



The Issue of Statelessness

Statelessness refers to the fact of a person not belonging to any nation under the operations of its law. It is currently estimated that around 10 million people worldwide are stateless. The issue is of pressing concern when looked at through the lens of human rights, as many of our most fundamental human rights are protected by national law.

'Statelessness is sometimes referred to as an invisible problem because stateless people often remain unseen and unheard. They often aren't allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married. Denial of these rights impacts not only the individuals concerned but also society as a whole, in particular because excluding an entire sector of the population can lead to social tensions and significantly impair economic and social development.'

According to the United Nations

Why do people become stateless?

Gaps in nationality laws are a major cause of statelessness. Every country has laws which establish under what circumstances someone acquires nationality or can have it withdrawn. If these laws are not carefully written and correctly applied, some people can be excluded and left stateless. An example is children who are of unknown parentage in a country where nationality is acquired based on descent from a national.

Another factor that can complicate matters is when people move from the countries in which they were born. A child born in a foreign country can risk becoming stateless if that country does not permit nationality based on birth alone and if the country of origin does not allow a parent to pass on nationality through family ties. Additionally, the rules setting out who can and who cannot pass on their nationality are sometimes discriminatory. The laws in 27 countries do not let women pass on their nationality, while some countries limit citizenship to people of certain races and ethnicities.

Another important reason is the emergence of new states and changes in borders. In many cases, specific groups can be left without a nationality as a result and, even where new countries allow nationality for all, ethnic, racial and religious minorities frequently have trouble proving their link to the country. In countries where nationality is only acquired by descent from a national, statelessness will be passed on to the next generation.

Finally, statelessness can also be caused by loss or deprivation of nationality. In some countries, citizens can lose their nationality simply from having lived outside their country for a long period of time. States can also deprive citizens of their nationality through changes in law that leave whole populations stateless, using discriminatory criteria like ethnicity or race.

Without any nationality, stateless persons often don't have the basic rights that citizens enjoy. Statelessness affects socioeconomic rights such as: education, employment, social welfare, housing, healthcare as well as civil and political rights including freedom of movement, freedom from arbitrary detention and political participation. When thousands



of people are stateless, the result is communities that are alienated and marginalised. In the worst cases, statelessness can lead to conflict and cause displacement.

Points to consider

- How can we protect the rights of those already born stateless?
- What can we do to reduce/eliminate the number of people being born stateless?
- Consider gender-based discrimination within nationality laws
- What should be done to help stateless refugees?
- What can be done to survey statelessness before tackling the issue itself? (For example, identifying who is stateless and where)
- Should countries have nationality law requirements, or should it be in their hands?

Useful Links

- <https://www.unhcr.org/ibelong/wp-content/uploads/UNHCR-Statelessness-2pager-ENG.pdf>
- <https://www.statelessness.eu/issues/ending-childhood-statelessness>
- <https://www.justiceinitiative.org/voices/statelessness-what-it-and-why-it-matters>
- <https://www.un.org/ruleoflaw/files/Nationality%20and%20Statelessness.pdf>
- <https://academic.oup.com/ijrl/article/28/4/564/2548384>