

First Quarter Declaration

On 23 February 2024, participants from various parts of Africa, Asia, Europe and America, were gathered for a First Quarter Review of the UN global Action Plan to End Statelessness, organized by the Centre for Human Rights and Legal Pluralism, Faculty of Law, McGill University, Canada

Deeply concerned that according to the United Nations High Commissioner for Refugees (UNHCR), progress in ending statelessness since 2014 is slow. According to UNHCR in mid-2023, in 97 countries, an estimate of 4.4 million people were stateless persons, this in itself is not the actual number of stateless persons as this number is greater given the complexities in data collection and the relative invisibility of stateless persons in national statistical exercises;

Noting with concern that statelessness in Africa, Asia, Europe and the Americas still occurs as a result of discriminatory laws on the basis of ethnicity, gender, race and religion, lack of birth registration and birth certificates, gaps in nationality legislations, administrative barriers, arbitrary deprivation of nationality, xenophobia, migration, birth to stateless persons etc.;

Having discussed some of the protection gaps faced by stateless persons in Africa, Asia, Europe and the Americas including challenges preventing states from fulfilling their human rights obligations on the right to a nationality and having identified appropriate solutions;

Noting with concern that restrictive nationality laws, gaps in nationality legislation and policy and restrictive practices are obstacles preventing the protection of stateless persons, and the prevention, reduction and eradication of statelessness;

Declare as follows:

Stateless-persons-led organizations should be at the forefront of norm and policy formation regarding statelessness, funding their work should be a priority of any statelessness initiative.

UNHCR should form strong partnerships with stateless-persons-led organizations both at the level of policy formation and execution of the UNHCR statelessness mandate.

No decision about statelessness or stateless persons should be taken without stateless persons and people with lived experiences of statelessness.

There is a need for quantitative population data on stateless populations and qualitative analysis of their condition, particularly in the African region.

There is a need to support and encourage all United Nations (UN) and global agencies and organizations to engage with statelessness as a thematic issue, while continuing to support UNHCR as the core mandate holder on statelessness.

There is a need to implement and simplify requirements for facilitating naturalisation of stateless persons.

There is an urgent need for reforms within UNHCR to raise the profile of statelessness and mainstream it throughout all of UNHCR's programming, including by doubling the funding for statelessness.

All organizations working on statelessness, including UNHCR and academics, need to be comfortable with using the word "racism" when discussing causes of statelessness. An intersectional approach to non-discrimination, that includes but is not limited to antiracism and gender equality needs to be integrated in all policies regarding statelessness.

Recommend as follows:

1. Call on civil society to

- Actively seek to involve stateless persons in their work on statelessness, including by adopting minimum allowance for employees with a lived experience of statelessness. Regularly consulting with stateless people and communities, and developing strong partnerships with stateless-persons-led organizations.

- Foster partnerships with grassroot organizations to amplify their voices, leverage their insights for more effective policy formation, and support their initiatives. These include providing resources, sharing best practices, and integrating their perspectives into the broader advocacy and awareness campaigns. Civil society should prioritize collaboration to ensure a comprehensive and inclusive approach to ending statelessness.

- Multiply their efforts to raise awareness regarding statelessness and the right to nationality, through sensitization and information campaigns, the formation of coalitions with relevant stakeholders, the development of narratives highlighting the legal and social precarity in which stateless persons are confined, the use of all media outlets, including social media, in disseminating such narratives, and, most importantly, in carrying the voice of stateless persons to the general public.

- Support information campaigns aimed at sensitizing the general public on the importance of birth registration, the risk of statelessness, and procedures to acquire citizenship. Furthermore, civil society organizations should support states in conducting a study on the overall situation of statelessness within a particular country, causes/risk of statelessness, identifying the number of stateless people within the country and to develop and implement National Strategic Plans to end statelessness.

- Increase visibility to stateless people via the Universal periodic review (UPR) and the national agenda of the States under review.
- Advocate for procedural transparency and fairness in processing citizenship applications and the improvement of the rights of stateless persons.
- Incorporate the language of anti-racism into their work on statelessness, and adopt an intersectional approach to non-discrimination and statelessness.

