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There have been a lot of developments in the field of statelessness over the past year. This *Year in Review* looks back at 2015, highlighting some of the news, law and policy updates, publications and resources, announcements and events featured in our monthly bulletins.

**We wish everyone a happy and healthy 2016. We hope that this year will bring real progress in promoting the human rights of stateless persons and fostering inclusion to ultimately end statelessness.**

## Statelessness and forced displacement

### Syria conflict

The Syrian conflict exemplifies the [nexus between statelessness and displacement](#). Throughout 2015, people continue to pour out of Syria, in search of a safe haven in neighbouring countries or further afield. Some were already stateless, like those Kurds who were [left without a nationality following an arbitrary census conducted in 1962](#) and individuals who were stripped of nationality by the regime. Many more are at risk of statelessness – especially the children of Syrian refugees. Syrian nationality cannot be transmitted through maternal descent due to [gender discriminatory nationality laws](#) – only Syrian fathers can pass on their nationality – leaving the children born in exile in many Syrian refugee families [headed by women](#) at risk of statelessness. Meanwhile, problematic registration practices, particularly faced in [Lebanon](#) and Turkey, prevent new-born babies from acquiring birth certificates, leaving them without proof of their link to Syria and forming a statelessness ['ticking time bomb'](#).

### Rohingya boat crisis

In May 2015, the news broke of thousands of refugees and migrants being stranded in the high seas of South East Asia. Boats full of stateless Rohingya and [Bangladeshis](#), adults and [children](#) alike, were being pushed back by Indonesian, Malaysian and Thai authorities. Of the tens of thousands that had embarked on the [hazardous boat journeys](#), at least 1,050 have died. As the tragedy unfolded a media spotlight was directed at the Rohingya issue: all major media outlets such as the [BBC](#) have provided comprehensive coverage. Consequently, a growing number of [UN agencies](#), NGOs – such as [Fortify Rights](#), [Burma Campaign UK](#), and [ICVA](#) – and states called for the immediate rescue of those stranded at sea and for root causes – persecution, discrimination, exclusion and statelessness of Rohingya in Myanmar - to be addressed.



## Refugee influx in Europe

As a result of ongoing conflict in Syria and elsewhere, more people have been forced to flee their homes than at any other time since the Second World War. [Hundreds of thousands of refugees](#) made their way to Europe over the course of 2015, creating a complex humanitarian crisis. Media coverage and political debate focused mainly on the immediate problems faced by the refugees: hazardous boat trips, access to shelter and healthcare, ensuring peaceful relations with the host authorities. The interaction between Europe's refugee crisis and the problem of statelessness received less attention, yet [as the year drew to a close](#), there was a growing realisation that there are *stateless* asylum seekers among those arriving in Europe and children born in exile in Europe may be at risk of statelessness due to the laws of the countries of origin (such as the gender discriminatory laws of Syria), even where their parents hold a nationality. With [significant gaps in European states' statelessness policy](#), these issues are likely to command further attention in the year to come, as urgent action is needed to ensure that today's refugees do not become tomorrow's stateless.

## Also on statelessness and forced displacement...

An [article](#) by Mai Kaneko looks at statelessness from the perspective of migration and displacement. An [article](#) by Helene Lambert examines whether arbitrary deprivation of nationality amounts to persecution within the meaning of article 1 of the 1951 Refugee Convention. And an [article](#) by Maryellen Fullerton explores the nexus between statelessness and refugee protection in US asylum policy.

## Stepping up of global efforts to address childhood statelessness



### UNHCR #ibelong campaign focus on stateless children & youth

4 November 2015 was the first anniversary of the UNHCR #ibelong campaign to end statelessness by 2024. One of the highlights of the campaign so far is the commitment of 28 Latin American and Caribbean states as well as 15 West African states to working to end statelessness. Over the coming year, the campaign will focus more strongly on addressing statelessness of children. In honour of the anniversary the campaign [website](#) was updated and a special report, "[I am here, I belong: The urgent need to end childhood statelessness](#)" was issued at an event with UNHCR High Commissioner Guterres which is available as a [webcast](#). Other publications highlight progress of the different actions that make up the #ibelong campaign, with the [Good Practices Paper on Resolving Existing Situations of Statelessness](#) (action 1) and another Good Practices Paper [presenting positive examples of states acceding to the statelessness conventions](#) (action 9). In June, UNHCR had already [reported to its Standing Committee](#) on the progress made in addressing statelessness since 2013, particularly discussing increased commitment to resolve statelessness following the launch of the #ibelong campaign.

