

# STATELESSNESS: MONTHLY BULLETIN

May 2016

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A day in the life of... Mustafa Mahmoud Yousif, Programme director at Namati.

"When I see a paralegal who is well trained on the law telling a client on his or her rights, that is empowerment but the overall satisfaction is when I see one client assisting another to apply for documentation. That makes me the happiest man on earth."

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

## **Events in Geneva this June**

This June, a variety of statelessness related meetings and events take place in Geneva, at and on the margins of the UNHCR NGO Consultations and UNHCR Human Rights Council Session:

Statelessness Food for Thought Session at the 2016 UNHCR NGO Consultations (16 June, 13.00-14.30, Room 5, CICG): The theme of this year's <u>UNHCR NGO Consultations</u> (Geneva 15-17 June) is Youth, and the <u>Statelessness Food for Thought Session</u> will be focussed around questions posed directly to UNHCR and NGOs, by stateless children and youth from around the world. Questions fall under the themes, **Questions about my past, Questions about my present** & **Questions about my future.** If you work with stateless children or youth and would like to submit their questions, **please submit through email by 3 June 2016**.

<u>Publication launch event</u> (UNHCR HQ Geneva, 94 Rue de Montbrillant, Room MBT04. 17.00 – 18.30, followed by a reception): The <u>Institute on Statelessness and Inclusion</u> (ISI) and <u>Lawyers for Human Rights (LHR)</u> invite you to attend the launch of two new publications:

- Addressing the right to a nationality and the rights of stateless children through the Committee on the Rights of the Child: A Toolkit for civil society (published by ISI)
- Childhood statelessness in South Africa (published by LHR and ISI)

Registration by email required.



<u>Side Event on the Right to a Nationality</u>: Women's Equal Nationality Rights in Law and Practice at the 32<sup>th</sup> Session of the Human Rights Council (date and time to be confirmed). This Side Event aims to increase support for and concrete action to realise the goals set forth in the new draft HRC resolution on women's equal nationality rights in law and practice. For updates, visit <u>equalnationalityrights.org</u>.

<u>UNHCR and NGO Strategic Planning Meetings on Statelessness</u>: ISI and Open Society Justice Initiative are organising the first Global NGO Strategic Planning Meeting on Statelessness on 18 June (*by invitation only*). UNHCR's annual statelessness retreat with NGOs will be on 19 – 20 June (*also by invitation only*).

# Statelessness in the UN Human Rights Framework

The 25<sup>th</sup> session of the Universal Periodic Review (UPR) took place from 2 – 13 May 2016. The Institute on Statelessness and Inclusion has put together an overview and analysis of the recommendations that were made during this session to the countries under review on the basis of the draft reports adopted by the UPR Working Group, which can be accessed via UPR-Info. A total of 14 recommendations relating to statelessness and/or the right to nationality were made. Six of the 14 countries reviewed at this session received at least one recommendation on these issues. Swaziland received the highest number of recommendations (seven), followed by Greece which received three relevant recommendations. Recommendations were made by 11 States from four of the five regional groups. Ghana, Honduras and Panama were the most active in making recommendations on statelessness/nationality during this session. The topics relating to statelessness raised at this session were: Gender discrimination in nationality laws; ratification of the Statelessness Conventions; detention of stateless persons; and restoration of nationality lost as a result of discriminatory provisions in nationality law. You can access the full overview and analysis document of nationality/statelessness recommendations during UPR25 here.

### Upcoming opportunities for engagement by civil society with the UN Human Rights framework:

- 30 June: Deadline of the <u>call for comments</u> for the CRC Draft General Comment on the implementation of the rights of the child during adolescence.
- July: Last opportunity for <u>civil society to submit information</u> to the Committee on the Rights of the Child for its 75<sup>th</sup> session, when Bhutan, Cameroon, Lebanon, Mongolia and Romania will come under review.

16 May – 3 June	Committee on the Rights of the Child 72 <sup>nd</sup> Session
3 June	
6 June –	Committee on the Rights of the Child 74 <sup>th</sup>
10 June	pre-sessional meeting
13 June –	UN Human Rights Council 32 <sup>nd</sup> Session
1 July	
20 June –	Human Rights Committee 117 <sup>th</sup> Session
15 July	-

# What's new: Publications, Tools & Resources

Annual Activity Report 2015 by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe: In his annual activity report the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, discusses the Commissioner's main activities and observations of concern in 2015. This year's report includes discussions on statelessness as part of the Commissioner's country visits as well as one of the highlighted thematic activities.

Statelessness and Child Marriage as Intersectional Phenomena: Instability, Inequality, and the Role of the International Community: California Law Review published this article written by Sheila Menz which ponders the relationships between statelessness and child marriages. Menz considers two discriminatory regimes which interact and compound upon themselves maintaining cycles of statelessness and gender inequality from one generation onto the next.

