fulfil children's right to a nationality, facilitating solutions to existing cases of statelessness and acceding to the UN statelessness conventions. Other topics included promoting the enjoyment of rights by stateless persons and making improvements to / addressing gaps in the nationality law. Click here to read the full analysis of statelessness in this UPR session and access the recommendations made. During the next UPR Session, in May 2016, the following states will have their human rights record reviewed at the Human Rights Council: Antigua and Barbuda, Greece, Hungary, Ireland, Papua New Guinea, Saint Vincent and the Grenadines, Samoa, Sudan, Suriname, Swaziland, Tajikistan, Tanzania, Thailand, and Trinidad and Tobago. March / April is a good time for advocacy with states to make recommendations relating to nationality and statelessness. During the 26th UPR Session, in November 2016, the following states will have their human rights record reviewed at the Human Rights Council: Haiti, Iceland, Lithuania, Moldova, South Sudan, Syria, Timor-Leste, Togo, Uganda, Venezuela and Zimbabwe. The deadline for Stakeholder Submissions for this session is 24 March 2016.

Statelessness has now been added to the UPR-INFO <u>database on UPR recommendations</u> as one of the thematic issues to search and filter all UPR recommendations and voluntary pledges. Note that the recommendations currently only include those which actually use the words 'stateless' or 'statelessness', therefor other recommendations related to the issue, such as removing discrimination from nationality laws are missing.

The Committee on the Rights of the Child issued concluding observations to the following 14 countries during the 71st session on 29 January 2016: Benin, Brunei Darussalam, France, Haiti, Iran, Ireland, Kenya, Latvia, Maldives, Oman, Peru, Senegal, Zambia, and Zimbabwe. The Institute analysed which countries received recommendations in relation to the child's right to a nationality. A total of 6 countries (Benin, Brunei Darussalam, Haiti, Iran, Latvia, and Oman) received 8 recommendations in relation to the right to a nationality for children. The content of the recommendations touches upon several causes of childhood statelessness, including: gender discrimination in conferral of nationality to children, derivative loss of nationality, and restrictions in acquisition of a nationality for children who are expelled from their country of birth or born to non-citizens. Moreover, the Committee recommended various measures on how to realise children's right to a nationality and prevent statelessness to 8 states (Brunei Darussalam, France, Haiti, Kenya, Latvia, Oman, Senegal, and Zimbabwe) varying from revising nationality legislation, carrying out data collection projects and ratifying relevant conventions relating to statelessness. More country-specific findings deriving from concluding observations issued during this and previous sessions can be found in our analytical database of all CRC Concluding Observations.

What's new: Publications, Tools & Resources

Nowhere People and the Plight of Stateless Communities: The Huffington Post featured Greg Constantine's Nowhere People and the issue of statelessness on the WorldPost. You can also now find his <u>TEDx talk online</u>.

As part of Legal Agendas spotlight on statelessness several more articles were published this month. Revoking Jordanian Citizenship: Disengagement or Discrimination addresses the revoking of Jordanian citizenship following the implementing of King Hussein's decision to cut legal and administrative ties with the West Bank in 1988. Another piece by the same author Ayman Halasa, The Status of Children of Jordanian Mothers: The Discourse of Demography focuses on discrimination against Lebanese mothers to pass nationality to their children. Finally 'Nationality under Study': The Permanence of Being Stateless discusses what it means to have "nationality under study" in Lebanon.

In their <u>January</u> and <u>February</u> news bulletins DHRRA Malaysia (Development of Human Resources for Rural Areas) discuss their work identifying and registering over 12.000 statelessness people, mainly from within the Indian Tamil community, in a mapping and legal assistance project. The project comprehensively mapped the population in Keah, Perak, Selangor and Negeri Sembilan with use of 60 volunteers and 29 paralegals, thereby gathering previously unavailable baseline data on the Tamil community.