### ENS Campaign "None of Europe's Children should be Stateless"

The European Network on Statelessness comparative, final report "[No child should be stateless](#)" was launched on 21 September 2015 at an event in Strasbourg, co-organised by ENS and UNHCR. ENS had already unveiled research on ending childhood statelessness conducted in eight European countries, [Italy](#), [Estonia](#), [Macedonia](#), [Poland](#), [Romania](#), [Slovenia](#), [Albania](#) and [Latvia](#) at a regional conference in Budapest in June 2015 which represented a central activity of the campaign. A hundred scholars, practitioners and policy makers came together and discussed how to ensure that no more of Europe's children suffer from statelessness, by sharing research and policy experiences. At the end of the conference, an [action statement](#) was adopted, outlining how to strengthen efforts to ensure all children acquire a nationality.



### Tools on right to nationality under the CRC by the Institute on Statelessness and Inclusion

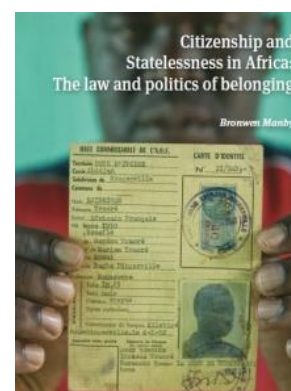
The promotion of children's right to a nationality is one of the five thematic priorities of the Institute. In September 2015, we published several resources related to the childhood statelessness and the Convention on the Rights of the Child (further resources will be developed and disseminated in 2016):

- [Analytical Database](#) of the Concluding Observations of the Committee on the Rights of the Child which relate to children's right to a nationality.
- [Factsheet](#) summarising state parties' obligations in respect of children's right to a nationality under the CRC, according to the Committee's Recommendations.
- [Draft Policy Paper](#) discussing the work of the Committee on the Rights of the Child in promoting children's right to a nationality and how this can be strengthened.

## Regional developments

### Africa

There were many research, law and policy developments in Africa over the course of 2015. In February, a very successful expert meeting and conference of ministers from the ECOWAS region took place in Abidjan, Côte d'Ivoire. It ended in the adoption of a [Declaration on the Eradication of Statelessness](#), which indicates that West African states are 'Convinced that the enjoyment of the right to a nationality contributes to peace and security in the region as well as to social and economic development' (the Declaration was later [endorsed by the ECOWAS Heads of State](#)). Also in February, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) used the occasion of an African regional conference on Civil Registration to officially launch its [General Comment on Article 6 of the African Charter](#) on the Rights and Welfare of the Child, on right to a name, right to birth registration and right to acquire a nationality. Later in the year, the African Commission on Human and Peoples' Rights issued its decision in the case of [The Nubian Community of Kenya v. Kenya](#), reaffirming that the right to nationality is protected under the African Charter on Human and Peoples' Rights, including an affirmative obligation to prevent statelessness. And during 2015, further steps were also taken towards the preparation of a Protocol on the Right to Nationality in Africa. Read more about the work of African regional bodies on nationality and statelessness in the [interview with Ayalew Getachew Assefa](#) at the ACERWC Secretariat in our October 2015 bulletin. During 2015, significant strides were also made in addressing the research gaps in respect of statelessness in Africa. A detailed [report on statelessness in West Africa](#) was prepared by Bronwen Manby for UNHCR and IOM and published in June 2015. Bronwen Manby completed and published her own, broader PhD research on [Citizenship and statelessness in Africa](#) in December 2015, offering recommendations for amendments to citizenship laws that can help to solve some of the complex questions of identity and belonging. In Kenya, a [study into the nationality status of the Makonde community in Kenya](#) by the Kenya Human Rights Commission explored the situation of this population originating from Northern Mozambique, who are affected by, and at risk of statelessness. And in South Africa, Lawyers for Human Rights launched [A Practitioner's Guide on Promoting Citizenship and Preventing Statelessness](#) that will assist practitioners in dealing with the growing phenomenon of statelessness in the country. Read more about their work in the [interview with Liesl Muller](#), an attorney with Lawyers for Human Rights, in our January 2015 bulletin. The year drew to a close with news from Madagascar that it [plans to amend discriminatory law that fuels statelessness](#) by ensuring that women are granted equal rights to confer nationality to their children (reform expected in 2016).



