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A day in the life of... Gábor Gyulai, Refugee programme director at the Hungarian Helsinki Committee, president of the European Network on Statelessness

"Statelessness is one of the few parts of my work where positive developments are clearly visible. It was absolutely amazing to see how this unfairly disregarded human rights topic has been rapidly dragged out into the light after decades of neglect."

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

Latest news from the UN human rights mechanisms

The 25th session of the Universal Periodic Review (UPR) will take place from 2-13 May. Among the countries under review are Thailand, Sudan, Hungary and Ireland, for which the Institute collaborated with partners to make submissions on statelessness issues (these can be found on our [website here](#)). The schedule is now available for the 3rd UPR Cycle, which begins in May 2017. The **next deadline for stakeholder submissions to the UPR is 22 September 2016** and relates to the following countries: **Algeria, Bahrain, Brazil, Ecuador, Finland, India, Indonesia, Morocco, Netherlands, Philippines, Poland, South Africa, Tunisia and United Kingdom**. You can access all the stakeholder submission deadlines for the 3rd UPR cycle [here](#).

The **next deadline for the submission of civil society information to the Committee on the Rights of the Child is 1 July 2016** for its 75th session and relates to the following countries which will come under review: **Bhutan, Cameroon, Lebanon, Mongolia and Romania**. When the CRC Committee next meets, for its 72nd session, in May, it will be reviewing States Parties reports from Bulgaria, Gabon, Nepal, Pakistan, Samoa, Slovakia and the United Kingdom.

[Concluding Observations by the Human Rights Committee on the initial report of South Africa](#): The Human Rights Committee issued its concluding observations on South Africa's initial State party report regarding the ICCPR. The report includes recommendations regarding access to documentation and mentions protracted detention of stateless persons in relation to deportation. A coalition of Civil Society Organisations working in South Africa submitted a **[NGO Shadow Report on the South Africa state Report on the African Charter](#)** to the African Commission on Human and Peoples' Rights. The report includes discussions on birth registration and statelessness.

Announcements & events

[ENS #StatelessKids Youth Congress 2016](#): From 11 until 13 July 2016 the European Network on Statelessness will hold its #StatelessKids Youth Congress in Brussels. During the event, young socially conscious and active participants will be trained to help in the fight against childhood statelessness. Young (formerly) stateless persons are particularly encouraged to register. **Apply by 15 May**.

[UNHCR Annual Consultations with NGOs](#): From 15 to 17 June 2016 UNHCR will hold its annual consultations with NGOs in Geneva. This year's theme is "Youth". NGOs from over the world are invited to attend in order to raise issues and exchange views with UNHCR about a variety of topics - a good opportunity to press the issue of statelessness among youth. A concept note, consultation reports, toolkit and background papers have been issued and can be found via the link. **Register by 10 May 2016**.

[Seminar on Statelessness Determination Procedures: Policy Options, Practical Experiences and Challenges](#): On 5 May there will be a joint seminar hosted by EMN Ireland, within the Economic and Social Research Institute, and UNHCR Ireland on challenges and advantages in establishing a SDP. Information on the experience of stateless persons in Ireland will be shared, together with two case studies of experiences on SDPs by the UK and France. **Register by 3 May.**

[Call for Content: Refugees, IDPs and Statelessness](#): The MIPJ (Media, Information, International Relations and Humanitarian Affairs) is a print, digital and multimedia publication primarily interested in the communication of information, most importantly so during times of crisis. To this regard they are looking for content (photo, multimedia, video, text and other) relating to refugees, internally displaced persons and statelessness. **Submit content by 1 June.**

[Call for papers: Migration and Modernity: The State of Being Stateless 1650-1850](#): Contributions are sought for an essay collection on exile, migration, and statelessness around the “middle modern period”, between 1650 to 1850, when nation-states started to consolidate and witness movements of people across and within political and geographical borders visibility. **Submit an abstract by 15 May.**

[First annual conference of the Refugee Law Initiative on “The Future of Refugee Law”](#): This 3-day conference will take place from 29 June – 1 July at the University of London. Statelessness issues will also be discussed, including in a panel on “The law of statelessness in contemporary contexts” and one on “Protection of refugee and stateless children: What role for human rights law?” The full [conference programme is available here](#) and you can register to attend through this [link](#).

