



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

International Conference
and Technical meeting of experts

"When you separate statelessness from a person, you are separating them from the rights they have and how they should be treated."



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Final Report



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

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INTRODUCTION

1. 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.¹ It also constitutes part of a person's social identity.² Yet, according to the latest UNHCR estimates, there are some 535,000 stateless persons, including those with undetermined nationality living in Europe.³

2. The causes of statelessness are multiple, including complexities in nationality laws, state succession, forced displacement, historical and contemporary migration, structural birth registration problems, gaps in nationality and administrative practices. The lack of nationality has a serious impact on the lives of stateless people, 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 and exacerbated existing inequalities.

3. 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). 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.

4. Bearing in mind its [pledges](#) made at the [UNHCR High-Level Segment on Statelessness](#) in 2019 and its [Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe](#) (2021-2025), 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 member states to international and European conventions relating to nationality and statelessness,⁴ and their successful implementation.

¹ 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.

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

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

⁴ 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](#).

5. These international events provided an opportunity for over 130 experts 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. These events involved 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 academics. Several stateless individuals participated alongside experts and presented their own messages and thoughts on the issues under discussion, which are included in this report⁵ and made available in video format on the [conference's webpage](#).⁶

TECHNICAL MEETING OF EXPERTS 23 September 2021

6. The meeting was opened by Mr Joao Arsenio de Oliveira, Chair of the European Committee on Legal Co-operation (CDCJ) of the Council of Europe, and Mr Andreas Wissner UNHCR Representative to the European Institutions in Strasbourg, who welcomed the participants and invited them to exchange information, experiences and views on how statelessness could be addressed in Europe. Participants were invited in particular to:

- Discuss current trends, outstanding gaps, share challenges and practical difficulties, 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.

SESSION 1 – IDENTIFYING AND PROTECTING STATELESS PERSONS IN EUROPE

7. The identification and protection of stateless persons constitute together the international statelessness protection regime and are parts of the main goals of the global policy on statelessness.⁷ This first session aimed to discuss the benefit of establishing and

⁵ This report was prepared with input from Prof. Dr Gerard-René de Groot, General Rapporteur of the events, and Ms Nina Murray (ENS) acting as Session rapporteur.

⁶ See the Event's [webpage](#).

⁷ See, for example, UNHCR, Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, No. 106 (LVII), (6 October 2006); and General Assembly Resolution No. A/RES/50/152 of 9 February 1996.

implementing statelessness determination procedures, as a useful tool for states, and how to uphold procedural guarantees in such processes.

8. The session was opened with the testimony of an invited speaker who shared his personal experience as a stateless individual. In his powerful statement, he explained how the lack of easily accessible information about statelessness, difficulties in accessing legal aid, and lengthy procedures to determine statelessness and enable access to nationality impacted not only on the exercise of his rights, but also on his wellbeing and life opportunities.

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

“I am still a human being with the same emotions and feelings as everyone else. The stateless recognition process is complex, in reality there is no easy route about being recognized stateless and regularising your stay.”
(Raymond Santamaria)⁸

9. A stateless determination procedure is a mechanism for determining whether an individual is stateless. In the last decades, an increasing number of states have put in place a formal statelessness determination procedure within their legal system, although there is no standardised procedure as such regarding the manner in which they determine statelessness. To date, only a few Council of Europe member states appear to have adopted such procedures⁹.

10. One of the primary concerns that emerged during the discussions was the lack of information available for individuals on statelessness and available procedures at domestic level. Experts and stateless individuals underlined the need to raise awareness on how to access these procedures in a language and format which the applicant understands (if necessary, via translation and/or by interpreters). It was noted that in some countries, applicants were not able to initiate procedures themselves.

11. The testimonies of stateless individuals in the meeting highlighted that procedural improvements remained necessary, even in countries where there was a statelessness determination procedure in place.

12. Access to legal aid was emphasised during the discussion as a key element in the stateless determination. It was noted that in most countries, access to legal aid was provided for asylum seekers or other international protection applications, but it was not automatically available to stateless persons.

13. Experts stressed the legal complexity of statelessness cases and the need for applicants to receive experienced legal assistance from lawyers specialised in the field of

⁸ See also “[I am Human](#)”, poem from Raymond Santamaria and his [testimony](#).

⁹ Bulgaria, France, Georgia, Hungary, Italy, Latvia, Luxembourg, Republic of Moldova, Spain, Türkiye, Ukraine and the United Kingdom.

statelessness throughout the determination procedure and not only during judicial proceedings. This aspect, together with the right to an individual interview, were considered important to improve both the quality and the efficiency of decision-making.

14. The issue of burden of proof was underlined during the exchange of views. Participants and invited speakers illustrated the particular difficulties encountered by applicants to prove that they do not have any nationality. Experts recommended that the burden of proof in a statelessness determination procedure should be shared between the state and the individual, as the state is usually better equipped to conduct necessary investigations, including enquiries of other states. Considering a broad range of legal and factual evidence which the applicant might be able to provide is essential, including the testimony of the applicant, and, if available, any marriage certificate, military service record, school certificates, medical certificates, identity and travel documents of direct relatives, and record of sworn oral testimony of neighbours and community members. The standard of proof must take into account the inherent challenges in proving statelessness, and therefore statelessness should be established to a “reasonable degree”.

15. Special attention was given to the specific evidentiary challenges encountered by children and women during statelessness determination procedures and the need to avoid any discrimination, in particular for victims of abuse or exploitation, and for unaccompanied children. Reference was made

16. Attention was also drawn on the situation of persons classified of “unknown/undetermined nationality”, as these persons are often locked in limbo without any rights or status. In this respect, participants referred to the recent decision of the UN Human Rights Committee [Zhao v The Netherlands](#) of 28 December 2020, in which the Committee was of the view that it was not acceptable to register a child as of undetermined nationality for a period longer than 5 years. The Committee concluded to a violation of article 24(3), read alone and in conjunction with article 2(3) of International Covenant on Civil and Political Rights. This decision echoed the principles set out in the UNHCR’s Guidelines on Statelessness No. 4 - Ensuring Every Child’s Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness.

17. A general point was made on the need to have better data and statistics on stateless populations and on persons of undetermined nationality. The available data categories differed considerably. Taking into account the limited coordination existing in this area, a suggestion was made that the Council of Europe could consider convening a discussion on statelessness data in Europe (including other relevant stakeholders, such as Eurostat). The role of regional civil society networks in providing data, resources, tools, analysis to support states/stakeholders was also noted.

