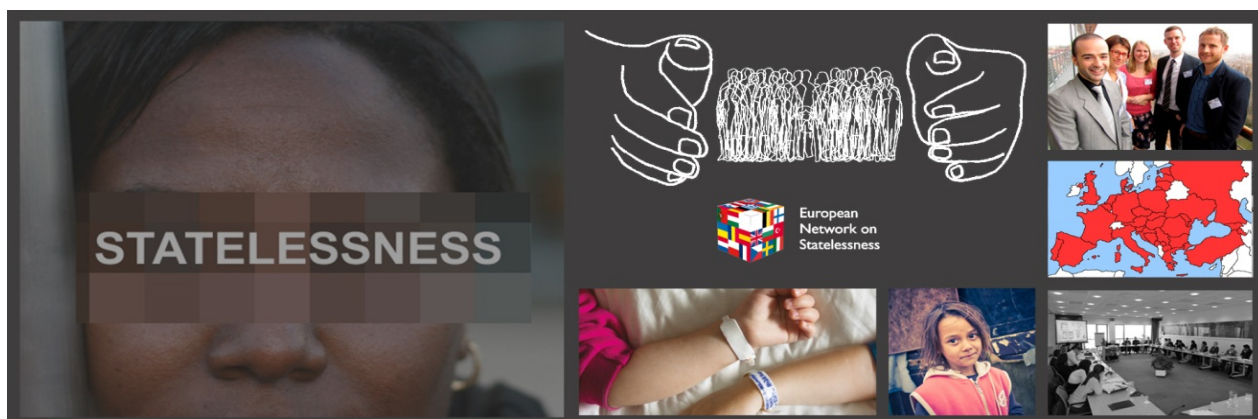




European
Network on
Statelessness

Special Edition of the ENS Newsletter

Special Edition of the ENS Newsletter to celebrate the Network's re-launch as an independent charity - Interview with ENS Director Chris Nash



ENS caught up with its new Director, Chris Nash, to update on the ENS campaign to protect stateless persons in Europe and the Network's re-launch as a Charitable Incorporated Organisation in the UK.

ENS: Why is ENS incorporating with its own legal identity and why now?

CN: When ENS was initially founded in 2012, it was always anticipated that the Network should set up with its own legal identity and the ENS Steering Committee set a target date of June 2014. We are able to take this step thanks to recent fundraising success which

means that ENS now has a confirmed operational budget for the next three years. Particularly important has been core funding secured from the Oak Foundation, whose initial seed funding also proved decisive in enabling the Network to rapidly expand its activities during 2013. Both UNHCR and the Sigrid Rausing Trust also recently confirmed the award of core support to the Network. Along the way ENS has benefitted hugely from in-kind support from Asylum Aid and its other five founding organisations – the Equal Rights Trust, Hungarian Helsinki Committee, Open Society Justice Initiative, Praxis Serbia and the Tilburg Statelessness Programme – but the time is now ripe for the Network to move forward with its own legal identity. ENS was formally established as a Charitable Incorporated Organisation in the UK on 1 September 2014.

ENS: What will be the new structure of the Network?

CN: A new management and governance structure has been established to meet ENS's growing profile as well as requirements under UK charity law. The proposed new structure will entail: **1) An Advisory Committee** (formerly the Steering Committee with new members and responsible to advise on strategic planning and core position); **2) A Board of Trustees** (responsible to oversee finance and governance); and **3) Secretariat** (to implement, develop and manage operations). In addition to members of the Advisory Committee there will remain an **associate membership category**. ENS hopes that this structure will help maximize and make best use of resources going forwards. Given the small size of its Secretariat, ENS will continue to rely heavily on the contribution from its Advisory Committee as well as associate members. The Network has only been able to grow so quickly because of the time and energy invested to date by the ENS Steering Committee and other active members.

ENS: What are the Network's plans for 2014 and beyond?

CN: ENS will adopt a controlled growth and member-empowering strategy by maintaining an agile structure for the Network post incorporation with a small Secretariat and a philosophy of building capacity and channelling resources through ENS members wherever possible. ENS will seek to build on its operational base established during 2012-2014 in order to fast-track work on key thematic concerns. This will include work to address the situation of stateless migrants in detention as well as an increased focus on preventing childhood statelessness in Europe, including as a contribution to UNHCR's global campaign to eradicate statelessness within a decade. At the same time ENS will continue its broader awareness-raising work to try and get statelessness higher up the agenda of key

stakeholders. The Network will also continue to seek new entry points to work on the issue, and to increase and diversify its membership accordingly. Integral to ENS's strategy is the recognition that the issue of statelessness demonstrates a clear gulf between the theoretical international protection framework and the realisation of those rights in practice. ENS will target its efforts at trying to breach this gulf.

