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Statement on the Human Rights of Stateless People

Nationality is a fundamental human right which is affirmed in article 15 of the Universal Declaration of Human Rights and is a foundation of identity, human dignity, and security. Nationality is an essential prerequisite to the enjoyment and protection of the full range of human rights.

Currently, there are more than 10 million people around the world who live without any nationality: they are stateless people. Most of these stateless people have not left their country of origin.

Statelessness can occur for a number of reasons. Some relate to technical aspects of nationality laws and procedures for acquisition of documents which prove nationality. More often, however, the cause is discrimination. Minorities are often arbitrarily excluded from citizenship due to discrimination on racial, ethnic, religious or linguistic grounds.

This kind of discrimination in the nationality law has rendered stateless more than 800,000 Rohingya, an ethnic Muslim minority living in Rakhine State, despite their ties to Myanmar that date back centuries. Over the past 30 years, the Rohingya have been subjected to widespread discrimination including the denial of citizenship, denial of freedom of movement and the right to marry. They have suffered forced labour and detention. As a result of discriminatory conditions inside the country, more than 200,000 Rohingya have fled to neighbouring Bangladesh, though fewer than 30,000 are officially recognized as refugees. Most unregistered Rohingya live in unofficial makeshift refugee settlements, where shelters are falling apart, and malnutrition is widespread. In spite of these conditions, aid agencies have sometimes been denied permission to assist unregistered refugees. Without residence or work permits, unregistered refugees live in fear of detention and forced repatriation to Myanmar. The lack of documentation also makes Rohingya women and girls particularly vulnerable to physical attacks, sexual violence and trafficking. Rohingya populations are also found in the Gulf countries and many have made the perilous sea journey to other countries in Asia – or have died trying.

The Bhutanese in Nepal – also called Lhotshampas – are another example of stateless people. These descendants of Nepalese migrants who settled in Southern Bhutan in the late 1890's were originally recruited by the Government of Bhutan to clear the jungles of southern states. In 1958, the Bhutanese government passed the Citizenship Act, which granted the Lhotshampas Bhutanese citizenship. However, in the 1980s, Bhutanese authorities adopted a series of policies known as "Bhutanisation", aimed at unifying the country under the Buddhist Druk culture, religion, and language. After the 1988 census the Lhotshampas were re-classified as 'illegal immigrants' and the government established new requirements for citizenship that deprived many ethnic Nepalese of their nationality. By 1991, many tens of thousands had fled to India, with most going on to Nepal. Over half of the 110,000 Bhutanese refugees in Nepal have now been resettled to third countries while the remainder continue to live in camps in wait of a solution.

In Côte D'Ivoire, hundreds of thousands of people descended from migrant workers brought to the country in colonial times have been denied Ivorian citizenship because they are deemed 'foreigners' and

not eligible for nationality. This discriminatory treatment was a root cause of the continual conflict there. The government is now taking steps to resolve the situation of many of the people affected.

The 2004 Dominican government General Law on Migration put an end to the automatic right of Dominican nationality to be granted to Dominicans of Haitian descent. The law was applied retroactively, turning all children born of Haitian immigrant parents, who had arrived in the country 50 or 60 years back, stateless. Amendments to the constitution of the Dominican Republic in 2010 established new standards of citizenship along the same lines. Recently, on 23 September 2013, the constitutional court of the Dominican Republic has declared that the children of undocumented Haitian migrants in the country, even those who were born on Dominican soil decades ago, are no longer entitled to citizenship. This situation is now affecting the status of tens of thousands of people in the Dominican Republic who have never been part of any other nationality. This ruling denies Dominican nationality to anyone born after 1929 who does not have at least one parent of Dominican blood.

In addition to being often stigmatized and discriminated against, a great number of Roma people scattered in different European countries are stateless. Their lack of nationality, and therefore of identity documents and of administrative existence, hinders their access to basic human rights such as education and health services, registration of birth or marriage, etc., and increases their vulnerability to continued marginalization.

With regard to the Russian-speaking population in Latvia, although a Russian minority existed on the territory before Soviet times, approximately half a million former Soviet citizens who found themselves on Latvian territory were rendered stateless by being deemed “non-citizens” by Latvia’s 1994 citizenship law.

Statelessness can also arise when citizenship laws do not treat women and men equally. Over 25 countries in Africa, Asia, the Americas and the Middle East continue to prevent mothers from passing their nationality on to their children on an equal basis as fathers. Where fathers are stateless, absent, or unable to confer their nationality to their children, these children are left stateless.

State succession is also a cause of widespread statelessness where individuals fail to secure citizenship in successor states. For example, when the former Soviet Union, Yugoslavia and Czechoslovakia broke up, large numbers of people throughout Central and Eastern Europe, Central Asia and the Balkans became stateless. Migrants and marginalised ethnic and social groups were most affected.