II. Access to residency and related rights for recognised stateless persons

“ When you separate statelessness from a person, you are separating them from the rights they have and how they should be treated”

(Lynn Al-Khatib)

18. Stateless activists illustrated how the lack of a durable solution (i.e., access to naturalisation) can impact on stateless people emotionally due to the uncertainty caused by their legal status and how this impacted on them as children and young people with ties to a country, but who are in limbo given the status of their parents or the absence of regularisation procedures. They underlined the importance of access to family reunification. This is often problematic and attention to that issue is needed.

19. Access to residency for stateless persons can be seen as part of the contemporary understanding of a protection regime for stateless persons. Being authorised to be present in the country is often the first step and an important pre-requisite to accessing nationality, legal rights and essential services, including those set out by the 1954 Convention.

20. Most states having a stateless determination procedure attach automatic residence rights to the recognition of an individual as stateless. However, in a handful of European countries this is not the case, and many more states do not have a mechanism through which to guarantee 1954 Convention rights to stateless persons.

21. Participants stressed the barriers encountered by stateless migrants/refugees to naturalisation and how Article 32 of the 1954 Convention (prescribing facilitation of naturalisation of stateless persons) can best be implemented in practice (e.g., reduction in residence requirements, exemptions from documentation or language testing requirements, exemption from ‘good character’/criminal conviction requirements etc.). It was observed that in some countries even recognised stateless persons have to prove their identity with documents in order to get access to naturalisation. In some other states, stateless persons have to pay excessively high fees for their naturalisation. A number of countries allow for a reduction of the required years of residence but count only the years of residence after the recognition of statelessness (and sometimes only after the acquisition of a permanent residence permit, which can take a number of years). In this respect, concerns were expressed during the discussion that many stateless persons are unable to regularise their stay and acquire a right to reside precisely because of their statelessness. Experts called on member states not to require stateless persons to already have a residence permit before applying for statelessness status.

22. It was noted that information about nationality laws of other states is not easily accessible and that a thorough examination to determine statelessness might need to not just examine today’s nationality laws, but also historic laws. Likewise, information is needed on how nationality laws and access to nationality is implemented by states in practice, and access to expert knowledge and legal aid are important in this context.

23. More awareness and knowledge among decision-makers was considered necessary with respect to gender discriminatory nationality laws, whereby women do not have equal rights to acquire, confer, or change their nationality. This was particularly relevant in the migratory context given that women from 25 countries around the world still do not have equal rights as men to confer their nationality to their children. It was also stressed that women can face gendered barriers to their ability to acquire civil documentation required for naturalisation or civil registration procedures. Language testing/citizenship testing requirements for naturalisation can also be inherently discriminatory, as women (and their children) can face barriers and disadvantages if tests and procedures are not adapted and responsive to their specific circumstances.

24. Experts stressed the need for improved coordination between different authorities in contact with stateless people (central body with responsibility for the determination procedure, civil registry, detention and return authorities, and others). The need for better tailored information for affected persons was also noted, as well as tools and resources for officials, such as UNHCR's handbooks, videos, and Refworld resources, as well as those produced by civil society networks such as ENS (e.g., Statelessness Index, (thematic) briefings, analysis).

SESSION 2 – PREVENTING AND REDUCING STATELESSNESS IN EUROPE, INCLUDING THE POSSIBLE CONSEQUENCES OF CHILDHOOD STATELESSNESS

25. International law establishes norms for the prevention and reduction of statelessness, including childhood statelessness. This second session aimed to discuss outstanding gaps in these areas, share challenges and practical difficulties and promote good practices.

26. During the meeting, experts underlined that ending statelessness required legal safeguards to be established in national law and implemented in policy and practice, and the involvement of a range of actors. Good practices were identified and referred to in support of efforts to address statelessness.

27. One of the invited speakers explained the practical and legal issues that she had faced and shared the emotional burden faced as a stateless child who grew up knowing only the country in which she was born and had lived most of her life, although she was denied citizenship and a sense of belonging. She called for tools and capacity building to support identification and resolution of statelessness by officials and services providers.

I. Implementing principles governing acquisition and deprivation of nationality and related criteria – The role of judges and national authorities

*“Because my parents were stateless, I have to pay the price”¹⁰
(Lynn Al-Khatib)*

¹⁰ See [testimony](#) of Lynn Al-Khatib.

28. Experts highlighted that states have competence to set the conditions for acquisition and loss of nationality (usually based on family or territorial links) within the limits established by international law. Key relevant limits set by international law include the avoidance of statelessness, non-discrimination, equality between men and women, and non-arbitrariness.¹¹ However, conflicts in nationality laws, lack of safeguards in legislation to prevent statelessness, state succession, discrimination, and administrative or legal barriers to civil registration may lead to statelessness or a risk of statelessness for individuals. International and regional instruments have been established to address these risks, including the UN Convention Relating to the Status of Stateless Persons (1954 Convention), the UN Convention on the Reduction of Statelessness (1961 Convention), and the 1997 European Convention on Nationality (1997 ECN)¹². Recommendation CM/Rec(2009)13 of the Committee of Ministers to member states on the nationality of children, sets out a set of principles with a view to reducing statelessness of children, facilitating their access to a nationality and ensuring their right to a nationality.

29. It was noted during the discussions that deprivation of nationality appeared to be on the rise globally and specifically in Europe, being increasingly used by states as a counterterrorism measure¹³ or as a sanction for fraudulent acquisition of nationality.

30. Experts agreed that accurate inquiry/determination of whether deprivation would result in statelessness must be part of any decision which can deprive an individual of their nationality. Attention should also be paid to the risk of discrimination as deprivation provisions are likely to apply to marginalised/migrant communities.

31. The Principles on Deprivation of Nationality¹⁴ and UNHCR Guidelines No 5¹⁵ were referred to among available tools and guidance on international standards in this area.

32. It was emphasised that there was a risk that potential statelessness was not adequately determined in decisions on deprivation of nationality, that discrimination occurred against naturalised and/or nationals holding dual nationality, and that due process rules were not

¹¹ See e.g., International Covenant on Civil and Political Rights (Article 24.3), International Covenant on Economic, Social and Cultural Rights (Articles 2.2 and Article 3), Convention of the Rights of the Child (Articles 2, 3, 7 and 8), Convention on the Elimination of All Forms of Discrimination against Women (Article 9), International Convention on the Elimination of All Forms of Racial Discrimination (Article 5(d)(iii)), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, International Convention on the Rights of All Migrant Workers and Members of their Families, Convention on the Rights of Persons with Disabilities (Article 18), and Universal Declaration on Human Rights (Article 15).

