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## **Several hundred thousand people in Europe are stateless – they need extra protection**

Strasbourg, 01/08/11 - Having a nationality is a basic human right – so basic that it amounts to a “right to have rights”. The tragedy of persons without nationality gained attention after World War II and a first United Nations treaty was agreed in 1954 on the Status of Stateless Persons to be followed by another convention in 1961 on the Reduction of Statelessness. However, even now- on the 50<sup>th</sup> anniversary of one of these accords – many people remain without a nationality. Even in relatively peaceful Europe they can be counted in hundreds of thousands. The UN refugee agency, UNHCR, estimates the number to be as many as [589 000](#), says Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his latest [Human Rights Comment](#) published today.

Some stateless people are refugees or migrants, having left their countries of origin. Others live in their home country but are not recognised as citizens. The plight of the stateless, who are estimated to number 12 million worldwide, has received limited attention in recent years and seems to be little understood.

### **No papers – no rights**

Stateless persons are often marginalised. When they lack birth certificates, identity cards, passports and other documents, they risk being excluded from education, healthcare, social assistance and the right to vote. A stateless person may not be able to travel or work legally.

As a result the stateless have to grapple with inequality and discrimination – and with a heightened risk of being perceived as irregular. This dire situation was recently described in a report from the Equal Rights Trust, ERT: [Unravelling Anomaly: Detention, Discrimination and the Protection Needs of Stateless Persons.](#)

The political developments in Europe after 1989 led to increasing numbers of stateless persons, especially those belonging to national minorities. The breakup of the Soviet Union, Yugoslavia and Czechoslovakia caused enormous difficulties for people who were regarded by the new governments as belonging somewhere else – even when they had resided in their current location for many years.

### **A big problem in Europe**

In Latvia and Estonia large numbers of residents remain non-citizens, even if the number of those who have been granted full citizenship has increased in recent years, and others have been provided with personal identity documents which enable them to travel and work more easily. But non-citizens, even those who were born in the country, are still not granted the right to vote in national elections.

A great number of stateless persons in Europe are Roma, particularly in the countries of ex-Yugoslavia. Some, who have moved from that region to other parts of Europe, are living as *de facto* stateless since they lack personal documents and live in legal uncertainty. For instance, there are approximately 15 000 persons in this situation in Italy. The exclusion

and marginalisation that Roma persons already experience is compounded by the lack of effective nationality.

### **There are rules - to be respected**

Children should not be denied their right to a nationality just because their parents are stateless. The host country has an obligation to ensure that children have citizenship. Both the [UN Convention on the Rights of the Child](#) and the [International Covenant on Civil and Political Rights](#) stipulate that children shall have the right to acquire a nationality. Children who would otherwise be stateless should be granted the nationality of the host state.

The Council of Europe has adopted two highly relevant treaties to guide a rights-based approach towards nationality and statelessness. However, these have not been widely ratified. Only twenty Council of Europe member states have ratified the [1997 Convention on Nationality](#), and only five states have so far ratified the [2006 Convention on the Avoidance of Statelessness in relation to State Succession](#). All member states should sign and ratify these conventions as well as the two UN treaties. It is crucial that states bind themselves legally to respect these agreed standards.

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### **The importance of belonging**

Not having a nationality is to be marginalised, not to belong. Many stateless persons have little possibility to make themselves heard and are in many cases silenced by fear of discrimination. The most important thing is that governments, ombudsmen, national human rights institutions and non-governmental organisations take action to defend their rights.

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member states of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Thomas Hammarberg, took up his function on 1 April 2006