Several new publications came out the past month on the situation of Dominican-Haitians in the Dominican Republic. The short film Needed but Unwanted: Haitians in the Dominican Republic by Emmy-award winning journalist Susan Farkas discusses how Dominicans from Haitian descent are excluded from nationality and deported from the territory. The Inter-American Commission has furthermore issued its report "Situación de derechos humanos en República Dominicana" on the situation in the DR (in Spanish). Related to this and the continent at large is the ENS blog on the sate of statelessness in the Americas. The blog, written by Alex McAnarney, discusses the continents status in relation to the UNHCRs Action Plan to eradicate statelessness. The paper Stateless: Dominican-born Grandchildren of Haitian Undocumented Immigrants in the Dominican Republic by Kristymarie Shipley addresses the history leading up to the Constitutional Tribunal's ruling that excludes Dominicans with Haitian descent from Dominican nationality. It goes on to discuss international and human rights implications and to suggest policy and implementation changes for the Dominican government.

An Assessment of the International Legal Obligations Owed to the Rohingya Refugees: Ramandeep Kaur in this working paper discusses the issue of Rohingyan migration through the lens of international law: To what extent do destination countries comply with their international legal obligations and what will the likely future be in this regard. The second meeting of the Asia Dialogue on Forced Migration also addresses the Rohingya with the purpose to "highlight and prompt discussion of lessons learnt and possible improvements in order to inform better long-term preparedness for mass forced displacement in the region".

<u>Stateless Kurds and their multiple diaspora</u>: In this working paper written by Latif Tas he argues for a new approach to understanding statelessness based on how statelessness has affected Kurds. He discusses the relationships between statelessness, diaspora and nationalism whilst introducing a new, third category, "socially stateless", complementing the accepted *de jure* and contested *de facto* statelessness definitions.

PACE report: The need to eradicate statelessness of children: This report comments on the lack of safeguards against childhood statelessness within the CoE. The nationality laws of Cyprus, Norway, Romania and Switzerland "contain insufficient or no safeguards against childhood statelessness, in breach of regional and international obligations" as well as another 11 CoE member states that have safeguards that do not provide full protection from child statelessness. Parliamentarian Manlio di Stefano issued the report that will be the basis of a draft resolution the Assembly will debate later this year.

HRW World Report 2016: Human Rights Watch issued its World Report 2016 reviewing human rights around the globe contained several references to statelessness. Amnesty International's Report 2015/2016: The state of the world's human rights, documenting the state of the world's human rights during 2015 with 5 regional overviews and a survey of 160 countries and territories, also mentions several statelessness challenges.

<u>Citizenship Law in Africa: A Comparative Study</u>: Bronwen Manby revised and completely updated the 3rd edition of her publications on citizenship laws in Africa. A French edition is furthermore in preparation.

<u>Islam and the State in Myanmar: Muslim-Buddhist Relations and the Politics of Belonging</u>: This volume, edited by Mellisa Crouch, shines an interdisciplinary light – political sciences, sociology, anthropology, international relations, religious studies, and law - on the relation between Islam, Buddhism and the state in Myanmar, from both an empirical and a comparative perspective.

<u>UNHRC</u> report on the impact of nationality deprivation and acquisition for children: This UN Human Rights Council report "Impact of the arbitrary deprivation of nationality on the enjoyment of the rights of children concerned, and existing laws and practices on accessibility for children to acquire nationality, inter alia, of the country in which they are born, if they otherwise would be stateless", highlights statelessness as a concept that goes against the principle of the best interests of the child.

Announcements & events

<u>Statelessness Summer Course</u>: Apply now for the 2016 Statelessness Summer Course which will be held from 1 to 5 August 2016 at Tilburg University, the Netherlands. The Summer School course is for participants from all over the world and looks at statelessness globally, providing new knowledge, tools and skills for the participants to address statelessness and enforce the right to nationality. The deadline for applications is **15 April 2016**.

Statelessness Working Paper Series: The deadline for the statelessness working paper series ISI is coming up on 15 March 2016. Anyone who wants to contribute with a paper to share knowledge, developments, and research findings on the issue of statelessness is invited to contribute.



