



### Contents

- Rohingya persecution and humanitarian crisis
- Norway strengthens legal framework to protect children from statelessness
- Update from the Universal Periodic Review
- Exciting week-long programme on statelessness for academics next June
- What's new: Law and policy
- Announcements and events
- What's new: Publications, tools and resources
- A day in the life of...

### ***A day in the life of...*** Laura Parker, Protection Officer (statelessness), UNHCR Côte d'Ivoire

*"You should be prepared for the long-haul: bringing about change can take a very long time. Advocating for legal reform must be sustained over years. Take inspiration and motivation from successes that do happen eventually, such as the Makonde march and subsequent citizenship registration drive in Kenya. This was the culmination of a long campaign on many fronts by many actors, and proves that such efforts can pay off."*

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

## Rohingya persecution and humanitarian crisis

Following attacks on 9 October on three border posts in Myanmar's North Rakhine State during which nine Myanmar border police officers were killed, the state has mounted a sustained, indiscriminate and disproportionate programme of collective punishment of Rohingya in North Rakhine State. Allegations of a range of gross human rights violations carried out by the Myanmar army, including arbitrary arrests and torture, the displacement of over 30,000 persons, indiscriminate killings and rapes of women and the destruction by fire of entire villages, have been met by denial from the Myanmar government. The state has proceeded to block all access to humanitarian aid (including existing programmes) and bar independent human rights monitors and reporters from entering the area. As a result of the obstruction of humanitarian aid, the region faces yet another humanitarian crisis, with 140,000 people being denied the aid they need, over 3,000 children facing life-threatening acute malnutrition and over 3,000 having fled to Bangladesh, which has closed its border. Meanwhile, Myanmar's state run media has referred to Rohingya as 'terrorists' a 'foreign threat' and most disturbingly, as '[human fleas](#)'.

The situation in Myanmar has been described as amounting to ethnic cleansing, by UNHCR Bangladesh, and as genocide by the International State Crime Initiative of Queen Mary University of London. Meanwhile, A new report by Refugees International - [Still Adrift: Failure to Protect Rohingya in Malaysia and Thailand](#) – highlights the human rights challenges faced by Rohingya in these countries.

### Further reading:

Amnesty International: [Myanmar: Safety concern for people in North Rakhine](#)

Amnesty International: [Bangladesh pushes back Rohingya refugees amid collective punishment in Myanmar](#)

Asia Pacific Refugee Rights Network (APRRN): [Allow safe passage to Bangladesh for persecuted Rohingya](#)

Human Rights Watch: [Burma: New wave of destruction in Rohingya villages](#)

International State Crime Initiative: [Aung San Suu Kyi is legitimising genocide in Myanmar and has entrenched the persecution of Rohingya Muslims, warn state crime academics](#)

Overseas Development Institute: ["Turning a blind eye". The policy response to Rohingya refugees in Malaysia.](#)

## Norway strengthens legal framework to protect children from statelessness

The Norwegian Ministry of Justice and Public Security has issued a new instruction to the immigration authorities to align their practice with Norway's international obligations – taking an important step towards ensuring that no child born in Norway remains stateless. According to the instruction, the requirement of lawful residence is no longer to be applied in cases concerning persons born stateless in Norway, aligning the Norwegian practice with the limits set by the 1961 Convention. Factual, stable residence of three years is enough for persons covered by the Convention to acquire Norwegian nationality. This positive step follows advocacy efforts made by the UNHCR and the Norwegian organization for Asylum Seekers (NOAS), with support provided by the European Network on Statelessness and using the [tools](#) developed by the Institute on Statelessness and Inclusion. [Read more about the new instruction here.](#)

## Update from the Universal Periodic Review

The 26th session of the Universal Periodic Review took place from [31 October - 9 November 2016](#). The following states had their human rights record reviewed at the Human Rights Council: Haiti, Iceland, Lithuania, Moldova, South Sudan, Syria, Timor-Leste, Togo, Uganda, Venezuela and Zimbabwe. Ahead of the session, the Institute prepared a [2-page summary document](#) highlighting the nationality and statelessness issues that we identified in the countries under review. This [report on gender discrimination in nationality rights in Syria](#) was prepared by the Institute together with the Global Campaign for Equal Nationality Rights and submitted ahead of the 26th session. During the review, a total of 13 recommendations relating to statelessness and/or the right to nationality were made. Six of the 11 countries reviewed at this session received at least one recommendation on these issues. Haiti received the highest number of recommendations (five), followed by Lithuania, Syria and Uganda which received two relevant recommendations each. Recommendations were made by 11 states from four of the five regional groups. Panama was the most active in making recommendations on statelessness/nationality during this session. The topics relating to statelessness raised at this session were the ratification of the Statelessness Conventions; gender discrimination in nationality laws; measure to address the situation of those at risk of statelessness; resolving existing cases of statelessness; and nationality law reform. [Read our summary analysis of the statelessness related recommendations during this UPR session here.](#)

