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**A day in the life of...** Juliana Vengoechea Barrios, Aryeh Neier Fellow with [Open Society Justice Initiative](#) / Visiting Fellow with the Institute on Statelessness and Inclusion.

*"Getting to collaborate closely with a far reaching yet small global network of practitioners, civil society organizations and researchers, in which there is a strong sense of community, is fantastic."*

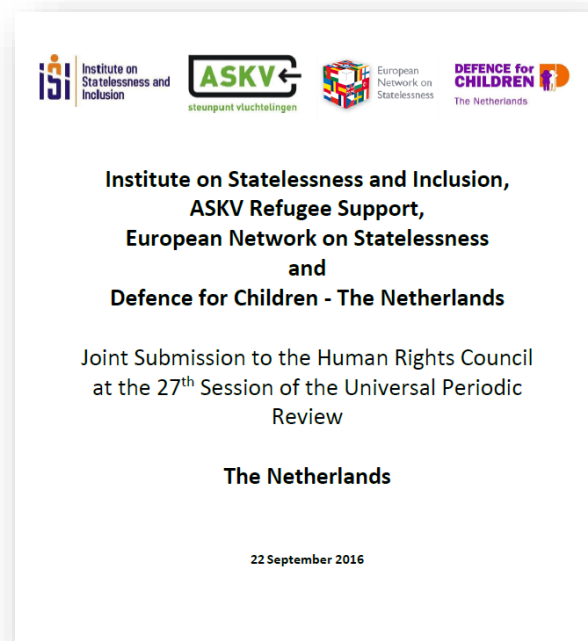
**Read the full interview in this month's "A day in the life of..." at the bottom of this bulletin.**

### Upcoming Sessions of the Universal Periodic Review

The UN Human Rights Council will meet in Geneva for the [26<sup>th</sup> session of the Universal Periodic Review \(UPR\) from 31 October – 11 November](#), with the [pre-sessions](#) scheduled for 5-7 October. The countries under review during UPR26: Haiti, Iceland, Lithuania, Moldova, South Sudan, Syria, Timor-Leste, Togo, Uganda, Venezuela and Zimbabwe. Several of these countries are known to face considerable challenges in respect of statelessness and the right to nationality. A particular issue which has tremendous implications in the current context of conflict and large-scale displacement is the gender discrimination present in Syria's nationality law. To learn more, you can access the joint submission by the Institute and the Global Campaign for Equal Nationality Rights on this issue [here](#).

The upcoming UPR session is also the last in the second cycle, which means that once it has taken place, all UN member states will have completed two review processes. The third UPR cycle will commence in 2017, with the first session (UPR27) taking place in May and involving the following countries: Algeria, Bahrain, Brazil, Ecuador, Finland, India, Indonesia, Morocco, the Netherlands, the Philippines, Poland, South Africa, Tunisia and the United Kingdom. The deadline for stakeholder submissions has now passed, but the Institute has collaborated with national and international civil society partners in four submissions that raise statelessness and nationality issues ahead of this session: for [Bahrain](#), [the Netherlands](#), [South Africa](#) and the [United Kingdom](#).

Statelessness issues are steadily attracting increased attention from human rights bodies, including within the UPR process. Continuing and strengthening efforts to raise concerns relating to the right to nationality and the human rights treatment of statelessness persons will be important as the UPR progresses through its third cycle.



The **deadlines for stakeholder submissions** can be accessed [by session here](#); or [by country here](#). If you are interested as a civil society organisation in submitting information to the UPR about this issue in one of the upcoming sessions and would like some technical support or to pursue the possibility of partnership on a submission, please reach out to the Institute at any time via [info@institutesi.org](mailto:info@institutesi.org).

## Further Human Rights Calendar

Further upcoming opportunities to engage with human rights mechanisms besides the already listed opportunities under the Universal Periodic Review, include:

Between **3-7 October** 2016 the [Committee on the Rights of the Child will hold its 75th pre-session](#). It will be discussing 4 countries: Bhutan, Cameroon, Lebanon, Mongolia, and Romania.

