

Eleventh Session of the Forum on Minority Issues

Statelessness: A Minority Issue

Concept Note

The Eleventh Session of the UN Forum on Minority Issues is convened on 29 and 30 November 2018 pursuant to Human Rights Council resolution 6/15 of 28 September 2007 and resolution 19/23 of 23 March 2012. This year, the theme of the Forum is "Statelessness: A Minority Issue". A preparatory meeting for all participants will be organized on 28 November 2018.

1. Background

Statelessness is a human rights issue disproportionately affecting minorities around the world. According to UNHCR, more than 75% of the world's known stateless populations belong to minorities (as of 2017). Although there has been some uncertainty in the past as to the main factors resulting in millions of individuals being stateless, it has become clearer in recent years that discriminatory practices, arbitrary nationality requirements and other underlying human rights issues are at the core of the causes of statelessness, particularly when minorities are disproportionately affected.

Statelessness can give rise to major difficulties in terms of accessing fundamental rights and freedoms. The promotion and protection of the human rights of persons belonging to national or ethnic, religious and linguistic minorities offer useful means and framework to effectively understand and address the issue of statelessness.

The 1954 Convention Relating to the Status of Stateless Persons sets out a number of rights which stateless persons are entitled to, and the 1961 Convention on the Reduction of Statelessness provides a set of tools for eradicating statelessness. International human rights instruments and their respective provisions, such as those relating to the prohibition of discrimination and the right to a nationality, which have increasingly been invoked successfully in legal and administrative proceedings, complement the two treaties.

This year also marks the 70th anniversary of the Universal Declaration of Human Rights, which has, *inter alia*, affirmed the inherent human dignity and the core principle that human beings shall enjoy fundamental rights and freedoms without discrimination.

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2. General Objectives

The Forum on minority issues aims to provide a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as thematic contributions and expertise to the work of the Special Rapporteur on minority issues.

The Eleventh Forum on Minority Issues aims to identify the main challenges faced by persons belonging to minorities in the context of statelessness and to promote dialogue and cooperation in order to identify effective solutions. The Forum shall analyze practices, challenges, opportunities and initiatives in addressing statelessness as a human rights issue, in line with the principles and rights enshrined in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other relevant international instruments. The Forum shall, *inter alia*, examine effective state legislation, policies and programmes as well as civil society initiatives in this regard. Furthermore, the Forum shall aim to highlight the critical role of international and regional organizations and international, regional and bilateral cooperation in eliminating statelessness affecting minorities.

3. Participants

The Forum shall be open to the participation of states, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on minority issues, representatives of minorities, minority and non-governmental organizations.

4. Areas of Discussion

In light of the main objectives of the Forum, the discussions will address the following themes that reflect the main challenges and issues in the field of statelessness and the human rights of persons belonging to minorities:

- ***Root causes and consequences of statelessness affecting minorities: preventing statelessness through a human rights approach***

Statelessness has a significant negative impact on a person's ability to enjoy fully human rights and fundamental freedoms and have access to remedy for human rights

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violations. It is important to promote an understanding of the issue of statelessness, through analyzing its root causes and consequences in order to discuss the possible ways for effective prevention.

With more than three quarters of the world's stateless being persons belonging to minorities, it is urgent to consider more directly and closely how their human rights violations can be addressed to avoid the denial or deprivation of nationality resulting in statelessness for millions of minorities.

Exploring the interconnections between prevention of statelessness through the promotion and protection of the human rights of persons belonging to minorities, and in particular through prohibition and elimination of discrimination on the basis of ethnicity, religion or language can offer a useful opportunity to further explore the multiple vulnerabilities associated with statelessness.

- ***Statelessness resulting from conflicts, forced population movements and migration affecting minorities: main challenges and possible solutions***

Conflicts are one of the most significant drivers of forced migration and statelessness for minorities, with most of the world's conflicts in recent decades being internal, often involving long-standing grievances. The frequency and severity of disputes and conflicts in many states may often result in tragic consequences for minorities. Persons belonging to minorities may particularly be vulnerable to statelessness as a result of, *inter alia*, forced displacement, population transfers or migration.

In situations when persons belonging to minorities are forced to flee during a conflict or a natural or man-made disaster, this may often result in documents being left behind or lost, thus in lack of means to provide any evidence of citizenship or of other identification documents and therefore-de facto statelessness. In those circumstances the establishment of fair statelessness determination procedures (SDPs) is essential in order to ensure that during border crossing individuals can enjoy the rights to which they are entitled to until they acquire a nationality.

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- ***Ensuring the right to a nationality for persons belonging to minorities through facilitation of birth registration, naturalization and citizenship for stateless minorities***

The right to a nationality is a fundamental human right enshrined in the Universal Declaration of Human Rights. Complex or onerous documentary and other requirements for proving one's citizenship, barriers to birth registration, as well as laws, policies and practices that arbitrarily deny or deprive persons of their nationality can all contribute to the vulnerability of minorities to statelessness. Minorities may also face challenges in obtaining or demonstrating citizenship when they live in isolated border areas or have a nomadic lifestyle.

It is essential to explore more effective and adapted ways to ensure access to documentation needed to prove nationality or entitlement to nationality for all without discrimination. Facilitation of birth registration, naturalization, confirmation or acquisition of citizenship, including for nomadic and other non-traditional minorities is another crucial element in addressing the vast overrepresentation of persons belonging to minorities amongst the stateless. It is also important to identify good examples and effective measures to eliminate laws and practices that arbitrarily deny or deprive persons of their nationality on the basis of discriminatory grounds such as race, ethnicity, religion, or language.

Preventing and combating statelessness should also encompass development aspect in addition to humanitarian assistance. The 2030 Agenda for Sustainable Development, and in particular its Target 16.9, aiming to achieve "legal identity for all, including birth registration" can be a useful framework in this regard.

- ***Minority women and children affected by statelessness: advancing gender equality in nationality laws***

Minority women and children are often disproportionately affected by statelessness. It is thus also important to examine gender equality in law such as citizenship laws and their impact on preventing or eliminating statelessness of persons belonging to minorities. Gender inequality, such as for example discriminatory laws prohibiting women from conferring nationality on their children does have a negative impact on the enjoyment of the child's right to acquire a nationality, and therefore contributes to statelessness.

Statelessness often hinders access to the full range of human rights, preventing children from accessing primary education or healthcare services, and women from accessing sexual and reproductive health and rights. Statelessness may also place women and children at a heightened risk of exploitation and violence because they have difficulty proving who they are or any links to a country of origin or residence.

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Without safeguards against statelessness at birth in nationality laws, this status can be passed on from one generation to another with children being denied nationality. Stateless minority children are particularly vulnerable because of the aggravated effects of lack of documentation, discrimination, and their status as children.

5. Inputs and outcome

The UN Special Rapporteur on Minority Issues encourages wide participation from states, national human rights institutions, civil society representatives, as well as regional and international organizations and other stakeholders.

All participants are encouraged to contribute to the discussion and dialogue by sharing experiences and views about the main issues identified under areas of discussion of the Forum. Based on the dialogue and contributions of the participants a summary of the discussion of the Forum will be prepared by the Chairperson of the Forum, and the Special Rapporteur on Minority Issues will prepare a report on the recommendations of the Forum.