



# Seminar on questions of citizenship and statelessness (Nicosia, 7 October 2015)

## Summary Conclusions

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### Introduction

1. The Representation of the United Nations High Commissioner for Refugees (UNHCR) in Cyprus organised jointly with the Office of the Ombudsman a one-day seminar on *Questions of Citizenship and Statelessness* in Nicosia on 7 October 2015. More than fifty participants representing the government, diplomatic missions, international organizations, academia, legal community and civil society attended the seminar.
2. The seminar offered a forum for key government and civil society stakeholders of Cyprus as well as international experts to exchange views and experiences on the issues of citizenship and statelessness. The discussions focused on the main causes of statelessness, the ways statelessness can be prevented and reduced, and development of appropriate measures to protect stateless persons.
3. The seminar was organised around four substantive sessions and a concluding round-table. It started off with brief introductory remarks by the UNHCR Representative in Cyprus and the Ombudswoman.

### Opening remarks

4. During the course of the introductions, participants in the Seminar heard of the anomalous situation of being a stateless person in an era of societies which have organized themselves into nation States. It was highlighted that for the ten million people around the world who do not possess the nationality of any State, their statelessness often means that leading a life like others in society is just not possible, like working legally, attending school, owning property or opening a bank account. Stateless people are easy prey for labour or sexual exploitation. They may not be able to register births and deaths, and may be prevented from getting married. Stateless people cannot access the national justice system or participate in national elections.

5. Reference was then made to the UNHCR global campaign launched last year to end statelessness within 10 years. This is an ambitious goal indeed, but UNHCR believes that it is achievable because it is premised on the facts that citizenship is a basic human right and that the realization of this right is mostly a matter of political will.
6. The centerpiece of UNHCR's 10-year campaign is strengthening the international legal framework on statelessness. Eighty-six countries have acceded to the United Nations 1954 *Convention relating to the Status of Stateless Persons*. Cyprus is not one of them, although a ratification Bill has been before Parliament since 2011 awaiting approval. There is also the 1961 United Nations *Convention on the Reduction of Statelessness*, signed by 64 countries so far. Cyprus is not one of the signatories of this convention either.
7. Both the UNHCR Representative and the Ombudswoman urged the Government to sign and ratify the two stateless conventions (Cyprus is one of the only four EU member states who have not acceded to these treaties, the other three being Estonia, Malta and Poland). In their view, Cyprus will only gain from joining multilateral efforts to prevent people from becoming stateless, to protect the human rights of those who are stateless and to promote lasting solutions for their predicament by increasing access to citizenship among other measures.

### **Session 1: Statelessness in a world of nation-states**

8. The first substantive session of the Seminar was precluded by a projection of a short UNHCR video clip: *Why don't these 10,000,000 people belong?* [<https://www.youtube.com/watch?v=jNo6JiBFS9Q>].
9. From the outset, the UNHCR expert who led the session, Ms. Inge Sturkenboom, explained UNHCR's role with respect to the problem of statelessness. The UN General Assembly has entrusted UNHCR with a global mandate to provide protection to stateless persons worldwide and for preventing and reducing statelessness. It has specifically requested UNHCR "to provide technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States." Furthermore, UNHCR's Executive Committee has requested UNHCR to provide technical advice with respect to nationality legislation and other relevant legislation with a view to ensuring adoption and implementation of safeguards, consistent with fundamental principles of international law, to prevent the occurrence of statelessness which results from arbitrary denial or deprivation of nationality.

10. The participants were then presented with a review of the main causes of statelessness, the ways statelessness can be prevented and reduced under existing international legal framework and the protection of those who are already stateless.
11. Although having a nationality is a basic human right, some people are born stateless; others become stateless over the course of their lives because of discriminatory laws. Some States confer their nationality on the basis of registration of the child with the State's consular authorities or return to the country of nationality, and others do not permit women to pass on their nationality to their children. The impossibility of the parents to confer nationality, the lack of possibilities to register the child or to return to the country of nationality may lead to statelessness. There may be also children found on the territory of a State and whose place of birth and parents are unknown (foundlings).
12. International law, most notably the 1954 *Convention relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness*, addresses the prevention and reduction of statelessness and the protection principles applicable to stateless persons. It is complemented by international human rights law which covers the right to nationality and prevention of statelessness particularly among children.
13. Measures to prevent statelessness are enshrined in the 1961 Convention covering the following main areas:
  - prevention of statelessness at birth;
  - prevention of statelessness as a result of loss or renunciation of nationality;
  - prevention of statelessness as a result of deprivation of nationality and prevention of statelessness as a result of state succession.
14. The objective of the 1961 Convention is to ensure that safeguards are in place to prevent future statelessness and thus to reduce it over time. States party to the 1961 Convention are required to grant their nationality, either at birth or later upon application, to all children who are born on their territory and would otherwise be stateless. Additionally, states are required to grant nationality to foundlings.
15. In cases of loss or renunciation of nationality, the 1961 Convention requires that the State must ensure that the person is in possession of or has received assurance of acquiring another nationality.

