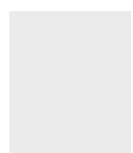


109

ISSUE DESCRIPTION



COMMITTEE Social, Humanitarian and Cultural Committee
ISSUE Preventing and Combating Statelessness and Arbitrary Deprivation of Nationality
SUBMITTED BY Emil Yi and Salwa Errimani, Chairs of the Social, Humanitarian and Cultural Committee
APPROVED BY Vilmos Eiben, President of the General Assembly

Introduction

The international legal definition of a stateless person is “someone who is not considered as a national by any State under the operation of its law.” In other words, stateless persons are not considered legally to belong to any particular nation and are not under the protection of the legislation of any state. Some people are born without a nationality, but others are deprived of or have lost their nationality afterward (de jure stateless). Some stateless persons - a majority of whom also qualify as refugees - hold nationality but practically do not receive the benefits associated with a nationality, notably national protection (de facto stateless). Not being able to prove a legal bond with any country, stateless persons often face severe drawbacks and hardships in life, such as being denied access to education, healthcare, marriage, and job opportunities. As of 2024, the UNHCR’s statistical reporting counted 4.4 million stateless people. However, the actual number is unknown, since states are often unwilling or unable to provide accurate data on statelessness.

Questions of nationality fall within each state's domestic jurisdiction and depend on the viewpoint according to which a state defines its nationals. Some states, concerned with solving demographic issues, might define their body of citizens through discriminatory policies that are against several international humanitarian laws, often leaving ethnic minorities who have lived in the country for generations de jure stateless. However, the applicability of a state’s internal decisions can be limited by similar actions of other states and by international law.

Definition of Key Terms

Stateless persons - The legal definition established in the 1954 Convention is „[a person] who is not considered a national by any State under the operation of its law”.

Undocumented persons - persons who lack essential identity documents, such as a birth certificate

Refugee - A person forced to flee their own country and seek safety in another country. They are unable to return to their own country because of feared persecution as a result of who they are, what they believe in or say, or because of an armed conflict, violence, or serious public disorder.

Asylum Seeker - Refers to the legal status of a person who leaves their country of residence, enters another country and has formally claimed asylum in that country. The person keeps the status until their application has concluded.

Nationality - the fact or status of belonging to a particular nation by origin, birth, or naturalization

Citizenship - A membership and allegiance to a sovereign state. In international law, citizenship and nationality are not usually used interchangeably. The concept of citizenship encompasses the rights and duties associated with being subject to the state, while nationality is simply the legal identity of a person. Nationality - the fact or status of belonging to a particular nation by origin, birth, or naturalization

Naturalization - the admittance of a person to the citizenship of a country Nationality - the fact or status of belonging to a particular nation by origin, birth, or naturalization

Citizenship by Birth/ Jus Soli (“Right of the Soil”) - A mechanism of citizenship according to which citizenship is based on the place of birth. It is applied in most countries on the American continent.

Citizenship by Descent/ Jus Sanguinis (“Right of the Blood”) - A mechanism of citizenship according to which parents confer their citizenship to their descendants. In most states of Asia, Europe, Africa, and Oceania, citizenship and nationality are granted at birth upon this principle

Citizenship by Descent/ Jus Sanguinis (“Right of the Blood”) - A mechanism of citizenship according to which parents confer their citizenship to their descendants. In most states of Asia, Europe, Africa, and Oceania, citizenship and nationality are granted at birth upon this principle

Stateless Nation - An ethnic group or nation that does not have its own sovereign state. The term itself implies that every nation has the right to self-determination and the right to establish a nation-state with its own independent government. Nations without a state are sometimes classified as fourth-world nations.

Denationalization - Occurs when a country deprives a citizen of their nationality. This can happen when the citizen has resided abroad for a long time, or when the deprivation has prejudicial or punitive purposes.

