



UNHCR
The UN Refugee Agency

“THIS IS OUR HOME”

STATELESS MINORITIES AND THEIR SEARCH
FOR CITIZENSHIP

#IBELONG

“Imagine being told you don’t belong because of the language you speak, the faith you follow, the customs you practice or the colour of your skin.

This is the stark reality for many of the world’s stateless. Discrimination, which can be the root cause of their lack of nationality, also pervades their everyday lives – often with crippling effects. If we want to end statelessness, we must address this discrimination.

We must insist on equal nationality rights for all.”

Filippo Grandi
UNITED NATIONS HIGH COMMISSIONER
FOR REFUGEES

Discrimination. Exclusion. Persecution. These are the words that most commonly describe the existence of the world’s stateless minorities. More than 75% of the world’s known stateless populations belong to minority groups.⁽¹⁾ These populations include the descendants of migrants, many of whom arrived or who were displaced to a territory before it gained independence; nomadic populations with links to two or more countries; and groups that have experienced ongoing discrimination despite having lived for generations in the place that they consider to be home.

Discrimination on the basis of ethnicity, race, religion or language is a recurrent cause of statelessness globally. In some cases discrimination against minorities is prescribed by law: at least 20 countries maintain nationality laws in which nationality can be denied or taken away in a discriminatory manner.⁽²⁾ Instances of mass deprivation of nationality on grounds of ethnicity or race have continued to occur in recent decades. More frequently, discrimination is based on formal or

⁽¹⁾ This percentage is based on statistics for stateless populations included in UNHCR’s 2016 Global Trends Report that are known to belong to an ethnic, religious or linguistic minority. It does not account for minority groups that compose a proportion of a known stateless population in a country, but do not form the majority of that population. The percentage also does not include the many stateless minority groups for which UNHCR does not have adequate statistical data.

⁽²⁾ See Action 4 of UN High Commissioner for Refugees (UNHCR), *Global Action Plan to End Statelessness*, 4 November 2014, available at: <http://www.refworld.org/docid/545b47d64.html>

informal policies and practices that affect certain groups disproportionately. Statelessness can exacerbate the exclusion that minorities already face, further limiting their access to education, health care, legal employment, freedom of movement, development opportunities and the right to vote. It creates a chasm between affected groups and the wider community, deepening their sense of being outsiders: of never belonging. Left unaddressed, the protracted exclusion of stateless minorities can build resentment, fear and - in the most extreme cases - lead to persecution, displacement, instability and insecurity.

In May and June 2017, UNHCR spoke with more than 120 individuals who belong to stateless, formerly stateless and at-risk minority groups in three countries: the Karana of Madagascar, Roma and other ethnic minorities in the former Yugoslav Republic of Macedonia, and the Pemba and Makonde of Kenya. Drawing on individual testimonies collected during these consultations, this report explains the circumstances that have led to them not being recognized as nationals of any country. It shows how statelessness can be passed on from one generation to the next, with children denied nationality on the basis of their parents’ national or ethnic origins. It highlights the daily indignities and suffering of individuals who are excluded because of characteristics that are inherent to their identities – their histories, their looks, their language, their faith. The findings in this report underscore the critical need for minorities to enjoy the right to nationality.

These key findings from UNHCR’s consultations in 2017 relate to both

causes and impacts of statelessness among the minority groups consulted. They illustrate that the two can be closely related to each other (e.g., discrimination and lack of documentation can be both causes and consequences of statelessness).

DISCRIMINATION

“PEOPLE TELL US
TO GO BACK TO MUMBAI.
BUT WE DON’T KNOW MUMBAI.
WE WERE BORN HERE.”

—NASSIR HASSAN, 48,
KARANA COMMUNITY,
MADAGASCAR

Discrimination and exclusion of ethnic, religious or linguistic minority groups often lies at the heart of their statelessness. At the same time, their statelessness can lead to further discrimination, both in law and in practice. According to those consulted, discriminatory attitudes are apparent in interactions with the authorities and their fellow countrymen and women. They also report that discrimination degrades their communities, stopping them from being viewed as equal human beings, deserving of the same rights and levels of respect. Discrimination also contributes to poverty and difficulties in accessing education, health care, and other state services.