### Americas

At the end of 2014, the governments of Latin America and the Caribbean met in Brazil for the Cartagena +30 conference on "A framework for cooperation and regional solidarity to strengthen the international protection of refugees, displaced and stateless persons". The [declaration adopted includes references to statelessness throughout and the accompanying action plan \(page 17\)](#) sets out 8 actions on statelessness that the regions' states commit to with a view to eradicating statelessness. This declaration formed the inspiration and starting point for several regional and national initiatives during 2015. In June, the [Americas Network on Nationality and Statelessness](#) (ANA) held its first full meeting, in collaboration with UNHCR and Open Society Justice Initiative. Over 30 participants from around the region discussed the common challenges and opportunities they face when it comes to statelessness and developed ideas for the strategy of the recently established ANA moving forward. Read more about the network's ambitions in the [interview with Francisco Quintana](#) in our September bulletin. Throughout the year there was significant attention for the nationality problems in the Caribbean – in particular in the Dominican Republic and Bahamas. Catherine Tobin published an entitled "[No child is an island: the predicament of statelessness for children in the Caribbean](#)" which explores the dangerous interplay between ineffective birth registration systems and lack of safeguards for children who would otherwise be stateless. South African filmmaker Charlie Shoemaker produced a [short documentary which highlights the struggles of people of Haitian descent who were born in The Bahamas](#). [Minority Rights Group](#) launched a longer film, "Our Lives in Transit" about the situation in the Dominican Republic, which follows the daily life of Rosa Iris, a young lawyer who is a Dominican of Haitian descent and who is defending the rights of her community. Elsewhere, in Canada a [lawsuit was filed against the constitutionality of Canada's new 'two-tier' citizenship regime](#) because under the new law, naturalised Canadians could see their citizenship taken away if convicted of certain serious crimes in Canada or abroad, or if they move abroad for work, school, or family reasons, while other Canadians would not be vulnerable to losing their citizenship. And in Chile, in November 2015, the Servicio Jesuita a Migrantes, the University Diego Portales and the University Alberto Hurtado [presented a nationality claim to the Supreme Court of Justice on behalf of 161 stateless children](#) who, despite being born in Chile during the past years, were denied Chilean nationality on the ground of their parents having irregular migratory status (a problem affecting more than 3000 children who are stateless in Chile due to similar circumstances).

Red de las Américas sobre Nacionalidad y Apatridia  
Americas Network on Nationality and statelessness  
Réseau des Amériques sur la Nationalité et l'Apatridie  
Rede das Américas sobre Nacionalidade e Apatridia



