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### Testimony by Maureen Lynch Director of Research, Refugees International Statelessness: A Forgotten Human Rights Crisis April 19, 2005

Thank you for the invitation to testify on the global problem of statelessness on behalf of Refugees International (RI). RI is a Washington, D.C.-based independent and non-profit refugee advocacy organization, which has recently issued a report on the human cost of statelessness.

I am lucky. I have an American passport, a document that both offer proof of my nationality and of my identity. It also enables me to secure other rights: I can vote, own property, be educated and work in the profession of my choice, get medical care, and travel freely. And, as long as I abide by U.S laws, the government has an obligation to protect me.

Now let me briefly introduce you to a woman I call Mary. Mary is a Bihari (stranded Pakistani) who lives in Rangpur, Bangladesh. Both Bangladesh and Pakistan refuse her and 250,000 other Biharis citizenship. Mary is a stateless person. She lives in a cane shack that is about as tall as I am and not much wider, but the structure has no roof. During the rainy season Mary is forced to find somewhere else to stay, and sometimes that's at the railroad station. She can't get a job or send her children to school. And last year, the government of Bangladesh which has graciously hosted the Bihari for more than 30 years, cut off food aid. Mary told me, "Sometimes we fast two or three days in a row." Where can she turn for help?

Mary and millions of other stateless people fall through the cracks of the international protection system. Who are they? Where do they live? What are their daily lives really like? What can be done to end statelessness?

#### Who is a stateless person?

The 1954 Convention Relating to the Status of Stateless Persons defines a stateless person as "a person who is not considered as a national by any state under the operation of its law." These are individuals who may be registered as foreigners or non-national residents. They may be categorized as nationals of another state, even if the other state does not consider them as nationals. In other cases, a person may actually be registered as stateless. Some stateless people may not register at all because they are afraid state authorities could use registration records to identify them for persecution. A stateless person may also be a refugee.

"all human beings are born free and equal in dignity and rights."

## **How many stateless people are there and where do they live?**

The exact number of stateless people is not known. Based on information recently compiled by Refugees International, we believe the low end estimate to be over 11 million persons. Stateless persons are found among individuals from the former Soviet bloc, some of Thailand's ethnic groups, the Bhutanese in Nepal, Muslim minorities in Burma and Sri Lanka, Palestinians, Europe's Roma, the Bidoon in Kuwait, Bahrain, Saudi Arabia, and United Arab Emirates, specific cases in the Horn of Africa, ethnic minorities such as the Batwa Pygmy and Banyarwanda of the Great Lakes Region of Africa, Bihari/stranded Pakistanis and Rohingya in Bangladesh, Kurdish populations, some Meskhetian Turks, and Zimbabweans of Indian descent or with links to Malawi and Mozambique. The list goes on.

## **How do people become stateless?**

Individuals become stateless due to many reasons including political change, targeted discrimination, differences in the laws between countries, transfer of territory, laws relating to marriage/birth registration, expulsion of people from a territory, nationality based solely on descent, often only that of father, renunciation of nationality (without prior acquisition of another nationality), and lack of financial ability to register children.

## **What is it like to live without a nationality?**

Being stateless can mean no legal protection or the right to participate in political process, poor employment prospects and poverty, little opportunity to own property, travel restrictions, social exclusion, sexual and physical violence, and little access to healthcare and education.

Refugees International has recently issued a report outlining the situations of stateless persons in 70 countries, with a close up look at three populations that lack effective nationality. I would like to submit to the Caucus this report, Lives on Hold: The Human Cost of Statelessness (This report can be viewed at: <http://www.refugeesinternational.org/content/publication/detail/5051>). One of the cases examined is that of the Bihari/stranded Pakistanis that have already been mentioned, but I would like to re-iterate the need to resolve their plight.

In pre-independence India, the Biharis lived in the Bihar region. In 1947, at the time of partition the Biharis moved to what was then East Pakistan. When civil war broke out between East and West Pakistan the Biharis, who consider themselves Pakistani, sided with West Pakistan. In 1971, however, East Pakistan became the independent state of Bangladesh. Biharis were left behind and were unwelcome in both countries.

Today, an estimated 250,000 to 300,000 Biharis live in 66 camps in 13 regions across the country. All camps are severely overcrowded. Sometimes a dozen or more family members live together in a single room no larger than eight by ten feet. In September, a tornado ripped through one camp and destroyed 54 homes. In December, fire ripped through another camp, leaving several hundred people homeless. During the last year, over 150 families have been threatened with eviction notices, and in at least one of the camps in

Chittagong, some residents were forcibly removed from their homes.

Lack of water and co-habitation with animals, combined with poor drainage and sanitation systems, contribute to a variety of medical problems. In one camp, only two working wells supply water to 650 families. In Mirpurâ€™s Millat Camp, there was only one latrine for 6,000 people. Few medical clinics exist, and several camps have no health care at all.

For Bihari children, the right to education has become a luxury. Some of the children do not attend school at all. In other cases, teachers go unpaid, students study in shifts, and requests to the Minister of Education for new books have been turned down. Lack of education, combined with an already impoverished economy, provides little opportunity for employment.