LACK OF DOCUMENTATION

“THEY [THE AUTHORITIES]
DIDN’T EXPLAIN THINGS TO ME,
THEY JUST ASKED FOR DOCUMENTS THAT
I DIDN’T HAVE.”

—HAIDAR OSMANI, 54,
ETHNIC ALBANIAN COMMUNITY,
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Discrimination against the stateless minorities consulted manifests itself most clearly in their attempts to access documentation needed to prove their nationality or their entitlement to nationality, such as a national identity document (I.D.) or a birth certificate. Lack of such documentary proof can result in a vicious circle, where authorities refuse to recognize an otherwise valid claim to nationality. In some cases, minority groups find it impossible to meet the legal requirements necessary to acquire a national I.D. - typically, proof of having been born in the country of residence to a parent of the same nationality (e.g., a birth certificate). Even where the law specifies that all births on a territory are to be registered, lack of knowledge of such laws can lead some authorities to deny registration to minority groups viewed as foreigners. Other forms of discrimination range from arbitrary refusal to provide or renew documents; hostile treatment; or exploitation by authorities issuing documentation. All of this leads to many having to make repeated appointments, pay onerous fees and wait for unduly long periods of time for a response to their document applications. Most individuals consulted had made multiple attempts to acquire a birth certificate or national I.D. Without any means to prove their nationality or entitlement to citizenship, they are often excluded from benefits such as public health services and social assistance available to citizens.

POVERTY

“THE BIGGEST PROBLEM IS THE POVERTY CAUSED BY
MY STATELESSNESS. A STATELESS PERSON CANNOT
OWN PROPERTY. I FEEL BELITTLED AND DISGRACED
BY THE SITUATION THAT I AM IN.”

—SHAAME HAMISI, 55,
PEMBA COMMUNITY,
KENYA

Because of their statelessness and lack of documentation, the groups consulted are typically excluded from accessing legal or sustainable employment, or obtaining the kinds of loans or licenses that would allow them to make a decent living. These disadvantages can expose them to those who would take advantage of their vulnerability and inability to challenge exploitative employment arrangements. This marginalization can make it difficult for stateless minorities to escape an ongoing cycle of poverty. Denied the ability to own their own property, some stateless minorities have resorted to registering their assets using other identities (usually of citizens they know) in order to be able to provide for their families, leaving them in a state of insecurity and worry.

FEAR

“THEY [POLICE] KNOW WHAT WE DO, WHERE WE GO.
THEY ASK FOR OUR I.D.s, WHEN WE SAY
WE DON’T HAVE ANY,
WE ARE ARRESTED AND BEATEN.”

—AJNUR DEMIR, 26,
ROMA COMMUNITY,
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

All the groups consulted spoke of their fear for their physical safety and security on account of being stateless. Some individuals have experienced being physically persecuted first hand. Others point to examples of deliberate profiling by the police, the inability to produce documents leading to arrests or the payment of bribes, as well as detention and attempted deportations by authorities. Being criminalized for a situation that they are unable to remedy has left psychological scars and a sense of vulnerability among many. For some, the inability to even secure a permanent dwelling or to own their own property or assets fundamental to their livelihoods has left them in a state of precariousness and extreme worry. All parents expressed deep despair about not having the ability to change the future for their children.

“WE ARE HERE, THIS IS OUR HOME.”

BACHIR IBRAHIM, 71
KARANA COMMUNITY,
MAHAJANGA, MADAGASCAR

Ensuring equal access to nationality rights for minority groups is one of the key goals of UNHCR's #IBelong Campaign to End Statelessness by 2024. To achieve this, UNHCR urges all States to take the following steps in line with Actions 1, 2, 4, 7 and 8 of UNHCR's Global Action Plan to End Statelessness:

- Facilitate the naturalization or confirmation of nationality for stateless minority groups resident on the territory, provided that they were born or have resided there before a particular date, or have parents or grandparents who meet these criteria.
- Allow children to gain the nationality of the country in which they were born if they would otherwise be stateless.
- Eliminate laws and practices that deny or deprive persons of nationality on the basis of discriminatory grounds such as race, ethnicity, religion, or linguistic minority status.
- Ensure universal birth registration to prevent statelessness.
- Eliminate procedural and practical obstacles to the issuance of nationality documentation to those entitled to it under law.