[Vacancy: Director-Designate, Migrants' Rights Network](#): Migrants’ Right Network is looking to recruit a Director-Designate to work on the Network’s mission of active public education on the role of migration in UK society and the importance of upholding the rights of all migrants. **Apply by 16 May.**

[Funding Opportunity for NGO Programs benefiting stateless persons in Central Asia](#): The US Department of State provides NGOs with the opportunity to find funding for programs that benefit refugees and other vulnerable populations, particularly stateless individuals, in Central Asia. **Submit a proposal by 25 May.**

What’s new: Publications, Tools & Resources

[#IBelong campaign quarterly update](#): The UNHCR #IBelong Campaign to end statelessness issued a new quarterly update, highlighting activities commemorating the first anniversary of the Abidjan Declaration and progress regarding the abolition of statelessness in West Africa. It also discusses efforts to implement the Global Action Plan to end statelessness in Indonesia, the Philippines, Malaysia, Thailand and recently also the Bahamas. The update is accompanied by a video of Kavita, explaining the hardships of stateless lives for young people in Malaysia. In other news from UNHCR: [Malian singer-songwriter Rokia Traoré was named Regional Goodwill Ambassador](#) for West and Central Africa for UNHCR. Following her appointment, she issued this [video](#), devoted to Malian refugees and those displaced around the world.

[Report by the Council of Europe Commissioner for human rights following his visit to Cyprus](#): This report on Nils Muižnieks’ visit to Cyprus discusses statelessness and access to citizenship. The Commissioner calls on Cyprus to ensure full protection of children against statelessness, including children of unknown parents, and in that context also urges accession to the 1954 Statelessness Convention and 1997 European Convention on Nationality (para. 81).

[The Origins of UNHCR’s Global Mandate on Statelessness](#): Why did the UN General Assembly confer the global mandate to address statelessness upon the UNHCR only in 1995, and not before? This question is discussed by Matthew Seet in the latest issue of the International Journal of Refugee Law (IJRL). Seet also published an article in 2015 ‘[Strengthening the Protection of Stateless Persons from Arbitrary Detention in Immigration Control Proceedings](#)’, a case report built around the Kim v. Russia case in which Russia detained a stateless persons for two years with a view to expulsion, violating his right to liberty and security under article 5(1) of the European Convention on Human Rights.

[Citizenship Removal Resulting in Statelessness](#): The UK’s Independent Reviewer of Terrorism Legislation issued the first report on the operation of the power to remove citizenship obtained by naturalisation from people with no other citizenship as a consequence of committing terroristic acts. Related to this is the UNHCR publication on [Deprivation of Nationality as a Measure of Counteraction to Terrorist Activities](#) where observations by the Representative Office of the UNHCR in Kyrgyz Republic on the draft law on amendments to certain legal acts of Kyrgyz Republic that relate to the deprivation of nationality as a measure of counteraction to terrorist activities are given.

[Rohingya refugees](#): The past weeks saw the publication of several articles on Rohingya refugees. In ‘[Where are the Rohingya Boat Survivors Now?](#)’ Jonathan Vit researches the proposition that there is no happy ending for Myanmar refugees after Malaysia allowed hundreds of Rohingya and Bangladeshi migrants to come ashore last May. Antonietta Pagano takes a look at the Rohingya situation and the role of regional and international actors to this regard in ‘[The Rohingyas Refugee Crisis: A Regional and International Issue?](#)’. More on protection of Rohingya refugees and protection is discussed in the submission to the ASEAN Intergovernmental Commission on Human Rights (AICHR), ‘[Martime Movements of the Rohingya and Recommendations to Improve Human Rights Protection for Rohingya Refugees](#)’ by APRRN, FORUM-Asia, Burma Partnership, Altsean Burma and the Institute on Statelessness and Inclusion. The submission provides a situational analysis

of the maritime movements by Rohingya refugees in the Bay of Bengal and Andaman Sea; urging AICHR to address the situation and strengthen human rights protections.