ENS: What is the current ENS campaign and why was this selected?

CN: Recognising the potential for impact through our 53 member organisations in over 30 countries, as well as the opportunity provided by 2014 being the 60th anniversary of the 1954 Statelessness Convention, the current campaign aims to improve the protection of stateless persons in Europe. It specifically calls for universal ratification of the 1954 Statelessness Convention in the region and, perhaps more critically, demands that all European states put in place dedicated identification and regularisation procedures in order that they can honour their obligations to stateless persons in practice. During 2014 ENS has worked to make progress towards these goals through a combination of awareness-raising activities, online advocacy and campaigning which will culminate in a coordinated day of pan-European action on 14 October 2014. As well as try to meet its specific objectives, it is also hoped that the campaign will also help increase the profile of statelessness issues more generally, encourage greater engagement with ENS and demonstrate the impact that can be achieved through a dedicated civil society day of action.

ENS: How can people get involved with the campaign?

CN: As a first step, anyone concerned about this issue is encouraged to [sign](#) the ENS online petition (see below) as well as disseminate this among their professional and personal contacts. Other ways in which ENS members or other organisations can support the campaign include holding national-level events, preparing video or spoken testimony, staging exhibitions or musical events, organising letter-writing campaigns and generally working to promote the campaign messages through social and mainstream media. ENS members have already confirmed events on or around 14 October in Hungary, Ireland, Italy, the Netherlands, Poland, Slovakia and Serbia so anyone interested in getting involved should get in touch (see ENS member details below). In addition on 14 October ENS will be holding an end of campaign event in the European Parliament in Brussels (hosted by Jean Lambert MEP) at which the online petition will be delivered to Europe's leaders. More information is available on the ENS website.

Network News

Who we are

The **European Network on Statelessness (ENS)** is a civil society alliance committed to address statelessness in Europe. We believe that all human beings have a right to a nationality and that those who lack nationality altogether are entitled to adequate protection.

ENS is delighted to now have 87 members in over 30 European countries. In addition to its Network building work, ENS has also been engaged in various other activities as outlined below.

Join ENS

Non-governmental organisations, universities, academics, research centres and individuals may become associate members of the Network. Associate members should be involved in providing legal, social and other support services, carrying out research and teaching or training, and/or doing advocacy and policy work on behalf of stateless persons or those at risk of statelessness.

To apply for membership, visit our [website](#) or email ENS Director Chris Nash at info@statelessness.eu.



Launch of online petition to protect stateless persons in Europe

As part of its campaign to protect stateless persons in Europe, in May ENS launched an [online petition](#) calling on European leaders to take action. Recent research reveals that the absence of a route by which stateless persons can regularise their status leaves these individuals at risk of a range of human rights abuses. Many stateless persons find themselves destitute or forced to sleep rough on the streets. Others are subjected to long term immigration detention despite there being no prospect of return. Few are in a position to break this cycle, and as a consequence are left in legal limbo for years. They urgently require protection. ENS is asking that:

- 1) All European states accede to the 1954 Statelessness Convention by the end 2014.



ENS publishes report on preventing childhood statelessness in Europe

In April ENS published its report [Preventing Childhood Statelessness in Europe: Issues, Gaps and Good Practices](#). Across Europe today, children are still being born into statelessness. Many have inherited their statelessness from parents who were stateless before them, while others are the first in their family to experience statelessness, as the unsuspecting victims of a gap or conflict in nationality laws. Most have been stateless since birth and have never known the protection or sense of belonging which a nationality bestows. Yet, childhood statelessness is thoroughly preventable. International and regional standards in the fields of human rights, child rights and statelessness all protect the child's right to acquire a nationality. This report looks at how Europe is performing with respect to these standards and in light of the overall goal of preventing childhood statelessness, highlighting the main issues, gaps and good practices. It is intended as a platform for future advocacy and campaign work.

2) All European states without a functioning statelessness determination procedure make a clear commitment during 2014 to take necessary steps to introduce one by the end 2016.

With your [support](#) we can bring Europe's legal ghosts out of the shadows and ensure that stateless persons are treated with the respect and dignity which has been lacking.