With the 26th Session, the UPR has come to the end of the Second Cycle. Its Third Cycle will start in March next year, with Algeria, Bahrain, Brazil, Ecuador, Finland, India, Indonesia, Morocco, Netherlands, Philippines, Poland, South Africa, Tunisia and the United Kingdom under review. An interesting read in the meantime, about the good practices in UPR implementation, is UPR Info's [The Butterfly Effect: Spreading Good Practices of UPR Implementation](#).

## Exciting week-long programme on statelessness for academics next June

The Institute on Statelessness and Inclusion, in collaboration with NYU's Center for Global Affairs and Open Society Justice Initiative, is organising a [dedicated week-long programme on statelessness for early/mid-career academics](#). This specialised programme will take place from 5-9 June 2017 in New York city. It is designed to push participants to look beyond their immediate research focus and explore the bigger picture, to consider their own work through a new lens and to debate unresolved questions. It also offers a springboard for collaboration, including through pairing up participants to design a concrete writing project which they will deliver in partnership following the workshop. Only ten to twelve early/mid-career academics will be selected for participation by a panel of academics and practitioners. Application deadline **30 January 2017**.

## What's new: Law and policy

**[Statelessness Determination Procedure enters into force in Costa Rica](#)**: In Costa Rica, Executive Decree Number 39620-RE-G establishing the "Regulation for the declaration of the Stateless Person Condition" entered into force, making it the latest country to introduce a formal statelessness determination procedure. The Decree can be found [here \(Spanish\)](#) and a short English summary of the details of the procedure can be found [here](#).

**[Liberian Government Grants Nationality to Former Liberian Refugees at Risk of Statelessness](#)**: After the conflict in Liberia ended, the Liberian Government carried out passport vetting missions to verify Liberian refugees who wished to locally integrate in their countries of current residency. Several hundred people were denied Liberian passports because they could not prove their nationality. Now, to prevent former Liberian refugees in West

Africa from becoming stateless, the Liberian government has been conducting re-assessment missions of those at risk of statelessness in countries where they have sought asylum. So far, 225 people have been re-documented as Liberian citizens through this process.

**[R \(Johnson\) v Secretary of State for the Home Department \[2016\]](#)**: In this judgment, the UK Supreme Court unanimously held that the deportation of R. as a “foreign criminal” who would have had British citizenship save for the marital status of his parents at birth had been a violation of ECHR Article 8 read in conjunction with Article 14, recalling the case of *Genovese v Malta* in asserting that the denial of citizenship significantly affects a person’s social identity.

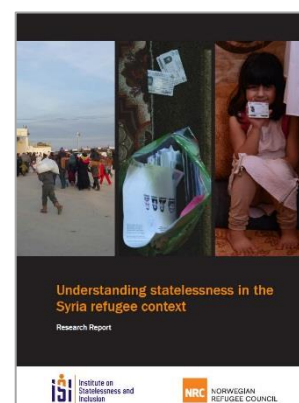
**[US Supreme Court considers gender bias in nationality law](#)**: On 9 November an oral argument took place at the US Supreme Court in the case of *Lynch v. Morales-Santana*, concerning the question whether the equal protection clause bars gender-based discrimination in US citizenship legislation. The amicus briefs as a whole were referenced by one of the justices against the Government’s faulty statelessness argument to justify the gender discrimination. In the blog, Professor Davis sets out the rather quick understanding of discrimination on the basis of gender by the justices and the interest in discussing the remedy for it ([Transcript of oral argument](#)).

**[Complaint lodged against the Netherlands before UN Human Rights Committee in case of stateless child](#)**: Six-year old Denny was born stateless in the Netherlands but has been unable to access Dutch nationality through the special safeguard in the country’s law because he has not been able to get his statelessness recognized by the authorities. After domestic courts found that there was indeed a gap in Dutch law and procedure, but failed to step in and facilitate Denny’s access to nationality, a complaint was lodged before the UN Human Rights Committee on 23 November 2016.