Stateless people are present in every region of the world. Many migrants become stateless after they have left their countries and find themselves stranded – without nationality – through no fault of their own. Several thousand people from Myanmar, the former Soviet Union and Yugoslavia and many other places are stateless in the United States. The fact that they are stateless and thus unable to travel to and reside legally in another state does not give rise to protection under U.S. immigration law. It is therefore almost impossible for people without nationality to obtain residency or citizenship in the United States unless they are recognized as refugees. Many end up in immigration detention where they can remain for prolonged periods – even though there is no hope of them travelling to any other country.

Similar hardships caused by statelessness are faced by a range of populations around the world, including children of Haitian descent in the Caribbean, or people known as “bidoon” who did not acquire nationality when Kuwait achieved independence. This being said, some countries, such as Zimbabwe, have made efforts and have tried to address the issue of statelessness through legislation change.

Stateless people live in a situation of legal limbo. Without protection from any state, stateless people are often exploited and – particularly women and children – may be more vulnerable to smuggling, harassment, and violence. Since they are not recognized and registered as citizens of any country, stateless people are also denied concomitant rights such as the right to reside legally, to register the birth of a child, to receive education and medical care and to access formal employment and housing. Stateless people are also often not allowed to own property, to open a bank account, or to get married legally. Stateless people face constant travel restrictions as well as social exclusion. Due to the lack of citizenship in any country,

our stateless sisters and brothers face numerous daily hardships – needless separation from their families, and fundamental uncertainty about what their lives might hold or the ability to pursue their hopes and ambitions.

As a result, not only are stateless persons denied their rights and faced with living in limbo, but their situation is rarely recognized by mainstream society. The feeling of being invisible leads to a debilitating sense of desperation. As a result of their plight, many stateless persons are forced to cross international borders and become refugees.

Because states have the sovereign right to determine the procedures and conditions for acquisition and loss of citizenship, statelessness and disputed nationality can ultimately only be resolved by governments. State determinations on citizenship must, however, conform to general principles of international law enshrined in the 1961 Convention on the Reduction of Statelessness and human rights treaties such as the Convention on the Rights of the Child which set out basic rights such as the right of every child to acquire a nationality and the principle of non-discrimination. The 1954 Convention relating to the Status of Stateless Persons establishes standards of protection for stateless persons. Together, these treaties establish the international framework for the protection of stateless people and for the prevention and reduction of statelessness.

The church's engagement with human rights has a long theological tradition. The underlying theological assumption of active concern for those who are suffering is the belief that all people created by God constitute an inextricable unity. Solidarity and compassion are virtues that all Christians are called to practice, regardless of their possessions, as signs of their Christian discipleship. Compassion and care for one another and acknowledging the image of God in all humanity is at the core of our Christian identity and an expression of Christian discipleship. Humanitarian conduct is an essential part of the Gospel. We are instructed in Micah 6:8 to "do justice." And the commandment of love, the greatest commandment of our Lord Jesus Christ, is to love God and to love one another.

The word of God cautions the Hebrew people: "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt." (Ex. 22:21). Jesus through the Nazareth Manifesto in Luke 4:18-19 also gives expression to God's reign of justice, liberation, and well-being of all. His parable of the judgment of sheep and goats also draws pointed attention to being in solidarity with people who are discriminated, marginalized and suffering (which would include stateless people and minority groups): "I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me, I was naked and you clothed me, I was sick and you visited me, I was in prison and you came to me." (Matt.25:35-36).

These biblical and theological bases motivate us as churches and Christian bodies to express our Christian commitment and to be engaged in our prophetic witness to speak for the rights of those who are voiceless and marginalized as stateless people. The Christian family, therefore, ought to take up the plight of stateless persons as this struggle reflects our cardinal universal principles and values: that a human being has the right to life, liberty and security; the right to education, equal protection under the law, and to be free from slavery and torture; the right to freedom of thought, conscience, and religion, and to freedom of opinion and expression; and the right to a nationality. Stateless persons are denied all of these rights and are unrecognized by any nation.

Expressing deep concern on the plight of stateless people around the world, the 10th Assembly of the World Council of Churches meeting in Busan, Republic of Korea, from 30 October to 8 November 2013, therefore:

- A. Affirms** that the right to life, security and basic human rights are fundamental universal principles and values that every human being is entitled to;
- B. Recognizes** that the denial of nationality is a major violation of human rights which affects people in every region;
- C. Encourages** churches to raise awareness of the situation of stateless people living in their countries and around the world and to advocate for the protection of their human rights;

- D. Calls** on churches to engage in dialogue with states to adopt policies which confer nationality and provide proper documentation to stateless people;
- E. Acknowledges** positive changes in nationality laws made by some governments, and encourages other states to take similar actions;
- F. Urges** churches, civil society, human rights entities as well as United Nations agencies and regional organisations to collaborate in order to properly and effectively reduce and eradicate statelessness;
- G. Prays** for stateless people around the world, so that their voices are heard and their plight understood; and
- H. Requests** the WCC to take up the issue of stateless people as one of its programmatic priorities until the forthcoming WCC 11th Assembly.

APPROVED by consensus