



An update on statelessness in Europe

Interview with UNHCR's Statelessness Regional Protection Officer, Inge Sturkenboom



ENS caught up with UNHCR's Statelessness Regional Protection Officer, Inge Sturkenboom, just short of a year since she started in post.

ENS: What does your role involve and how does it fit with UNHCR's broader strategic aims for statelessness work?

Inge Sturkenboom: As a protection officer in the Bureau for Europe of UNHCR, I work on statelessness in the 48 European countries, including all member countries of the Council of Europe and Belarus. I do so by providing technical legal support to UNHCR's country and regional offices in their advocacy and operational efforts to work with governments and other national stakeholders to address statelessness. Another aspect of my work is to contribute to UNHCR's advocacy with regional and international stakeholders such as the bodies of the Council of Europe, the OSCE, the institutions of the European Union within the scope of their respective areas of competence for statelessness, and the European Network on Statelessness. My work fits into UNHCR's broader strategic priorities to advocate for the adoption of nationality laws that include safeguards for the prevention of statelessness and to contribute to a greater reduction of statelessness.

ENS: What do you see as the key statelessness challenges in Europe today? How can these be solved and by whom?

Inge Sturkenboom: At the end of 2012, UNHCR reported approximately 700,000 persons falling under its statelessness mandate in Europe. Data on stateless persons in nearly all countries in Europe are available, but the quality of the data varies greatly. This can be explained by the fact that statelessness remains an unknown and hidden phenomenon. In addition, there is a lack of proper determination procedures to identify stateless individuals and a lack of uniformity in the way countries categorize persons who do not have any nationality in their central registries, which are also part of the explanation.

These challenges can be addressed in various ways. The establishment of a statelessness determination procedure, such as has occurred most recently in Moldova, Georgia and the United Kingdom, is one way of bringing statelessness to light. Public information documents and campaigns, by the government, by civil society organizations or by international stakeholders, can contribute to the understanding of statelessness and the acknowledgement that stateless persons need to be identified and supported in the enjoyment of their rights under the 1954 Convention. As for statistical information, data generated by the round of population censuses conducted since 2010 can be used as an indication of the number of persons whose nationality is undetermined and whose nationality (or lack thereof) should be clarified. This is especially relevant in successor states of the Soviet Union and the former Yugoslavia, where groups of persons are known to remain without a nationality. As census-based statelessness figures are based on self-

identification by respondents, they do not necessarily accurately reflect the true number of stateless individuals, but can form a basis for governments to evaluate, and analyze the statelessness situation in the country to determine the profile and location of those persons whose nationality is unclear.

ENS: What key statelessness activities does UNHCR plan to undertake in Europe during 2013 and 2014, and what are the primary objectives?

Inge Sturkenboom: The year 2014 will mark the 60th anniversary of the 1954 Convention relating to the Status of Stateless Persons. Building on the momentum generated by the 2011 Ministerial Meeting of UN Member States, commemorating the 50th anniversary of the 1961 Convention on the Reduction of Statelessness, 2014 presents an excellent opportunity to reinforce awareness and action to address statelessness around the globe. In particular, given the focus of the 1954 Convention on standards of treatment for stateless persons, the commemoration goals and activities proposed for 2014 all converge on the theme of “The Human Face of Statelessness”. In Europe, UNHCR will strengthen its advocacy efforts to promote the accession to one or both statelessness conventions by European States which are yet to accede, and will provide support to those countries that consider the establishment of determination procedures.

UNHCR especially would like to seize this opportunity to address protracted stateless situations around the globe. In Europe, 25 years after the fall of the iron curtain, hundreds of thousands of persons remain stateless as a consequence of the dissolution of the Soviet Union and the former Yugoslavia. We have seen a steady process of naturalization of stateless persons in the successor states of the Soviet Union throughout the years, as well as important legislative amendments such as in the Russian Federation. In the Western Balkans, with the help of UNHCR, civil society and other stakeholders, authorities have gradually reduced the risk of statelessness by improving the civil registration systems and facilitating the registration of those who had remained legally invisible thus far. UNHCR strongly encourages and supports those countries to continue on this path so that the remaining stateless persons can acquire or confirm the nationality of their country of habitual residence.

ENS: UNHCR hosted a successful Ministerial Meeting in Geneva back in December 2011 at which many European states made statelessness-related pledges. Within the European Union all but four Member States have ratified the 1954 Statelessness Convention yet only a handful of these countries have put in place dedicated statelessness determination procedures. How can other European states be encouraged to follow the recent positive example set by the UK in establishing such

a procedure? Should the EU be playing a greater role in this regard?