<u>Human Rights and Democracy: The 2015 Foreign and Commonwealth Office Report</u>: The Foreign and Commonwealth Office Report discusses human rights as part of the UK's foreign policy on the basis of three broad themes. Statelessness is briefly included, such as with the Rohingya and the deprivation of nationality from human rights activists in Bahrain.

No One Will Notice: Stateless and Detention: This short multimedia video is part of Greg Constantine's Nowhere People project and shows the impact of detention on the lives of stateless people throughout Europe. The video was made in collaboration with member organisation of the International Detention Coalition and the European Network on Statelessness.

<u>The Boy</u>: Amal DeChickera wrote a poem as a blogpost for the European Network on Statelessness highlighting the role of belonging and exclusion in statelessness situations: "We need a status. We must show he does not belong. He has no claim. We need to show him. We need to show us. Migrant. Illegal. Refugee. Stateless. Displaced. Criminal. Any combination would do."

Ending Childhood Statelessness: A Comparative Study of Safeguards to Ensure the Right to a Nationality for Children born in Europe: This European Network on Statelessness Working Paper, written by Ileen Verbeek from the Institute on Statelessness and Inclusion, explores the situation of the juridical safeguards in place across Europe to protect children born in that region from statelessness. Full safeguards require States to ensure the acquisition of nationality by otherwise stateless children born in their territory according to the rules set out in article 1 of the 1961 Convention on the Reduction of statelessness and article 6(2) of the 1997 European Convention on Nationality.

<u>Podcast: Statelessness as a Human Rights Issue: A Concept Whose Time Has Come?</u>: As part of Kaldor Centre celebrations of the scholarship of Professor Guy S. Goodwin-Gill, Michelle Foster discusses statelessness as a human rights issue in this podcast.

<u>Statelessness in the Americas - State of the Art:</u> The Americas Network on Nationality (Red ANA) uploaded this video on the current status of statelessness in the Americas. A mix of country- and region-specific information paints a picture of the statelessness situation in the Americas. The video is also available in <u>Spanish</u>.

<u>Statelessness Conventions and Japanese Laws: Convergence and Divergence</u>: Japan is not a signatory to the international Statelessness Conventions, nor is there a definition of a stateless person in Japanese law. Professor Osamu Arakaki wrote this UNHCR report based on analyses of the position of statelessness legislation and jurisprudence in Japan relative to the international Statelessness Conventions.

<u>Conceiving Citizenship and Statelessness in the Middle East and Sweden: The Experiences of Kurdish Migrants in Sweden:</u> Barzoo Eliassi in this chapter of the book 'Citizenship, Belonging and Nation-States in the Twenty-First Century' discusses the processes of ethnic inclusion and exclusion in Middle Eastern and Western European multi-ethnic societies.

<u>Justice and Identity in Kibera: Paralegals helping Kenyan Nubians obtain Citizenship</u>: This Namati report, written by Paul McCann, features a compilation of personal stories from Kibera: Nairobi's largest informal settlement. Nubian Kenyan paralegals help to empower their community to confront the discrimination and corruption that deprives them of their identity rights.

<u>Legal Identity and the Global Goals</u>: This report by Open Society Foundations considers goal 16.9 of the United Nations global goals for sustainable development. This goal calls for States to provide legal identity, including birth registration, for all by 2030. Drawing on recent research conducted in Kenya this report discusses how progress towards that goal can be most accurately and effectively measured.

#### Other resources from the past month:

- <u>Eliminating Statelessness in Southeast Asia</u>: Michael Caster discusses the role of ASEAN in addressing the plight of statelessness in Southeast Asia.
- <u>Denaturalisation: A brief (French) History:</u> Marie Beauchamps provides a brief history of the controversial subject of denaturalisation of persons considered to be a fundamental threat to the nation.
- <u>Statelessness as Forced Displacement</u>: Kristy Belton in this piece deliberates on the nexus between statelessness and forced displacement, stating that stateless persons are displaced from formal belonging as well as from human rights support.
- 'No Muslims Allowed': How Nationalism is Rising in Aung San Suu Kyi's Myanmar: The Guardian featured an article, written by Poppy McPherson, about growing concerns regarding Buddhist extremism in discrimination against other religion minorities and their exclusion from nationality, most profoundly reflected in the situation of the Rohingya.

## **Announcements & events**

<u>Funding Opportunity: NGO Programs benefiting individuals at risk of statelessness in the Dominican Republic:</u> For activities that primarily support people who are stateless or at risk of statelessness in the Dominican Republic. Full information and instructions for submitting a proposal available on the website. **Deadline for submissions is 6 June 2016**.

