
ENIGMA OF INTERNATIONAL HUMAN RIGHTS WITH SPECIAL FOCUS ON STATELESSNESS IN ASIAN COUNTRIES

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“Life is unmanageable when you are stateless. ”

- Chaker Khazaal

ABSTRACT

Presently, the law related to Statelessness in international law is getting undeniable attention by students, scholars, Government, Civil society etc. People never think about their citizenship, as they get it automatically when they are born. The stateless person is often the most vulnerable section of the society. They may lack access to national assistance, medical and other welfare schemes. They can be subjected to violation of human rights. Therefore, it is significant to ensure that stateless persons are included in the Human Development Goals. In this paper, the researcher has examined basis of nationality and calculated the stateless in Asian countries from 2010 to 2021. Author has tried to know; how many cases of nationality has been resolved during that period. This paper is mainly based on secondary sources i. e. International conventions, International Law commission report, UNHCR global report and OHCHR reports.

Keywords: Nationality, UNHCR, Migration, Statelessness.

I. Introduction

According to UNHCR (United Nations High Commissioner for Refugees) report, more than 12 million people in the world are stateless out of which 2.4 million registered in Asia and the Pacific region. A stateless person means someone who has not part of any state and does not cover under any citizenship law. Citizenship is a very important component; it has not only provided protection to an individual but also provides an identity. People who do not have a Citizenship become very difficult to arrange basic livelihood necessity things such as house, food, medical aid. If a person wants to enjoy the natural right of reside in a country, he must have a passport while in a foreign country, then citizenship is obligatory. In many different ways, nationality facilitates a person to find job, recruit in public services, to contribute in the political course and to have access of legal system.¹ In the end of twentieth century, the collapse of empires and the expansion of the sovereign state derivate a million of persons without citizenship. They have no place to go in this world. Mira Siegelberg's² "innovative history weaves together ideas about law and politics, rights and citizenship, with the intimate plight of stateless individuals, to explore how and why the problem of statelessness has plagued the international system in the twentieth century and beyond." By highlighting the philosophical core of the international conventions defined the categories of citizenship and statelessness prepares us to face more effectively the current problems of the political organization and authority on the global scale.³

Statelessness has a terrible impact on person's life. The acquisition of citizenship is a prior criterion for participate in a regional's society and for gratification of all human rights. Due to statelessness they face various difficulties and humiliation on daily basis sometimes, it depends on places where they are resided or get shelter. If they do not have authentic identity papers, they may face a lack of legal protection from the states too. For instance, in some Asian states, large number of people are unable to right to vote, get public services and are even denied to get health care and primary education. In Malaysia, children of non-citizens are deprived from basic primary education also.⁴ According to UNCRC, every child should be registered immediately after his birth and acquire a national identity from birth.⁵ Unfortunately, as per

¹ "The state of the world's refugee: A Humanitarian Agenda" United Nations High Commissioner of Refugees (hereinafter UNHCR), available at: <https://www.unhcr.org/3eb7ba7d4.pdf>, (last visited on August 2, 2022)

² Mira L. Siegelberg, Associate Professor of History in International Political Thought at Cambridge University.