Renunciation - the voluntary and formal rejection of a citizenship and the rights and duties associated with citizenship

General Overview

While statelessness has always existed in some form, the international focus on eradicating it is a relatively recent movement. Despite the efforts of international organizations to reduce statelessness, millions of people have been deprived of their nationality or have not been able to acquire citizenship. If these issues are left unaddressed, a deepening sense of disenfranchisement among the affected populations might eventually result in their expulsion and even conflict. The following sections illustrate the main causes of statelessness and relevant legal issues, furthermore, conclude with recommendations regarding aspects of finding a potential solution for statelessness.

THE HISTORY OF CITIZENSHIP

A concept similar to contemporary “citizenship” first emerged in Greco-Roman antiquity, where the status of slaves and inhabitants of conquered territories became similar to modern-day statelessness. Populations held in captivity were incorporated as subjects of the Roman Empire, however, they remained excluded from Roman citizenship and the associated rights and privileges. Similar characteristics of statelessness could be observed among other societies where a multi-tiered citizenship system existed. Statelessness is also used to characterize ethnic groups with nomadic lifestyles and heritages, such as the Romani people, who travelled and dwelled in lands claimed by others.

HOW STATELESSNESS ADVANCED INTO A GLOBAL PROBLEM

Statelessness has been a persistent issue throughout the history of mankind, however, its visibility and effects have evolved over time. First recognized as a global problem during the first half of the 20th century, statelessness is normally associated with abrupt changes in international relations, for example, the reconstruction of international borders or the start/end of an armed conflict. Modern-day statelessness in many regions is primarily linked to colonial backgrounds, the creation of artificial borders, and the aftermath of forming independent nation-states.

After World War II, huge populations have been rendered stateless and refugees by the atrocities of the war. To address the nationality and legal status of these refugees, the United Nations Economic and Social Council requested the UN Secretary-General to carry out a study of statelessness in 1948. In the same year, the Universal Declaration of Human Rights was adopted. Article 15 of the Universal Declaration of Human Rights (1948) states that every person has the right to nationality. The UN has since adopted several conventions to adopt this. Another issue addressed with priority was the decolonization of the continents of Africa, South America, Oceania, and Asia.

UNDERLYING CAUSES OF STATELESSNESS

The information and accession package for the 1954 and 1961 conventions mentioned ten reasons why people become stateless. These factors are the following: conflict of laws, transfer of territory (including cases such as state dissolution, succession, or restoration), laws relating to marriage, laws relating to the registration of births, administrative practices, discrimination, jus sanguinis, denationalization, renunciation, and automatic loss of nationality by operation of law. Stateless births occur within various circumstances, including conflicts of law or administrative gaps between different nationality laws. At birth, nationality and citizenship are usually acquired through one of the two models: jus soli or jus sanguinis. A person, whose parents are not eligible to pass nationality and is born in a state that does not recognize jus soli is, in fact, born stateless.

Another frequent cause of statelessness is gender discrimination in jus sanguinis nationality laws. As of 2024, women in 25 countries are denied equal rights with men to confer nationality onto their children or spouses. This often results in statelessness when the father is missing, unknown, or stateless. Such sex-based discriminative policies are prohibited in Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women. It states that:

“States parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.”

Furthermore, children who are born outside of marriage or happen to be orphaned may not obtain a nationality automatically, or they could be denied the right to acquire a nationality. Several human rights treaties address this problem, the core principle of which is always to consider the best interests of the child. For instance, a principle mentioned in multiple international legislation is that foundlings discovered on a state’s territory should be granted the nationality of that state, and the nationality laws should not differentiate between children born in and out of marriage.

Territorial disputes result in statelessness when states are dissolved or succeeded, or when a territory is transferred to another state. A notable instance would be the case of the Soviet Union’s disintegration in 1991. After such events, a significant number of people are rendered stateless, and a typical solution would be forming cooperative treaties and policies, and loosening nationality laws concerning the interests of multiple parties, making sure to naturalize as many people as possible.