¹² European Convention on Nationality, 6 November 1997.

¹³ See Institute on Statelessness and Inclusion, "The World's Stateless 2020: Deprivation of Nationality", (2020); Jules Lepoutre, "Citizenship Loss and Deprivation in the European Union (27+1)", EUI Working Paper RSCAS 2020/29, Robert Schuman Centre for Advanced Studies, Global Governance Programme-392, GLOBALCIT (2020); Emilien Fargues, Iseult Honohan, "Revocation of Citizenship: The New Policies of Conditional Membership", EUI Working Paper RSC 2021/23, Robert Schuman Centre for Advanced Studies, Global Governance Programme-438, GLOBALCIT (2021).

¹⁴ See Institute on Statelessness and Inclusion - [Principles on Deprivation of Nationality as a Security Measure](#)

¹⁵ See UNHCR [Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness](#)

followed. Examples included that deprivation often has immediate effect, an appeal doesn't have any suspensive effect, the person concerned is no longer a national and often outside the country thereby significantly inhibiting their ability to effectively challenge the decision, including having access to the court/evidence, and proper support from a lawyer.

33. Experts underlined the need for guidance for competent authorities on adequate procedures and standards to determine whether a person would become stateless if deprived of nationality, including on applicable evidentiary requirements and due process safeguards.

34. Experts suggested that guidance from the Council of Europe would be desirable on the manner Article 7(1)(d) of the ECN, which permits deprivation of nationality due to behaviour seriously prejudicial to the vital interests of the state, can be implemented by the state Parties, taking *inter alia* into account the principles of non-discrimination, *ne bis in idem* and proportionality. Connected issues which should be addressed included considerations of such modalities of loss of nationality as an anti-terrorism preventive measure, as well possible alternative actions (i.e., criminal law procedures, refusal of travel documents).

II. Preventing childhood statelessness and ensuring child friendly procedures

“Some children are born the country, speak nothing but the national language and lived all their life in their hometown, yet they still do not belong there on paper”
(Lynn Al-Khatib)

35. The 1961 Convention and the Convention on nationality principle require that where a child born on the territory would otherwise be stateless, they should acquire the nationality of the state of birth. Most states in Europe have adopted at least some legal provisions in their nationality laws to prevent statelessness at birth, particularly in the case of foundlings and adopted children. Despite that, it appears that a large number of European states still did not have adequate safeguards in their nationality laws to prevent childhood statelessness. Safeguards are often partial, procedures and guidance to identify where a child is stateless or determine a child's nationality are lacking, and there are still barriers to birth registration affecting specific groups of children.

36. It was stressed that the rights of the child should not be trumped by other considerations and that statelessness was not in the best interests of the child, which should be given paramount consideration. Examples were given where other considerations took precedence, such as parents' behaviour or life choices, which can have significant implications for the child. It was reiterated that the child's right to a nationality and best interests must come first and children's applications should always be prioritised. Furthermore, immediate birth registration remained key to the prevention of statelessness.

37. It was also recommended that childhood statelessness could be an element to be brought into human rights education, as a way to help remove stigma and lack of awareness around the issue, foster dialogue with children and young people affected and broaden awareness.

38. For stateless children born on the territory of a state, the relevant international treaties give clear standards on how to ensure that the child acquires a nationality. Either the country of birth provides for automatic acquisition of nationality at birth or later by acquisition which may be conditioned on habitual residence. However, it was observed, that many states still did not have full safeguards in legislation to ensure that stateless children born on their territory acquired nationality.

39. Children born in a foreign country who migrated to another country can face problems confirming their nationality, especially if their birth was not registered. Examples included children whose birth took place in transit, at sea or in camp settings. Their birth registration and certification may have been complicated or impossible in the place of birth (for example, due to the inability of parent/s to meet documentation requirements, or for other logistical reasons including digitalisation of civil registry systems, or lack of civil registration facilities in conflict or camp/transit settings). The conditions to get a birth certificate in the state of residence differ very much across countries. Very few states have clear mechanisms/procedures in place to determine a child's nationality at or after birth (especially where the nationality is unclear, or they or their parents lack specific documents). However, some states have good practices in this respect which could constitute a basis for guidance on how states should ensure immediate birth registration, issuance of birth certificates, and determination of a child's nationality. It was suggested that this is an area where international organisations such as UNHCR, Council of Europe, and INGOs could work together with experts to develop practical guidance to support states in this area. This could include exchange of information and good practice on foreign nationality laws, specific communities affected, and "decision-trees" showing how for the nationality status of children from different backgrounds/regions is decided.

40. In the case of refugee children, additional hurdles could arise if acquisition of nationality of either the country of birth or the country of a parent's nationality depended on contact with the consular authorities of a country of origin. Safeguards often lack to ensure that refugees are not expected to contact the authorities of their country of origin from which they fear persecution for their children in order to acquire or confirm their nationality.

41. Children of alleged "foreign fighters", born in conflict zones or in areas under the control of designated terrorist groups to foreign mothers or fathers are also at risk of statelessness, when excluded from birth registration and documentation or if their birth certificates are not recognised by other Governments as a result of their birth in a conflict zone. Safeguards to facilitate processes for the confirmation of their nationality and issuance of documentation are commonly lacking.

42. The situation of abandoned children (foundlings), adopted children and children of same-sex parents and/or children born as a result of surrogacy arrangements, for whom data on their parentage are lacking or data obtention can be complicated, was also mentioned. The principles enshrined in Recommendation 2009/13 of the Committee of Ministers on the nationality of children were recalled in this context, and suggestions were made that , further guidance could be developed by taking as a starting basis this Recommendation.

43. Examples of barriers to birth registration were given for children of undocumented parents belonging to minority groups (e.g., Romani communities) who in some states cannot be registered immediately after birth due to by-laws requiring parents to provide specific documents. Registration can then only be carried out through a lengthy procedure. It was noted that the definition of “registration as soon as possible after birth” according to UNICEF amounted to a timeframe of several days, whereas subsequent procedures in some countries can take months or even years.

44. Similar barriers were identified for other groups including refugees/undocumented migrants/children born in transit. To address these barriers, flexible documentation rules are needed (which have been introduced in some countries), as well as capacity building for registry officials, including to address any discriminatory attitudes and behaviours, including anti-Roma discrimination.

