

# STATELESSNESS AND THE RIGHT TO A NATIONALITY IN EUROPE: PROGRESS, CHALLENGES AND OPPORTUNITIES



INTERNATIONAL CONFERENCE  
AND TECHNICAL MEETING OF EXPERTS  
(Strasbourg, 23-24 September 2021)

**Programme**



## **Background**

*Statelessness remains a significant issue both globally and in Europe, despite the existence of relevant international treaties to prevent and reduce this phenomenon and to protect stateless persons. The right to a nationality is reflected in numerous widely ratified international treaties and is considered a gateway to the enjoyment of a range of other rights.<sup>1</sup> It also constitutes part of a person's social identity.<sup>2</sup> Yet, according to the latest UNHCR estimates, there are some 535,000 stateless persons, including those with undetermined nationality living in Europe.<sup>3</sup> The lack of nationality has a serious impact on their lives, their enjoyment of the full range of human rights, including access to education, employment, healthcare, housing, and freedom of movement. The Covid-19 pandemic has certainly aggravated their already marginalized situation.*

*The causes of statelessness are manifold, including complexities of conflicts in nationality laws, state succession, forced displacement, historical and contemporary migration, structural birth registration problems, access to nationality and related administrative practices. The prevention and reduction of statelessness and the identification and protection of stateless persons are among the priority areas of the Council of Europe's [Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe \(2021-2025\)](#). To support global efforts, and the UNHCR's #IBelong Campaign (2014-2024), the Council of Europe, through the European Committee on Legal Co-operation (CDCJ), decided to join forces with UNHCR to raise awareness and promote the accession of all its 47 member States to International and European conventions relating to nationality and statelessness<sup>4</sup>, and their successful implementation.*

*With the adoption of the 2030 Agenda, member States have committed "to leave no one behind" in their implementation of the Sustainable Development Goals (SDG), and this can only be achieved if all persons, including those who are stateless, have access to justice and a legal identity, including birth registration. Many SDGs are relevant in this context, in particular SDG 16 (Peace, Justice, and Strong Institutions), but also SDGs 4, 5, 10 and 17.*

*These events will provide an opportunity for member States, national experts, high-level representatives from international organisations, civil society, academia and stateless individuals - to exchange views on how to successfully contribute to ending statelessness in Europe and guarantee the fundamental rights set out in relevant international and regional treaties.*

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<sup>1</sup> Article 15 of the Universal Declaration of Human Rights establishes the right of every person to a nationality. Article 7(2) of the Convention on the Rights of the Child and Article 24(3) of the International Covenant on Civil and Political Rights state that every child has the right to acquire a nationality. The fundamental nature of the right to a nationality and the prohibition of arbitrary deprivation of nationality was recalled by the General Assembly in RES/50/152 of 1996, in which the GA called upon States to "adopt nationality legislation with a view to reducing statelessness, consistent with the fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality". In Europe, this is reflected in Article 4 and 6 of the European Convention on Nationality.

<sup>2</sup> ECtHR, *Genovese v. Malta*, no. [53124/09](#), §30, 11 October 2011.

<sup>3</sup> UN High Commissioner for Refugees (UNHCR), [Global Trends: Forced Displacement in 2020](#). This figure is based on information provided by governments and other sources.

<sup>4</sup> Council of Europe conventions: [European Convention on Nationality](#) (ETS No. 166); [Council of Europe Convention on the avoidance of statelessness in relation to State succession](#) (CETS No. 200); United Nations conventions: [1954 Convention relating to the Status of Stateless Persons](#); [1961 Convention on the Reduction of Statelessness](#).

**Technical meeting of experts (23 September 2021)**

On 23 September 2021, experts will be invited to take part in a technical meeting to exchange information, experiences and views and prepare concrete technical recommendations on how statelessness could be addressed in Europe in respect to the identified themes. They will be invited to:

- Discuss current trends, outstanding gaps, share challenges and practical difficulties, promote good practices in addressing common challenges with respect to the:
  - (i) Identification of stateless persons and guaranteeing that their rights and protection needs are upheld;
  - (ii) Prevention and reduction of statelessness in Europe, including the possible consequences of childhood statelessness.
- Identify areas where member States can benefit from targeted technical support to develop and implement appropriate responses to statelessness;
- Identify concrete follow-up actions by member States and by the Council of Europe and UNHCR, and where appropriate, provide further suggestions for follow-up.