Another frequent cause of statelessness is if the government decides to revoke an individual’s citizenship. After events of abrupt changes in international relations, states occasionally denaturalize and deport their nationals on reasons that may or may not involve discriminative backgrounds. Therefore, according to the 1961 convention, initiating the loss of the sole citizenship of someone can only happen if the action is justified by compelling reasons of national security, if the person has chosen to renounce their citizenship, or if the nationality was obtained by misrepresentation or fraud. Some states have provisions that set out the possibility of automatic loss of citizenship without the concerned individual being informed about it. For example, such measures exist to counter the acquisition of multiple nationalities in states that do not recognize multiple nationalities. Furthermore, some states require citizens to renounce their original citizenship before they can apply for citizenship, which may result in the individual being rendered stateless. According to international laws, the person in question must be properly informed about this action before its possibility appears.

Major Parties Involved

Bidoon People: The Bidoon jinsiya (literal meaning: “without citizenship”) are longtime residents of the Arab region whose families were rendered stateless during the region’s rapid transition to modernity. Among others, Kuwait is home to the largest Bidoon population in the area, followed by Saudi Arabia and the United Arab Emirates. According to several human rights organizations, the State of Kuwait is committing ethnic cleansing and genocide against the stateless Bidoon.

The Bidoon are a largely stateless minority mostly descended from nomadic tribes known as Bedouin, who settled in northern Kuwait. From 1965 until 1985, the Bidoon were treated as Kuwaiti citizens, they enjoyed all the privileges of citizenship. In 1983, the first ethnic cleansing policy removed the Bidoon’s national identity from identity cards, and either replaced it with ‘unclassified’, ‘non-Kuwaiti’, or as another foreign nationality, which was not the recipient’s identity. In 1985, at the height of the Iran-Iraq War and after an assassination attempt on the Kuwaiti Emir Jaber Al-Ahmad Al-Sabah, the Bidoon were reclassified as “illegal residents” and were denied Kuwaiti citizenship. Without being explicitly informed about the decisions made by the State, the Bidoon were no longer granted any form of documentation, including birth certificates, death certificates, marriage certificates, and driving licenses. Consequently, the Bidoon also faced employment, travel, education, and healthcare restrictions. Besides formal restrictions trying to reduce the physical size and the cultural footprint of the group, further legislation was crafted to expel the group administratively. As a reaction to the repression, many Bidoon have fled from the country.

By 2004, the Bidoon accounted for only 40% of the Kuwaiti Army, a major reduction from the 80-90% in the 1970s and 1980s. Sources estimate there to be between 83,000 and 120,000 Bidoon people in Kuwait.

Countries of South Asia: Statelessness in South Asia is a significant issue arising from post-colonial nation-building and exclusionary citizenship policies. It results from a clash between the diverse social and political identities of the region and the imposition of a statist model of membership, where the state controls citizenship. Many cases of statelessness are rooted in discriminatory practices that exclude certain groups based on ethnicity or perceived lack of loyalty.

The Estate Tamils in Sri Lanka, brought to the country by the British to work on plantations, were disenfranchised after independence. The Ceylon Citizenship Act of

1948 and the Indian and Pakistani Residents Act of 1949 were used to deny them citizenship, resulting in over 95% of estate workers, more than one million people becoming stateless.

Similarly, the Biharis in Bangladesh, an Urdu-speaking Muslim minority, were left stateless after the 1971 secession of Bangladesh. Despite being born in Bangladesh, they were not accepted as citizens and were left in camps while awaiting repatriation to Pakistan, a country they had never been to. Around 170,000 Biharis were resettled to Pakistan under a tripartite agreement in 1974, but about 300,000 remained in camps, and thirty years later, over 230,000 still remain stateless.

Additionally, over 100,000 ethnic Nepalis (Lhotshampas) were evicted or fled Bhutan starting in 1990, with 90,000 remaining in UNHCR camps in Eastern Nepal. Changes to citizenship laws in 1977 and 1985 made it difficult for them to prove their citizenship, leading to their expulsion.