In May and June 2017, UNHCR spoke with more than 120 individuals who belong to stateless, formerly stateless or at-risk minority groups in three countries: the Karana of Madagascar, Roma and other ethnic minorities in The former Yugoslav Republic of Macedonia, and the Pemba and the Makonde of Kenya. The consultations enabled UNHCR to better understand the key causes of statelessness of these groups, as well as the impacts of being stateless on their lives.

While there is no reliable data concerning the exact figure of stateless persons globally, UNHCR estimates that there are currently millions of people without any nationality. Many of these people belong to a group that is an ethnic, religious, or linguistic minority in the country in which they have often lived for generations. They are therefore distinct from the majority both because they are stateless and because they are minorities.⁽³⁾ This report considers both statelessness status and minority status as they relate to each other through people's lived experiences.

In some cases a person's statelessness is caused by explicit exclusion from citizenship in the nationality law of the country in which they live on the basis of their minority status. For example, the Muslim Rohingya in Myanmar, the largest known stateless group in the world, are excluded from a list of 'national ethnic groups', which, according to the 1982 Citizenship Law, automatically acquire citizenship at birth. They are unable to acquire Myanmar nationality because of the discriminatory way in which the law is drafted and applied in practice. In Syria, in 1962, a special census ordered by decree negatively impacted 300,000 Syrian Kurds leaving them stateless (this number has since been reduced to 160,000).⁽⁴⁾ In other situations, the discrimination is less explicitly linked to minority status. For example, a

⁽³⁾ While there is no internationally agreed definition of a minority, it is commonly accepted that a minority is an ethnic, religious or linguistic group, fewer in number than the rest of the population, whose members share a common identity. See, e.g., Article 27, international Covenant on Civil and Political Rights.

⁽⁴⁾ Important steps have been taken to address the situation of Syrian Kurds deprived of their nationality in 1962; most notably, in 2011 Decree 49 was promulgated, leading to the granting of Syrian nationality to thousands of stateless persons from the ethnic Kurdish minority since then.

2013 Constitutional Court ruling in the Dominican Republic had a disproportionate impact on persons of Haitian descent born in the country, depriving many persons from this minority group of nationality, even if the ruling did not expressly target them. Discrimination in administrative practices in a number of countries can leave minority groups without documentation such as birth certificates and national I.D.s. Such documentation is vital to proving their entitlement to nationality, leaving them at risk of statelessness or stateless where the discrimination is systematic and persistent. Where minority groups are poorer, less well educated, unable to speak the national language, live in remote areas or do not have access to avenues for advice or support, their ability to counter this discrimination, and the resulting exclusion it causes, remains extremely limited.

The statelessness experienced by certain groups is both a symptom and a cause of their exclusion: it stems from discrimination based on difference, and it reinforces their lack of full membership in the societies they live in, making everyday life much more difficult and solidifying civil and political exclusion. Statelessness is sometimes understood as a technical problem resulting from shortcomings in nationality laws. In many cases, however, the underlying cause of statelessness for minority groups is difference itself.

