Reporting by Session Note-takers at the
2019 Annual Consultations with NGOs

Date	3 July 2019
Session Title:	**Statelessness data and evidence**
Moderator:	**Melanie Khanna, Chief Statelessness Section, UNHCR**
UNHCR focal point:	**Fernando Bissacot**
NGO focal point:	**Francisco Quintana,** The Americas Network on Nationality and Statelessness (Red ANA)
Major points arising from speakers and discussions	

- **Melanie Knanna (**moderator**)**

There is a data gap. What we have is a global estimation, but we do not how many stelessness people are. The figure in global trends is underestimated, only cover less than the half of the countries.

Some of the advancement and efforts made by the UNHCR are for instance the new interagency group, request to the UN SG to improve data gathering

Cote d'Ivoire (video)
Historical migration and migration has resulted in no access to nationality. The national department of statistics wanted to collect data on statelessness people and asked the collaboration of UNCHR and launched a massive national survey.

- **Francisco Quintana, The Americas Network on Nationality and Statelessness (Red ANA)**

The Americas Network on Nationality and Statelessness (Red ANA) started its work on 2014. The year 2014 was marked the 30th anniversary of the 1984 Cartagena Declaration on Refugees and the Brazil Declaration and Plan of Action, which contains the commitment to uphold the highest protection standards for refugees, displaced persons and stateless persons.

Chapter 6 of the Brazil Plan of Action is dedicated to the problem of statelessness and recommends the implementation of a series of eight specific actions to eradicate statelessness in the region.

In 2014 the international arena, UNHCHR launched the campaign I belong and in Washington DC in an event, The Secretary General announced the Americas could be the first region to eradicate statelessness. Nevertheless there are some challenges remaining:

Figures available: Global trends and civil society, shows a huge gap. Eg. In Colombia there are 20.000 statelessness people according to civil society and 11 according to Global trends 2018; The gap also shows lack of information in countries as important in terms of stateless people such as Dominican Republic. How can we close this gap?

Dominican Republic: is the country with the most serious problem of statelessness in the Americas. There are no exact figures on how many persons were affected and continue to be affected by the 2013 decision of the Constitutional Tribunal. Estimations in 2013 shows that are around 210,000 statelessness people in DR. The Inter-American system has been an alley in the determination of the number of people affected

Other countries such as the US: the census does not inquiry about statelessness. The country has not either adopted a formal status determination procedure to identify stateless persons. Mexico is producing statelessness people when releasing undocumented migrants from detention centers. The data available in Mexico shows a creative way to obtain data through habeas data before the judiciary (courts) that was pursuit by the Ibero-American University.

As a positive note, in Costa Rica and Chile there have been examples of how civil society, state authorities and UNHCR can work together to advance in the protection of statelessness people. Chile is an example of good practices that can emerged from a judicial action initiated by civil society that was then transformed into an institutional project by the State (Chile Reconoce); Costa Rica, many members of the indigenous community Ngöbe-Buglé, born in Costa Rica from Panamanian parents (binational indigenous territory), were not registered at the moment of birth and later have difficulties in obtaining birth certificates, the Chiriticos Project identified and assisted more than 3,600 individuals at risk of statelessness because they were not registered in either country.

Emerging crisis in Colombia: The migration and asylum seekers crisis of people leaving Venezuela has created new challenges in Colombia due to its nationality regime that requires domicile of foreign parents to access Colombian nationality for their children born in that country. The State and civil society has had to respond in a very short period of time. There are Pending actions at the legislative, judicial and legislative branches. There is a risk that these initiatives could solve the problem in a contradictory way, of for a short period. After the visit of Angelina Jolie, UNHCR ambassador, the executive announced they will address the problem, Nevertheless, case are still being litigated in the courts

- **Lies Muller, Lawyers for Human rights in South Africa**
In South Africa, statelessness is not linked to a particular ethnic origin it is more about bad administration.

There is no clear data on how many statelessness people, we estimate that every year around 7.000 cases. There is concrete data of the origin but there are barriers to provide them with a citizenship.