Efforts to resolve statelessness in South Asia have included two-sided agreements and changes in citizenship laws, such as Sri Lanka eventually granting citizenship to a large number of Estate Tamils. However, international organizations have played a limited role, and solutions are largely determined by the states involved. Some stateless groups would rather remain stateless than accept the nationality offered by the involved countries due to previously faced persecution.

Myanmar: The stateless Rohingya population in Myanmar face discriminatory laws and practices, as the government denies them recognition as a "national race," thus refusing to grant them citizenship and legal status. This exclusion, a primary determinant for citizenship, renders Rohingya people de facto stateless.

The Independent International Fact-Finding Mission on Myanmar reported that clashes in Rakhine State in 2012 displaced over 153,000 Rohingya, many of whom are confined to camps, with an additional 447,000 living in restricted villages. Rohingya children are rarely issued birth certificates, preventing them from obtaining essential identity documents and perpetuating their statelessness.

The Tatmadaw (Myanmar military) acts as the main perpetrator of violence against the Rohingya, with operations targeting civilians and involving sexual violence. The Tatmadaw's "Four Cuts" policy, a counterinsurgency strategy, aims to isolate non-state armed groups by cutting off their access to resources and recruits, and is implemented

through "clearance operations," which are essentially scorched-earth campaigns involving the killing of civilians, destruction of villages, and mass displacement.

In 2017, "clearance operations" were conducted in response to attacks by the Arakan Rohingya Salvation Army (ARSA), resulting in mass killings, rape, and the burning of at least 392 Rohingya villages, forcing around 725,000 Rohingya to flee to Bangladesh.

Mauritania: Mauritania's history of ethnic tensions and discriminatory practices, stemming from colonialism, has resulted in significant statelessness. The population includes White Moors, Haratin people (former slaves), and black Africans from the Soninke, Fula, and Wolof tribes. In 1989, the government revoked the citizenship of 50,000 to 75,000 "black Mauritians", expelling them and making them stateless.

Although Mauritania has made efforts to resolve the issue, including a repatriation program, many challenges remain. Around 30,000 black Mauritians returned between 1994 and 1997 but struggled to find work and get identity documents, forcing a number of them to leave the country once again. The 2007 repatriation program with the OHCHR facilitated the return of 24,000 people by March 2012. However, obtaining identity documents, including nationality certificates, remains a significant problem.

The process of obtaining nationality certificates requires birth or death certificates of relatives and their identity cards, which many lack, either because they were lost during the deportations or due to the abundance of mistakes that these documents, when present, contain. A new registration system was introduced in 2011 to convert civil documents to biometric ones, but legislative obstacles, such as Law No. 3 of 2011, have caused issues. This law lacks mechanisms to correct errors in old documents, hindering ID acquisition, and by extension, nationality certificates. Moreover, there are claims of discrimination in the registration process based on skin colour, language, and ethnicity, as well as inaccessible registration centres. This has led to protests by black Africans fearing that registration is being used to exclude them from identification and their right to citizenship.

UNHCR: The United Nations High Commissioner for Refugees (UNHCR) is a global organization dedicated to protecting the rights and well-being of people forced to flee their homes due to conflict and persecution. It was established by the UN General Assembly in 1950 to assist those displaced after the Second World War. The UNHCR leads international action to protect refugees, displaced communities, and stateless people, and it is

mandated by the UN to safeguard their rights. The agency's work is guided by the 1951 Refugee Convention and its 1967 Protocol.

The UNHCR aims to end statelessness by helping people gain a nationality and preventing new cases from arising by working with governments to change nationality laws and policies. It encourages countries to adopt the 1954 Convention, one of its two key UN Conventions, that defines statelessness and outlines minimum human rights standards for stateless people, including the right to education, work, and housing. The second one being the 1961 Convention, that aims to prevent statelessness by ensuring that countries establish safeguards in nationality laws, such as granting nationality to children born on their territory who would otherwise be stateless.