45. Emerging barriers to birth registration and acquisition of nationality were also identified for children in LGBTI (“rainbow”) families.

46. It was also noted that in some cases, digitalisation of civil registry systems can in some countries also be a barrier, particularly in the technical transition period. However, new technologies and examples from other countries and contexts where digitalisation has facilitated civil registration should also be learnt from.

47. There is a need to ensure birth certificates are issued to all parents/children born on the territory of a state as recommended by Recommendation (2009)13 of the Committee of Ministers on the nationality of children, in particular Principle 23: *“Register the birth of all children born on their territory, even if they are born to a foreign parent with an irregular immigration status or if the parents are unknown, in order to safeguard their right to a nationality. The registration of birth should be free of charge and be performed without delay, even if the period within which the birth should have been declared has already expired.”* Member states should be encouraged to implement this principle. Moreover, it is desirable to examine whether there is a need for further guidance to be developed on this issue.

48. Furthermore, it was also suggested that guidance should be developed on the conditions under which a birth certificate shall be issued to persons born abroad without having a birth certificate but living in a member state of the Council of Europe. This guidance can be based on inspiration provided by good practices present in several member states.

49. Ensuring child-friendly procedures in both statelessness determination procedures and those for the acquisition of nationality was underlined. According to EMN inform 2020, no EU member states have any specific statelessness determination procedures adapted for children, in particular children born in exile or stateless children arriving in the territory of EU member states and unaccompanied children. In most cases to the burden of proof lies with the

applicant. Some experts noted in this context the importance of child-friendly justice and the need to avoid undue delays, as set out under the Council of Europe child-friendly guidelines.¹⁶

RECOMMENDED ACTIONS FROM EXPERTS

“The word stateless is associated with a lot of words ending in ‘less’. When you are stateless you feel worthless, futureless, faceless, helpless, hopeless, rootless, shoreless. You are on a rubber boat surrounded by water on a journey to nowhere. The only thing you have is your daydream of a shore that one day you might call home”
(Lynn Al-Khatib)

50. During the technical meeting, the following actions were suggested:

- i. Intergovernmental conferences proved to be valuable means to encourage states to accede and implement the four relevant treaties on the protection of stateless people and the prevention and reduction of statelessness. These events were considered important to help benchmark progress as well as to facilitate peer learning. A forum/process should be established to facilitate ongoing sharing of information and support (e.g., the provision of draft legislation or other technical assistance) to help member states implement their obligations under relevant Conventions.
- ii. Technical meetings of experts on nationality should be organised to exchange information and good practices, focusing on specific groups of stateless/at risk migrants and refugees and their children, and taking into account specific geographical regions. States and other relevant experts can usefully share country of origin information and their experiences of applying rules to prevent statelessness in such cases. The goal of the meetings should be to develop practical guidance on how to deal concretely with such cases, including in consultation with relevant civil society and other experts.
- iii. Training of government officials (in particular SDP/asylum case workers but also others who come into contact with stateless people e.g., civil registrars and asylum screening officials) and other stakeholders (e.g., legal advisors of potentially stateless persons) is key. Materials for such trainings could be prepared by experts participating in the technical meetings, and/or mainstreamed as part of other Council of Europe or UNHCR training programmes (e.g., develop a module as part of the CoE HELP training programme).
- iv. Special attention should be afforded to stateless persons *in situ* and persons at risk of statelessness. If these persons were in the past treated as nationals, the protection of legitimate expectations should facilitate their access to nationality.

¹⁶ [Council of Europe Committee of Ministers Guidelines on child-friendly justice](#), adopted on 17 November 2010.

Otherwise, strategies have to be developed and compared to give them access to the nationality of their country of birth and habitual residence in order to avoid that statelessness will be transmitted to further generations. In many European countries this is in particular important for Roma, Sinti, Travelers (and other national minorities). Also, with respect of these issues an expert meeting should be organized to develop guidance how to deal with this type of cases.

- v. Further guidance was considered necessary to be developed in respect of birth registration, taking into account the distinction be made for birth registration of persons born in the country and those born abroad.
 - For persons born in the country - member states should be encouraged to implement the principles enshrined in Recommendation 2009/13 of the Committee of Ministers on the nationality of children (in particular principle 23), and states should be consulted whether further guidance should be developed on this issue.
 - For persons born abroad without having a birth certificate but living in a member state of the Council of Europe, guidance should be developed to establish under which circumstances the state of residence shall issue a birth certificate. Several states have rules on this, and the experience-exchanges could be shared with other member states.
- vi. The necessity to review practices and develop guidance regarding deprivation of nationality for national security purposes, should also be explored, in particular in the light of recent case law of international courts .
- vii. Finally, experts agreed that there was a need for improved data and statistics on stateless populations/ persons of undetermined nationality in order to inform policies aimed at eliminating statelessness, through joint efforts of relevant organisations.

INTERNATIONAL CONFERENCE 24 September 2021

51. The International Conference organised on 24 September 2021 served 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. Participants were 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 members 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”.

52. The Conference was opened by Ambassador Drahoslav Štefánek, Special Representative of the Secretary General of the Council of Europe on Migration and Refugees, and Ms. Gillian Triggs, UNHCR Assistant High Commissioner for Protection (AHC-P), who welcome the participants.

53. In his opening speech, Ambassador Drahoslav Štefánek, informed participants on the new Council of Europe Action Plan on protecting vulnerable persons in the context of migration and asylum in Europe (2021-2025), adopted by the Committee of Ministers on 5 May 2021, which defines vulnerable persons in the context of migration and asylum as: *“persons found to have special needs after individual evaluation of their situation and who are entitled to call on states’ obligation to provide special protection and assistance”*. As such, stateless persons are particularly vulnerable, subject to states’ obligation to provide them with special protection and assistance. He stressed in this respect that the Action Plan includes the elaboration of practical guidance to address vulnerabilities throughout asylum and migration procedures, including reception conditions and an explicit reference to the need to ensure access to law and justice for vulnerable persons in the context of migration and asylum.

54. Ms. Gillian Triggs underlined that ensuring that all persons have a nationality helps building social cohesion and integration and enables societies to capitalize on the capacities and talents of all its members. Hence, this creates inclusive societies, fostering the prosperity of individuals as well as countries. She recalled that statelessness poses a challenge to social and economic development, and it is for this reason that all the countries in the world decided to include the target of “legal identity for all, including birth registration,” among the Sustainable Development Goals they seek to achieve by 2030.