16. Another key principle of the 1961 Convention is that a person should not become stateless as a result of deprivation of nationality. There are, though, exceptional situations where a person may be deprived of his/her nationality. These include cases of acquisition of nationality through misrepresentation or fraud, commission of acts inconsistent with a duty of loyalty or taking an oath or making formal declaration of allegiance to another State.
17. The international standards on the treatment of stateless persons are provided for in the 1954 Convention. The rights of stateless persons stipulated by the 1954 Convention include the right to documentation, the right to administrative assistance, freedom of movement, the right not to be expelled, facilitated naturalization, the right to education, work and social assistance.
18. While the 1954 Convention does not stipulate a procedure for identifying stateless persons, it is implicit in the Convention that States must have a procedure to determine those who benefit from the standard of treatment provided by the Convention.
19. Reference to the right of nationality and measures for safeguarding the rights of stateless persons is also made in:
  - Universal Declaration of Human Rights
  - Convention on the Rights of the Child
  - International Covenant on Civil and Political Rights
  - Convention on the Elimination of all Forms of Discrimination Against Women
  - Council of Europe Convention on Nationality
  - Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession

## **Session 2: Questions of citizenship and statelessness in Cyprus**

20. In the second substantive session, introduced by human rights lawyer Ms Nicoletta Charalambidou, the focus turned to citizenship and statelessness issues in Cyprus. The participants were briefed on the gaps that exist in the domestic nationality legislation against the background of the standards set out by the United Nations and the Council of Europe in this field. Ms Charalambidou made particular reference to:
  - Treaty establishing the Republic of Cyprus
  - Civil Registry and Migration Law of the Republic of Cyprus
  - Convention on the Nationality of Married Women (succession)
  - The 1939 Hague Convention on Certain Questions relating to the Conflict of Nationality Laws (succession)
  - UN Convention on the Rights of Child
  - Convention on the Elimination of all Forms of Discrimination Against Women

- International Covenant on Civil and Political Rights
21. The Cypriot citizenship is acquired as provided for in the Civil Registry law by:
    - *Jus sanguinis* (citizenship by blood): Birth from Cypriot mother or father, in Cyprus or abroad. There are a number of restrictions, mostly due to the political situation, allowing the council of ministers discretionary powers.
    - Registration: Cypriot citizenship may be granted to a spouse or widow(er) of a Cypriot citizen under certain conditions, including legal entry and residence on the island with the spouse for no less than three years. The Council of Ministers has a discretionary authority.
    - Naturalization: There is no right to naturalization, but discreet authority to grant citizenship after five or seven years of continuous legal residence. Almost everyone other than those in the investor category is expected to reside seven years, including refugees. No facilitation as required by Article 34 of the 1951 Refugee Convention. Almost no naturalization of migrants and refugees until recently. This was changed a bit though the actions and protests/hunger strikes of refugees.
    - *Jus soli* (citizenship by place of birth): Only applicable to individuals who were residing in Cyprus between 1914 and 1960. It is also applicable to UK and commonwealth citizens of Cypriot descent.
  22. Not many refugees are naturalized and there is lack of understanding that naturalization facilitates integration. There are also considerable delays in processing applications for naturalization based on the person's country of origin. Rejections of applications are often based on generalizations and unsound reasoning. There is often reference to conditions that do not exist in the law, for example, language, knowledge of the country's history and integration. Any cases won at the SC mostly concerned lack of specific reasons for denying citizenship.
  23. The speaker stressed that although the Republic of Cyprus has not signed the UN statelessness conventions, it should at least conform to its obligations stemming from other conventions it is State party to. The Government should also take steps to modernize the citizenship law.