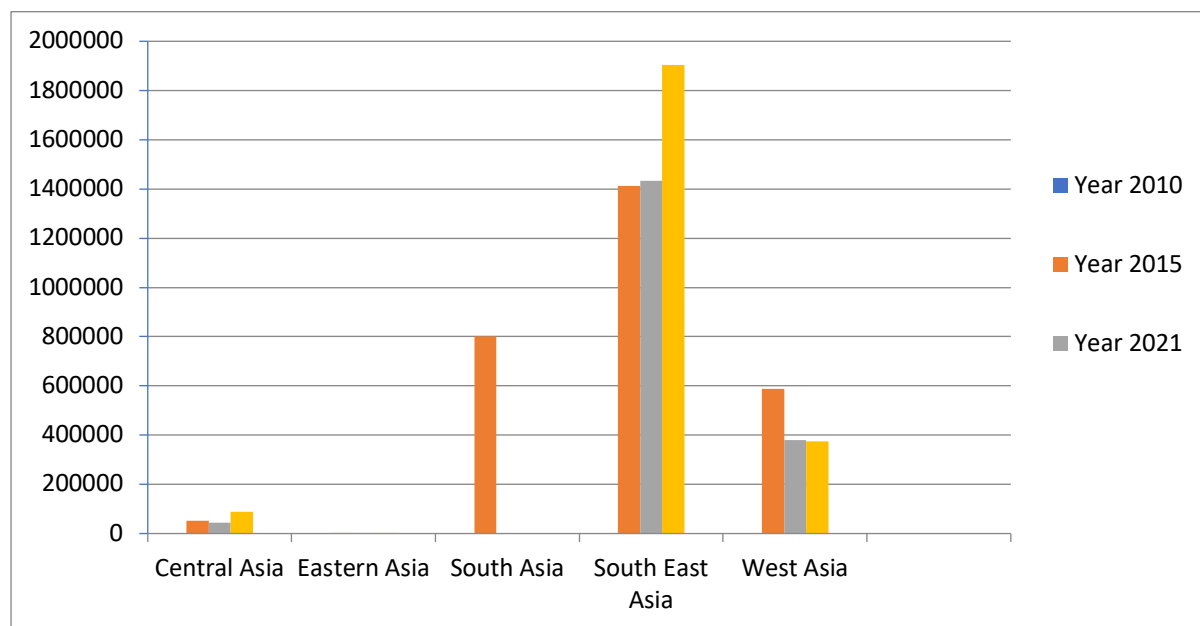
³ Mira L. Siegelberg, "Statelessness A Modern History", (Harvard University Press, October 2020).

⁴ Athira Nortajuddin, "Malaysia's stateless children", <https://theaseanpost.com/article/malysias-stateless-children>, (last visited on August 6, 2022)

⁵ United Nations Convention on the Rights of the Child 1989, art 7.

report of the IRB⁶, children born in Malaysia do not get natural citizenship, which have led to several children declared to as ‘undocumented children’.⁷ The population from Bihar faced several difficulties in Bangladesh due to their lack of identification documents. They could not buy property, get a passport, primary education, get medical aids and face social and political abuses.⁸

Asian countries Statelessness Data Chart



Statelessness Statistical Table of Asian Countries⁹

| Eastern Asia Countries | Population in the end of 2010 | Population in the end of 2015 | Population in the end of 2021 |
|------------------------|-------------------------------|-------------------------------|-------------------------------|
| China | | | |
| Japan | 1397 | 603 | 707 |
| Mongolia, | 260 | 6 | |

⁶ Immigration and Refugee Board of Canada.

⁷Canada: Immigration and Refugee Board of Canada, (2007), available at: <https://www.refworld.org/docid/47d6546928.html>, (last visited on August 10, 2022)

⁸ Geoffrey Macdonald, “Speaking “Biharis” Seek Recognition, Respect and Rights”, available at:<https://www.iri.org/resources/new-bangladesh-report-reveals-priorities-of-the-bihari-minority/>(last visited on August 18, 2022)

⁹ UNHCR Statistics, available at: <https://www.unhcr.org/>, (last visited on August 22, 2022)