**1 November 2016 is the deadline** to make submissions for the [76th pre-sessional working group of the Committee on the Rights of the Child](#). The states parties' reports of the Democratic People's Republic of Korea, Denmark, Ecuador, Republic of Moldova, Tajikistan and Vanuatu will be considered under this session.

From **21-22 November** 2016 there will be the [1st Session of the Forum on Human Rights, Democracy and the Rule of Law](#) with the theme of "Widening the Democratic Space: the role of youth in public decision-making". This could be an opportunity to raise issues relevant to statelessness such as the exclusion of stateless and undocumented youth from public decision making.

[The Forum on Minority Issues](#) will be held **24-25 November** 2016, on "Minorities in situations of humanitarian crises". There may be the opportunity to alert the Forum on the relevance and importance of statelessness. Registration for the Forum is now possible via the website.

## South African Court clears the way for citizenship

On 6 September the Supreme Court of Appeal in South Africa cleared the way to nationality for stateless children born in the country and with foreign national parents by confirming the order of the High Court of Pretoria in a landmark [ruling that offered](#) the South African authorities and the Department of Home Affairs to make regulations for stateless children born in the country to apply for citizenship. The case involved eight-year-old Danielle, who spent half of her life fighting to become a citizen.

Daniella was born in Capetown, to Cuban citizen parents who had come abroad to work in South Africa on a special work permit. After Daniella's unexpected birth, she could not acquire Cuban citizenship, because unknowing to the parents up until that moment, Cuba considers everyone who works outside of Cuba for more than eleven months to be 'permanent immigrants'. As 'permanent immigrants', Daniella's parents could not confer their Cuban nationality onto their daughter, since she was born outside Cuba. They could also not go to Cuba and try to get residence in Cuba – a criterion for another way in which Daniella would be eligible to get Cuban nationality – since the embassy in Johannesburg told them this was also impossible. Daniella got stuck in limbo regarding the acquisition of Cuban citizenship.

Sadly, Daniella could not get South African citizenship either. South African nationality is generally passed by descent, *jus sanguinis*, and her parents are not South African citizens. Still, in line with principles of international law, South Africa had adopted in 1994 the principle of granting at birth citizenship to children born in the country who would otherwise be stateless. When Daniella applied for South African citizenship in line with the relevant 'otherwise stateless' provision ([section 2\(2\) of the Citizenship Act](#)) she was denied citizenship still. In the years that followed, the 'otherwise stateless' provision proved to be completely non-implemented and Daniella was denied citizenship on the basis of a range of reasons (she was once told that the section was not implemented because "too many people would apply for citizenship" and the notion that permanent residence gave her equal protection as citizenship would, [Liesl Muller, ENS blog](#)).

It was not until 6 September 2016, after an application in the High Court by Lawyers for Human Rights (LHR, an NGO working to address statelessness in South Africa), that South Africa needs to implement its legal provision to prevent South African nationality for children born in the country otherwise stateless. And while Daniella shall be registered as South African within a month, the case potentially affects hundreds, if not thousands, of children ([Karen Allen, BBC live reporting on Court says 'stateless' child in South Africa can get citizenship](#)).

Daniella's story was already featured in this [video](#) from Lawyers on Human Rights. LHR has furthermore launched a petition to [help end childhood statelessness in South Africa](#) which is open for signatures. They have also published a concise and very useful booklet on [Childhood statelessness in South Africa](#), and together with the Institute on Statelessness and Inclusion made a [joint submission to the UPR](#) focusing on issues such as issues relating to statelessness, including the right of children to acquire and retain South African nationality, in particularly where they would otherwise be stateless.

## What's new: Publications, tools and resources

**[The Invisible among Us](#)**: This book talks about what living without a nationality means in an accessible way, by engaging in the plight and prospects of stateless persons. It was edited by Semegnish Asfaw from the World Council of Churches.