<u>Conference: Precarious Citizenship: Young People who are Undocumented, Separated and Settled in the UK</u>: On June 1, Birbeck University of London will host a one-day conference on the impact of precarious citizenship on separated youth as they live and transition to adulthood in the UK. The event is free and open to all.

<u>African churches commit to working for the elimination of statelessness</u>: A regional workshop organised by the World Council of Churches (WCC) on birth registration and gender discrimination in nationality laws in Africa included the commitment of African churches to use advocacy and action towards abolishing statelessness.

Statelessness Working Paper Series: The second edition of the Institute on Statelessness and Inclusion's Statelessness Working Paper Series will be published in June. 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. The <a href="style-guide-for-authors-is-now available-online-here">style-guide-for-authors-is-now available-online-here</a>. Deadline for submissions to the third cycle of working papers: 15 September 2016. Please email <a href="majorage-papers@institutesi.org">papers@institutesi.org</a>.

## **Popular on Twitter this Month**

Index on Censorship @IndexCensorship May 27 #Bahrain: critics still face twin threat of statelessness and deportation http://bit.ly/1SBYsVP

**RFE/RL** @RFERL May 28 This is Conifa, a soccer league made up of autonomous regions, stateless peoples, and others outsiders: amp.twimg.com/v/ba9be42c-f44...

**Dunker Punks Podcast** @DunkerPunksPod May 20 I can't image feeling so unwelcome in the country I thought was home. http://bit.ly/DPP\_Episode6 #Statelessness

**Dalia Ghanem-Yazbeck** @DaliaGhanemYazb May 17 Crazy story!How #Kuwait plan to give kuwaits stateless people citizenship of the poor african island of #Comores goo.gl/gMAJwu

elvia p-w @3LVVIA May 17 when did stateless/refugee become one of ryanair's country options? pic.twitter.com/82L5ddBFAZ

# A day in the life of...

## **Mustafa Mahmoud Yousif**

## Program Officer at Namati, a legal empowerment organisation

#### How did you get involved in working on statelessness?

I come from an ethnic minority community called the Nubians in one of the most famous slums in the world "Kibera" the original name is Kibra which means a thicket. We are subjected to extreme marginalisation like vetting to prove we are Kenyans. In 2012 I applied for my passport with an urgency to travel for an exchange program and was denied with the official requesting me to bring my mother to appear in person to ascertain she is my biological mother. I swore an affidavit to support my application among other painful processes that made me bitter and gave up on the process. This inspired me to join the movement to push



for equal treatment of the Nubian community. The Nubian minor's decision influence me and my colleagues to start a paralegal project to assist the community in application process and the main aim addressing the in equality that puts the community at risk of statelessness.

#### Can you give us a short description of the type of work you do and what statelessness activities you are involved in?

I work with Namati a legal empowerment organisation that seeks to empower communities by putting the laws in their hands and push for policy change. The organisation partners with paralegal project like the Nubian rights forum in Kenya that helps the community in the application of documents as well as gather evidence of discrimination for policy change. Namati, NRF and OSJI last year through the paralegal database wrote to the African committee of experts on the welfare of the child on the implementation of the Nubian minor's decision.

Namati works with the grass root organizations in two countries, Kenya and Bangladesh, to empower these communities on their rights and also assisting them with the process. In Bangladesh we work with the council of minority to empower them on the court ruling on the rights of the Urdu speaking community to the full implementation of the ruling and also participate in policy formulation. In Kenya we work with Nubian rights forum, Wajir Human rights network and Haki center to assist marginalized communities who are at risk of statelessness.

#### What do you most enjoy about this work and what do you hope to accomplish?

I enjoy the feeling of transferring knowledge, to me that is empowerment. When I see a paralegal who is well trained on the law telling a client on his or her rights, that is empowerment but the overall satisfaction is when I see one client assisting another to apply for documentation. That makes me the happiest man on earth. I pray to see paralegal projects working on statelessness and general paralegal work become self-sustaining financially instead of depending on donor funding while at the same time I pray that before I meet my creator, all communities am working with their nationality issues are addressed.

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

Lack of commitment from communities who face discrimination, nationality is seen as an individual's problem and this weakens advocacy. I believe in communities driving the wheels of change. Some clients also need a lot of push and this makes it hard for the paralegal to work. The other challenge is the administrators who interpret the laws to discriminate on communities.

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

I welcome everyone who has received this calling to work on statelessness. There are ups and downs but as long as you let the community take the driver's seat then the work will be smooth. Let your goal be to empower the community and not to work for the community.

Contribute to the Statelessness Monthly Bulletin via <a href="news@InstituteSI.org">news@InstituteSI.org</a> or visit <a href="www.InstituteSI.org">www.InstituteSI.org</a>