| | | | |
|----------------------------|-------------------------------|-------------------------------|-------------------------------|
| North Korea | * | * | * |
| South Korea | 179 | 197 | 203 |
| Taiwan | * | * | * |
| Macau | * | * | * |
| Hong Kong | 1 | 1 | * |
| Total | 1837 | 807 | 910 |
| South east Asian Countries | Population in the end of 2010 | Population in the end of 2015 | Population in the end of 2021 |
| Brunei, | 20,992 | 20,524 | 20,863 |
| Cambodia | * | 12 | 57,444 |
| Indonesia | * | * | * |
| Laos | * | * | * |
| Malaysia | 40,001 | 11,689 | 1,11298 |
| Myanmar | 7,97,388 | 9,38000 | 6,00,000 |
| Philippines | * | 7,138 | 387 |
| Singapore | * | * | * |
| Thailand | 5,42,505 | 4,43,862 | 4,80,695 |
| Timor- Leste | * | * | 600,000 |
| Vietnam | 10,200 | 11,000 | 32,890 |
| Total | 14,11,086 | 14,32,225 | 19,03,577 |
| Western Asia Countries | Population in the end of 2010 | Population in the end of 2015 | Population in the end of 2021 |

| | | | |
|----------------------|----------|----------|----------|
| Armenia | 6 | 311 | 1000 |
| Azerbaijan | 2078 | 3585 | 3585 |
| Bahrain | * | * | * |
| Cyprus | * | * | 56 |
| Georgia | 1826 | 627 | 531 |
| Iran | * | * | 33 |
| Iraq | 120,000 | 50,000 | 47,253 |
| Israel | 9 | 42 | 42 |
| Jordan | * | 66 | 17 |
| Kuwait | 93000 | 93000 | 92,000 |
| Lebanon | * | * | * |
| Oman | * | * | * |
| Qatar | 1200 | 1200 | 1200 |
| State of Palestine | * | * | * |
| Saudi Arabia | 70,000 | 70,000 | 70,000 |
| Syria Arab Republic | 3,00,000 | 1,60,000 | 1,60,000 |
| Turkey | 780 | 780 | - |
| United Arab Emirates | * | * | * |
| Yemen | * | * | * |
| Total | 5,88,890 | 3,79,611 | 3,75,717 |

| Central Asian Countries | Population in the end of 2010 | Population in the end of 2015 | Population in the end of 2021 |
|--------------------------|-------------------------------|-------------------------------|-------------------------------|
| Afghanistan | * | * | * |
| Kazakhstan | 7,966 | 7909 | 7999 |
| Kyrgyzstan | 21,157 | 9118 | 18 |
| Tajikistan | 2,300 | 19,469 | 6385 |
| Turkmenistan | 20,000 | 7,125 | 3924 |
| Uzbekistan | * | * | 69,791 |
| Total | 51,423 | 43,621 | 88,117 |
| Southern Asian Countries | Population in the end of 2010 | Population in the end of 2015 | Population in the end of 2021 |
| Bangladesh | | | |
| Bhutan | * | | |
| India | * | | |
| Maldives | * | | |
| Nepal | 8,00,000 | | |
| Pakistan | * | | |
| Sri Lanka | * | | |
| Total | 8,00,000 | | |

* denotes no data is available on UNHCR site.

II. Status of Asian Countries

All Asian countries have a history of either colonised or colonising other countries with the exception of Thailand. Most of them gained independence in the middle of the twentieth

century and people can also see the citizenship consequences in recently originated states.¹⁰ Almost 280 million persons lost their citizenship from USSR on December 31st1991, when the USSR was break down into new Commonwealth of Independent States (CIS).¹¹ Sixty million out of them were live-in border areas somewhere in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. On daily basis, lot of stateless person identified within Central Asia Region when they apply for shelter.¹²

South Asian countries have soothed relationships with each other, usually due to a history of unwanted interference in each other activities. The intrinsic and widespread diversity of South Asian states has given rise to extremist conflict often with separatist agendas that have threatened the national integrity of nations over the past decades. In 1947, the division of India and Pakistan and in 1971 the secession of East Pakistan now Bangladesh are two biggest rifts.¹³ These democratisations created perfect situation to encourage statelessness in this region. Statelessness in this region is also a product of Socio-economic migration among countries. The borderlines of South Asia have been regulated uncontrollably in the pre-colonial, colonial and post-colonial eras and causing intermittent migration traditions along with permanent minority settlements. Vietnam recognized legal reforms that permitted restoration of Vietnamese nationality to women and children from inter-state marriages, and also imposed a condition requiring repudiation of citizenship subject to confirmation of obtaining a new nationality. In addition, many states have passed regulations that protect to the child against statelessness.¹⁴