**[Interview with Gerard-René de Groot - Professor of Comparative Law and Private International Law at Maastricht University](#)**: The European Network on Statelessness interviewed Professor Gerard-René de Groot on the account of his farewell seminar and valedictory lecture upon his retirement from Maastricht University. Professor de Groot is well-known for his extensive research into amongst other issues nationality, citizenship and statelessness.

**[Number of Stateless Persons in the Netherlands increases](#)**: Dutch newspaper *Trouw* featured an article on statelessness in the Netherlands reporting that over the past 3 years the number of stateless persons in the Netherlands has increased from an estimated 2000 persons to around 5000 persons without nationality. The newspaper also published a comprehensive annex 'De man die niet bestond' ('*The man who did not exist*') on the basis of [Gerard van Leeuwen's book 'Staatloos' \('Stateless'\)](#). The book covers the life of Kamal Kojadin who lived stateless and without identity document for 65 years of his life. At the moment the book has only been written in Dutch, but an English language translation is coming!

**[In Search of Solutions: Addressing Statelessness in the Middle East and North Africa](#)**: UNHCR published this report on statelessness in the MENA region, with a big focus on the situation in Syria.

**[How International Law Impacts on Statelessness and Citizenship: The Case of Kurdish Nationalism, Conflict and Peace](#)**: Latif Tas wrote an article on understanding statelessness by arguing for a new approach. He explores the limits of international laws on statelessness and the relationships between statelessness, diaspora and nationalism, with a focus on how this applies to Kurds.

**[Statelessness in Libya Before and After the Fall of Qadhafi](#)**: The Master thesis of Niall McGlynn looks at the concept of statelessness and how it has developed in Libya, particularly during and after the rule of Muammar al-Qadhafi.

**[Why Union Law Can and Should Protect Stateless Persons](#)**: Maarten den Heijer and Katja Swider, both from the University of Amsterdam, in this contribution substantially argue that the European Union can and should establish a legal framework for the identification and protection of stateless persons who reside in one of the Member States.

**[Persons at Risk of Statelessness in Serbia: Progress Report 2010-2015](#)**: This UNHCR report, written by Slobodan Cvejić, reports data on different dimensions of statelessness among Roma, Ashkali and Egyptians (RAE) in Serbia. The report gives information about the number of persons at risk of statelessness, where such persons predominantly reside, assess to socio-demographic characteristics for these persons and creates insight into the causes of lack of personal documents.

**[NHRI Chile delivers results for the detection of cases of persons at risk of statelessness](#)**: Chile agreed to rectify as soon as possible the registration of people identified in two cities, Antofagasta and Calama, who had been denied Chilean nationality at the time of their birth, therefore being registered as children of foreigners in transit. The agreement is the result of a collaborative and inter-institutional work in the two cities by the Chilean NHRI, Diego Portales University Human Rights Center, the Alberto Hurtado University Migrants Clinic, and the Jesuit Migrant Service who submitted this information on 29 August 2016 to the Chilean Aliens and Migration Department and the Director of the Chilean National Civil Registry (Spanish).

**[Radiolab: The Girl who doesn't Exist](#)**: We meet a young woman from Texas in this podcast, Alecia Faith Pennington, who both by chance and by design is completely invisible in the eyes of the state. She was born at home, home schooled, and never visited a dentist or a hospital. The podcast follows Faith as she struggles to free herself from one restrictive world only to find herself trapped in another while she tries to prove her American citizenship.

**[Identification in the context of forced displacement: Identification for development \(ID4D\)](#)**: This report from the World Bank, written by Bronwen Manby, considers issues relating to (the lack of) identification in the context of forced displacement. One example of the difficulties with lack of identify documents is the risk of statelessness for children in accessing birth registration and the possibility that certain rules and practices preventing them from acquiring nationality.

**And also:**

- **[The Nansen Passport - Time to Revive a Realistic Utopia](#)**: Stefan Wallascheck sets out the pros and cons of a modern version of the Nansen passport.
- **[Former Country Director of NGO Stateless](#)**: Anudo Ochieng' Anudo is stranded at the Tanzania-Kenya boarder. While Tanzania maintains he is a foreigner, Kenya says they also have no records to prove Mr Anudo to be a citizen.
- **[Adamawa region of Nigeria ranks least in birth registration](#)**: In anticipation of the one-week massive birth registration flag-off in Adamawa region, Nigeria, the National Population Commission together with UNICEF/EU listed Adamawa State as the least in birth registration in the North-East.