To overcome the data gap and resolve specific cases, went to statistics institution in South Africa exploring options to enrich the survey. A good initiative is the one of the Social development department, social workers must keep a file on the kids at risk of abandonment. Social workers started to inform and report unregistered children. With that date the social department is the state was asked to apply for a special status to those children.

Litigation is also a useful tool. There is a list of court cases that have set a jurisprudence and has guided has facilitated the implementation of the policy.

Working on a monitoring tool
Working a info data base to gather data online.
African Commission has done good qualitative research by questionnaires sent to the states. This has resulted in the draft protocol on human people's rights on specific aspects of the rights to nationality and the eradication of statelessness in Africa. This protocols has established the category of the adequate link (to access nationality and avoid stateless recognition procedures)

- **Ango Keepler, UNFPA**

Estimation of statelessness, no data is available. Significant data gap. The global trends are based on national data and data that UNFPA collects. Data is quite often fragmented. Without

data there is no baseline, the 2030, leaving no one behind and connect legal system with policies are not possible either.

UNFPA involvement and commitment: working closely with UNHCR, Global protection cluster in many humanitarian regions; review of census data. They have also found a new way of addressing the issue by using their own analytics in addition to policies and legal frameworks on the ground.

Approaches: use more the data collection, census, retrospective analyses of census, including questions of citizenship correlated with statelessness to try to find them and get to know works and does not.

Closing links to SDGs (legal identity): how to improve birth and marriage registration. Face additional barriers in enjoying their civil rights.

The interdisciplinary group: could improve national capacities, harmonize definition and issued recommendations for the states to collect better data.

Questions and answers
Lack of guiding principles on how to states can collect better data?
UNFPA: from the population survey we gather information that can help to see if the person can identify him/herself is useful. The UNHCR comprehensive response framework is also useful for communities and sub-regional authorities. German example to let the communities to choose and contribute to their expertise to help the communities filling gales, eg. Doctor's expertise among other professions.
UNHCR: the response it is not straightforward. The difficulty relies on participation and on the fact that you can have false positives. Proxy questions that consider the context are more useful.
Resettlement statelessness are not given a nationality in the resettled country?
UNHCR: there is no a promise to provide a citizenship to a resettlement person, it is an ambition
People excluded from citizenship in India in Assam. Solutions?
UNHCR: the way pass through convincing India that the issue is not in their best interest, they must find a solution
How do we collect data from statelessness people in Myanmar, Bangladesh and how we address the governments on this issue?
Rohingya refugees/citizenship, census could lead to more violence. UNFPA would be involved in the technical capacity of the state, how do you plan to do it do you a contentious plan?
Francisco Quintana, shared some lessons learned in The Americas that can be useful for other regional contexts, eg. how the Colombian state in responding to the Venezuelan crisis accepting that there is no possible response of the Venezuelan consulate.
Lies Muller shared the African experience: African protocol, has included the appropriate link, to recognize citizenship and they do belong instead undergoing the stateless procedure.

Recommendations/Conclusions/Decisions on the way forward

- **Francisco Quintana Red Ana**

Recommendations are contained in the Brazil Plan, Chapter VI, among which the ratification of the statelessness Conventions of 1954 and 1961, together with the harmonization of legal frameworks to ensure access to nationality and protection for stateless persons are included.

- **Lies Muller, Lawyers for Human rights in South Africa**

Training at a local level about data collection is crucial
Review Case law can help the implementation of policies.

Top two quotes from the session

"The best way is to collect data we must invest in training for those working on the ground, social workers" Lies Muller, Lawyers for Human rights in South Africa

"It is very important to start raising awareness on the issue of statelessness, In the Americas 9/10 state officials are not familiar with statelessness legal framework at all and that is the first barrier" Francisco Quintana

Any general points regarding UNHCR-NGO partnerships:
Mention any salient points that the Rapporteur and UNHCR should be aware of for the closing plenary, ***i.e. prior to the closing of the Consultations.***