The west Asia region has suffered morewith political disturbance than central Asia due to the disintegration of the Ottoman Empire and its subsequent shift to colonialism. In the twentieth Century, State formation was in motion and each state wanted to develop its own identity and the issue was also created whether a state would be formed on the basis of religion or as a

¹⁰ Bhupinder Singh, “11 Countries Around The World That Have Never Been Colonised By Any European Power”, available at: <https://www.indiatimes.com/trending/human-interest/countries-that-never-been-colonised-by-european-power-548407.html>, (last visited on August 16, 2022)

¹¹ Britannica, T. Editors of Encyclopaedia, “*Collapse of the Soviet Union. Encyclopedia Britannica*” (August 11, 2022), available at: <https://www.britannica.com/event/the-collapse-of-the-Soviet-Union>, (last visited on August 17, 2022)

¹² Marjorie Farquharson, “Study on Statelessness in Central Asia”, available at: <https://www.unhcr.org/4dfb592e9.pdf>, (last visited on August 20, 2022)

¹³ Mushtaq H. Khan, “Bangladesh: Partitions, Nationalisms and Legacies for State-Building”, (Department of Economics, SOAS, University of London, July 2010), available at: https://eprints.soas.ac.uk/11685/1/Bangladesh_paper.pdf, (last visited on August 21, 2022)

¹⁴ Vietnam Immigration Department, The Conditions for the Foreigners to Apply Vietnamese Citizenship, available at: <https://www.vietnam-immigration.org.vn/news/view/the-conditions-for-the-foreigners-to-apply-vietnamese-citizenship.html>, (last visited on August 23, 2022)

secular state. ¹⁵Syria, Iraq and Mauritania also struggling with the crisis of stateless populations, so they also introduce national identity policies. This led to the boycott of certain segments of the people and the nationalisation of the Kurds, Feili and black Mauritians in that region. In Libya, natural citizenship is open only to a man, or to persons who are related in some way to the Arabs or their grand-parents were from here they belong to the Akhdam. ¹⁶ In 2009 CEDAW¹⁷ asked Libya to expedite its process of amending the nationality law in order to fix gender discrimination. Whereas in 2003 Yemen has already moved in this direction and amended Article 3 of the Nationality Law; on one of the three conditions to give nationality to the children of the women and the ‘inter-state husband’¹⁸; the divorced mother from her inter-state husband, husband unsoundness, or the death of the husband. But it has also made religion a basis for obtaining nationality which left a small ethnic minority group of African unable to obtain citizenship and creating a major problem with membership parameters. ¹⁹

In Kuwait, only Muslim applicants can demand naturalisation, while Libya’s nationality law allows to withdraw nationality on the basis of conversion in another religion from Islam. Similarly, in 2007, Saudi Arabia amended nationality laws, and giving the ‘Son’ of an Arab mother who married a non-Arab the right to acquisition of nationality when applying for citizenship after attaining the age of eighteen, but this right is not equally extended to the daughter in the same situation. ²⁰ In all of these cases, author has observed the gender discrimination and human rights violation. Every state has to follow the rule of natural justice and also take adequate precautions so that future statelessness can be reduced.