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

55. Mr Joao Arsenio de Oliveira, Chair of the European Committee on Legal Co-operation of the Council of Europe was in conversation with Ms. Gillian Triggs, Assistant High Commissioner for Protection (AHC-P), UNHCR; Mr. Christophe Poiriel, Director of Human Rights, Council of Europe; Mr. Chris Nash, Director of the European Network on Statelessness and Ms. Christiana Bukalo, stateless individual and Founder of [Statefree e.V.](https://www.statefree.org/)

56. Ms Christina Bukalo¹⁷ underlined that in order to solve and improve the situation of stateless individuals, international or national representatives and other stakeholders need to be in direct contact with stateless individuals. She stressed that there is always a gap between theory and reality, and this can only be understood by listening to those who experience these difficulties with the aim of identifying how international or national representatives could best support these vulnerable persons. She emphasised that: *“It’s one thing that I was not given a nationality, but it’s not acceptable, that I was not even given the information I would need to at least cope with this situation”*.

57. Ms Gillian Triggs underlined that with concerted efforts and political will, statelessness could be resolved and eliminated. She highlighted that significant improvements in addressing statelessness in Europe were achieved in the past few years. Nonetheless important gaps remained in Europe, particularly in the area of identification and protection of stateless persons and in addressing childhood statelessness. She stressed that the only way to resolve statelessness is for stateless persons to acquire a nationality. In the meantime, she encouraged states to introduce statelessness determination procedures where they did not already exist and to ensure that any person recognized as stateless enjoyed the rights to which they are entitled under the 1954 Convention until they acquired a nationality.

58. Mr Chris Nash emphasized the importance of identifying and protecting stateless individuals in particular in light of the COVID-19 pandemic. *“You cannot solve the problem if you can’t see it”* he recalled. Due to the lack of legal frameworks to identify and resolve statelessness, stateless people’s enjoyment of the right to health varies significantly from country to country and many barriers are encountered. To date, stateless people remain largely invisible in responses at national, regional, and global level. COVID-19 exacerbated pre-existing discrimination, social exclusion, and deprivation experienced by many stateless people in Europe. Social, structural, and environmental determinants of health have worsened, including racism and xenophobia; poor and congested living conditions; lack of sanitation and hygiene; chronic (mental and physical) ill health; overrepresentation in the informal labour market; and lack of access to healthcare and social security. During the pandemic, many stateless people have lost their sources of income, had to work whilst sick and without adequate protection, been unable to access state aid and healthcare, and children’s education has been disrupted.

59. Mr Christophe Poirel recalled that it is for the member states of the Council of Europe to guarantee to everyone on their territory the fundamental rights provided for in the European Convention on Human Rights. This implies in particular the right to be treated with respect and dignity and on an equal footing. He drew attention that, although the European Convention on Human Rights does not expressly mention a right to nationality, the European Court pays particular attention to this issue within the framework of Article 8 of the ECHR on the right to respect for private and family life. The European Committee of Social Rights, in its interpretative observation on the rights of stateless persons under the European Social

¹⁷ See [testimony](#) of Christiana Bukalo

Charter¹⁸, stressed that the protection of stateless persons offered by the Charter goes beyond social security and social and medical assistance, and also encompasses the other social rights referred to in the 1954 UN Convention, such as access to a court of law and to education. At last, he reiterated the Council of Europe readiness to support its member states to establish or, where appropriate, to improve the functioning of statelessness determination procedures, strengthen the protection of these persons and enable them to access their rights, including the right to acquire a nationality, in particular for children.

60. In the course of the plenary discussion, participants underlined the importance of sharing successful initiatives and practices, as for instance, recent development in the Islamic Republic of Iran with its new legislation enabling women to transmit their nationality. It was also stressed the relevance to bring awareness to decision-makers and civil society (at a larger scale) on the contribution of stateless people (such as Roma population) to society to tackle the rising issue of radicalisation in the political, economic, cultural and social field.

SESSION 1 - RATIFICATION, IMPLEMENTATION AND ENFORCEMENT OF INTERNATIONAL AND EUROPEAN CONVENTIONS ON STATELESSNESS – THE ROLE OF STATES

61. Mr. Boriss Cilevičs, Member of Parliament and Chairperson of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE) recalled the human right to a nationality under Article 15 of the Universal Declaration of Human Rights which explicitly provides that “Everyone has the right to a nationality”. Additionally, paragraph 3 of Article 24 of the International Covenant on Civil and Political Rights specifically stresses this right with regard to children as “Every child has the right to acquire a nationality”. Also, Articles 7 and 8 of the Convention on the Rights of the Child reiterate this and add “the right of the child to preserve his or her identity, including nationality”. He underlined the responsibility of states for implementing this right by adopting appropriate national legislation and reminded the various legal instruments adopted in this field (see paragraphs below). Although he deplored the lack of specific mechanisms of individual complaints, he highlighted the increasing and important role of the European Court of Human Rights and several of its case law¹⁹ which reflects major practical problems for the eradication of statelessness and offers some interpretations of basic principles.

62. During the discussion, several member states shared recent legislative developments (Bulgaria, North Macedonia) to harmonize and bring closer their legislation with the European convention, and achievements to identify stateless individuals or reduce waiting periods under existing procedures (Denmark, United Kingdom). Sweden explained its work on withdrawing reservations to the 1954 Convention.

¹⁸ See Conclusions 2013, Statement of Interpretation on the rights of stateless persons

¹⁹ *Kurić and Others v. Slovenia*, no. [26828/06](#), 13 July 2010 (Application no. [26828/06](#)); *Kaftailova v. Latvia*, no. [59643/00](#), 22 June 2006; *Shevanova v. Latvia*, no. [58822/00](#), 15 June 2006; *Sisojeva and Others v. Latvia*, no. [60654/00](#), 16 June 2005; *Genovese v. Malta*, no. [53124/09](#), 11 October 2011; *Mennesson v. France*, no. [65192/11](#), ECHR 2014 (extracts); *Labassee v. France*, no. [65941/11](#), 26 June 2014; *K2 v the United Kingdom*, no. [42387/13](#), 9 March 2017.