### **Session 3: Child Statelessness**

24. The third session was devoted to children and statelessness, with introduction by the Commissioner of the Rights of the Child and Law Commissioner.
25. The Commissioner reminded the participants that the right of the child to citizenship is safeguarded under article 8 of the Convention on the Rights of the Child. Yet, child statelessness is an acute global problem. When parents

are stateless, so will be their children. Over a third of the world's stateless are children.

26. All that is required to end childhood statelessness is the universal acceptance and full implementation of a simple safeguard granting nationality automatically to every child born on a state's territory, if that child would otherwise be stateless. It is NEVER in the best interests of the child to be stateless.
27. There are stateless children in Cyprus, and there is no provision in the national legislation to safeguard their right to acquire Cypriot citizenship. And as stateless children, they have no access to basic rights.
28. The granting of citizenship is a sensitive issue in all countries around the world as it relates to issues of sovereignty. But it is essential that the rights stateless persons are protected, especially the children. The Republic of Cyprus must proceed therefore with signing the 1954 Convention relating to the Status of Stateless Persons. There is also an urgent need to adopt the required legal framework and procedures and ensure conformity with international legal obligations.

#### **Session 4: Eradicating Statelessness in Europe**

29. In the final substantive session, the participants heard of the work of the European Network on Statelessness (ENS), a civil society alliance of non-governmental organizations, academic initiatives, and individual experts committed to addressing statelessness in Europe. ENS work concentrates on legal and policy development, awareness raising, and capacity building to ensure the protection of the estimated 600,000 stateless persons in Europe and ultimately finding a durable solution to their problem.
30. The causes of statelessness in Europe vary. The dissolution of the Soviet Union in 1991 led to large scale statelessness in the Baltic states and in Eastern Europe. Today, more than 370,000 people lack a nationality in Estonia and Latvia. There are believed to be some 225,000 people recorded as stateless or with undetermined nationality in Eastern Europe. They include people with expired Soviet passports who have not been able to acquire the nationality of the state in which they reside since the break-up of the Soviet Union.
31. In the countries that once made up Yugoslavia, groups of people fell between the cracks created by new nationality laws and became stateless. Though many have managed to establish their nationality, members of minority groups such as the Roma in South Eastern Europe, continue to face difficulties accessing

the documents necessary to confirm nationality. Throughout Europe, gaps in nationality legislation continue to create new situations of statelessness.

32. Despite the scale of the problem, most European countries have not established formal procedures for identifying stateless persons and regularizing their status. This gap leaves the stateless persons at risk of discrimination and a range of human rights abuses. Unable to work, receive healthcare, and access social support systems, stateless people in Europe are often destitute and exploited. In many countries, stateless persons are held in immigration detention for long periods – sometimes indefinitely – simply because there is no country to return them to.
33. Of the 86 signatories of the 1954 Convention, only 15 countries have introduced stateless determination procedures. In the European Union this includes France, Hungary, Italy, Spain and most recently the United Kingdom. Available data from these countries suggests that having an open, transparent regulation on statelessness will not serve as a pull factor.
34. Mention was also made of mapping studies to identify stateless populations. Since 2011, UNHCR has conducted such mapping in a number of EU countries, including the UK, Belgium, Ireland and Finland. While in the UK, for example, statelessness was not perceived as an important issue, the 2011 mapping study indicated that statelessness was an area of great concern particularly as regards failed asylum-seekers who could not be returned to their countries because of being stateless.
35. In relation to actions to address statelessness, reference was made to the study on statelessness commissioned by the European Parliament, the resolution of the Parliamentary Assembly of the Council of Europe on statelessness and the effort of the current Luxembourg presidency to put statelessness on the Justice and Home Affairs agenda.
36. Areas for further action would include: research to address information gaps; improved EU coordination to create a level playing field across the EU; ending childhood statelessness; working in partnership and maximizing the framework provided by UNHCR's #ibelong campaign.

### **Session 5: Round-table – reconciling principles and practice**

37. The Seminar wound up with a round-table discussion, looking for ways to reconcile principles and practice as regards the prevention of statelessness and protecting the human rights of stateless persons. Panel members took up the opportunity to identify and explain some of the complex or sensitive issues

relating to or touching on statelessness, including nationality legislation, naturalization, birth registration, accession to international instruments and migration. There was a general consensus that understanding the scale of the statelessness phenomenon, its causes and consequences to those directly affected is a necessary step to effectively addressing the problem.