ENS holds its first Annual General Conference

On 7 April ENS held its first ever Annual General Conference open to all its members. This brought together over 30 ENS members to evaluate progress with Network objectives as well as set new goals for 2014 and beyond. In particular it provided an opportunity to plan for impact as part of the [ENS campaign to protect stateless](#)



Joint ENS/UNHCR statelessness conference in Strasbourg

On 8 April ENS and UNHCR organized a joint conference [Stateless but not Rightless](#) which attracted 100 participants from over 50 countries - packing the room full of not only NGOs but also academics, ombudsmen as well as state and judicial representatives. The conference provided a useful opportunity to debate the need for all European states to introduce functioning statelessness determination procedures and provided a chance to promote the recently published ENS [good practice guide](#). Discussions also sought to expand on the role of the ECHR and other quasi-judicial bodies in improving the protection of stateless persons. The following day, the 9 April, saw a [Hearing](#) to discuss the need to eradicate statelessness which was organised by the Parliamentary Assembly of the Council of Europe with UNHCR. During this debate, UNHCR reiterated its ambition to eradicate statelessness within a decade. Laura van Waas, speaking on behalf of ENS, followed this by setting out a compelling agenda for how European states can and must take more decisive action to prevent childhood statelessness in the region. Later that evening the Parliamentary Assembly of the Council of Europe (PACE) [voted](#) by 66 votes to 5 in favour of a series of recommendations proposed in its report [Access to Nationality](#) aimed at preventing and

[persons in Europe](#). Some members stayed for a dedicated meeting on 9 April to discuss the development of an ENS strategic litigation strategy to tackle statelessness in Europe. Later this year ENS will publish a paper exploring new ways to litigate on behalf of stateless persons in the European Court of Human Rights. This will also be discussed at the forthcoming [Global Forum on Statelessness](#) taking place in The Hague in September.



Call on the EU to take more action to tackle statelessness

In January ENS took the opportunity to contribute a written [submission](#) to the debate launched by the European Commission on the future of EU Home Affairs policies, and in particular to promote improved protection for stateless persons – an

reducing statelessness.



Promoting improved statelessness determination in Slovakia

ENS Director Chris Nash was invited to speak at a statelessness roundtable organised by UNHCR in Bratislava on 22 May. Also among the speakers was Katarina Fajnorova from ENS member organisation the Human Rights League. The event demonstrated that although Slovakian legislation includes a discretionary power to regularise stateless person, the lack of a dedicated identification procedure limits the usefulness of this measure in practice. Government representatives as well as other stakeholders were present so hopefully the event will help trigger further action on this, supported by the Human Rights League who are actively engaged with the [ENS campaign to protect stateless persons in Europe](#).

issue that hitherto has not received adequate attention at the European Union level or in the framing of Home Affairs policy under previous programmes. Statelessness presents a significant challenge for EU migration management, while also being a 'home-grown' problem that threatens the inclusive aspirations of EU citizenship. ENS's submission urged the EU that the time is now ripe to address this relative lack of attention and action.



Every downside has its upside: run-up to a statelessness determination procedure in the Netherlands?

By Hana M.A.E. van Ooijen

On 9 July 2014, the loss to Argentina signalled the end of another period of patriotic sentiments in the Netherlands. Unlike any other event, the FIFA World

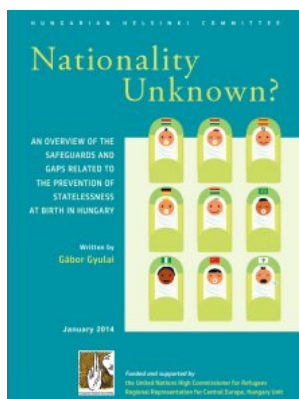


UNHCR Statelessness Retreat and NGO Consultations in Geneva

ENS was invited to attend the second ever statelessness retreat organised by UNHCR from 14-16 June, an opportunity to share ENS's experiences with NGOs from other regions seeking to set up similar regional networks. It also provided a chance to strategise on how ENS can help spearhead regional efforts in support of UNHCR's global campaign seeking to eradicate statelessness within a decade. This was also a key theme for the statelessness session during UNHCR's NGO Consultation in Geneva from 17-19 June. During the Consultations in Geneva ENS also took the opportunity to meet bilaterally with UNHCR Director of International Protection, Volker Turk and UNHCR Europe Bureau Director, Vincent Cochetel.

Cup celebrates the existence of nation states, and accordingly, the heroes of the game come to the fore as representatives of a state. The laws of nationality are sometimes called on to yield for the laws of sports. However, where rules are seemingly bent in the name of the game, outside the World Cup, the nationality rules continue to apply rigorously.

To read the full blog entry, visit the [ENS website](#).