Communist revolution divided China into two parts, one is People’s Republic of China and other is Nationalist state in Taiwan, in same way Korea divided into North and South Korea. The collapse of these two empires and the depiction of new borders introduced the crisis of refugees. In 1912 People’s Republic of China enacted new nationality laws that remaining in

¹⁵ Laura van Waas, “*The situation of stateless persons in the Middle East and North Africa*”, (UNHCR October 2010), available at: <https://www.unhcr.org/uk/4ce63e079.pdf>, (last visited on August 24, 2022)

¹⁶ Steven A. Cook, “*Washington can’t solve the identity crisis in Middle East nations*”, available at: https://www.washingtonpost.com/opinions/washington-cant-solve-the-identity-crisis-in-middle-east-nations/2014/08/15/c72fc7e4-2254-11e4-8593-da634b334390_story.html, (last visited on August 25, 2022)

¹⁷ Convention on the Elimination of All Forms of Discrimination, 1979

¹⁸ Inter-state husband means a husband belongs to other state and inter-state marriage means marriage solemnized between citizens of two different countries or across border.

¹⁹ Castellino, Joshua, et. al. , “*Minority Identities in the Middle East: Religious Minorities, Minority Rights in the Middle East*” (Oxford, 2013; online edn, Oxford Academic, September 26, 2013), available at: <https://doi.org/10.1093/acprof:oso/9780199679492.003.0002>, (last visited on August 28, 2022).

²⁰ Laura van Waas, *supra* note 14 at 7.

force until 1949. It did not have a Citizenship law throughout the period of 1949 to 1980. China enacted citizenship law in 1980.²¹

III. Statelessness Case resolved from 2010 to 2021

There is scarcity of data related to stateless person which has imposed challenges on International laws to address statelessness. Despite the various countries hiding a lot of data, above mentioned Statistical table covers only 48 Asian countries with a population of 3.1 million stateless persons reported and also several other institutions concluded different quantitative and qualitative studies till 2021. UNHCR has supported the progress of the “International recommendations on statelessness statistics”, which might be adopted in 2023. There are several causes of statelessness in a region such as discrimination against particular ethnic or religious groups, gender inequality, collapse of States, war and conflict of nationality laws, etc.

UNHCR launched the #IBELONG campaign in 2014 with a view to reduce statelessness on a global scale, so that countries can focus on the issue, and to raise funds to help the stateless person. It reports that more than four million stateless people in twenty-seven countries have acquired nationality, and while around twenty thousand in Asia and Europe are in the process of documentation as a result of recent actions.²² It is very difficult for organizations to collect data related to a statelessness is a contentious issue among countries; therefore, states are often hesitant to disclose data related to statelessness. The issue of statelessness is prioritized by very few countries on the agenda of the international community.

For our research we divided Asia into five sub parts that are Southern Asia, western Asia, Central Asia, south-East Asia and Eastern Asia. UNHCR Reports, from 2010 to 2015, that many cases have been resolved and funded by NGOs, the United Nations and other member states, as well as parent nations. According to available data at the end of year 2010, the number of statelessness people in East Asia, apart from unregistered persons was 1837 out of which 1030 were nationalized. Only 807 cases were pending at the end of 2015. But now, the cases have only risen to 104 and 6 in Japan and South Korea respectively. There is no authentic data relating to China, Taiwan, Macau, and Hong-Kong.

²¹ “Chapter II, The Nationalist Movement in Indo-Chin”, (India and contemporary world-II), NCERT32

²² “UNHCR urges governments to accelerate progress and resolve plight of world’s stateless”, UNHCR, the UN Refugee Agency, available at: <https://www.unhcr.org/news/press/2021/11/618387874/unhcr-urges-governments-accelerate-progress-resolve-plight-worlds-stateless.html>, (last visited on September 3, 2022)

If we look at the situation in the South-East region of Asia, it is worse than any other part of the world. In the year 2010, there were 1,411,086 pending cases and by 2015 there was an increase of 21,139. At present there are 1,903,577 stateless persons in this region. This is highest number in the world. The western Asia group of 19 countries, most of which countries have inauthentic data either unavailable or constant which raises doubt in the mind of the researcher. As per accessibility of data, in the year 2010, numbers of statelessness were 588,890 and its reduced by 35.54% till 2015. Now total statelessness is 375,717. Stateless person in Central Asia were 51,423 at the end of year 2010, and reduced to 43621 after 2015. However, suddenly increased by 50.5% at the end of 2020, reason behind this intensification was Uzbekistan. Till 2015 there was no data of Uzbekistan, but this is highest among other central states.²³