Inge Sturkenboom: We can see increased attention to statelessness by the EU institutions, which culminated so far in the pledge of September 2012 that stated that Member States would accede to the 1954 Convention and consider acceding to the 1961 Convention. Also, the EU pledges to develop a framework to raise statelessness with third countries. The EU, through the European Commission's Directorate General for Enlargement, has already made an important contribution to addressing statelessness in the Western Balkans, through its advocacy for and support to adequate civil status registration and documentation. UNHCR encourages the relevant EU institutions to continue to advocate for solutions to statelessness in its external relations, and look at statelessness within its borders too. The possible inclusion of stateless persons as beneficiaries in the proposed new Asylum and Migration Fund of the European Commission would allow strengthening the response to statelessness in the European Union.

Within the European Union, UNHCR believes the best way to encourage Member States to address statelessness in their territory is to highlight the good practices of other Members States. Statelessness is still an unfamiliar topic for many policy makers and countries can learn from each other's experiences in this regard. By pointing out legislation and practice in other countries of the EU, on safeguards against statelessness in nationality legislation and statelessness determination procedures for example, we can take away doubts and misunderstandings, and answer questions. The recently launched database on the protection against statelessness in nationality legislation, developed by UNHCR and the EUDO observatory on citizenship, is a useful tool for such a comparison. Exchanges between policy makers from different countries and visits to France, Hungary and other countries where statelessness determination procedures are in place have proven effective and UNHCR continues to encourage and facilitate such exchanges.

ENS: Our Network values UNHCR as a key strategic partner. In your view, how can the two organisations best work together and complement one another's efforts? How can UNHCR support the continuing development of ENS as an effective coordinating body for NGOs and experts working to tackle statelessness in Europe?

Inge Sturkenboom: I believe information sharing is an essential part of UNHCR's and the ENS' collaboration. Through its members that work at the grassroots level, providing legal assistance to stateless persons or persons with undetermined nationality, the European Network on Statelessness has valuable access to information about the practical complications and obstacles that stateless persons face in their daily lives. This information is important to contribute to the shaping of UNHCR's policy at the national and regional

levels. I believe the various occasions in the past during which UNHCR and the ENS and its members collaborated, on a regional level or at country level, in the drafting of mapping studies or in the facilitation of trainings or meetings for example, have proved fruitful for all those involved. Finally, the potential advocacy voice of the ENS, representing over 40 civil society organizations from all over Europe, will only strengthen the call for action to States in Europe to tackle statelessness.

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 76 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 associate membership, visit our [website](#) or email ENS Coordinator Chris Nash at info@statelessness.eu.



ENS calls for an International Day on Statelessness!

Despite some positive progress in recent years, organisations and individuals that work on the issue are well attuned to the lack of general awareness on statelessness, and the negative impact this has on the human rights protection of stateless persons worldwide. In a bid to tackle this, ENS has joined with the Tilburg Statelessness Programme in calling on UN Agencies and civil society organisations to rally together and lobby the UN General Assembly to adopt an International Day on Statelessness.

International days of observance are an effective and practical way to raise awareness and generate momentum around an issue. According to the UN, 10 December and 20 June are universally associated with human rights and refugees respectively. Observances on these days have over the years raised awareness on and the profile of the issues and challenges related to these respective fields. They have become



Joint ENS – WeBLAN workshop in Belgrade

On 23 April a joint workshop was held with the European Network on Statelessness (ENS) and the Western Balkan Legal Aid Network (WeBLAN) on statelessness in Belgrade. The event was organised with the support of the UNHCR Representation in Serbia and the EU funded project “Best Practices for Roma Integration” (BPRI) implemented by ODIHR in the Western Balkans.

The workshop brought together over 40 participants from across the region and aimed to highlight issues of statelessness in the Western Balkan countries, the main problems, challenges, legal gaps, populations, as well as on-going activities and progress made so far, exchange examples of good practices, good systemic solutions and the promotion of relevant international standards.

For the purpose of the workshop the WeBLAN members had conducted

annual celebrations of human rights and the rights of refugees, and occasions for introspection, assessment and review of past failures.

We believe that an international day of observance on statelessness would have similar potential to positively impact on the issue of statelessness. We also believe that the time is now right given recent momentum on the issue, and that hopefully there now exists a suitably robust core of individuals and organisations working on statelessness to make this call a success.