Another situation of statelessness, though very different, is the case of the Russian-speaking minority in Estonia. In 1940, Soviet troops occupied Estonia. Over the next several decades, thousands of Estonians were killed or deported. Russians were forced to migrate to Estonia. The Russian-speaking population in Estonia jumped from eight to approximately 40 percent. When Estonia re-established independence in 1991, the government restricted automatic citizenship to those who held it before the Soviet occupation and their descendents, leaving hundreds of thousands of individuals stateless. Over time, though ever so slowly, Estonia has taken steps to reduce these numbers.

Last May, when the country joined the European Union (EU), the Russian-speaking non-citizen population was about 160,000 (12 percent of the population). These individuals are being forced to choose between learning Estonian and trying to pass a difficult citizenship exam; applying for Russian citizenship and surrendering the benefits of EU membership; or remaining stateless with limited political access and foreign travel restrictions.

In the capital city of Tallinn, the Russian-speaking minority live in the outskirts of the city in old flats. Some of them work without papers in street markets. The Russian-speaking minority is over-represented in prisons and orphanages, and it has been reported that approximately 80 percent of all HIV positive cases are Russian speakers.

In the predominantly ethnic Russian northeast, mines, industrial complexes, and Soviet military bases have either closed or relocated. Unemployment hovers just below 20 percent.

A third group of concern is the Bidoon in the United Arab Emirates (UAE). The Bidoon are descendents of both Arab and non-Arab families who settled in the Gulf generations ago as merchants or workers. Exact numbers of the Bidoon are not generally known, but they have been unofficially estimated at about 100,000. While these individuals are not subject to deportation by the authorities, they do face discrimination in the labor market and, as a result, encounter socio-economic challenges.

The Bidoon in the UAE have limited access to medical care and education, and without passports and other basic identity documents are restricted in their movement both within the country and outside. Like many of the worldâ€™s stateless, the Bidoon are trapped in a

system that allows them no protection. One Bidoon asked me, "What have we done to be treated like animals? We can't get a job and can't move. We are between the earth and the sky, like a boat without a port."

While these three cases are certainly different in terms of background and current conditions, there are several common themes.

1. Stateless individuals have been largely ignored by the governments of the countries where they are living and by the global community at large. In each case, many years, even generations, have passed since lives were put on hold.

2. Government response to stateless people varies, but is generally inadequate. Of the three cases, only Estonia has taken some serious steps toward reducing the numbers of stateless people in the country.

3. Statelessness is a very low priority on the agenda of the United Nations. Only two people at the UNHCR headquarters in Geneva work full time on this issue.

4. Violation of the right to nationality is related to the violation of other rights such as education, political participation, property ownership, and freedom of movement.

5. Individuals and families who are stateless for prolonged periods of time sometimes take it upon themselves to resolve their case to the extent that they can. They may seek to enter another country illegally or in time, may resort to the use of violent means.

While RI studied these cases in some depth, we also profiled the situation in more than 70 other countries. I encourage you to take a look at the country profiles in Lives on Hold.

### **Whose job is it to help anyway?**

The primary responsibility for ending statelessness rests on governments. However, when states violate their obligations and people need protection, the task of helping the world's stateless people falls to the office of the UN High Commissioner for Refugees (UNHCR). The UNHCR was given a mandate over stateless persons when the 1961 Convention on the Reduction of Statelessness came into force.

The UNHCR has achieved some success in its effort to reduce statelessness. The agency launched a campaign to prevent and reduce statelessness among formerly deported peoples in Crimea, Ukraine. Another success has been the naturalization of Tajik refugees in Kyrgyzstan, as well as the participation in citizenship campaigns enabling 300,000 Estate Tamils to acquire citizenship of Sri Lanka. The agency must be encouraged to build on these successes. However, at present, only two individuals work full-time on statelessness at UNHCR headquarters.

### **What can be done to help end statelessness?**

Statelessness is not an unsolvable problem. Refugees International has recommended that:

## **All States**

- 🕒 ▪ Respect the basic human right of all individuals to have a nationality.
- 🕒 ▪ Become party and adhere to international standards to protect stateless people and reduce statelessness by facilitating acquisition of nationality.
- 🕒 ▪ Allow non-citizens greater access to rights and entitlements within their borders.
- 🕒 ▪ Ensure every child is registered at birth and is granted nationality if otherwise stateless.

## **UN and Non-Governmental Agencies**

- 🕒 ▪ Clearly define agency mandates and outline concrete operational objectives in regard to statelessness.
- 🕒 ▪ Strengthen UNHCR as the lead agency in accordance with its mandate on statelessness, including the establishment of a dedicated department.
- 🕒 ▪ Organize a global survey to identify stateless populations with more precision.
- 🕒 ▪ Utilize all possible mechanisms of the Human Rights Commission, including the appointment of a Special Rapporteur of the Commission on Statelessness.
- 🕒 ▪ Provide relief for immediate needs of stateless persons, including food and medical care.

## **Donor Governments**

- 🕒 ▪ Require and evaluate protection of stateless populations.
- 🕒 ▪ Provide new funding to support UN and non-governmental agency work on behalf of stateless people.
- 🕒 ▪ Identify, as in the case of the United States, a full-time specialist or point person on statelessness at the Bureau of Population, Refugees, and Migration.