**[European Parliament and Council of Europe receive petition to end childhood statelessness in Europe](#)**: Influential actors from the Council of Europe, European Parliament and civil society gathered together on 22 November at an evening reception in Strasbourg to mark the [#StatelessKids campaign](#) led by the European Network on Statelessness (ENS). The [ENS petition](#) calling on European States to act to prevent children from growing up without a nationality was presented to the EU Parliament’s Petition’s Committee and the Parliamentary Assembly of the Council of Europe (PACE) on behalf of more than 22,000 signatories. Read more about what more needs to happen in the blog by MEP Jean Lambert and PACE member Manlio di Stefano [here](#).

## Announcements and events

**[Webinar on understanding statelessness in the Syria refugee context](#)**: What factors are complicating access to Syrian nationality and why is this a problem? Which children are most at risk of becoming stateless? What is the situation of refugees from Syria who were already stateless, prior to the conflict, and remain so in exile? How is the regional refugee response addressing these questions? What more could be done to mitigate the impact of statelessness on the refugees from Syria and protect the right of refugee children to Syrian nationality? Find out during this webinar offered by the Institute on Statelessness and Inclusion where the findings of a joint [report](#) with the Norwegian Refugee Council will be presented and the features of the accompanying online [toolkit](#) will be demonstrated. **The webinar is from 3.00 - 4.30pm CET on Monday 12 December.** To register, please write to [info@institutesi.org](mailto:info@institutesi.org).



**[Arnold & Blema Steinberg Post-Doctoral Fellowship in International Migration Law & Policy](#)**: For the 2017-2018 academic year the Steinberg Foundation makes possible a Post-Doctoral Fellowship at the Faculty of Law at McGill University in Montréal. The deadline for applications has been extended until **31 December 2016**.

**[Post-doc in Ethnography of borders and/or migration to work on ERC-funded project Processing Citizenship](#)**: The University of Twente is recruiting for a post-doc position on ‘Processing Citizenship’, investigating the information infrastructure for migrant registration at and across European borders, focusing on how citizenship, modernist institutions and territory are co-produced. Deadline for applications is **8 January 2017**.

**[Grand Union Doctoral Training Partnership: Excellence and innovation in social science research training](#)**: Grand Union Doctoral Partnerships offers fully funded PhDs on citizenship studies at the UK Open University. Deadline for applications is **20 January 2017**.

**2017 Statelessness Summer Course:** The annual statelessness summer course offered by the Institute on Statelessness and Inclusion and hosted by Tilburg University in the Netherlands will take place from 31 July – 4 August 2017. The online application process for the course will open in January, with the closing date for applications **15 April 2017**. Check the [website](#) for further details in the new year.

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

**[Understanding statelessness in the Syria refugee context – Research report & online toolkit:](#)** The Institute on Statelessness and Inclusion and the Norwegian Refugee Council have completed a joint 7-month project deliver and disseminate knowledge about both the risk of new cases of statelessness arising among Syrian refugees and their children and the particular vulnerabilities of stateless refugees from Syria, including looking at what is and can be done to address these problems. The [research report](#) and accompanying [online toolkit for refugee practitioners](#) was launched in the week of 21-25 November with events in London, the Hague and Oslo. The executive summary of the report is also available separately, in English and Arabic [here](#).

**[Access to Tazkera and Other Civil Documentation in Afghanistan:](#)** This report by Samuel Hall and the Norwegian Refugee Council concerns access to tazkera (identity document) and other civil documentation in Afghanistan. The report does not directly deal with the issue of statelessness, but highlights some of the difficulties that displaced Afghans face in accessing tazkera and the fact that displaced Afghan women often lack identity papers. Women are also at the center of the Southern Africa Development Community Parliamentary Forum (SADC PF) Women's Regional Caucus focus. In [Women Biggest Victims of Statelessness](#), the Forum urged its affiliate 14 member states to consider the issue of statelessness with a greater focus on gender. It currently impacts more on women and children, with examples of women "experience[ing] statelessness physically due to human trafficking, xenophobia, civil unrests and economic challenges" causing migration to other country in search for refugee status.

**[Protecting stateless persons from arbitrary detention in The United Kingdom and in Bulgaria:](#)** These reports by the European Network on Statelessness are the 4<sup>th</sup> and 5<sup>th</sup> in a [series of country reports and other resources](#) on the topic published by ENS, in partnership with national partners and with expert guidance from ISI.

**[Statelessness and Applications for Leave to Remain: A Best Practice Guide:](#)** This joint publication by Liverpool Law Clinic and the Immigration Law Practitioners' Association, of 3 November, equips legal practitioners with the tools they need to offer high quality legal representation to stateless persons and to implement the UK's procedure for granting statelessness leave to remain.

**[Collectif au Nom du Slam:](#)** The national Poetry Slam Championship of Côte d'Ivoire takes place throughout November and December 2016 and focuses this edition on the theme of statelessness.