ENS appeals to all interested parties to join us in our call for the adoption of an international day on statelessness. As the world commemorates the 60th anniversary of the 1954 Convention Relating to the Status of Stateless Persons in 2014, we hope that the first international day on statelessness will stand as a sign of universal acknowledgement of the human rights impact of statelessness and our collective resolve to reduce and prevent statelessness and protect all stateless persons.

For further information or to express support for taking forward this initiative, click [here](#).

country research, based on a template developed jointly with ENS, containing a description and analysis of the main problems, challenges, legal gaps and on-going activities aimed at the prevention and reduction of statelessness. This research and related analysis undertaken by the six WeBLAN members on their respective countries served as a basis for workshop presentations and discussion. It was complemented by sessions facilitated by ENS Steering Committee members on a range of issues related to prevention and reduction of statelessness, statelessness determination and the protection of stateless persons, litigating statelessness before the international courts and international advocacy on statelessness.

More detailed information on initial research findings and discussion at the workshop is available [here](#) but through holding the event it was hoped to share learning and to mutually reinforce efforts by both Networks to tackle an issue which is such a significant and enduring problem in the region.



Brussels debate on access to citizenship

On 22 February ENS Coordinator Chris Nash was invited to speak at an event in Brussels organised by the Migration Policy Group to present [EURO CITIZENSHIP](#)'s latest research as part of an EU-level debate on future European cooperation on the acquisition and loss of nationality. The event, part of the EU-funded project [Access to Citizenship and its Impact on Integration \(ACIT\)](#), covered questions such as how does becoming a citizen help an immigrant become more integrated in society or what opportunities and obstacles do immigrants face to become citizens across the EU? The event kicked off with a series of presentations summarising EUDO's key research results and its new [citizenship indicators](#) which reveal what are the legal and administrative obstacles to citizenship acquisition, the impact of these rules, and the other factors that determine naturalisation rates. This was



Statelessness and fundamental rights in the EU

ENS was invited to hold an information workshop for staff members of the European Union's Fundamental Rights Agency (FRA) on 7 May, in Vienna. The interactive workshop facilitated by ENS Chair Gábor Gyulai sought to familiarise participants with the concept of statelessness and the main legal challenges arising, as well as the main features of this problem and information about the most significant stateless populations which exist within the EU. Discussions then moved to how statelessness relates to different provisions of the EU Charter of Fundamental Rights, and how cooperation between EU institutions (including FRA) and civil society actors could be enhanced.

ENS sees this invitation as an important first opportunity paving the way for increasing cooperation in the future, with the aim of mainstreaming statelessness in the human rights-related activities of the

followed by presentations from the European Commission, Hannes Swoboda MEP, Professor Rene de Groot, UNHCR and the Council of Europe Commissioner for Human Rights, Nils Muiznieks as well as ENS.

The ENS presentation addressed the role of the EU in addressing statelessness as well as more generally the importance of naturalisation as a tool to reduce statelessness. Reflecting on this brought home how relatively limited debate there has been to date about the role of the EU with regard to statelessness. But there are some positive signs of a sea change, for example at the UN High Level Rule of Law Conference the EU pledged that all Member States not yet parties would ratify the 1954 Convention and consider acceding to the 1961 Convention.

ENS's contribution also highlighted a need for the European Commission to play more of a leadership role in helping to raise awareness about statelessness and to make necessary links with debates on integration and active citizenship, particularly in 2013 the Year of the European Citizen. On the issue of access to citizenship, attention was drawn to the current catch 22 situation that stateless persons first need to be identified and regularised before they can naturalise, and that therefore the current absence in most EU states of a statelessness determination procedure which can bestow lawful leave to remain effectively

EU and its institutions.



Tackling Roma statelessness in Italy

On 7 February, the ENS-member Italian Council for Refugees (CIR) held a one-day seminar in Rome in order to share and discuss its findings on Roma statelessness in Italy. Its report [“In the sun”](#) revealed long-awaited data on the dimensions and profile of the Roma stateless population in Italy (originating from the former Yugoslavia), as well as highlighting the specific challenges and hardship faced by this population. The event was well attended by a range of stakeholders, including UNHCR, the Italian anti-discrimination authority (UNAR) and Ministry of the Interior, the Open Society Foundations and numerous NGOs. The seminar aimed to maintain momentum with on-going efforts in support of improved Roma inclusion, which include a government-led

excludes stateless persons from any prospect of naturalisation. Removing this barrier is therefore key to ensuring that stateless persons can in future integrate as active EU citizens.