## What's new: Law and policy

**Guinea-Bissau newest state party to both UN statelessness conventions**: On the 19<sup>th</sup> of September 2016, Guinea-Bissau became the newest state party to both [the 1954 Convention relating to the Status of Stateless Persons \(bringing the number of state parties to 89\)](#) and [the 1961 Convention on the Reduction of Statelessness \(bringing the number of state parties to 68\)](#). This is the third country to accede to both conventions in 2016, the other two being Sierra Leone and Mali. West Africa is forging a strong path towards universal ratification of both conventions in the region!

**Netherlands to introduce statelessness determination procedure**: The Minister of Justice in the Netherlands has prepared a draft law which, if adopted, would establish a statelessness determination procedure in the country. The [draft law](#) was made [available for public consultation online](#) at the end of September and any interested party can respond to its content until 28 November, after which time it enters the next stage of the law-making process. If adopted by parliament in its current form, the draft law would empower the Court of the Hague to make statelessness determinations upon application, but the establishment of an individual's statelessness would not form grounds for the issuance of a residence permit (unlike in other countries with existing procedures). The law therefore only forms a partial answer to the concerns about the Netherlands policy towards stateless persons which were expressed by [UNHCR in 2011](#), the [Advisory Council of Migration Affairs in 2013](#) and have continuously been raised by lawyers, academics and civil society organisations in the country. While the draft law has only been made available in Dutch, if you have an interest in (responding to) its content, please get in touch with the Institute ([info@institutesi.org](mailto:info@institutesi.org)) and we would be happy to share further information in collaboration with our Dutch civil society partners.

## Have you asked Europe's leaders to end childhood statelessness?

For those of you who have not yet signed the European Network on Statelessness petition at [www.statelesskids.eu](http://www.statelesskids.eu), please still do so! The petition calls on European states to end childhood statelessness and the first batch of petition signatures has already been handed over to a group of Members of European Parliament, at a public event on 13 July 2016. You can still sign the petition and please do so, because no child should be stateless.

## Popular on Twitter this month

**Statelessness Europe** @ENStatelessness Sep 22 @AsylumAid

3 recommendations for UK statelessness procedure 1. Better decisions 2. Faster decisions 3. Legal Aid <http://bit.ly/2cTpcWW>

**Preventive Action** @CFR\_CPA Sep 21

Learn all about the #Rohingya statelessness conflict in #Myanmar <http://on.cfr.org/1OoGG6c>

**Robin Guittard** @Aboboudial Sep 21

Ready to deliver our 54,000 signatures to the #DomRep authorities for an end to statelessness crisis!

**Bronwen Manby** @BronwenManby Sep 18

2nd generation Canadians born abroad 1977-81 lose citizenship if don't apply to retain - risk of #statelessness <http://fw.to/OA5LmCF>

**HumanitarianWayGroup** @HumanitarianWay Sep 14

Nigeria: UN, Cso Launch Project Against Statelessness <https://t.co/hTPqMqMUbz>

**Michael Caster** @michaelcaster Sep 7 RT for #ASEANSummit:

'Eliminating #Statelessness in Southeast Asia' by me. On the need for a #childrights approach. [http://thediplomat.com/2016/05/eliminating-statelessness-in-southeast-asia/...](http://thediplomat.com/2016/05/eliminating-statelessness-in-southeast-asia/)

## A day in the life of...



**Juliana Vengoechea Barrios,**  
**Aryeh Neier Fellow with [Open Society Justice Initiative](#) / Visiting Fellow with the Institute on Statelessness and Inclusion**

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

I first came across with the issue of statelessness while working for the Caribbean Unit at UNHCR's D.C Office. My supervisor was the first to put the issue of statelessness on my radar. After my surprise and interest I was given an assignment to research the nationality legal frameworks of the Dominican Republic and the Bahamas. I only revisited the topic when I started teaching law in Colombia, broadly teaching about statelessness around the world, not specifically focused on a region or country. It was a topic that seemed to strike a particular interest in students, partly because it is a fascinating topic, but I am guessing also because I taught it with such interest and passion. I then decided to include

statelessness within my own research agenda, first proposing it as a SJD dissertation topic, and then becoming the core issue for my fellowship proposal at OSJI.