<u>Precarious Citizenship: Young people who are undocumented, separated and settled in the UK</u>: A call for papers was issued for a one-day conference at Birkbeck, University of London on 1 June 2016. Papers from academics, campaigners, activists and practitioners that focus on political mobilisation of young people around citizenship and immigration rights, as well as on young people who were not aware of their precarious citizenship until State intervention, are welcomed. The deadline for an abstract and brief bio by those willing to participate in the call is <u>15 March 2016</u>.

Strategic Citizenship Conference: Negotiating membership in the age of dual nationality: On March 7+8 a conference on investigating new citizenship practices will be held at Princeton University. The focus is on "new practices by individuals and families that aim to strategize national membership(s), decoupling citizenship and residence, legal status and identity" and the questions about the meaning of national identity within citizenship that flow from these new practices. The conference is open to the public and a poster and provisional programme are available.

<u>UNHCR #IBELONG advocacy calendar</u>: You also track upcoming events and advocacy opportunities on statelessness in this new calendar maintained by UNHCR in relation to the #IBELONG campaign.

What's new: Law & Policy

Developments in France are grim from a statelessness perspective as French MPs have voted in favour of president Hollande's package of measures to change the French constitution to allow the stripping of nationality from convicted terrorists. If the amendment were to be achieved the result would be that France could make a person stateless. Not having signed the 1961 Convention on the Reduction of Statelessness does not matter for France either, as the Convention allows a contracting state to strip a private individual of his nationality under certain conditions, like showing a lack of loyalty to said state or displaying behaviour that is considered seriously prejudicial to the vital interests of that state. This blog by Barbara Joannon goes further into the issue, while Bobbie Mills involves the contemporary debate on citizenship deprivation currently taking place in Britain.

Popular on Twitter this Month

InstituteSI @institute_si Feb 16 great to see new <u>@RefugeesChief support</u> for campaign to end <u>#statelessness</u> - looking forward to working with him http://www.unhcr.org/ibelong/u-n-hi...

CRF @CFR_org Feb 23 Are #Kurds terrorists, allies, or a stateless nation? US needs to decide, says @StevenACook: http://on.cfr.org/24nJxXI

Liz Mermin @merminfilm Feb 16 No one/nowhere: our latest on <u>@aeonmag:</u>Ten mil people around the world are stateless. Is citizenship a human right? http://bit.ly/216EBUr

UN Refugee Agency @Refugees Feb 25 Please sign our Campaign to End Statelessness + help more in WAfrica + world say #IBelong http://trib.al/CVkUCzD

Kari Käsper @karikas Feb 11 Valeria from #Narva shares her perspective on #statelessness in #Estonia. Her voice needs to be heard. https://vimeo.com/113234121

Hannah Anderson @hannahanderson Feb 9 Struggling and Stateless in war-torn lands. Meet the #Kuchi nomads http://bit.ly/1PMorMO via @RFERL. #afghanistan

Catherine Harrington

Campaign Manager, Global Campaign for Equal Nationality Rights, Women's Refugee Commission

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

As manager of the <u>Global Campaign for Equal Nationality</u>, I work with the Campaign's coalition to mobilize international action to end gender discrimination in nationality laws so that women and men can acquire, change, retain and confer nationality on an equal basis. My work — like the work of the Campaign itself — is focused on three



primary areas: advocacy at the international level; national-level interventions; and knowledge sharing and resource development. These activities are implemented with <u>our coalition</u> of twenty national, regional and international NGOs, which includes our steering committee of Women's Refugee Commission, the Institute on Statelessness and Inclusion, UNHCR, Equality Now and Equal Rights Trust.

What type of statelessness activities is your organization involved in?

Gender discrimination in nationality laws is one of the primary causes of statelessness. Twenty-seven countries deny women equal rights to confer nationality to their own children. Over fifty countries have some form of gender discrimination in their nationality laws, such as permitting men to confer nationality to spouses, but not women; stripping the citizenship of women, but not men, who marry a foreign spouse; and denying unmarried men the same rights to pass nationality to their children. When children and spouses are denied access to a citizen's nationality due to her/his gender, they are at an increased risk of being stateless.