[Summary Report - Workshop on Researching Statelessness and Citizenship in Asia and the Pacific](#): UNHCR and the University of Melbourne's School of Government and Melbourne Law School organised a workshop on researching statelessness and citizenship in Asia and the Pacific. This report summarises the workshop and its recommendations.

[Statelessness: Between Heaven and Earth](#): This most recent regional newsletter by the UNHCR focuses on statelessness for Central Asian countries. The newsletter features information regarding statelessness and case studies of those suffering from the consequences of being stateless in the region. The newsletter is in English and Russian.

[Map: Peoples without a State: Locations and Causes of Statelessness](#): The Humanitarian Information Unit of the US Department of State has issued a map showing the locations and causes of statelessness in a glance.

[Who Belongs? Statelessness and Nationality in West Africa](#): In this article Bronwen Manby discusses statelessness, the lack of identity documents and statelessness for West Africa. The risks of statelessness in relation to migration, cross-border population and for children are particularly highlighted.

[The Eligibility for Refugees to Acquire Ugandan Citizenship](#): Many refugees who have been in Uganda for 20 years or even longer have not been able to acquire Ugandan citizenship. This piece sets out the situation of the clear exclusion of refugees from registration and naturalisation processes. The Refugee Law Project and the Center for Public Interest Law took this to Uganda's Constitutional Court in an attempt to clarify that refugees can acquire citizenship under the law. As well as the outcome and consequences of this case.

Other resources from this month:

- **[Legal Protections for Displaced and Stateless Persons in the Caribbean Region](#)**: Kathleen Bush-Joseph discusses legal protections for displaced and stateless persons in the specific context of the Caribbean Region.
- **[Stateless Persons and the Question of Rights](#)**: Johanna Schenner wrote this article discussing her position on statelessness as being proof of current national legal rights regimes.
- **[Palestinian Syrians: Twice refugees](#)**: Kait Bolongaro wrote this article for Al Jazeera news, discussing the additional difficulties Syrian-born Palestinians experience on the road to asylum because they lack a Syrian passport.
- **[Kenya: Where citizenship by Registration is Better than Citizenship by Birth](#)**: An article by Phelix Lore, demonstrating the advantages of citizenship by registration as opposed to citizenship by birth in Kenya.
- **[UNHCR observations on the modalities surrounding the Citizenship Test and the Naturalization Test in Denmark](#)**: UNHCR Regional Representation for Northern Europe's observations, concerns and recommendations regarding the proposed Danish legislation regarding a citizenship and naturalization tests.

What's new: Law & Policy

Introduction of statelessness determination procedures: Both Costa Rica and Bulgaria introduced statelessness determination procedures (SDPs) into their legal systems this past month. On 7 April Costa Rica [signed](#) the relevant [decree](#) (article and decree are in Spanish). Twenty days later, on 27 April, Bulgaria's council of Ministers [approved draft amendments](#), introducing the notion of 'stateless status' and a SDP. With these establishments, Costa Rica and Bulgaria joined the group of the countries to have a SDP in place to recognise statelessness status and guarantee the protection and enjoyment of their human rights.

[Legal experts divided on "gray passport" holders' right to vote in EU elections](#): Although persons with undetermined citizenship in Estonia enjoy a stable legal status as well as a broad range of rights, they remain excluded from other rights, in particular those that relate to political participation. This article on "gray passport" holders' right to vote in EU elections discusses the contemporary debate about whether persons with undetermined citizenship should be allowed to participate in European Parliament elections or not. A similar situation regarding independence and citizenship applies to Latvia and its stateless "non-citizens". Maria Hellborg revisited the situation of non-citizens in Latvia in her master's thesis '[Statelessness and Nationality: The case of Non-Citizens in Latvia](#)'.