Innovations in Russian Legislation on Citizenship

By Svetlana Gannushkina

Against the backdrop of crazy laws and bills, that have been passed or that are being currently examined by the State Duma of the Russian Federation, the positive amendments that have been introduced into the Federal Law of the Russian Federation “On Citizenship of the Russian Federation” stand out, especially as they are directed at solving such long-standing issues.

consultation process on the legal status of Roma in Italy.

ENS Chair, Gábor Gyulai, spoke at the seminar and was invited to reflect on the Italian statelessness determination procedure and protection regime from an international comparative perspective. Besides highlighting some important positive practices, his presentation urged the need for far-reaching legislative reform as indispensable to making the Italian statelessness-specific protection mechanism effective and truly accessible for those in need.

Read more about the “In the sun” project in Daniela Di Rado’s [quest blog](#) for ENS.



Bringing Legal Ghosts Out of the Shadows

By Chris Nash

Back in November 2011 Asylum Aid and

The issue of the need to determine the legal status of former citizens of the USSR who had been living for long periods on Russian territory, had been raised by non-governmental organisations many times in the past. The Government Commission on Migration Policy, restored in 2008 by the then President Medvedev, brought up this very issue at its first meeting. The initiative came from Svetlana Gannushkina and Lydia Grafova, members of the Commission from the non-governmental sector. Around the same time, the need to establish an amnesty or to regularise those who had received a Russian passport, but where there had been a violation of the procedure for being granted Russia citizenship, was also raised on more than one occasion. These violations often happened because the staff of the passport service were not well-qualified. They would mix up the concepts of recognition and acquisition of citizenship. In doing so, they would often issue passports to individuals who could only become citizens on the basis of naturalization, forgetting to take a naturalization application from persons who did not have the right to be “recognised” as citizens.

Read the full blog entry [here](#).

UNHCR published their joint study [Mapping Statelessness in the United Kingdom](#). Over the course of a year we mapped the number and profile of stateless persons in the UK and sought to put a human face on their situation by conducting interviews across the country. We also examined the UK’s legal obligations to stateless persons under international law and analysed the impact of current policy and practice. Based on these findings our report made recommendations for reform, most notably calling for the introduction of a dedicated UK statelessness determination procedure.

We were all buoyed when the UK Home Secretary immediately responded to our report by making a commitment to introduce a statelessness determination procedure. It has taken longer than anticipated, and a significant amount of negotiation and behind the scenes dialogue with counterparts in the UK Home Office, but yesterday the [new procedure](#) became a reality and now offers a lifeline to stateless migrants such as those we interviewed during the research. Asylum Aid has prepared a short [briefing note](#) with more information about the new procedure.

Read the full blog entry [here](#).

Network members in the spotlight

ENS will include a couple of associate network members profiles in our newsletters. Up this time are the Helsinki Citizens' Assembly from Turkey and the Human Rights League from Slovakia.

Helsinki Citizens' Assembly

The Helsinki Citizens' Assembly (HCA) is the leading NGO legal assistance provider for asylum seekers in Turkey. The organization also monitors policies and practices in the area of asylum and management of migration, publishes reports about protection gaps and advocates for improvements in the legal framework and policies affecting asylum seekers and detained migrants in Turkey.

For the first time in Turkey new legislation in the form of a very promising "Law on Foreigners and International Protection" provides comprehensive legislative guidance regarding the treatment of stateless individuals. It foresees the setting up of a procedure for the determination of statelessness by the new Migration Directorate General and issuing of a Stateless Person Identification Document, which will endow legal status and residence rights to the individuals concerned. The new Directorate General is tasked to adopt an implementing regulation to set down the principles and procedures of the new statelessness determination procedure.

At the same time there is no public information available on the volume and profile of the relatively small number of individuals currently registered with the authorities as stateless. Equally, compared with increasing interest and concern in recent years among Turkey's rights advocates for the country's continuing challenges in dealing with refugees and irregular migrants, "statelessness" as an issue has largely been absent from the policy and rights conversation.