United Nations standards and guidance in the field of statelessness and nationality law

63. The [1954 Convention relating to the status of stateless persons](#) contains two articles relevant to general nationality law. Most of the other articles are relating to the rights and obligations of stateless persons. Article 1 defines a stateless person: “*For the purpose of this Convention, the term ‘stateless person’ means a person who is not considered as a national by any State under the operation of its law.*” This important definition is also relevant for the interpretation of the term ‘stateless person’ in other international conventions. It is accepted as customary international law (see UNHCR Handbook, paragraphs 13-17). Article 32 of the 1954 Convention obliges the facilitation of the naturalization of stateless persons. Contracting states should make every effort to expedite naturalization proceedings and reduce as far as possible the charges and costs of such proceedings.

64. 96 states are parties to the 1954 Convention. Of the member states of the Council of Europe following 38 states acceded to this convention: Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Montenegro, Netherlands, North Macedonia, Norway, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, and the United Kingdom. Andorra, Cyprus, Estonia, Georgia, Poland, and San Marino have not yet acceded to this treaty.

65. No Council of Europe member states made a reservation related to Article 1 or 32. However, one member state reserved the right not to apply the convention on stateless persons who previously possessed an enemy nationality.

66. UNHCR delivered guidance on the interpretation and implementation in practice of the 1954 Convention by issuing the [UNHCR Handbook on Protection of Stateless Persons](#). Paragraphs 7-56 deal with the concept of statelessness, Paragraphs 57-122 elaborate on statelessness determination procedures which should be in place according to UNHCR as an implicit obligation following from this treaty.

67. The [1961 Convention on the reduction of statelessness](#) is completely dedicated to the right of otherwise stateless persons to acquire the nationality of a parent, respectively the right to acquire the nationality of the country of birth (Articles 1-4) and the restrictions of the rules on loss of nationality if this would cause statelessness (Articles 5-9). Only in very limited situations does the convention allow for states to deprive a person of her/his nationality, even if this would cause statelessness.

68. 77 states are parties to the 1961 Convention. Of the member states of the Council of Europe, the following 34 states acceded to this convention: Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Finland, Germany, Georgia, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Moldova, Montenegro, Netherlands, North Macedonia, Norway, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Türkiye, Ukraine, and the United

Kingdom, Andorra, Cyprus, Estonia, France, Greece, Lithuania, Malta, Poland, San Marino, Slovenia, and Switzerland have not yet acceded to this treaty.

69. Seven of the member states of the Council of Europe made in accordance with Article 8 (3) a declaration to retain the right to deprive a person of nationality based on behaviour seriously prejudicial to the vital interests of the state even with statelessness as result.

70. On request of the European Migration Network, five member states of the European Union indicated why they did not intend to accede to the 1961 Convention²⁰.

- Estonia pointed out that their Citizenship Law is partially in conflict with the Convention.²¹
- France wishes still to retain the possibility of withdrawing French nationality if considered necessary.²²
- Malta considered that Maltese legislation already incorporates some of the major provisions of the 1961 Convention; however, a decision on accession, based on full consideration of the impact of the Convention, is still to be taken.
- Poland considered that accession would put stateless persons in a privileged position in comparison to foreigners already legally residing in Poland.
- Slovenia has reservations about the application of article 12 of the 1961 Convention in regards with article 1. However, their current legislation contains most of the provisions of the Convention and under certain circumstances provides easier conditions for the acquisition of citizenship.

71. The UNHCR issued guidance on the interpretation and implementation in practice of the 1961 Convention through the [UNHCR Guidelines on Statelessness No. 4](#) - Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness and the [UNHCR Guidelines on Statelessness No. 5](#) - Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness.

Council of Europe standards and guidance in the field of nationality law

72. The [1997 European Convention on Nationality](#) provides clear rules regarding the acquisition and loss of nationality (with special attention to the reduction of cases of statelessness), including rules on procedures. It also contains rules on the military service obligations of persons with multiple nationality. The European Convention's detailed

²⁰ See EMN Inform 2020, [Statelessness in the European Union](#).

²¹ Estonia considers that Estonian citizenship law is based on the *ius sanguinis* principle and the convention foresees granting citizenship to a person born in its territory who would otherwise be stateless (*ius solis*). However, according to UNHCR, the 1961 Convention does not prescribe which mode of acquisition states parties should adopt.

²² France sought initially to retain the possibility of withdrawing French nationality if considered necessary. The law of 16 March 1998 on nationality has a provision which prohibits any decision of deprivation of nationality if this implies that the person becomes stateless.

Explanatory Report (consisting of 148 paragraphs) is a useful source of interpretation of the obligations deriving from this convention. In respect of the avoidance and reduction of statelessness, the drafters of the convention took inspiration from the 1961 Convention, particularly with respect to acceptable rules on loss of nationality. However, in contrast with the 1961 Convention, the European Convention exclusively accepts the loss of nationality with statelessness as a consequence in case of acquisition of this nationality by means of fraudulent conduct, false information or concealment of any relevant fact attributable to the applicant. Regarding the right to acquire the nationality of the country of birth by an otherwise stateless child, the European Convention allows states to require a period of lawful and habitual residence, whereas the 1961 Convention only allows states to require habitual residence during the relevant period, which is more favourable.

73. Only 21 Council of Europe member states acceded to this convention: Albania, Austria, Bosnia and Herzegovina, Bulgaria, Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Luxembourg, Moldova, Montenegro, Netherlands, North Macedonia, Norway, Portugal, Romania, Slovakia, Sweden, and Ukraine. 7 member states (Croatia, France, Greece, Italy, Latvia, Malta, Poland) signed the European Convention on Nationality. Andorra, Armenia, Azerbaijan, Belgium, Cyprus, Estonia, Georgia, Ireland, Liechtenstein, Lithuania, Luxembourg, San Marino, Serbia, Slovenia, Spain, Switzerland, Türkiye, and the United Kingdom have neither ratified nor signed it.

74. Several member states made upon accession a declaration related to the possible military obligations of multiple nationals (Albania, Bosnia-Herzegovina, Bulgaria, Czech Republic, Denmark, Finland, Hungary, Moldova, North Macedonia, Norway, Romania, Slovakia, Sweden, and Ukraine). Moreover, 11 states made reservations to specific nationality law provisions or made interpretive declarations:

- Austria made several reservations to the provisions of Articles 6, 7, 8 and 9 (the core articles on acquisition and loss of nationality).
- Bulgaria made reservations to the Articles 11 and 12 (decisions on the nationality of persons should contain reasons in writing and are open to an administrative or judicial review) and to Articles 16 (renunciation or loss of another nationality should not be a condition for the acquisition or retention of the state's nationality where such renunciation or loss is not possible or cannot reasonable required) and Article 17 (rights and duties of multiple nationals).
- Denmark made a reservation to Article 12 (on administrative or judicial review) because naturalization happens – in conformity with the Danish constitution - by an act of parliament.
- Germany made detailed reservations to the loss provisions of Articles 7 and 8.
- Hungary made reservations to Articles 11 and 12.
- Montenegro made a reservation to Article 16.
- North Macedonia stipulated to reserve the right to require a residence period of fifteen (15) years as a condition for naturalization instead of the maximum period of ten (10) years as mentioned in Article 6.
- Romania made reservations to Articles 6 and 8 regarding conditions on naturalization and the conditions for renunciation.