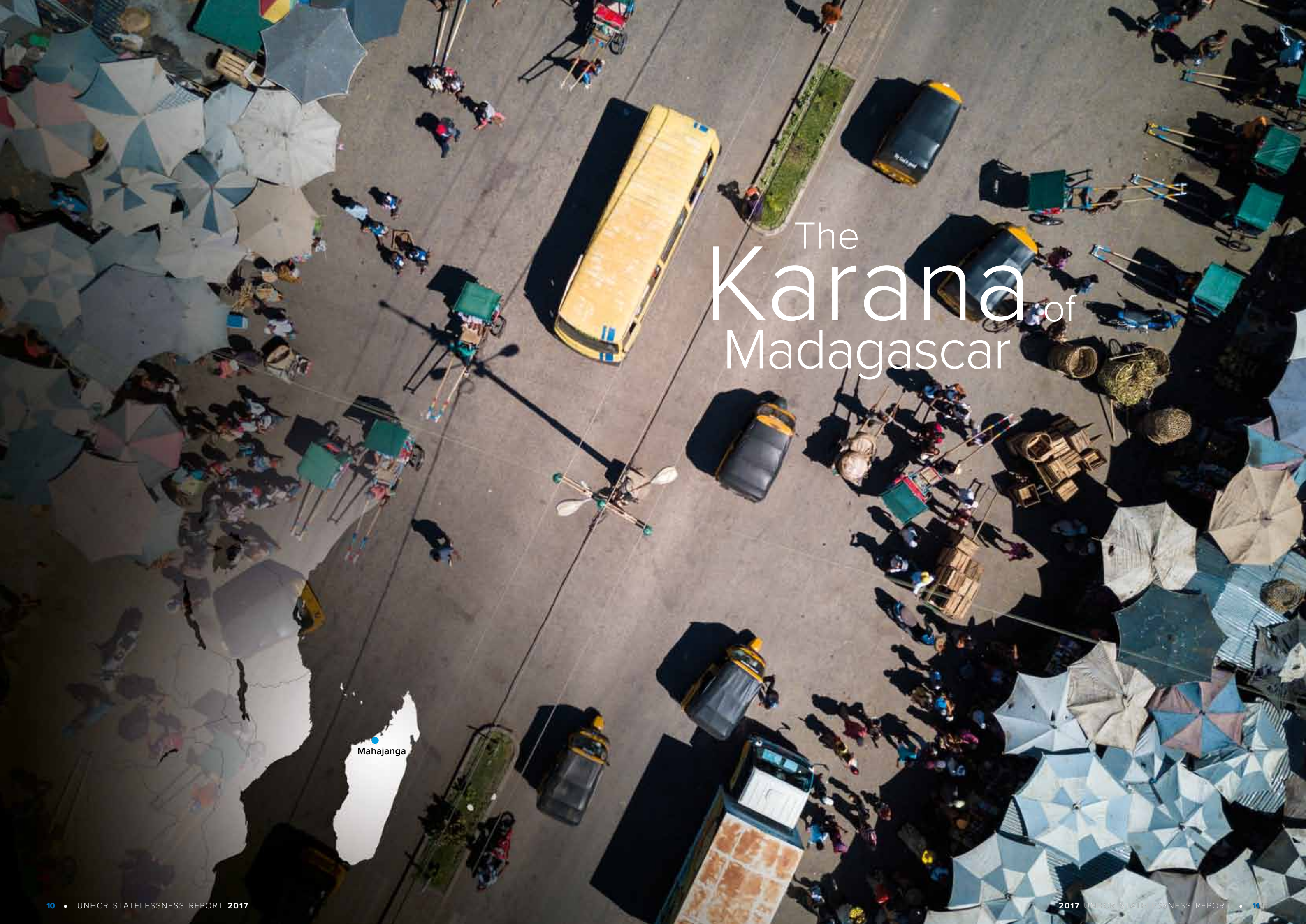
The modern international rights framework for the protection of minorities is an attempt to recognize and respond to this. Special attention is given to minority rights in the International Covenant on Civil and Political Rights, which says in Article 27, “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” The UN Statelessness Conventions themselves are also part of the international community’s effort to address statelessness globally.

This year marks the 25th anniversary of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, in which States committed to protect these groups from any form of discrimination. Today the work of the UN includes a dedicated Forum on Minority Rights under the auspices of the Human Rights Council, a Special Rapporteur on Minority Rights, and regular resolutions on the subject by the Human Rights Council and the UN General Assembly. The subject of stateless minorities featured at the Forum on Minority Rights for the first time in 2016.

Following each of the consultations, UNHCR, together with representatives from each of the affected minority communities, met with stakeholders from Government and civil society to highlight key findings. Minority representatives were also supported to advocate directly with authorities for inclusion of their communities through grant of nationality; reforms to prevent childhood statelessness and remedy discriminatory laws; and improvements to policies and administrative practices to ensure unfettered access to civil registration and associated national identity documentation.

The voices of stateless individuals from minority groups featured in this report help us understand the complex interplay between being disadvantaged as a minority and being stateless. With these insights active steps can be taken to remedy the injustice of statelessness and alleviate the hardships stateless persons experience in their everyday lives.

Tina Eric, 22, from the Makonde tribe in Kwale County, Kenya, participates in the consultations with stateless minorities in June 2017.



The Karana of Madagascar

Mahajanga

SOUGRABAY IBRAHIM,
WHO IS 84 YEARS OLD AND
STILL STATELESS, HAS NEVER
ATTENDED SCHOOL.

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