Popular on Twitter this Month

[David Anderson @terrorwatchdog Apr 21](#) Citizenship removal resulting in statelessness - my new report just published. <https://www.gov.uk/government/pub...>

[Ruth Messinger @ruth_messinger Apr 20](#)Manhattan, NY I am answering the call to [#LivesOfCommitment](#) by fighting statelessness in the DR & Burma [@AuburnSeminary #justice](#)

[UN Statelessness @StatelessWA Apr 18](#) Final edition of the traveling art exhibition on statelessness in Yeumbeul Nord, Dakar suburbs – great success!

[Rula Jebreal @rulajebreal Apr 17](#) Rula Jebreal Retweeted Chris Doyle Another jarring reminder of what it means to be a stateless people, at the mercy of tyrants & an indifferent world.

A day in the life of...

Gábor Gyulai

Refugee programme director at the [Hungarian Helsinki Committee](#), president of the [European Network on Statelessness](#)



How did you get involved in working on statelessness?

It all started as a summer love story in 2006. The UNHCR Regional Representation for Central Europe commissioned the [Hungarian Helsinki Committee](#) to conduct a research on the protection of stateless persons in the region. Back then I did not know much about statelessness, but as I have always been interested in the issue of nationality (an emotionally and historically quite “heated” topic in our region), I volunteered for the task. In the summer of 2006 I carried out the [first ever regional research study](#) on the protection of stateless persons. Back then, there was literally no interpretative guidance or international doctrine on this issue and – without exaggeration – hardly anyone knew anything about statelessness (and even those few who did had no knowledge about each other’s existence). This obviously multiplied the difficulties, but I also enjoyed that the pioneer character of the endeavour allowed for more creativity than similar projects usually do. Since then, this summer love affair has turned into a long-term relationship, which finally culminated in the founding of the [European Network on Statelessness](#), the first ever specialised civil society network addressing this issue.

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

My main focus is asylum and forced migration, but I always try to find some dedicated time for statelessness-related work, too. Throughout the years I carried out various research initiatives, for example on [statelessness in Hungary](#) (one of the few countries in the world operating a statelessness-specific determination procedure and protection status), the [conceptual framework of statelessness determination](#), on [statelessness in the EU framework of international protection](#), as well as on [globally existing good practices](#) of statelessness determination and protection regimes for stateless persons. Given my asylum and forced migration background, for long I was concentrating on the protection and migratory angle of statelessness. This slightly changed in 2014, when I started to deal with the prevention of statelessness as well, documenting the various shortcomings that exist in this respect in Hungary in a [research paper](#). Besides exploring specific and yet undocumented issues, my objective was also to provide through these publications a source of inspiration to other researchers around the world to carry out similar initiatives.

As a trainer, I had the privilege to train several hundreds of lawyers, state officers, NGO workers and UNHCR staff around the world on statelessness. Besides holding dozens of dedicated training seminars all around Europe and Latin America, I have also been working on integrating statelessness into the mainstream of refugee law education. The most visible impact of this effort is probably the inclusion of a specific statelessness session in the [Refugee Law Reader](#) (the world’s only comprehensive academic on-line curriculum for the teaching of refugee law, existing in four languages), together with finding a stable place for statelessness at the regional training courses we have held in recent years for professors in Latin America and Eastern Europe (with the aim of promoting refugee law education in these regions). I am also proud to be regularly invited as a lecturer to the annual [Statelessness Summer Course](#) in Tilburg.

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

The [Hungarian Helsinki Committee](#) is the only entity in Hungary providing free-of-charge legal assistance to people in need of international protection. The vast majority of our Refugee Programme’s clients are asylum-seekers, but from time to time we also support persons in a statelessness determination procedure, and more recently, children born in Hungary, who remained stateless because of the [improper or improperly functioning safeguards](#) in domestic law. We offer free legal advice to these stateless people, and in certain cases we even formally represent them before the Hungarian Office of Immigration and Nationality, or before a court. Our greatest success story in this respect is [a recent judgment by the Hungarian Constitutional Court](#), which quashed as in breach of international law the previously existing absurd limitation that only allowed *lawfully* staying stateless persons to ask for protection in the country. The [Hungarian Helsinki Committee](#) and the UNHCR were both third-party interveners in this landmark case.