2. Call on academic institutions of higher learning to

- Support the UNHCR's Global Alliance to End Statelessness by 2030, and other initiatives by UNHCR and other international and regional bodies. This can be achieved through the establishment of specific research groups on statelessness, the development of research programs and projects specific to statelessness and the right to nationality, as well as the development of statelessness awareness and sensitization campaigns.
- Explore and undertake research into legal and administrative frameworks as they apply to citizenship regimes to understand disparities between the regimes on paper and in practice.
- Increase further qualitative research on the experiences of stateless persons to educate the public on how statelessness is experienced across the regions and continue to identify good practices for cross-country and regional learning processes, including to highlight any gaps in the current work being undertaken.
- Ensure that research involving stateless persons adheres to the highest ethical standards.
- Ensure that stateless volunteers should as far as possible be compensated for their time spent on fostering research objectives.

- Promote awareness of positionality and the practice of reflexivity when conducting research on statelessness.
- Establish policies promoting access to higher education and to academic careers among individuals with lived experiences of statelessness, and specifically supporting research on statelessness by individuals with lived experiences of statelessness.
- Incorporate the language of anti-racism into their work on statelessness, and adopt an intersectional approach to non-discrimination and statelessness.

3. Call on policy makers, legislators, and human rights, development, and political actors,

- In line with Global Action Plan to End Statelessness(GAP) 1 to help resolve existing major situations of statelessness by supporting legislative reforms, and policies to enhance access to nationality, especially for *in situ* populations.
- Incorporate the language of anti-racism into their work on statelessness, and adopt an intersectional approach to non-discrimination and statelessness.
- Involve stateless persons in any decision-making on statelessness.
- Effectively and transparently engage in both informal and formal consultations with the public, experts and interested stakeholders, including stateless persons in proportionate and realistic timeframes to allow for their considered views and inputs before introducing new policies and bills that risk impinging on the rights and interests of the stateless persons.

4. Call on member states of the United Nations to

- Accede to the Convention Relating to the Status of Stateless Persons (1954), and the Convention on the Reduction of Statelessness (1961)(GAP 9), and join the UNHCR's Global Alliance to End Statelessness by 2030.

- Establish statelessness determination procedures to improve the identification of stateless persons (this must go hand in hand with a process to identify pathways to a nationality) and ensure nationality verification for *in situ* stateless persons.
- Ensure stateless children born in their territories are granted nationality.
- Ensure adequate legal safeguards for abandoned/orphaned/foundling children and other categories of vulnerable children by granting them presumed nationality.
- Ensure universal birth registration and remove arbitrary and onerous requirements for birth registration.
- End the arbitrary detention of stateless persons for reasons of their statelessness and/or lack of ID.
- Address all forms of discrimination in their nationality laws and promote children's right to a nationality, including through universal birth registration and legal safeguards in nationality laws.

5. Call on state parties to the UN Convention Relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961) to

- Grant protection status to stateless migrants and facilitate their naturalization (GAP 6), to ensure that no child is born stateless (GAP 2), to remove gender discrimination from nationality laws (GAP 3), and to prevent denial, loss or deprivation of nationality on discriminatory grounds (GAP 4).
- Continuously revise their domestic laws and practices in light of enhancing compliance with the two UN statelessness conventions in light of more recent developments in the field of human rights and the interpretative documents of the UNHCR, Human Rights Committee, Committee on the Rights of the Child, Committee on the Elimination of

Racial Discrimination and the Committee on Elimination of Discrimination Against Women.

6. Call on legal practitioners, judges to

- Advocate for and support legal reforms that aim to reduce and prevent statelessness. This includes working towards the elimination of gender, racial, and ethnic discrimination in nationality laws, and ensuring that the right to nationality is upheld.
- Encourage and participate in training and awareness initiatives on statelessness to promote better understanding and sensitivity to the challenges faced by stateless persons.
- Facilitate access to justice for stateless persons, ensuring they have the legal representation and support they need to navigate the legal system. Ensure that their rights are respected and their voices are heard/reflected in legal processes.
- Promote and support legal research on statelessness, contributing to a better understanding of the issue and the development of effective legal solutions.
- Ensure that legal proceedings and judgments consider the specific challenges and rights of stateless people. These include being aware of the nuances in cases involving statelessness and applying laws in a manner that supports the reduction and prevention of statelessness.