Acquisition of Citizenship

The first way to obtain citizenship in Asia is through ‘Jus sanguinis’²⁴(by birth), with most Asian countries implementing more stringent rules if child born in other state. In practice, the nationality of child is the same as the nationality of the father. Because after marriage, woman lose her nationality and obtain the same nationality that of her husband. In the middle of twentieth century, the concept of ‘single citizenship’ was progressively converted into ‘dual citizenship’ system which allowed a woman to hold own natural nationality along with the nationality of her husband. Nowadays, the concept of gender equality has been accepted by most of the countries and Asian states are no exception to this concept.²⁵ However nations like Indonesia and Japan still do not accept the concept of dual citizenship. The constitution makers of India have adopted the concept ‘Jus soli’²⁶ citizenship widely to incorporate the modernist, secular notion of citizenship. Over the time, the discourse of citizenship was modified to incorporate various elements of the ‘Jus sanguinis model of citizenship’, while incorporating notions of race, common religious identity, and common national values. The Bangladesh has also shifted from ‘Jus soli’ to ‘Jus sanguinis’ principle of citizenship to eliminate the issue of

²³ Statistical table, supra note 8 at 3.

²⁴ Jus sanguinis is a citizenship right based on parents’ nationality. This enables a child to claim citizenship of a particular country based on the nationality of his/her parents. This is most common and simplest form of citizenship.

²⁵“Women, nationality and citizenship”, (women2000 and beyond UN DAW Department of Economic and Social Affairs), available at: <https://www.un.org/womenwatch/daw/public/jun03e.pdf>, (last visited on September 8, 2022)

²⁶Jus Soli also known as citizenship by birth; it is another form of citizenship based on their country of birth. While one may image this to be a fairly common form of citizenship, European country will not grant citizenship on this basis alone.

nationality. In 1946, Indonesian government promulgated the first Indonesian citizenship law that emphasised the use of Jus soli.

The South Korean is a good example for various ways of acquire nationality such as naturalized citizenship, reacquisition of citizenship, and simplified naturalisation for spouses. Pakistan has enacted a gender-neutral citizenship legislation and on paper shows a substantial citizenship policy that appears fair and is based on the principle of natural justice, although in practice there are various discrepancies between the country national identity policies and principles.

²⁷The naturalisation of foreign National has never accepted by Sri Lanka in any manner. Natural nationality is permitted only in exceptional situations where persons have ties to Sri Lanka or are obtained through parents or spouses belonging to Sri Lanka or people in a significant position have contributed to the country.

Limitations of Powers of the States

State plays an important role in reducing the number of statelessness from world. International law has generally provided broad discretion to states for defining eligibility of nationality. Right to citizenship can be found in Article 15 of the UDHR. Originally, The United Nations introduced the 1951 Convention relating to the Status of Refugee and refugee protocol 1967 to evade the statelessness and refugee population of post war. ²⁸Guidelines related to statelessness was not properly implemented delayed unless the Convention concerning to the Status of Stateless Persons has been adopted in 1954. It is an important contribution to international law and defines a “stateless person” as someone “who is not considered as a national by any State under operation of its law” those who come within this definition should be provided minimum standards of treatment as per convention of 1954. The convention of 1951 provides for the protection of human rights of stateless persons whereas for avoidance of future statelessness, convention of 1961 created a legal framework. These conventions imposed an obligation on the states to enact of legislations to protect stateless persons in their state and to introduce special guidelines to deal with statelessness in national policies. States should not take away

