

Briefing Note for joint LIBE/PETI Hearing on Statelessness Brussels, 29 June 2017- #EUstateless



European
Network on
Statelessness

The [European Network on Statelessness](#) (ENS) is a civil society alliance with over 110 organisational and individual members in 40 countries, working to end statelessness and ensure that stateless people in Europe are protected and access their human rights. ENS welcomes the opportunity to present at the [joint LIBE/PETI statelessness hearing](#), including on its Petition (0076/2017), which will be addressed at the hearing.

Introduction

To be stateless is to not be recognised as a citizen by any state. It is a legal anomaly that prevents people from accessing fundamental civil, political, economic, cultural and social rights. This can mean for example that children cannot go to school, pregnant women cannot access healthcare, those of university age are barred from continuing their studies, and mothers and fathers are left unable to support their families. Statelessness affects more than 10 million people around the world and at least 600,000 in Europe. Statelessness occurs in Europe both among recent migrants and people who have lived in the same place for generations, such as many Roma who remain stateless because of ethnic discrimination. Over 80% of the total reported European stateless population live in four countries – Estonia, Latvia, the Russian Federation and Ukraine - and their statelessness can be traced back to the dissolution of the Soviet Union. While these numbers give an indication of the scale of statelessness in the region, data is sparse and often incomplete. Statelessness remains, therefore, a largely hidden phenomenon. This is particularly so in a migratory context where most European countries frequently encounter stateless people in their asylum systems, making this an issue that law makers – as well as the authorities implementing the response to people seeking protection on the ground – must seek to better understand and address.

Understanding and addressing statelessness in a migratory context

Among the stateless people living in Europe today there are individuals who arrived within mixed migration flows, and were either stateless prior to departure from their country of origin or have since become stateless. Despite near universal ratification of relevant international instruments such as the 1954 Statelessness Convention (which provide a set of rights for stateless persons in a migratory context), there continues to exist a gap between this international framework and respect for these rights in practice. Stateless people often [face years of uncertainty](#), destitution and repeated, lengthy [immigration detention](#). Yet the solution to address these problems is relatively simple, and can be achieved by the establishment of dedicated statelessness determination procedures that are fair, efficient and easily accessible. This would enable states to identify and regularise stateless persons on their territory, thereby both fulfilling their obligations under relevant international treaties and providing a sustainable solution for individuals who cannot be removed. Yet currently [only a handful of European countries](#) have these procedures in place.

Europe as a 'producer' of statelessness

Today [children are still being born in Europe without a nationality](#) despite the existence of a clear normative framework that should prevent this. Many have inherited their statelessness from stateless parents, while others are the first in their family to experience statelessness, as the unsuspecting victims of a gap or conflict in nationality laws. Recent [research](#) by ENS reveals that even among those European states that have acceded to relevant international conventions, more than half are still failing to properly implement their obligations to ensure that children acquire a nationality. ENS's research identified a worrying array of problems in the detail of many nationality laws, as well as in the laws governing procedures for [birth registration](#), which helps to establish and document a child's nationality. Numerous countries have failed to include basic safeguards in the law, such as to grant nationality to a child born on the territory who would otherwise be stateless, or to a child who has been abandoned and whose parents are unknown. Even where laws do provide a remedy against childhood statelessness, there is evidence that the safeguards do not always work in practice because these special rules are not widely known or there are no guidelines on how and when to apply them. As a result of these and other gaps, thousands of children who have strong and clear connections to Europe are [growing up without the protection or sense of belonging](#) that a nationality bestows. No child chooses to be stateless, and this can never be in a child's best interests. A specific area of concern is the heightened risk of statelessness faced by the children of refugees and migrants born in exile. In 2015, almost 20,000 of the 1.3 million people who applied for asylum in the EU were recorded as being stateless and a further 22,000 were of 'unknown nationality'. In short, more than 3% of asylum applicants in the EU face a nationality problem. Meanwhile,

two of the top three countries of origin of those seeking sanctuary in Europe – Syria and Iraq – have stateless populations and nationality laws that prevent women who give birth outside the country from passing on their nationality to their children. Hence if we are to avoid a future generation of stateless refugee children it is critical that it is properly identified and recorded where a refugee parent is stateless or unable to pass on his/her nationality in order that relevant safeguards can be applied to ensure that affected children acquire a nationality.