38. Panel members and participants in turn called attention to a number of issues requiring action in the short and medium term. This fall under four broad categories:

***(i) Accession to the UN statelessness conventions***

39. The steps taken by the Government for accession to the 1954 Convention have been noted and advocacy efforts will need to continue to ensure that the Bill before the Parliament since 2011 is adopted without further delay. Following accession, measures will need to be taken to establish a designated administrative authority competent to deal with the issues of stateless persons and a formal procedure for determining the status of stateless persons under the terms of the 1954 Convention.
40. The Republic of Cyprus should, furthermore, be encouraged to sign onto the 1961 Convention on the Reduction of Statelessness.

***(ii) Legislative reform***

41. The Republic of Cyprus is encouraged to take the necessary steps to modernize its citizenship legislation in line with agreed international standards for the avoidance of statelessness. In particular, effective safeguards should be in place for preventing statelessness at birth. A child who might otherwise be stateless must acquire a nationality at birth or as soon as possible after birth.

***(iii) Mapping statelessness***

42. Understanding the scale of statelessness and its consequences is evidently a first necessary step to addressing the problem effectively. There are no official statistics available on the number of stateless persons in the Republic of Cyprus. Likewise, UNHCR has not been able to determine the extent to which statelessness is a problem in the country and to ascertain the size and profile of the stateless population, protection concerns, causes and obstacles to achieving solutions and relevant actors. A mapping study to identify stateless persons in the country would be most welcome.



***(iv) Effective partnerships***

43. Effective co-operation and co-ordination among all relevant stakeholders in the country is necessary to bring about the required legislative and administrative improvements as regards statelessness.
- *Government*: An all-government approach is needed involving from the outset all the relevant authorities in order to ensure comprehensive legal reform in the field of nationality and statelessness.
  - *Civil society*: Civil society has an important role to play in awareness raising, identifying and counselling and stateless persons and advocating for respect of their rights.
  - *UNHCR*: The organisation has mandate responsibilities for the protection of stateless persons and for assisting States in the prevention and reduction of statelessness.

***(v) Capacity-building***

44. Working on the problem of statelessness, including identification and addressing protection needs of stateless persons, requires specialist knowledge and skills. UNHCR conducts and supports a range of training and other capacity-building activities in many regions and countries, and stands ready to assist in the Republic of Cyprus.
45. **In conclusion**, the organisers are pleased that the Seminar has achieved the goals it set out to achieve: enhancing greater awareness of statelessness, its main causes and consequences, the ways statelessness can be prevented and reduced, and the measures that need to be taken to protect stateless persons.



## Seminar on questions of citizenship and statelessness

Nicosia, Cyprus

7 October 2015



### Programme

- 08:30 - 09:00 Registration**
- 09:00 - 09:15 Opening**  
 Mr. Damtew Dessalegne, UNHCR Representative in Cyprus  
 Ms. Eliza Savvidou, Commissioner for Administration and Human Rights (Ombudswoman), Cyprus
- 09:15 - 09:45 Session 1: Statelessness in a world of nation-states**  
 Ms. Inge Sturkenboom, Legal Officer, UNHCR Bureau for Europe, Brussels
- 09:45 - 10:15 Session 2: Questions of citizenship and statelessness in Cyprus**  
 Ms. Nicoletta Charalambidou, Lawyer, Cyprus
- 10:15 - 10:45 Session 3: Child statelessness**  
 Ms. Leda Koursoumba, Child Commissioner and Law Commissioner, Cyprus
- 10:45 - 11:15 Coffee/tea break**
- 11:15 - 11:45 Discussion**
- 11:45 - 12:15 Session 4: Eradicating statelessness in Europe**  
 Mr. Chris Nash, Director, European Network on Statelessness, London, United Kingdom
- 12:15 - 13:15 Session 5: Round-table: Reconciling principles and practice**  
 Discussants: **Ms. Anta Argyropoulou** (Ministry of Interior, Cyprus); **Ms. Melina Tringidou** (Officer, Office of the Commissioner for Administration and Human Rights, Cyprus); **Mr. Ioannis Papageorgiou** (Assistant Professor, Department of Political Sciences, Aristotle University of Thessaloniki, Greece); **Ms. Nicoletta Charalambidou** (Lawyer, Cyprus); **Ms. Inge Sturkenboom** (UNHCR, Brussels); **Mr. Chris Nash** (European Network on Statelessness, London)
- 13:15 - 13:30 Session 6: Summing up and closing**  
 Mr. Damtew Dessalegne, UNHCR Representative in Cyprus

*#I BELONG to a world where everyone has the right to a nationality*