**International conference (24 September 2021)**

The International Conference will follow on 24 September 2021 with the participation of high-level speakers, senior representatives of governments of member States, national authorities with specific expertise in nationality and statelessness issues, judges, representatives of international and regional organisations, civil society organisations, and academia, and stateless individuals will be invited to:

- Take stock of outstanding challenges and achievements in addressing statelessness in Europe and define concrete action and commitments by member States, in line with their obligations under the relevant international Conventions towards addressing statelessness in Europe;
- Have an informed discussion about good practices and policy approaches in this area to support and promote the implementation or the ratification of the European Convention on Nationality (ETS No. 166), the Convention on the avoidance of statelessness in relation to State succession (CETS No. 200); the UN Convention Relating to the Status of Stateless Persons (1954) and the UN Convention on the Reduction of Statelessness (1961);
- Enhance co-operation and dialogue between member States and participating organisations on statelessness issues in Europe;
- Advance the goals of the UNHCR #IBelong Campaign to End Statelessness by 2024 and contribute to the implementation of the 2030 Agenda and SDG 16.9 - "Legal identity for all".

The conference will serve as a platform for exchange of good practices and experiences, including in the area of identification and protection of stateless persons, prevention and reduction of the risk of statelessness in Europe and prevention and reduction of childhood statelessness, as well as related topics.

**Expected results**

*The Conference is expected to:*

- *Take stock of the situation of statelessness in Europe and renew member States' commitment to address the issue.*
- *Reach consensus and identify concrete actions that need to be put in place by member States, where appropriate, with support from the Council of Europe and UNHCR, to be able to accede to the above-mentioned Conventions and/or work towards full implementation of the Conventions in order to effectively prevent and reduce statelessness in Europe, in particular childhood statelessness.*

**Participation**

*The technical meeting of experts and the international conference will be both virtual and in-person events.*

**Interpretation**

*Simultaneous interpretation will be provided in English and French.*

## Thursday 23 September 2021

### Technical meeting of experts

**9:00 – 9:15**

#### **OPENING OF THE MEETING**

*Mr. João Arsénio de Oliveira, Chair of the European Committee on Legal Co-operation (CDCJ) of the Council of Europe*

*Mr. Andreas Wissner, UNHCR Representative to the European Institutions in Strasbourg*

**9:15 – 12:00**

#### **SESSION 1 – Identifying and protecting stateless persons in Europe**

**Moderator:**

*Dr. Laura van Waas, Co-Director of the Institute on Statelessness and Inclusion*

**Keynote speakers:**

*Mr. Raymond Santamaria, in conversation with Ms. Zainnab Makele, Protection Associate, UNHCR Representation for the United Kingdom*

**9:15 – 10:30**

#### **Establishing and implementing statelessness determination procedures and procedural guarantees, including access to legal aid and assessment of evidence**

*Exchange of views on gaps, challenges, practical difficulties and related solutions and good practices*

**10:30 – 10:50**

#### **Break**

**10:50 – 12:00**

#### **Access to residency and related rights for recognised stateless persons, including access to healthcare and socio-economic rights, such as access to work**

*Exchange of views on gaps, challenges, practical difficulties and related solutions and good practices*

**12:00 – 13:30**

#### **Lunch Break**

**13:30 – 16:30**

#### **SESSION 2 – Preventing and reducing statelessness in Europe, including the possible consequences of childhood statelessness**

**Moderator:**

*Ms. Radha Govil, Senior Legal Officer (Statelessness), Division of International Protection, UNHCR*

**Keynote speakers:**

*Ms. Lynn Al-Khatib, statelessness activist, in conversation with Mr. Adolfo Sommarribas, Senior Legal Migration Expert, European Migration Network Luxembourg*

**13:30 - 15:00**      **Implementing principles governing acquisition and deprivation of nationality and related criteria – The role of judges and national authorities**

*Exchange of views on gaps, challenges, practical difficulties and related solutions and good practices*