Progress to date and further action required to address statelessness in Europe

A historical lack of attention to statelessness motivated ENS to run its first dedicated region-wide [campaign](#) during 2014 which included an [online petition](#) calling on European leaders to improve the protection afforded to stateless migrants in Europe. Subsequently, in December 2015 the European Council adopted the first ever [Conclusions on statelessness](#) during the Luxembourg Presidency of the EU. Importantly, these Conclusions task the European Migration Network with setting up a dedicated [platform on statelessness](#) to help build capacity and exchange good practices. Also in late 2015, the European Parliament's LIBE Committee published an important [study](#) with recommendations relating to the prevention of statelessness and to improved identification and protection of stateless persons in a migratory context. During 2015 and 2016, under the auspices of ENS's [#StatelessKids campaign](#), particular attention was paid to addressing the problem of childhood statelessness, including through events hosted by the Parliament's Intergroup on Children's Rights in December 2015, July 2016 and November 2016. The event in November included the formal submission of an ENS online petition (0076/2017) with over 22,000 signatures. Underpinning and galvanising all these developments is UNHCR's [Ibelong campaign](#), which seeks to eradicate statelessness globally within a decade.

Notwithstanding this welcome progress, ENS has identified five key areas of action where the European Parliament can continue to influence and provide critical momentum for collective efforts to address statelessness:

- 1) **Improving the identification and protection of stateless persons** by encouraging Cyprus, Estonia, Malta and Poland to accede to the 1954 Statelessness Convention in accordance with the EU's 2012 pledge ; supporting the work of the EMN's Statelessness Platform in encouraging all EUMS to introduce dedicated statelessness determination procedures in order to properly implement their obligations towards stateless persons, including [protection from arbitrary and lengthy detention](#); supporting ENS' [#LockedInLimbo campaign](#); and pushing for the improved identification of statelessness in Common European Asylum System instruments.
- 2) **Preventing childhood statelessness (including among migrant children)** by encouraging the 9 EUMS yet to accede to the 1961 Statelessness Convention to do so; encouraging necessary nationality law reform in the 14 EUMS with no or partial safeguards for otherwise stateless children born on their territory; and improving the identification of statelessness among migrant children to ensure implementation in practice. The Parliament's Intergroup on Children's Rights should continue its key role in working with the Commission and the Council to ensure that childhood statelessness is addressed as part of the wider EU Child Rights agenda.
- 3) **Reducing statelessness among stateless minorities** by addressing statelessness through the Framework for National Roma Integration Strategies, [the Roma 2020 Integration Initiative](#) and accession negotiations with countries in the Balkans, which host large stateless Roma populations; and by also supporting efforts to reduce statelessness among other in situ stateless minority populations residing in EUMS.
- 4) **Improving reporting and monitoring** by calling for Regulation (EC) No 862/2007 on Community statistics on migration and international protection to be amended to oblige EUMS to collect data on the number of stateless persons born and/or living on the territory, or living with unknown nationality. In order to coordinate and consolidate efforts to address statelessness (including to monitor progress made by the EMN Statelessness Platform as mandated by the 2015 Council Conclusions), the Parliament should ask the Commission for a biannual State of the Art Report, to be delivered for the first time in 2018.
- 5) **Adoption of a dedicated Resolution on Statelessness by the LIBE Committee** to encompass the above action areas and focus the Parliament's ongoing work to address statelessness in Europe, and to complement the first ever Conclusions on Statelessness adopted by the European Council in December 2015.

For further information:

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