They also collaborate with NGOs and other partners to ensure stateless people can access education, healthcare, and employment, and to protect them from violence and trafficking. The UNHCR has been quite successful in its aims, as they have been able to help over 550,000 people gain nationality since 2014.

Timeline of Events

1924 - The League of Nations adopted a resolution aiming to identify groups in need of international law intervention

1930 - Delegates at the Codification Conference in the Hague adopted the Convention on certain questions relating to the conflict of nationality laws, along with three Protocols.

1948 - The adoption of the Universal Declaration of Human Rights

December 1950 - The formation of UNHCR (United Nations High Commissioner for Refugees)

1951 - Refugee Convention (149 States Parties)

1954 - Convention on Statelessness (23 States Signatories, 99 parties)

1961 - Convention on the Reduction of Statelessness (5 States Signatories, 81 Parties)

November 2014 - The launch of #IBelong Campaign, with the goal of ending statelessness within 10 years

Previous Attempts to Solve the Issue

The core principle by which international bodies today form action was drafted during the first international attempt to ensure that all persons have a nationality, the 1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws. The issue was addressed in Article 1 of the 179 Treaty:

“It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality”.

From 1930 to 1939, the Nansen International Office for Refugees, mandated by the League of Nations, was responsible for the protection of refugees and finding solutions to their plight. Nansen passports, designed in 1922 by founder Fridtjof Nansen, were internationally recognized identity cards issued to stateless refugees. After World War Two, as the United Nations was formed, the UN High Commission of Refugees was called upon to take charge of and address the needs of refugees and stateless persons. The bulk of the humanitarian laws developed in the following years, following the after-war decisions made by the International Court of Justice and The Hague Convention. Such significant progress was made by the creation of the following international conventions:

1951 CONVENTION RELATING TO THE STATUS OF REFUGEES

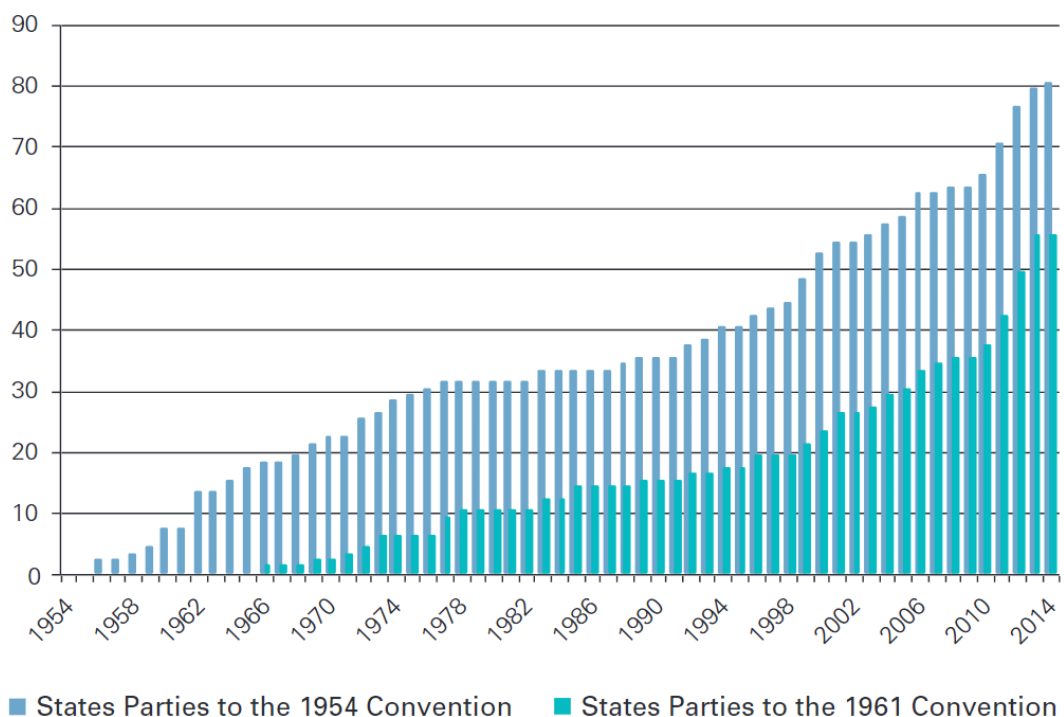
The 1951 Convention and its protocol are the basis of UNHCR’s work: they outline the definition and minimal rights of refugees and international standards of treatment of their protection. Highlighting their vulnerability and the urgency of the problem, the 1951 Convention defines the principle of non-refoulement, which asserts that the refugees should not be returned to the country where their freedom and life are at risk. The document further sets out international standards for their treatment, including the right of housing, work, and education in the host country. It also specifies the conditions for a person to gain refugee status.