One way that the Global Campaign for Equal Nationality Rights supports reforms for gender equal nationality laws is through engagement with human rights treaty body review mechanisms. Throughout the year, I draft submissions for target countries' Universal Periodic Review (UPR), CEDAW and CRC Reviews. In these submissions, I provide an outline of discrimination that country's nationality law, the human rights violations that result from these laws and provide recommendations for addressing this discrimination. The submissions are intended to inform Member States' questions and recommendation to those States undergoing their UPR or to encourage these issues to be addressed by the CEDAW and CRC Committees.

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

The Global Campaign for Equal Nationality Rights is in the process of working with our national partners in Bahrain to advocate for women's ability to confer nationality to their children – something the government had committed itself to address in its most recent CEDAW review and UPR. As part of this effort, the Global Campaign, in partnership with the Bahrain Women Union and Equality Now, launched the "Regional Conference on Citizenship Laws: The right of women to pass their nationality to their children" the week of February 15 in Manama, Bahrain. The conference included significant representation from both the government – parliament, relevant ministries – and civil society leaders, and included activists from Kuwait, Oman, Saudi Arabia and United Arab Emirates, who are also working to advance gender equal nationality rights in their home countries. During the week we also conducted side meetings with members of parliament and the National Human Rights Institute. During our meeting with the Parliamentary Chair of the Subcommittee on Women and Children, Roua Al-Hayki, she expressed her commitment to bring forward a draft bill this parliamentary session that would enshrine the right of Bahraini women to confer nationality to their children. Much work remains to be done to ensure that these reforms are realized. It is especially critical that any reform be enacted retroactively, which is critical to rectifying the human rights violations currently experienced by hundreds of families because of discrimination in the law. However, we are hopeful that, through the dedication and diligence of those seeking to achieve women's nationality rights in Bahrain, real change is possible in the near future.

What do you most enjoy about this work?

One of the most enjoyable aspects of my work is working with so many passionate, committed, fearless activists from all over the world, who are doing the hard work on the ground in their countries to advance equal human rights for women and men. To have the opportunity to contribute in any small way to their efforts is a privilege, as is engaging with such issues – citizenship rights and gender equality – that have such a significant impact on the lives of so many people globally.

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

I believe some of the biggest challenges to achieving reforms for gender equal nationality laws is fear of change and lack of awareness of the real world harm caused by discrimination in nationality laws. It is a natural human

characteristic to fear change and want to avoid the accompanying sense of uncertainty about what the future may hold if things are different. Many individuals in positions of authority, as well as the public itself, are not aware of the huge hardships caused to families because of women's inability to confer their nationality to children and spouses, which is considered a natural right of male citizens. Part of my job and the job of the Global Campaign for Equal Nationality Rights is to increase understanding of the notable human rights violations that result from discriminatory nationality laws. It is also critical for leaders to understand that ensuring equal nationality rights for women and men shouldn't be feared, but should be understood as contributing to countries' stability, prosperity and development, by allowing citizens' families to fully contribute to society. Ensuring gender equal laws is incumbent upon governments under international law — as well as mandated in most countries' Constitutions — and it is also in their best interest.

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

I would encourage those who want to get involved in working on statelessness issues to research what groups may be working on such issues in their area and ask what assistance may be needed. Simply providing basic support to local groups is a fantastic way to learn more about the issue and can be the start of a path to more substantive work down the road. If groups don't exists in one's area, I would encourage people to research sites like the <u>Institute on Statelessness and Inclusion</u> and the <u>Global Campaign for Equal Nationality Rights</u> and consider working to raise awareness of these issues in schools, universities and with local governments.

What do you hope to accomplish through your work?

Through this work I hope to realize a day where the rights of citizens are based on their status as citizens, not on whether they are a man or a woman. This will only be achieved through the concerted work of many individuals across the world from multiple sectors of society – civil society, government, private sectors, students – working together. I hope those reading this will join the Global Campaign for Equal Nationality Rights in this effort.

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