CONCEPT NOTE

Virtual Roundtable on Equality and Non-Discrimination in Nationality Matters to End Statelessness

I. Background

The United Nations High Commissioner for Refugees (UNHCR) and the Office of the UN High Commissioner for Human Rights (OHCHR) are convening this virtual event to raise awareness of the importance of the right to nationality by calling attention to the plight of stateless populations around the world, in particular those who are stateless as a result of discrimination on the basis of ethnicity, race, religion, age, gender, disability, language and sexual orientation, gender identity and gender expression, and/or sexual characteristics (SOGIESC). The event will highlight and promote good practices with respect to ensuring the right to a nationality, including the removal of all forms of discrimination from nationality laws, policies, procedures and practices. It will also examine the current global situation in terms of discrimination in these areas and efforts to address it.

Discrimination of various kinds (e.g. on the basis of ethnicity, race, religion, age, gender, disability, language, SOGIESC and intersectional or multiple forms of discrimination) is a cause of statelessness and is found in the nationality laws of more than 80 countries around the world. It is estimated that more than 75% of the world's known stateless populations are members of minority groups.

Statelessness intersects with and exacerbates barriers already faced by minority populations and other disadvantaged groups. It further limits their access to services and the enjoyment of their human rights. As flagged by the Special Rapporteur on minority issues, women belonging to minorities may be further marginalized by gender-based discrimination in relation to their acquisition, change or retention of nationality and the conferral of nationality on their children. While nationality alone is not a cure for the stigmatization and discrimination faced by stateless minorities, it is generally crucial to the full and equal exercise of human rights and freedoms. The event will therefore also promote stronger collaboration among relevant UN human rights mechanisms and others on right to nationality matters.

The event fits in well with global initiatives such as the Secretary General's Highest Aspiration: A Call to Action for Human Rights (Call to Action), which was launched in February 2020 in an effort to bring about a transformational change in the way that the UN and its partners engage with human rights. The Call to Action sets out overarching principles to achieve this goal and identifies seven domains where urgent action is required. 'Rights in Times of Crisis' is one of these; the main focus here is on the development of an Agenda for Protection that would help bring about a common understanding of the centrality of protection across the system, including in the statelessness context. The event also aligns with UNHCR's recently launched Human Rights Engagement strategy, which puts forward the different ways in which UNHCR can leverage human rights systems in the statelessness context.

II. Objectives, inputs and expected outcomes

Consistent with the above, the overall objectives of the event are to (1) raise awareness of the importance of the right to nationality by calling attention to the plight of stateless populations around the world, in particular those who are stateless as a result of discrimination on the basis of ethnicity, race, religion, age, gender, disability, language and SOGIESC, (2) encourage States to share and adopt good practices to eliminate discrimination from their nationality laws, policies and practices, and (3) encourage greater

attention to these issues by UN human rights mechanisms, as well as stronger coordination among them where relevant.

Leading up to the event, States were requested to fill out a survey related to their nationality and citizenship laws, policies and practices. OHCHR also requested civil society, UN agencies, affected groups and human rights defenders to fill out the survey. Based on the survey results as well as other relevant resources, such as OHCHR and UNHCR publications, as well as reports from the UN human rights mechanisms, a background note has been prepared to inform the discussions during the event.

A concrete outcome of the event will be a meeting report reflecting good practices and recommendations emanating from discussions during the event. The report will feed into the Forum on Minority Issues and will be shared with relevant UN Treaty Bodies, Special Procedures mandate holders, and National Human Rights Institutions (NHRI).

III. Event Agenda – run of show

15:00 – 15:10 Opening Remarks by the **UNHCR Assistant High Commissioner for Protection, Gillian Triggs** and **OHCHR Assistant Secretary-General for Human Rights, Ilze Brands Kehris**

First panel discussion: Discriminatory nationality laws as a cause of statelessness and good practices to address it

Moderator: Patrick Eba, Deputy Director Division of International Protection, UNHCR

15:10 – 15:15 **Elvis Beriša, Executive Director of Roma Youth Organization Walk with Us – Phiren Amen**, speaks about the consequences of statelessness for ethnic and/or religious minorities

15:15 – 15:20 **Kotevu Caesar, Senior Immigration Officer, Ministry of Internal Affairs of Uganda,** speaks about Uganda's pledge and planned action to eliminate ethnic discrimination from its nationality laws

15:20 – 15:25 **Hanitriniaina Belalahy, Directeur des Droits Humains et des Relations Internationales, Ministry of Justice of Madagascar**, speaks about the experience of Madagascar in eliminating gender discrimination from its nationality laws

15:25 – 15:30 **Nahla Haidar, Vice-Chair of the UN Committee on the Elimination of Discrimination against Women (CEDAW)**, statelessness as a women's rights issue

15:30 – 15:35 **Fernand de Varennes, Special Rapporteur on Minority Issues**, speaks about the approach of the Special Rapporteur to minority statelessness issues

15:35 – 16:00 **Questions and Answers**

Second panel discussion: An intersectional approach to the right to nationality among UN human rights mechanisms and NHRIs

Moderator: Mona Rishmawi, Chief, Rule of Law, Equality and Non-Discrimination Branch, OHCHR

16:00 – 16:05 **Amal de Chickera, Co-founder and Co-Director of the Institute on Statelessness and Inclusion**, provides an overview of discrimination in nationality matters leading to statelessness

16:05 – 16:10 **Photini Pazartzis, Chair of the UN Human Rights Committee (CCPR)**, the relevance of the ICCPR for statelessness and discrimination on grounds of nationality

16:10 – 16:15 **Rita Izsák-Ndiaye, Rapporteur, UN Committee on the Elimination of Racial Discrimination (CERD),** statelessness and racial discrimination

16:15 – 16:20 **Jerald Joseph, Human Rights Commissioner, Suhakam, Malaysian Human Rights Commission, National Human Rights Institutions'** work on statelessness and discrimination on grounds of nationality

16:20 – 16:50 **Questions and Answers**

16:50 – 17:00 **Closing statement by the moderators**

IV. Logistics

Date

The event is scheduled for Thursday 21 October 2021 from 3-5pm CET.