**[WCC Webinar on the Global Campaign to End Statelessness:](#)** In the previous bulletin we included a webinar on statelessness hosted by the World Council of Churches to celebrate the second-year anniversary of the UNHCR #IBelong campaign. The webinar can now be found on [YouTube](#).

**[Human Mobility: Inter-American Standards:](#)** The Inter-American Commission on Human Rights published a new report on Legal Standards for People in the Context of Human Mobility, including important standards and guidelines concerning the protection of stateless persons in the Americas.

**[No port, no passport: Why submerged states can have no nationals:](#)** Forthcoming article by Heather Alexander and Jonathan Simon in the Washington International Law Journal, arguing that even if submerged states retain their legal statehood, territory is nevertheless necessary in order for a state to confer nationality in the sense of the 1954 Convention Relating to the Status of Stateless Persons: that is, for a state to consider someone a national under the operation of its law.

**[3.000 stateless persons in the Philippines get nationality:](#)** According to UNHCR, nearly 3.000 stateless people in the south of the Philippines have been granted either Philippine or Indonesian nationality during 2016. The formerly-stateless people are of Indonesian descent but have lived in the Philippines for generations.

**[Mapping Statelessness in Lithuania:](#)** This UNHCR report mapping statelessness in Lithuania provides an overview and analysis of the numbers and basic demographic profiles of stateless persons in the country.

**[Submission to the ACERWC on the AU's "Africa's Agenda for Children 2040":](#)** The SADC CRAI Network branch of the Citizenship Rights in Africa Initiative (CRAI) submitted this contribution to the African Committee of Experts on the Rights and Welfare of the Child on the "Africa's Agenda for Children 2040: Fostering an Africa Fit

for Children” of the African Union. The contribution focuses mainly on birth registration, nationality and statelessness (Aspiration no. 3 of the Agenda).

**[UNHCR Central Asia Reinforces Efforts Towards Eradicating Statelessness](#)**: Short report on the September 2016 two-days conference at which Central Asian countries participated in the first regional forum to exchange lessons learnt and practical ideas for the future concerning statelessness and the two UN Statelessness Conventions.

**[Human Rights Watch submission to the CRC Committee on Estonia](#)**: In advance of the 74<sup>th</sup> session of the UN Committee on the Rights of the Child, Human Rights Watch has submitted information on a number of issues, including on the persistent problem of child statelessness. Previously, ISI and ENS made a [joint submission](#) to the Committee, also focusing on the protection of the right of every child to a nationality and the prevention of childhood statelessness in Estonia. The review will take place in January/February 2017.

## A day in the life of...

### Laura Parker

#### Protection Officer (statelessness), UNHCR Côte d’Ivoire



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

I decided to write my Master’s thesis on the Rohingya situation, as it was in the news at the time and I was struck by the much-repeated statement that this was the most persecuted minority in the world. I wanted to understand why, and [whether the issue was really as intractable](#) as everyone said.

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

I plan and coordinate statelessness activities for UNHCR in Côte d’Ivoire, which is thought to have the second largest population of stateless persons and persons at risk of statelessness in the world. Nationality and identity issues were at the root of the conflict here, so addressing this is part of wider peace-building efforts. I work in a small team of four dedicated statelessness staff, with focal points in our field offices in Guiglo and Tabou in the West of the country as well.

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

In Côte d’Ivoire UNHCR works with two government and two civil society partners to prevent and reduce statelessness, and identify and protect stateless people and those at risk. We’ve supported the drafting of a National Action Plan to eradicate statelessness in the country by 2024, in line with the Global Campaign, and like other countries in the ECOWAS region, are now advocating for its adoption by the government. There are currently no legal solutions in place for stateless persons, including foundlings, and historic migrants and their descendants who have lost ties with their ancestors’ countries of origin yet who don’t fulfil the criteria for Ivorian nationality, which is hereditary. The National Action Plan identifies the key reforms required – both of the nationality and civil status laws – and sets out how to achieve this. UNHCR actively advocates for these legal reforms.

We accompany the Ministry of Justice for the implementation of a special law, which has now expired, that allowed certain historic migrants and their descendants, including stateless persons, to acquire Ivorian nationality, and we are now evaluating its impact in terms of reduction of statelessness, and drawing up the lessons learned in order for it to be extended, in a more accessible manner for stateless persons. We also work with the Ministry of Foreign Affairs’ Aid and Assistance Service for Refugees and Stateless Persons (SAARA) to prevent statelessness among at-risk groups by issuing birth documentation, including via mobile courts for late birth certificates. Birth certificates don’t confirm nationality, but are an essential step towards obtaining a nationality certificate.