## Asia Pacific

In Asia, as in Africa, civil society took further steps in 2015 towards closer collaboration on statelessness issues. In June, the Asia Pacific Refugee Rights Network, UNHCR and Mahidol University held a meeting for civil society actors from the Asia and Pacific, at which [agreement was reached that the establishment of a network would be a valuable way to channel future efforts to address statelessness in the region](#), including by allowing for the more effective sharing of good practices. Since then, an extensive consultative process and further meetings have been conducted with a view to setting up a dedicated regional network, with the first activities of this network anticipated in 2016. Read more about the challenges faced in the region in the [interview with Helen Brunt](#) of APRRN in our May bulletin. Throughout the year, there was significant attention to the continuing human rights violations experienced by the stateless Rohingya population in Myanmar. An [ASEAN Parliamentarians for Human Rights report](#) explored the situation and root causes of the Rohingya exodus through field research that considered different perspectives, concluding that: *“Unless serious steps are taken to address the situation of deprivation and despair in Rakhine State, many Rohingya will have no other option but to flee in search of asylum elsewhere”*. Other reports and documentaries looked at whether the well documented state crimes against the Rohingya amount to genocide, including: [Countdown to Annihilation: Genocide in Myanmar](#), by the International State Crime Initiative of Queen Mary University of London; [Persecution of the Rohingya Muslims: Is genocide occurring in Myanmar’s Rakhine State?](#) by the Allard K. Lowenstein International Human Rights Clinic, Yale Law School, which was prepared for Fortify Rights; and [Genocide Agenda](#), by the Al Jazeera investigative unit. Nepal was also the subject of close scrutiny as it finally completed the constitutional reform process which would be decisive for key citizenship questions, adopting a [new Constitution](#) in September 2015. This Constitution fails to fully settle the [problems relating to gender discriminatory enjoyment of citizenship rights](#), but it does mandate the amendment of the country’s nationality law within 2 years, providing an important opportunity to comprehensively address this issue. Myanmar and Nepal each received [numerous recommendations](#) relating to nationality and statelessness when they came before the Universal Periodic Review of the UN Human Rights Council. Read more about the challenges in Nepal in this [interview with Sabin Shrestha](#) of FWLD in our March 2015 bulletin. Also in 2015, Tilburg University published a detailed [study of the impact of statelessness on hill tribe communities in Thailand](#), looking in particular at the nexus with human trafficking; DHRRA continued its mapping, registration and legal assistance project which is helping to shed light on the scale of the problem of statelessness in West Malaysia and promote solutions and published [updates](#) to share information and good practice; and the Refugee Council of Australia released a [report on the situation of stateless people in Australia](#). Two papers in the 1<sup>st</sup> edition of our new Statelessness Working Paper series focused on statelessness issues in Asia – one exploring the [gendered nationality policy in Nepal](#) and the other [acts of citizenship among stateless children in Cambodia](#).

## Europe

Statelessness featured on the agenda of both the European Union and Council of Europe in 2015. In February, the Parliamentary Assembly of the Council of Europe adopted a [motion for a resolution on “the need to eradicate statelessness of children”](#). It has since been working towards a report on the same topic, a first draft of which was presented for debate in December 2015 and work on this will continue in 2016. In September, the rapporteur for this report and Nils Muižnieks, Commissioner for Human Rights of the Council of Europe,



were among the speakers at an [event on childhood statelessness that was convened in Strasbourg](#) by the European Network on Statelessness (ENS) and UNHCR, at which ENS launched its report [“No Child Should be Stateless”](#) that marked the culmination of a year of research on the challenges faced in realising the right of every child to a nationality in Europe. For more on the work of ENS, beyond the campaign to end childhood statelessness in Europe, read the [interview with Chris Nash](#) in our February 2015 bulletin. Two studies were presented at the Parliament of the European Union during 2015. The first was a [policy paper exploring how the European Union can play a greater role in the fight against statelessness around the world as part of its external action on human rights issues](#), published by the EU Directorate-General on external policies of the Union and discussed during an [‘Exchange of Views’ by the European Parliament Sub-Committee on Human Rights, the webcast of which can be viewed here](#) (from minute 15.59) in January 2015. The second was a study commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs which describes the [practices and approaches in EU member states regarding the prevention and eradication of statelessness](#), published in November. As the year drew to a close, the [Council of the European Union adopted conclusions on statelessness](#), under the [leadership of the Luxembourg presidency](#), inviting the European Commission to launch a platform for the exchange of information and good practices on the prevention and reduction of statelessness and protection of stateless persons. Also in 2015, [Estonia](#) and [Armenia](#) passed law reforms that will make it easier for stateless children born in the country to acquire a nationality; and the Constitutional Courts of [Serbia](#) and [Hungary](#) both issue important rulings helping to promote, respectively, children’s right to nationality and access of stateless persons to adequate protection.