- The Netherlands gave an interpretative declaration on the relationship between Article 7 (2) and Article 8 about the loss of nationality by a minor due to the parent having renounced the nationality.
- Ukraine made an interpretive declaration on Article 8 (renunciation).

75. The Committee of Ministers of the Council of Europe adopted two recommendations which provide further guidance on the rules regarding acquisition and loss of nationality: [Recommendation No. R \(99\) 18 on the avoidance and the reduction of statelessness](#) and [Recommendation 13/2009 on the nationality of children](#).

76. The [2006 Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession](#) builds upon the provisions of chapter VI of the European Convention on Nationality by developing more detailed rules with a view to preventing cases of statelessness in the context of state succession. It only addresses state succession where statelessness is an issue and leaves aside sensitive issues as the right to opt for the most appropriate nationality. This European Convention was also accompanied by a detailed Explanatory Report (consisting of 69 paragraphs).

77. Only 7 Council of Europe member states acceded to this convention: Austria, Hungary, Luxembourg, Moldova, Montenegro, Netherlands, and Norway. Furthermore, this treaty was signed by Germany and Ukraine. No reservations or declarations were made.

SESSION 2 - JOINING FORCES TO ERADICATE STATELESSNESS IN EUROPE

78. Ms Melanie Khanna, Chief of Statelessness Section, Division of International Protection, UNHCR, stressed the need to build stronger partnerships between member states, international and regional organisations, NGOs and civil society to address statelessness issues. She highlighted that co-operation is essential at the broad policy level and is a prerequisite to overcoming existing administrative hurdles where authorities involved in the acquisition or withdrawal of citizenship need to coordinate across state lines to avoid situations that would otherwise give rise to statelessness.

79. Mr Christoph Kamp, Director of the Office of the OSCE High Commissioner on National Minorities, recalled the positive collaboration between UNHCR and the OSCE High Commissioner on National Minorities which led to the publication of the OSCE-UNHCR "[Handbook on Statelessness in the OSCE Area: International Standards and Good Practices](#)" in 2017. The good practices presented in the Handbook demonstrate how cooperation between states, international organisations and civil society partners can support the identification of lasting solutions to statelessness in member states of the OSCE.

80. Mr Adolfo Sommaribas, Senior Legal Migration Expert at European Migration Network presented the [EMN Platform](#) whose primary aims are to determine the state of play of statelessness in the European Union and facilitate the exchange of information and good practices in the field. The platform collects and analyses information on statelessness via the EMN Ad-hoc query system; organises relevant trainings to state officials on statelessness and coordinates with NGOs and international organisations.

81. The work of civil society networks, such as the European Network on Statelessness, the Council of Europe and UNHCR was underlined in advocacy and data sharing. In this respect, the ENS's [Statelessness Index](#) was an explicit example of how civil society actors can offer tools and resources to bolster awareness and international collaboration.

82. The positive co-operation with NGOs, such as Right to Protection (R2P) in Ukraine and the Institute on Statelessness and Inclusion (ISI) in their respective work to advocate for the rights of stateless communities, was praised. NGOs like ISI and R2P through their reporting, maintenance of stateless population databases, and provision of legal advice for stateless persons form a crucial component of the civil society response.

83. Ms Christiana Bukalo highlighted the importance of capacity-building and called for all actors to join forces with stateless individuals, further indicating that educating stateless people on their rights should not be underestimated: *“There are stateless people who are really keen on being involved and want to contribute to the solutions that are being made”*.

CONCLUSION

84. During the technical meeting of experts and the international conference, 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 academics, as well as stateless individuals had fruitful exchanges of views on how to successfully contribute to ending statelessness in Europe.

85. Several good practices and recent initiatives and legislative development in member states were identified and the added value of sharing success stories was highlighted as an important input to inspire other member states and enhance co-operation.

86. In this concluding remarks, Mr Andreas Wissner UNHCR Representative to the European Institutions in Strasbourg, highlighted the significant progress made towards implementation of the Global Action Plan to End Statelessness, including through the implementation of pledges made at the 2019 [High-Level Segment on Statelessness](#). Nonetheless, challenges remain and more needs to be done in Europe to achieve the goals of the [#IBelong Campaign to end statelessness](#) by 2024.

87. Mr Daniele Cangemi, Head of Department of Human Rights, Justice and Legal Co-operation Standard Setting activities of the Council of Europe, recalled several important issues and challenges, namely:

- The **need to clearly identify stateless individuals** and persons with undetermined identity within the territory of member states and to have reliable statistical data to inform policies in this area;

- The **importance of ensuring effective access to justice for stateless persons and provide adequate information** to all potential stateless individuals in a language they understand, including effective **access to legal aid and legal representation**;
- The **need to adapt judicial and administrative procedures**, in particular for women, unaccompanied children, and victims of trafficking;
- The **need to raise awareness about positive contributions of stateless people to society**, with a broader dissemination to decision-makers and society;
- The importance of **enhancing co-operation between member states by organising technical meetings of experts** on complex statelessness determination cases;
- The requirement for **specific training to national authorities**, including legal practitioners to ensure a better legal understanding and technical knowledge of statelessness; and
- The need to **facilitate the naturalisation of recognised stateless individuals**, in particular children.

88. Ms Gillian Triggs emphasized that eradicating statelessness is doable and requires political will. Mr Christophe Poirel underlined that solving statelessness is a “win-win situation” both for stateless persons and for member states if they allow stateless persons to contribute to their societies.

89. Addressing statelessness requires collective efforts and a “whole-of society approach”. Joining forces and the need to build stronger partnerships between civil society, international and regional organisations, NGOs and member states are key for the elimination of statelessness in Europe.