1954 CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS

Originally drafted as a protocol to the 1951 Convention, the 1954 Convention clarifies the distinction between refugees and stateless persons. A strictly legal definition of a stateless person was adopted. The Convention accounts for outlining the legitimate interests of States concerning nationality, it further mentions the avoidance of statelessness, the right to a

nationality and travel documents of all, a prohibition limiting discriminatory distinctions and the arbitrary deprivation of nationality. The Final Act of the 1954 Convention makes an assumption that all de facto stateless persons are at the same time, refugees. The Act hence indicates that persons with both refugee status and stateless status are under the supervision of the 1951 convention. Today, to avoid double counting, the 1.4 million stateless people who are also forcibly displaced are only counted as forcibly displaced in UNHCR’s statistical reports.

Growth in the number of accessions to the 1954 and 1961 Conventions

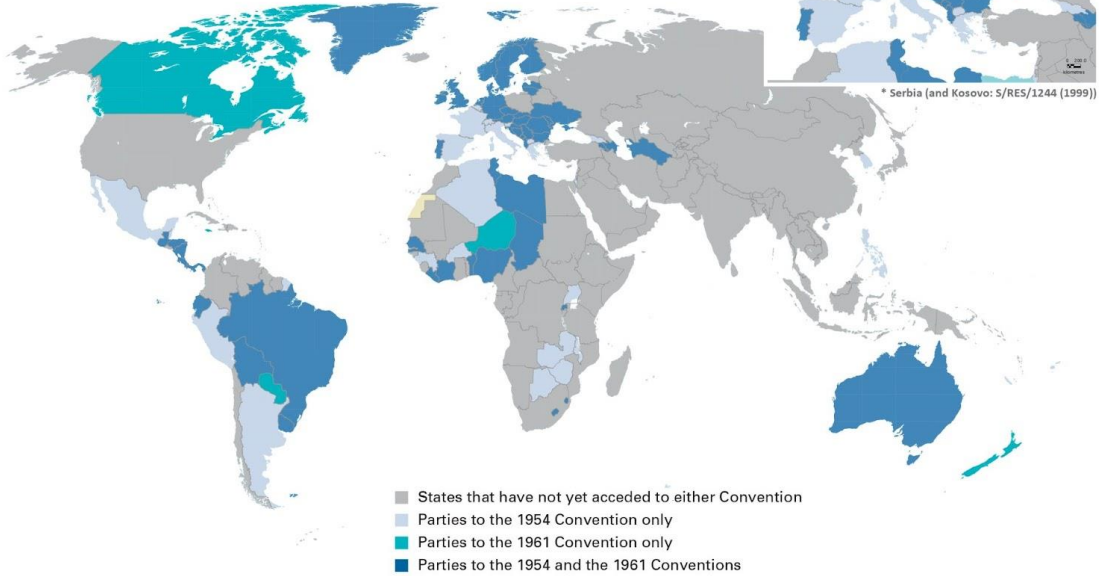


1961 CONVENTION ON THE REDUCTION OF STATELESSNESS

The 1961 convention, embodying the aforementioned and generally accepted principles, is a useful indication for improving nationality legislation and solving certain conflicts. It contains a set of consolidating principles of equality, non-discrimination, protection of ethnic minorities, and