Nationality Unknown? Promising steps, but still a risk of statelessness at birth in Hungary

By Gábor Gyulai

Hungary is a state party to all statelessness-related international conventions, and as one of the few states in the world to operate a specific mechanism for the protection of stateless persons it is often referred to as a country implementing positive policies regarding statelessness. Yet,



Statelessness in Ukraine

By Kateryna Moroz and Kim Harper

HIAS works worldwide to protect refugees whose lives are in danger for being who they are. In 14 countries across five continents, we ensure that displaced people are protected and treated with dignity.

HIAS Kyiv was established in 2001 and specialises in providing assistance and protection to asylum seekers, refugees and stateless persons in Ukraine, with a special emphasis on the protection of vulnerable persons. Working for many years to protect the rights of vulnerable migrants, including as a UNHCR Implementing Partner in Ukraine, HIAS Kyiv has contributed to the building of a humane asylum and migration system and by training local judges, immigration and law-enforcement officials, and law students, and by developing legislative proposals and administrative regulations.

To read the full blog entry, visit the [ENS website](#).

there are still significant shortcomings in the legislative framework and practice of authorities when it comes to the prevention of statelessness at birth. ENS member, the Hungarian Helsinki Committee's recently published a study, *Nationality Unknown?* which presents these gaps, together with a set of concrete recommendations to the Hungarian government on how to better ensure that no child is born stateless or remain permanently of undetermined nationality in Hungary.

To read the full blog entry, visit the [ENS website](#).



Forthcoming Events

1. 15–17 September: First Global Forum on Statelessness, co-hosted by Tilburg University's Statelessness Programme and UNHCR, at the Peace Palace in the Hague. This international conference will feature many panel sessions on themes relevant to statelessness in Europe and a number of poster presentations on individual country situations. Registration is currently open. Visit the website for details of the programme and to register online: <http://www.tilburguniversity.edu/statelessness2014>

2. 14 October: ENS end of campaign event (18.30-20.30) hosted by Jean Lambert MEP in the European Parliament. The event will be used to hand over ENS's online petition as well as various multimedia features, including a photo essay by Greg Constantine. It will form part of a Europe-wide Civil Society Day of Action for strengthening the protection of stateless persons. Activities will be held on and around this date in numerous countries across Europe. Contact the ENS member organization in your country to find out if something will be happening near you and how to get involved. See the ENS website for further information: <http://www.statelessness.eu/about-us/members/member-organisations>.

3. November: Launch of UNHCR's Campaign to End Statelessness by 2024. More details of this can be found here: <http://www.unhcr.org/pages/53174c306.html>.

Network members in the spotlight

European Roma Rights Centre

The European Roma Rights Centre (ERRC) is a Budapest-based international public interest law organisation established in 1996 and working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. The ERRC's website includes research reports, the ERRC's journal (*Roma Rights*), advocacy submissions sent to national, European and international bodies, and other materials about the ERRC's work and Roma rights in general. The ERRC is currently litigating some 60 cases in domestic and European courts concerning Roma rights violations in eleven European countries.

At the moment, the ERRC is focusing on seven thematic priorities. Statelessness relates most closely to three of these: identity documents; women's and children's rights; and free movement and migration. The ERRC comes across Roma at risk of statelessness in all of its areas of work, particularly outside the EU and especially in Balkan countries. Stateless Roma (and Roma at risk of statelessness) often lack the documents they need to get healthcare, go to school, access to employment, travel across borders, or secure formal recognition of their family relationships. They tell us they feel invisible.

So far, the ERRC's main work on statelessness has been trying to secure identity documents for Roma who are at risk of statelessness. In Ukraine and Serbia, the ERRC has been working with a Roma communities and local lawyers to maintain a paralegal project, helping Roma at risk of statelessness to secure birth certificates, residence registrations and passports. This work has achieved tremendous results for some individuals, securing confirmation for people who never had any personal documentation that they are indeed Ukrainian or Serbian citizens and allowing them to exercise the rights associated with their nationality. The ERRC is also working with colleagues elsewhere in Europe (notably Italy and Serbia) to prepare strategic cases to clarify States' obligations to Roma at risk of statelessness.

Find out more at <http://www.errc.org>.

Macedonian Young Lawyers Association

The Macedonian Young Lawyers Association (MYLA) was founded at the end of 2003 with a clear vision to be leader in uniting and representing the young lawyers who will promote and protect the human rights and liberties and the principle of the rule of law. MYLA's primary focus is promoting the principles and the rights of the European Convention on Human Rights and the generally accepted international standards for promotion and protection of basic human rights and liberties.