**15:00 – 15:20**      **Break**

**15:20 – 16:30**      **Preventing childhood statelessness and ensuring child friendly procedures**

*Exchange of views on gaps, challenges, practical difficulties and related solutions and good practices*

**16:30 – 17:00**      **CONCLUSIONS AND CLOSING REMARKS**

**16:30 – 16:50**      **Wrap up by the general rapporteur: Mr. Gérard-René De Groot, Professor emeritus of Maastricht University in Comparative Law and Private International Law, Council of Europe expert on Nationality Law**

*Final remarks by participants*

**16:50 – 17:00**      **Closing remarks**

*Mr. João Arsénio de Oliveira, Chair of the European Committee on Legal Co-operation (CDCJ) of the Council of Europe*

*Mr. Andreas Wissner, UNHCR Representative to the European Institutions in Strasbourg*

**17:00**                **CLOSING OF THE MEETING**

## Friday 24 September 2021

### International Conference

**9:00 – 9:15**

#### **OPENING OF THE CONFERENCE**

*Ambassador Drahoslav Štefánek, Council of Europe Secretary General's Special Representative on Migration and Refugees*

*Ms. Gillian Triggs, Assistant High Commissioner for Protection (AHC-P), UNHCR*

**9:15 – 11:00**

#### **HIGH LEVEL PANEL: ERADICATING STATELESSNESS IN EUROPE: PROGRESS, CHALLENGES AND OPPORTUNITIES**

*Mr. João Arsénio de Oliveira, Chair of the European Committee on Legal Co-operation (CDCJ) of the Council of Europe in conversation with:*

*Ms. Gillian Triggs, Assistant High Commissioner for Protection (AHC-P), UNHCR*

*Mr. Christophe Poirel, Director of Human Rights, Council of Europe*

*Mr. Chris Nash, Director of the European Network on Statelessness*

*Ms. Christiana Bukalo, Germany, Founder of Statefree e.V.*

**10:30 – 10:45**

#### **Plenary Discussion**

**10:45 – 11:00**

#### **Report on practical challenges and recommended actions as a result of the technical meeting of experts (23 September 2021)**

*Mr. Gérard-René De Groot, Professor emeritus of Maastricht University in Comparative Law and Private International Law, Council of Europe expert on Nationality Law*

**11:00 – 11:30**

#### **Family Photo and Break**

**11:30 – 12:30**

#### **RATIFICATION, IMPLEMENTATION AND ENFORCEMENT OF INTERNATIONAL AND EUROPEAN CONVENTIONS ON STATELESSNESS – THE ROLE OF STATES**

**Keynote speaker:**

*Mr. Boriss Cilevičs, Member of Parliament, Chairperson of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE)*

*Mr. Christophe Poirel, Director of Human Rights, Council of Europe, in conversation with member States representatives to exchange views on:*

- *Recent achievements made by member States and their experiences;*
- *Practical challenges in implementation of Conventions and ways to address them;*
- *Legal difficulties to uphold reservations to Conventions.*

**12:30 – 14:00**

#### **Lunch Break**

**14:00 – 15:00**      **RATIFICATION, IMPLEMENTATION AND ENFORCEMENT OF INTERNATIONAL AND EUROPEAN CONVENTIONS ON STATELESSNESS – THE ROLE OF STATES (continued)**

**15:00 – 15:20**      **Break**

**15:20 – 17:00**      **JOINING FORCES TO ERADICATE STATELESSNESS IN EUROPE**

**Moderator:**            *Ms. Melanie Khanna, Chief of Statelessness Section, Division of International Protection, UNHCR*

*Introductory remarks by the moderator, followed by discussion with representatives from international organisations, civil society, stateless individuals to exchange views on building stronger partnerships both nationally and internationally in order to find solutions for the elimination of statelessness in Europe*

**17:00 – 17:15**      **CONCLUSIONS AND CLOSING REMARKS**

*Mr. Andreas Wissner, UNHCR Representative to the European Institutions in Strasbourg*

*Mr. Daniele Cangemi, Head of the Department for Human Rights, Justice and Legal Co-operation Standard Setting Activities, Council of Europe*

**17:15**                    **CLOSING OF THE CONFERENCE**