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

For the past two years I have been carrying out a fellowship with the Citizenship and Inclusion team of the Open Society Justice initiative; supporting OSJI's work on the right to nationality and during my second year of the fellowship I've also collaborated closely with the Institute on Statelessness and Inclusion as a visiting fellow. My work has been predominantly focused on researching statelessness to support litigation and advocacy efforts in favor of the right to nationality, the prevention of statelessness and the right to documentation of identity.

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

For the past decade OSJI has devoted significant resources and efforts to protect the right to citizenship, given it is a prerequisite for the enjoyment and effective realization of almost all other protected rights; advocating for the rights of stateless populations across the globe. By documenting the plight of stateless people in the world, through official reports and documentary photography, partnering with local advocates to bring lawsuits challenging citizenship discrimination, supporting and developing paralegal projects focused on documentation of identity, and advocating for change before international bodies such as the United Nations, the African Union, and the Inter-American Human Rights System.

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

I have devoted a substantial portion of my fellowship to develop my own research project, a comparative study of State practice in the implementation of nationality laws in the Americas, specifically looking into Brazil, Chile and Colombia. Through my research I was able to identify good practices, populations at risk and case studies; as well as concrete challenges that countries in the Americas face in fully guaranteeing the right to nationality to all the populations born in their territories. Partnering with local stakeholders, researchers, and activists across the world, shaped the research and the reporting of its outcomes in a way that I believe is relevant beyond the region, and hopefully inspires others to look closely into State practice.

### **What do you most enjoy about this work?**

On my day to day activities I rarely get to work directly with stateless populations, which often times is the most rewarding aspect of working on human rights, closely engaging with the communities. Notwithstanding, getting to collaborate closely with a far reaching yet small global network of practitioners, civil society organizations and researchers, in which there is a strong sense of community, is fantastic. I'm continuously impressed by the strong commitment and level of expertise of the people I have met that work on these issues. It is truly inspiring.

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

When you work on statelessness many times you need to start a conversation with interlocutors that have no baseline understanding of what statelessness is, how it occurs and how it is relevant, not only at a large scale but to that person, in that moment, within the framework of that specific conversation, meeting, briefing etc. As awareness towards statelessness keeps increasing, this seems to be less prevalent, and the work is changing and taking new paths, but I still find this to be the most time consuming and challenging part of the work. "Pitching" the issue, of statelessness to policy makers, judges, and civil society stakeholders to then move towards more concrete actions, remains to be the first big step, which is rarely easy.

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

As a lawyer I've found it is essential to engage in work with people across different fields and regions. So my advice to anyone working on statelessness is to invest time and energy on building strong partnerships with people from different fields, such as sociologists, social workers, anthropologists, historians, economists, etc., who work on closely related issues. It will keep your work current, relevant and hopefully, well balanced.

### **What do you hope to accomplish through your work?**

I hope my research and work across different projects helps change the narrative beyond the numbers and the good vs. bad law discourse. I often worry that human rights work, and specifically advocacy in favour of stateless populations and the prevention of statelessness is over-reliant on the shock value that a big number creates, and likewise, that legal reform is seen as the be all end all. I believe as advocates we are responsible to change the conversation and push for this change. Statelessness is a problem of great importance because it places persons in an immense disadvantage in the enjoyment and exercise of other rights and has long lasting effects in the life of a person; rather than this is a large problem and as such is important and requires attention.

**Contribute to the Statelessness Monthly Bulletin via**  
**[news@InstituteSI.org](mailto:news@InstituteSI.org) or visit [www.InstituteSI.org](http://www.InstituteSI.org)**