## Middle East and North Africa

Besides the Syria crisis and its impact in terms of forced displacement and the risk of statelessness, another significant issue in the MENA region in 2015 was denationalisation. For instance, in June 2015, [it was reported that Bahrain had stripped a further 56 citizens of their nationality](#), bringing the total number over the course of the year to 128. Included in this latest round of denationalisations were 9 children and left those affected stateless. Towards the end of the year, two regional conferences were held in Beirut to explore the issues of statelessness in the region. The first was [a workshop convened by the World Council of Churches and the Middle East Council of Churches](#), which gathered 40 participants from around the region and further afield. The second and even larger convening was a regional civil society conference on stateless persons in the Arab Region – organised by Legal Agenda, Frontiers Ruwad, Open Society Foundations and the Institute on Statelessness and Inclusion - at which one of the topics of discussion was the possibility of establishing some kind of framework or network for further information sharing on the issue. During 2015 there were also a number of new publications on the situation and status of Palestinian refugees, including an article by Mazen Masri on [the Implications of the Acquisition of a New Nationality for the Right of Return of Palestinian Refugees](#). In December 2015, the first edition of our Statelessness Working Paper Series carried a thought-provoking article by Betsy Fisher on [statelessness in the Gulf Cooperation Council](#), looking at the interaction of nationality issues with gender discrimination in other fields of law.

## Statelessness in the UN human rights system

### Human Rights Council Resolutions

In March, during its 28<sup>th</sup> session, the UN Human Rights Council adopted a [Resolution on Birth registration and the right of everyone to recognition everywhere as a person before the law](#). The resolution acknowledges that “*registering a person’s birth is a vital step towards the promotion and protection of all his or her human rights, and that persons without birth registration are more vulnerable to marginalisation, exclusion, discrimination, violence, statelessness, exploitation and abuse*”. States were furthermore reminded of their obligation to register births without discrimination of any kind and irrespective of the status of the child’s parents by a [Resolution on continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) which was also adopted by the Council, as well as a [Resolution on The Situation of human rights in Myanmar](#) that reiterated the Council’s concern about the situation of the Rohingya minority and called upon the government of Myanmar to ensure equal access to full citizenship and related rights.

### Universal Periodic Review

Three sessions of the UPR took place in 2015. Following the latest of these sessions (23<sup>rd</sup> UPR), in November 2015, we carried out an analysis of the attention devoted to statelessness issues. A total of 54 recommendations were made in relation to nationality and statelessness to 8 out of the 14 countries that were subject to review, namely to Lebanon, Myanmar, Oman, Mauritania, Nepal, Austria, Australia, and Georgia. The main topics that were raised in the session in relation to statelessness were eliminating gender discrimination in law and practice and ensuring access to citizenship for specific groups, such as minorities, repatriating refugees and children born out of wedlock. We put together a [summary document](#) that highlights the nationality and statelessness related recommendations made to the countries under review. During 2016, we will continue to monitor and engage with the UPR process on statelessness and provide updates and summaries of the issues evident in countries under review and the relevant recommendations made.

### Committee on the Rights of the Child

The Committee on the Rights of the Child had its 68<sup>th</sup>, 69<sup>th</sup> and 70<sup>th</sup> sessions in 2015. The [Concluding Observations published in the past year](#) contain 18 recommendations on children’s right to acquire a nationality - issued to 10 countries - and 19 recommendations related to birth registration – issued to 17 countries. The inability of stateless children born in the territory to acquire a nationality and discriminatory citizenship laws were the most raised topics. Looking forward, a [call](#) for submissions relating to a *Joint General Comment on the Human Rights of Children in the Context of International Migration* by the Committee on the Rights of the Child and the Committee on the Protection of Migrant Workers now out. **Deadline: 29 February 2016.**

### Human Rights Committee

In April 2015, the Human Rights Committee issued a [landmark ruling](#) on discrimination in relation to access to naturalisation. The Committee found Denmark to have violated ICCPR Article 26 when it refused to exempt an Iraqi refugee from the Danish language proficiency needed for citizenship without giving any reasons, despite the man’s documented mental disability.

### Some useful tips for engaging the UN human rights system...

During 2015, Rachel Brett – an expert who has followed the UN human rights system in Geneva for many years – published two guest blogs for the European Network on Statelessness. One of these explained how the [UN Human Rights Special Procedures](#) are an often untouched platform that can be used to address statelessness and the other looks at how to [use the Universal Periodic Review to address Statelessness](#).

## Other significant developments in 2015

There were plenty more developments in 2015 relating to the prevention of statelessness and the protection of stateless persons. Here's a small selection...