In 2016 we began exciting new partnerships with [Search for Common Ground](#), specialized in communications and awareness-raising, to run mobile cinema, participatory theatre, and radio programmes geared at raising awareness about statelessness and the importance of birth registration. We also began working with the legal aid NGO [Association des Femmes Juristes](#) (AFJCI) to assist claimants under the special declaration programme mentioned above, and to help identify stateless and at-risk persons and assist them in accessing identity documents.

We train hundreds of people a year on statelessness, from NGO staff and lawyers to civil registry and law enforcement officers, and are improving coordination, with the launch of an NGO coalition against statelessness this year, and a network of MPs committed to ending statelessness.

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

At the moment I am spending a fair bit of time on our identification work. This has a few prongs. We are on the verge of publication of a seminal report, written by a statelessness expert, identifying the main stateless groups in the

country, and the causes of their statelessness, that goes through the evolution of nationality and civil status laws since independence. Our team is also working with demographers and statisticians from the National Statistics Institute on a mapping study of statelessness based on census data: however, as is common with statelessness, the census data can only tell us so much. We are exploiting proxy-factors as much as possible, and considering how to go about field surveys that would help us refine the estimate of stateless and at-risk populations in the country, as well as their whereabouts. In the meantime, we have developed some identification tools that UNHCR's field protection assistants and the legal aid lawyers from the AFJCI use to determine the level of risk of statelessness of historic migrants and their descendants, [foundlings](#), returnees, border populations, and other contemporary undocumented migrants that they come across. We're working with our protection monitoring colleagues to ensure mobile data collection for these populations, and we're programming the corresponding database to generate analyses and snapshots of these populations and their protection needs. This facilitates referrals of cases for legal aid, and reinforces our ability to conduct data-driven advocacy.

Another exciting project I'm working on right now is a joint Ivorian-Burkinabe initiative to issue identity papers to undocumented Burkinabe nationals residing in Côte d'Ivoire who have difficulty accessing proof of their nationality. The consular and mobile courts that are planned will result in late birth certificates and nationality certificates for thousands of undocumented individuals at risk of statelessness.

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

It's quite special to be able to work so closely on statelessness with the government: there is strong political will to address it, and collaboration is positive at all levels. We are able to openly discuss things such as the implementation of the [African Commission on Human and People's Rights \(ACHPR\) decision](#) in a case on arbitrary denial of nationality, and discuss the way forwards together. Also we have a very useful regional framework – the [Abidjan Declaration](#) – for [collaborating around this issue as a bloc](#). Other regions look to us as leaders in the fight against statelessness and it creates pressure to live up to that.

I have really enjoyed watching the civil society coalition against statelessness go from strength to strength since starting earlier this year: this dynamic network of NGOs ran a panel on statelessness in Banjul during Côte d'Ivoire's periodic review before the ACHPR, for which they had also prepared a shadow report that focused on statelessness and interrogated the efficiency of the solutions put in place to date. I love running trainings on statelessness in Côte d'Ivoire alongside my Ivorian colleagues, who are quite masterful in bringing people to engage with the country's often conflicted history and understand why we have the issues we have today. Participants are invariably engaged, and ask the hard questions, and this reinforces my passion for the work I do.

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

The complex legal and administrative systems governing nationality and civil status documents are a constant source of challenges. For example, nationality certificates, which are obtained from a judge – and only upon proof of birth registration and the proof of nationality of a parent, which not everyone has – are only valid for 10 years. After that, an individual must round up all the elements of proof again, and go back before another judge. Birth registration is around 60%, and obtaining a late birth certificate can be prohibitively expensive, causing people to cut corners and end up with fraudulent papers. This means that many people get disqualified from the laws put in place to help them, as their documents aren't in order. The civil registry system isn't computerised and there is a lot of room for improvement.

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

You should be prepared for the long-haul: bringing about change can take a very long time. Advocating for legal reform must be sustained over years. Take inspiration and motivation from successes that do happen eventually, such as the Makonde march and subsequent citizenship registration drive in Kenya. This was the culmination of a long campaign on many fronts by many actors, and proves that such efforts can pay off.

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

I hope to lay the groundwork to help improve the legal landscape in Côte d'Ivoire, so that those who have never been able to benefit from the protections afforded by nationality can finally access citizenship, and with it their basic human rights – to education, freedom of movement, and so on – and live fulfilled lives. I hope to see as many people as possible become interested in, and knowledgeable about statelessness, so as to cement the understanding of nationality as a human rights issue, to prevent it being politicized and misused, and so as to take this work in fresh and impactful directions.

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