further measures used to avoid statelessness. It does not require States to grant nationality unconditionally but rather seeks to balance factors of birth and descent to prevent statelessness. The convention emphasizes that no one should be deprived of nationality if such deprivation results in statelessness, leaving a few exceptions such as but not limited to situations of voluntary renunciation of nationality, or when an individual’s acts threaten national safety.



States Parties to the 1954 and 1961 Conventions As at 1 May 2014



53

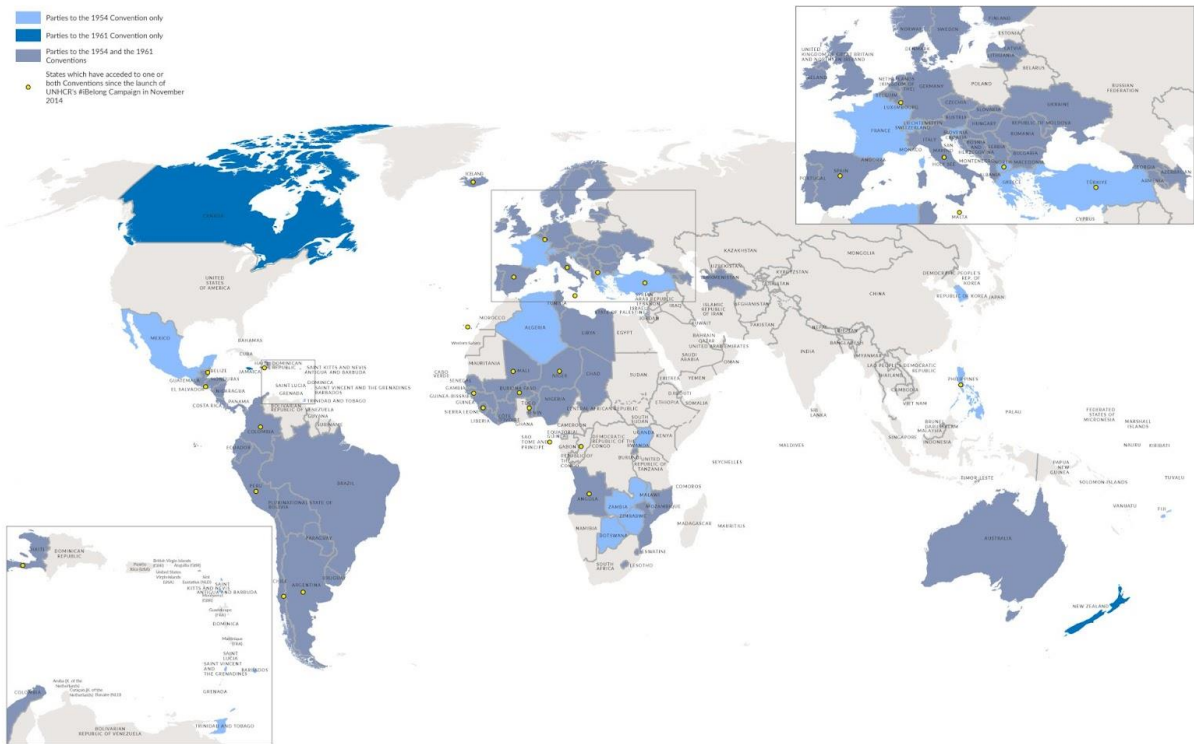


STATES PARTY TO THE STATELESSNESS CONVENTIONS

(as of 05 Jun 2024)

- Parties to the 1954 Convention only
- Parties to the 1961 Convention only
- Parties to the 1954 and the 1961 Conventions

● States which have acceded to one or both Conventions since the launch of UNHCR's #Belong Campaign in November 2014



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Printing date: 05 Jun 2024. Sources: UNHCR, UNHCR. Author: UNHCR - HQ Copenhagen. Feedback: mapping@unhcr.org. Filename: wfi_Cam/Stateless_IBelong_A31_en_2024

1979 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) addresses different forms of discrimination against women, and it serves an agenda for further local actions to end such discrimination. The CEDAW affirms women's equal rights to acquire or change or retain their nationality and bestow their nationality onto children and spouses.