Against this backdrop, HCA intends to follow closely the preparations for the implementing regulation on statelessness and keep track of the stateless issue as an important policy and protection matter as Turkey's new asylum and migration infrastructure takes shape in the next period. Meanwhile, preparations are underway for a high-level visit to the National Police Directorate Foreigners Department, which will continue to be in charge of all implementation until the new agency is up and running. It is hoped that any statistical data and official commentary that can be acquired from this initial exchange will be useful in spelling out HCA's monitoring and lobbying strategy on statelessness going forward. HCA also intends to explore the possibility of organizing a workshop in Istanbul in 2014, with the participation of representatives from Turkey's NGO rights advocacy community and experts from ENS.

The Human Rights League

The Human Rights League (HRL) is a non-governmental organisation based in Bratislava, Slovakia. Since its establishment in 2005, HRL has pioneered provision of free legal aid and counselling to asylum seekers, refugees, detainees, irregular migrants, separated children and other categories of third country nationals, focusing on protecting the vulnerable ones. The lawyers and associated attorneys-at-law provide legal representation in administrative and judicial proceedings with foreigners.

Statelessness became an issue for HRL's lawyers mainly in the context of other administrative procedures - primarily asylum, detention and deportation procedures. Many of HRL's current caseload of stateless clients remain unrecognised by State authorities. Typically they cannot leave Slovakia, their forced return has been unsuccessful and they struggle between asylum procedure, detention, tolerated stay or legal limbo. Especially alarming are the cases of persons who are unreturnable and have lived in Slovakia for several decades. Over time stateless persons have increasingly become an important target

group of our counselling and advocacy activities.

The topic of statelessness has not attracted much public interest in Slovakia to date. HRL contributed to the 2007 Hungarian Helsinki report "*Forgotten Without Reason*" which is the only public report currently available. However, from October 2012 to March 2013 HRL carried out research for UNHCR resulting in a mapping study. The research involved a detailed analysis of national legislation and practice (including statistics and case analysis). The study is currently being finalised.

Based on these findings and recommendations, HRL will continue to advocate for the better treatment of stateless persons in Slovakia, and first and foremost for the introduction of a separate statelessness determination procedure.

Network membership

ENS currently has 76 members. Six serve on its Steering Committee, 47 are associate member organisations, and 23 are associate individual members.

Steering Committee members:

[Asylum Aid](#)
[Equal Rights Trust](#)
[Hungarian Helsinki Committee](#)
[Open Society Justice Initiative](#)
[Praxis](#)
[Statelessness Programme, Tilburg University](#)

Associate 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 * **Bail for Immigration Detainees**, UK * **Belgian Refugee Council**, Belgium * **British Red Cross**, UK * **Caritas Vienna**, Austria * **Civil Rights Programme**, Kosovo * **Danish Refugee Council**, Denmark * **Detention Action**, UK * **EUDO Citizenship**, regional * **Faith Hope Love**, Russia * **Forum Réfugiés**, France * **Greek Council for Refugees**, Greece * **Helsinki Citizen's Assembly**, Turkey * **Helsinki Foundation for Human Rights**, Poland * **HIAS**, Ukraine * **Human Rights League**, Slovakia * **Immigrant Council of Ireland** * **Information Legal Centre**, Croatia * **Innovations and Reforms Centre**, Georgia * **Interights**, UK * **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 * **Macedonia Young Lawyers Association**, Macedonia * **Migrant Rights Network**, UK * **NGO Vitality**, Moldova * **Peace Institute**, Slovenia * **People for Change Foundation**, Malta * **Portuguese Refugee Council**, Portugal * **Refugee Action**, UK * **Refugees International**, regional * **Vaša Prava**, Bosnia and Herzegovina

Associate individual members:

Marine Antonyan, Armenia * **Katia Bianchini**, UK * **Adrian Berry**, UK * **Zsolt Bóbis**, Hungary * **Michelle Mila van Burik**, Netherlands * **Ivana Canjuga Bedić**, Croatia * **Arsenio Cores**, Spain * **Eva Ersbøll**, Denmark * **Paolo Farci**, lawyer, Italy * **Eric Fripp**, UK * **Mónika Ganczer**, Hungary * **Professor Guy Goodwin-Gill**, UK * **Stans Goudsmit**, Netherlands * **Stefanie Grant**, UK * **Professor René de Groot**, Netherlands * **Professor James Hathaway**, US * **Karel Hendriks**, Netherlands * **Erika Kalantzi**, Greece * **Maureen Lynch**, US * **Reinhard Marx**, Germany * **Keelin McCarthy**, UK * **Tamás Molnár**,

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