90. As demonstrated by these events, the involvement of stateless individuals enables practitioners to learn from their experiences. Christiana Bukalo underlined: *“it is one thing to sympathize with people who suffer from a certain disadvantage, but it is a completely different thing to actually experience those disadvantages.”* Inclusive consultations and participatory actions remain an important dimension to address policy gaps and practical difficulties and find adapted solutions.

91. In conclusion, the Council of Europe and UNHCR’s representatives reiterated their organisations’ commitment to work with all relevant actors in order to support member states in establishing or, where appropriate, improving the functioning of statelessness determination procedures, and for strengthening the protection of stateless persons’ rights.

APPENDIX: Programme

Thursday 23 September 2021 Technical meeting of experts

9:00 – 9:15	OPENING OF THE MEETING <i>Mr. João Arsénio de Oliveira, Chair of the European Committee on Legal Co-operation (CDCJ) of the Council of Europe</i> <i>Mr. Andreas Wissner, UNHCR Representative to the European Institutions in Strasbourg</i>
9:15 – 12:00	SESSION 1 – Identifying and protecting stateless persons in Europe <i>Moderator:</i> <i>Dr. Laura van Waas, Co-Director of the Institute on Statelessness and Inclusion</i> <i>Keynote speakers:</i> <i>Mr. Raymond Santamaria, in conversation with Ms. Zainnab Makele, Protection Associate, UNHCR Representation for the United Kingdom</i>
9:15 – 10:30	Establishing and implementing statelessness determination procedures and procedural guarantees, including access to legal aid and assessment of evidence <i>Exchange of views on gaps, challenges, practical difficulties and related solutions and good practices</i>
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 <i>Exchange of views on gaps, challenges, practical difficulties and related solutions and good practices</i>
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 <i>Moderator:</i> <i>Ms. Radha Govil, Senior Legal Officer (Statelessness), Division of International Protection, UNHCR</i> <i>Keynote speakers:</i> <i>Ms. Lynn Al-Khatib, statelessness activist, in conversation with Mr. Adolfo Sommarribas, Senior Legal Migration Expert, European Migration Network Luxembourg</i>

13:30 - 15:00	<p>Implementing principles governing acquisition and deprivation of nationality and related criteria – The role of judges and national authorities</p> <p><i>Exchange of views on gaps, challenges, practical difficulties and related solutions and good practices</i></p>
15:00 – 15:20	Break
15:20 – 16:30	<p>Preventing childhood statelessness and ensuring child friendly procedures</p> <p><i>Exchange of views on gaps, challenges, practical difficulties and related solutions and good practices</i></p>
16:30 – 17:00	CONCLUSIONS AND CLOSING REMARKS
16:30 – 16:50	<p>Wrap up by the general rapporteur: <i>Mr. Gérard-René De Groot, Professor emeritus of Maastricht University in Comparative Law and Private International Law, Council of Europe expert on Nationality Law</i></p> <p><i>Final remarks by participants</i></p>
16:50 – 17:00	<p>Closing remarks</p> <p><i>Mr. João Arsénio de Oliveira, Chair of the European Committee on Legal Co-operation (CDCJ) of the Council of Europe</i></p> <p><i>Mr. Andreas Wissner, UNHCR Representative to the European Institutions in Strasbourg</i></p>
17:00	CLOSING OF THE MEETING

Friday 24 September 2021 International Conference

9:00 – 9:15	<p>OPENING OF THE CONFERENCE</p> <p><i>Ambassador Drahoslav Štefánek, Council of Europe Secretary General's Special Representative on Migration and Refugees</i></p> <p><i>Ms. Gillian Triggs, Assistant High Commissioner for Protection (AHC-P), UNHCR</i></p>
9:15 – 11:00	<p>HIGH LEVEL PANEL: ERADICATING STATELESSNESS IN EUROPE: PROGRESS, CHALLENGES AND OPPORTUNITIES</p> <p><i>Mr. João Arsénio de Oliveira, Chair of the European Committee on Legal Co-operation (CDCJ) of the Council of Europe in conversation with:</i></p> <p><i>Ms. Gillian Triggs, Assistant High Commissioner for Protection (AHC-P), UNHCR</i></p> <p><i>Mr. Christophe Poirel, Director of Human Rights, Council of Europe</i></p> <p><i>Mr. Chris Nash, Director of the European Network on Statelessness</i></p> <p><i>Ms. Christiana Bukalo, Germany, Founder of Statefree e.V.</i></p>
10:30 – 10:45	Plenary Discussion

10:45 – 11:00	<p>Report on practical challenges and recommended actions as a result of the technical meeting of experts (23 September 2021)</p> <p><i>Mr. Gérard-René De Groot, Professor emeritus of Maastricht University in Comparative Law and Private International Law, Council of Europe expert on Nationality Law</i></p>
11:00 – 11:30	Family Photo and Break
11:30 – 12:30	<p>RATIFICATION, IMPLEMENTATION AND ENFORCEMENT OF INTERNATIONAL AND EUROPEAN CONVENTIONS ON STATELESSNESS – THE ROLE OF STATES</p> <p>Keynote speaker: <i>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)</i></p> <p><i>Mr. Christophe Poirel, Director of Human Rights, Council of Europe, in conversation with member States representatives to exchange views on:</i></p> <p><i>Recent achievements made by member States and their experiences;</i></p> <p><i>Practical challenges in implementation of Conventions and ways to address them;</i></p> <p><i>Legal difficulties to uphold reservations to Conventions.</i></p>
12:30 – 14:00	Lunch Break
14:00 – 15:00	<p>RATIFICATION, IMPLEMENTATION AND ENFORCEMENT OF INTERNATIONAL AND EUROPEAN CONVENTIONS ON STATELESSNESS – THE ROLE OF STATES (continued)</p>
15:00 – 15:20	Break
15:20 – 17:00	<p>JOINING FORCES TO ERADICATE STATELESSNESS IN EUROPE</p> <p>Moderator: <i>Ms. Melanie Khanna, Chief of Statelessness Section, Division of International Protection, UNHCR</i></p> <p><i>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</i></p>
17:00 – 17:15	<p>CONCLUSIONS AND CLOSING REMARKS</p> <p><i>Mr. Andreas Wissner, UNHCR Representative to the European Institutions in Strasbourg</i></p> <p><i>Mr. Daniele Cangemi, Head of the Department for Human Rights, Justice and Legal Co-operation Standard Setting Activities, Council of Europe</i></p>
17:15	CLOSING OF THE CONFERENCE