In April 2011 MYLA started cooperation with the UNHCR in Skopje with regard to the prevention and reduction of statelessness as well as concerning state obligations under the 1954 Convention relating to the Status of Stateless Persons. This is a continuation of the longstanding efforts to resolve the complex issue of people that are at risk of statelessness, in connection with civil registration issues, lack of personal documents and unregulated citizenship. MYLA helps to identify members of these marginalized groups, particularly Roma, and to assist them to register their births or to take other necessary steps in order that they can be issued with appropriate personal and identity documents. MYLA also continues to advocate for additional legislative reforms, as well as for Macedonia to accede to the 1961 Convention on the Reduction of Statelessness and for the establishment of a specific statelessness status determination procedure. The resulting effect will hopefully be full access of Roma and other marginalized groups to the

fundamental socio-economic rights associated with citizenship.

Find out more at www.myla.org.

Network membership

ENS currently has 87 members in over 30 European countries.

Member organisations:

Aditus Foundation, Malta * **AIRE Centre**, UK * **Archway Foundation**, Romania * **Association for Integration and Migration**, Czech Republic * **Association for Juridical Studies on Immigration**, Italy * **Asylkoordination**, Austria * **Asylum Aid**, UK * **Bail for Immigration Detainees**, UK * **Belgian Refugee Council**, Belgium * **British Red Cross**, UK * **Caritas Vienna**, Austria * **Civic Assistance Committee for Refugees**, Russia * **Civil Rights Programme**, Kosovo * **Danish Refugee Council**, Denmark * **Detention Action**, UK * **The Equal Rights Trust**, UK * **EUDO Citizenship**, regional * **European Roma Rights Centre**, Hungary * **Faith Hope Love**, Russia * **Forum Refugees**, France * **Greek Council for Refugees**, Greece * **Halina Niec Legal Aid Centre**, Poland * **Helsinki Citizens Assembly**, Turkey * **Helsinki Foundation for Human Rights**, Poland * **HIAS**, Ukraine * **Human Rights League**, Slovakia * **Hungarian Helsinki Committee**, Hungary * **Immigrant Council of Ireland** * **Information Legal Centre**, Croatia * **Innovations and Reforms Centre**, Georgia * **Italian Council for Refugees**, Italy * **JRS Romania** * **Kerk in Actie**, Netherlands * **Latvian Centre on Human Rights**, Latvia * **Law Centre of Advocates**, Moldova * **Legal Centre**, Montenegro * **Legal Clinic for Refugees and Immigrants**, Bulgaria * **Legal Information Centre on Human Rights**, Estonia * **Lithuanian Red Cross Society**, Lithuania * **Liverpool University Law Clinic**, UK * **Macedonia Young Lawyers Association**, Macedonia * **Migrant Rights Network**, UK * **NGO Vitality**, Moldova * **Open Society Justice Initiative** * **Peace Institute**, Slovenia * **People for Change Foundation**, Malta * **Portuguese Refugee Council**, Portugal * **Praxis**, Serbia * **Refugee Action**, UK * **Refugees International**, regional * **Statelessness Programme - Tilburg University**, the Netherlands * **Vasa Prava**, Bosnia and Herzegovina

Individual associate members:

Marine Antonyan, Armenia * **Katia Bianchini**, UK * **Adrian Berry**, UK * **Zsolt Bobis**, Hungary * **Michelle Mila van Burik**, Netherlands * **Ivana Canjuga Bedi**, Croatia * **Valeriia Cherednichenko**, Ukraine * **Arsenio Cores**, Spain * **Eva Ersboll**, Denmark * **Paolo Farci**, lawyer, Italy * **Eric Fripp**, UK * **Monika Ganczer**, Hungary * **Professor Guy Goodwin-Gill**, UK * **Stans Goudsmit**, Netherlands * **Stefanie Grant**, UK * **Professor Rene de Groot**, Netherlands * **Professor James Hathaway**, US * **Karel Hendriks**, Netherlands * **Erika Kalantzi**, Greece * **Manuela Kraus**, Germany * **Maureen Lynch**, US * **Helena-Ulrike Marambou**, Germany * **Reinhard Marx**, Germany * **Keelin McCarthy**, UK * **Frances Meyler**, UK * **Tamas Molnar**, Hungary * **Andrea Saccucci**, Italy * **Mike Sanderson**, UK * **Nando Sigona**, UK * **Kelly Staples**, UK * **Katia Swider**, Netherlands * **Kostas Tsitselikis**, Greece * **Jason Tucker**, UK * **Caia Vlieks**, Netherlands * **Sarah Woodhouse**, UK

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European Network on Statelessness
Club Union House, 253-254 Upper Street
London, N1 1RY
United Kingdom

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