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

I have recently finished a research piece on the naturalisation of refugees and stateless persons in Hungary and on whether the country fulfils its international obligations in this respect (to be published soon). Also, I looked into whether regional fair procedure safeguards can be derived from the jurisprudence of the European Court of Human Rights and EU law, a question not yet properly explored in literature. I hope that this study will inspire a debate, as well as the start of a paradigm

shift. Also, I will also facilitate this week a workshop on statelessness in Morocco for law professors coming from the entire Maghreb region (Tunisia, Algeria, Morocco and Mauritania), in the framework of the first [Refugee Law Reader](#) course in this region. In 2016, I am planning to deliver further training sessions on statelessness, among others one in Kosovo and another one for a new generation of trainers collaborating under the aegis of the [European Network on Statelessness](#).

In the future I would like to work more on the nationality problems of refugee children born in Europe – a particularly hot in light of the on-going Syrian refugee crisis, which is nevertheless quite uncovered. The nationality status of these children is still too often unclear, state practices (of which we have little empirical information) seem to diverge to a great extent, and international obligations are not always effectively implemented in practice. If we don't want an entire new generation of stateless children in Europe, we must act now.

What do you most enjoy about this work?

Being a refugee rights advocate is extremely challenging today in Europe, even more so in Hungary. Immediate success is rare, and even the most basic values and norms we believe in are questioned. Statelessness is one of the few parts of my work where positive developments are clearly visible. It was absolutely amazing to see how this unfairly disregarded human rights topic has been rapidly dragged out into the light after decades of neglect. When I started to work with statelessness in 2006, it was an absolute *terra incognita*. Academic literature, doctrine and soft law were all missing, the existing jurisprudence was unreported and unanalysed. When in 2007 I organised a small workshop on the protection of stateless persons in the framework of a pan-European NGO conference on asylum, only four (!) out of 120 participants were interested. A few years passed, statelessness has become a mainstream and highly interesting topic, academic literature has multiplied and the long-missing UNHCR guidance was born, with the input of experts from all around the world. As a major step, the [European Network on Statelessness](#) (ENS), the first civil society network dedicated to the cause of those with no nationality, was formed and gained over a hundred members in no more than a couple of years. When we held a statelessness workshop at the same annual pan-European NGO conference on asylum few years later, we had over 25 participants, and people were queuing on the corridor to enter. The change was impressive. I am very pleased to have been part of this “statelessness renaissance” and I am particularly proud of my involvement with ENS from day one. It is also great to see how statelessness-specific determination and protection regimes are slowly but steadily propagating around the world.

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

I'm afraid that the on-going multilevel crisis in Europe (especially the refugee crisis and rising, often politically incited xenophobia) will have a negative impact on the overall positive statelessness-related developments. The problems of stateless people and the already created space for positive state action should not be overshadowed by the undoubtedly tragic developments concerning asylum on our continent.

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

Be creative. There are still many unsettled concepts and debates in this context, which require an innovative approach and fresh minds. Statelessness has for too long been an untouchable mystery, now it's time to make it properly understood by states, judges and other actors, through a firmly rights-based (even if at times inevitably pragmatic) interpretation.

What do you hope to accomplish through your work?

My more immediate dream is to reach that a critical mass of states provides protection to stateless forced migrants, even if they do not qualify for refugee status. I hope to be able to contribute to the propagation of these statelessness-specific protection regimes, through commenting on draft legislation (as I had the privilege to do so in case of Hungary, Moldova, Georgia and Brazil), as well as offering training to authorities and NGOs. My long-term dream is to reach that nationality and statelessness are seen as a principally human rights issue, rather than an exclusive *domaine réservé* of state sovereignty, allowing authorities to basically do whatever they want. Nationality will always remain intimately linked to identity, culture and history, and as such, will remain highly – and understandably – sensitive. Yet, the right to a nationality is a basic human right, ensuring it is a moral and legal obligation, not an act of grace, and if I can, through my work, contribute to a better understanding of this principle worldwide, I will be pleased.

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