### Gender discrimination in nationality laws

Between 8-20 March the UN-Women Committee on the Status of Women was hosted in New York, with positive outcomes such as that the [Bahamas committed to achieving full equality for men and women in constitution](#) (the necessary constitutional referendum was still pending at the end of 2015). Several government representatives talked about their country's paths to reform and support of the international push to eradicate gender discrimination and an NGO Parallel Event was also convened, by the [Global Campaign for Equal Nationality Rights](#). March also saw the publication of a UNHCR [Good Practices Paper on Removing Gender Discrimination from Nationality Laws](#) and a report documenting the [dialogue](#) with Kenyan women and their families on gender equality, nationality and statelessness, focusing on the impact of reform of the nationality law which previously discriminated against women. In July, a [US court ruled](#) that the law imposing tougher criteria on fathers in the transmission of nationality to their children is in fact discriminatory and unconstitutional. And in September the side event "Achieving equal nationality rights" was held at the Human Rights Council which also saw the launch of the report ["My Children's Future: Ending Gender Discrimination in Nationality Laws"](#) – the culmination of extensive field research in Kenya, Madagascar, Indonesia and Nepal.

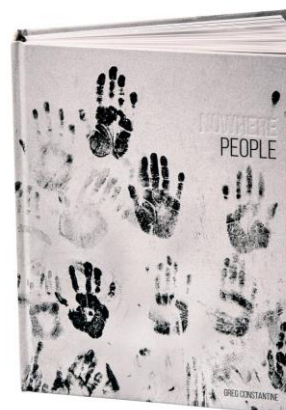


### Deprivation of nationality

In 2015, states' powers to deprive their citizens of nationality became the subject of much debate, particularly in the context of growing concern around terrorism and the phenomenon of foreign fighters. There was intense academic debate on the issue, as seen in a special [publication](#) by EUDO Citizenship to which many different scholars contributed. Also this year, the ["Guidelines on Involuntary Loss of European Citizenship"](#) (ILEC Guidelines 2015) were published, providing guidance on implementation of international and European standards on involuntary loss of nationality for government officials, decision-makers, legal practitioners and the judiciary in the Member States of the European Union. The end of March 2015 saw a controversial ruling by the UK Supreme Court in [Pham v. Home Secretary](#) in which the stripping of British nationality from a naturalised citizen based on untested allegations of terrorism was considered to not render the applicant stateless, as he still held the nationality of his country of birth at the date of deprivation. The country of birth however repudiated the claim. For more thoughts on the case read this [blog](#) by Simon Cox from Open Society Foundation's Casewatch.

### Other news and resources...

In June 2015, the book ["The Human Right to Citizenship. A Slippery Concept"](#) as published, with chapters written by a variety of contributors, including David Weissbrodt, Kristy Belton, Carolina Moulin, Jacqueline Bhabha and Margareta Matache. In July, the [UNHCR Annual Consultation with NGOs](#) was held, as well as the annual Statelessness retreat – for a reflection on both, see this [blogpost](#) by ENS Director Chris Nash. The [UN Sustainable Development Goals](#) were formally adopted 25 September 2015. Elements of these goals relate directly ("*by 2013, provide legal identity for all, including birth registration*") and indirectly to the global campaign to end statelessness and to the human rights protection of stateless persons. In October, the [Nowhere People book](#) by photographer Greg Constantine became available. The 10-year exploration of the lives of stateless individuals and communities, made tangible by photographs, is a strong exposition of the impact of statelessness. Read the [interview with Greg Constantine](#) in our November 2015 monthly bulletins. And in November the European Network on Statelessness published a series of resources focusing on the problem of arbitrary detention of stateless persons, including a [toolkit on protecting stateless persons from arbitrary detention](#) and three country studies: [Netherlands](#), [Poland](#) and [Malta](#). There was an exciting moment for three young scholars engaged in statelessness related research towards the end of 2015, when the winners were announced for this year's [UNHCR Award for best research on statelessness](#): Veronica Perozo Alberti (Tilburg University, NL), Marie Brokstad Lund-Johansen (University of Oslo, NO) and Kristy Belton (University of Connecticut, USA) won for their undergraduate, graduate and doctoral theses respectively.



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