Format

The event will be fully virtual, including delegates in Geneva, attending via the Interprefy online platform.

Use the following link to connect: https://un.interpret.world/loginlink?token=S-iegFfMH5.

Participants are encouraged to use a USB-connected microphone, headphones, a strong and stable internet connection and be in a quiet location. Participants are further reminded that, in order to allow for full and accurate interpretation of their statements, they should speak at a reasonable pace.

Interpretation will be provided in English, French, Spanish, Russian and Arabic, as well as with closed-caption script for the hearing impaired in each of the languages.

Audience

The event shall be open to all interested parties, including States, UN agencies, representatives of UN human rights mechanisms, intergovernmental organizations, regional and national human rights organizations and institutions, academics and experts on statelessness, representatives of stateless populations and non-governmental organizations active in the field of human rights and statelessness.

ANNEX I: BACKGROUND READING ON STATELESSNESS AND HUMAN RIGHTS

Reports from the Human Rights Council's Special Procedures mandate holders

- Interim Report of the Special Rapporteur on Freedom of Religion or Belief, *Elimination of All Forms of Religious Intolerance*, paras. 26-29, UN Doc. A/75/385, 12 October 2020.
- Report of the Special Rapporteur on Minority Issues, *Update on the Special Rapporteur's First Thematic Report on Statelessness as a Minority Issue*, paras. 85-87, UN Doc. A/HRC/40/64, 9 January 2019.
- Report of the Special Rapporteur on Minority Issues, *Statelessness: a Minority Issue*, UN Doc. A/73/205, 20 July 2018.
- Report of the Special Rapporteur on Minority Issues, *Priorities and Vision for the Mandate*, paras. 36-40, UN Doc. A/HRC/37/66, 16 January 2018.
- Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, *Racial Discrimination in the Context of Citizenship, Nationality and Immigration Status*, paras. 6-15, UN Doc. A/HRC/38/52, 25 April 2018.

UNHCR publications

- UN High Commissioner for Refugees (UNHCR), *The Impact of COVID-19 on Stateless Populations: Policy recommendations and good practices on vaccine access and civil registration*, 3 June 2021.
- UN High Commissioner for Refugees (UNHCR), *Background Note on Gender Equality, Nationality Laws and Statelessness 2021*, 5 March 2021.
- UN High Commissioner for Refugees (UNHCR), *Guidance on UNHCR's Engagement with National Human Rights Institutions*, 2020.
- UN High Commissioner for Refugees (UNHCR), *"This is Our Home" Stateless Minorities and their Search for Citizenship*, 3 November 2017.
- UN High Commissioner for Refugees (UNHCR), *I Am Here, I Belong: The Urgent Need to End Childhood Statelessness*, 3 November 2015.
- UN High Commissioner for Refugees (UNHCR), *Global Action Plan to End Statelessness*, 4 November 2014.
- UN High Commissioner for Refugees (UNHCR), *Guidance on Racism and Xenophobia*.

Other UN publications

- Expert Workshop on Best Practices to Promote Women's Equal Nationality Rights in Law and in Practice, *Summary report of the United Nations High Commissioner for Human Rights*, UN Doc. A/HRC/36/30, 25 July 2017.

- UN Committee on the Elimination of Racial Discrimination (CERD), *CERD General Recommendation No. 30 on Discrimination Against Non-Citizens*, 2005.

Tools and learning courses

- Office of the UN High Commissioner for Human Rights (OHCHR), #Faith4Rights toolkit, August 2021.
- UN High Commissioner for Refugees (UNHCR), *E-learning Course on Engaging with Human Rights Systems on Displacement and Statelessness* (3h45).
- UN High Commissioner for Refugees (UNHCR), *UN High Commissioner for Refugees (UNHCR) and Minority Rights Group International, ICERD Quick Reference Guide: Statelessness and Human Rights Treaties*, July 2017.
- UN High Commissioner for Refugees (UNHCR), *UN High Commissioner for Refugees (UNHCR) and Global Campaign for Equal Nationality Rights, CEDAW Quick Reference Guide: Statelessness and Human Rights Treaties*, April 2017.
- UN High Commissioner for Refugees (UNHCR), *UN High Commissioner for Refugees (UNHCR) and UNICEF, CRC Convention on the Rights of the Child: Quick Reference Guide - Statelessness and Human Rights Treaties*, January 2017.
- UN High Commissioner for Refugees (UNHCR), *ICCPR International Covenant on Civil and Political Rights: Quick Reference Guide - Statelessness and Human Rights Treaties*, October 2016.

Other publications

- Institute on Statelessness and Inclusion (ISI), The World's Stateless: Deprivation of Nationality, pp. 19-30, 2020.