1989 CONVENTION ON THE RIGHTS OF THE CHILD

This Convention stipulated that children should be registered immediately after birth, making sure both birthright nationality and nationality through descent are functioning mechanisms and no child is born stateless.

2014 #IBELONG CAMPAIGN

In 2014, the UNHCR launched the #IBelong campaign, a 10-year-old plan to raise awareness, catalyse actions in reducing statelessness. By the end of the 10 years, accomplishments were made: 77 new accessions were made to the 1954 and 1961 conventions, legal frameworks regarding nationality were improved in more than 20 countries, and over 565,900 formerly stateless persons or persons with undermined nationality gained nationality. The campaign prescribes 10 action plans, which provide help for states to keep their domestic legislation consistent with international updates. The #IBelong Campaign to End Statelessness directly advanced the UN's Sustainable Development Goal (SDG) 16.9: "by 2030, provide legal identity for all, including birth registration".

Possible Solutions and Approaches

IMPLEMENTING UP-TO-DATE LEGISLATION

For parliamentarians, an effective way to help ending statelessness is ensuring the implementation of domestic legislation that is consistent with international norms, as this will ensure that in theory, statelessness is impossible to develop. Notably, diplomats should promote the accession of the two UN conventions on statelessness by their States. Further internal measures should be applied in order to eliminate conditions that often lead to statelessness, such as discrimination based on ethnicity or gender or discriminatory legislation.

IDENTIFYING STATELESS PERSONS

Until the problem of statelessness is eliminated, states must ensure that people recognized as stateless are protected. Endorsing measures recommended in the 1954 Convention would ensure that the rights and obligations of a stateless person are respected. Moreover, determination of statelessness acquires proof from other states confirming that the person or the population indeed lacks a link to the state. However, such evidence may not always be available, notably in cases of de facto stateless persons. Therefore, states are advised to establish a standard procedure for determination of statelessness and undertake specialized targeted nationality campaigns or nationality verification efforts when in need to determine large stateless populations.

NATURALIZATION

The 1954 convention does not oblige states to admit non-refugee stateless persons on their territory as their nationals, nor does the stateless status grant people the same rights as a nationality. Even so, states should facilitate naturalization of resident stateless persons whenever possible, occasionally by means of altering rules of conferral of nationality or through establishing working groups in accordance with the local situation. For example, in a large-scale stateless situation, nationality laws can be changed so a group of certain descent who have already been lifetime residents of the territory automatically acquire citizenship.

RESETTLEMENT IN ANOTHER COUNTRY

Despite the principle of naturalization whenever possible that has been mentioned in the previous section, it may not be possible for all stateless persons to have their resident status normalized or to gain a citizenship of the country of residence. In these cases, resettlement in another host country may serve as a possible solution. However, stateless persons are not included in the criteria of persons who are eligible to be provided resettlement in most states' legislation. UNHCR's Executive Committee has called upon states to expand this criteria in its Conclusion No. 95 (2003), ExCom:

“Encourage[d] States to cooperate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious...”

To achieve this, delegates representing states in need are highly recommended to initiate bilateral or multilateral negotiations upon this matter.

ADDRESSING ADMINISTRATIVE ERRORS

To encounter administrative gaps between the nationality laws of multiple states, states are encouraged to form multilateral resolutions with other countries involved in the local situation with provisions that ensure no statelessness occurs upon a potential change in international relations.

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