²⁷ Robert Schuman, “Comparative Report: Citizenship in Asia, Global Citizenship Observatory (GLOBALCIT)” Centre for Advanced Studies in collaboration with Edinburgh University Law School, RSCAS/GLOBALCIT-Comp. 2017/4 December 2017, available at: https://cadmus.eui.eu/bitstream/handle/1814/50047/RSCAS_GLOBALCIT_Comp_2017_04.pdf?sequence=1, (last visited on September 8, 2022)

²⁸“Convention Relating to the Status of Stateless Persons: Its History and Interpretation,” Nehemiah Robinson, Institute of Jewish Affairs, May 1955. Reprinted by the Division of International Protection of United Nations High Commissioner for Refugees (1997, available at www.unhcr.org/home/PUBL/3d4ab67f4.pdf), (last visited on September 9, 2022)

the citizenship of any person on arbitrary grounds or in such a way as to lead to statelessness. If the states do not have comprehensive control over the rights of nationality, then they will violate human rights in arbitrary ways. Sometimes the minority community is persecuted by the states without any justified grounds, or citizenship is withdrawn on the basis of gender discrimination or religion. In such situations people see states abusing their powers.

Most states used statelessness as a weapon they considered external if they were not aware of nationality documents or other formalities. People can take the example of India where National Population Register has excluded Assam on the demographic basis. In Myanmar more than six million people from Rakhine state are stateless because of new citizenship, which only grants citizenship to the believers of certain ethnic groups.²⁹ Since the enactment of the UDHR, the United Nations has always sought to exercise control over the states' discretion on nationality matters and has circulated eloquent principles.³⁰ States discriminate between man and woman with respect to nationality law and do not grant nationality to a child whose father either unknown or deceased. Some countries do not authorize a woman to have her child of the same nationality. The passing of such laws by the states and their non-improvement in these laws creates a major situation of statelessness, which at times leads to loss of nationality and citizenship.

IV. International laws and treaties

Nationality law provides protection to vulnerable group at a large under International law and national law. Most of the states are signatories to international conventions relating to statelessness and have also added relevant provisions of the right to nationality. Despite of all these efforts, there is no major change in the status of stateless persons and statistics of statelessness. The place of birth is a major ground for a child seeking the nationality of that state and the right to enjoy the specific benefits and protection that a child should be granted by a state.

At present, there are 149 signatory States to the 1951 refugee convention and the 1967 Protocol to status of refugee. The principle established under international law is that no one can be compelled to return to a country where there is danger to life or possibility of persecution. Everyone has the right to seek asylum in the country that signed the 1951 convention as per

²⁹UNHCR, INDIA, available at: <https://www.unhcr.org/statelessness-around-the-world.html>, (last visited on September 9, 2022)

³⁰ "No legal identity. Few rights. Hidden from society. Forgotten. Statelessness", 32FMR10 (2009).

Article 33 of this convention.³¹ All signatories are tried to fulfil the target of convention So, Albania, Colombia and Turkmenistan enacted legislations to deal with statelessness. In the same way, Georgia enacted legislation to accelerate the process of statelessness determination and also reduced the processing fees. Brazil has introduced a new application system to help the stateless persons and facilitate naturalization. Benin and Guinea-Bissau also took necessary actions for implementing Procedural legislation for stateless persons. The Arab league continued its work on the “Action plan on belonging and legal identity”. UNHCR has strongly connected with regional groups and institutes across the world for protection of stateless people. The covid-19 has halted and slowed to some extent ongoing efforts by organizations and states to prevent statelessness. The pandemic also slows down the progress on the Global Action Plan to End Statelessness and the implementation of State processes. The conflict between Russia and Ukraine has also led to an increase in the number of stateless persons. The intensification of ethno-nationalism and exclusionary policies in some countries continues to pose new risks of statelessness and prevent meaningful progress.³² Throughout 2021, UNHCR and regional organizations adopted action plans to address statelessness. Article 15 of UDHR; “Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”.³³ Article 16 of ICCPR, “everyone shall have the right to recognition everywhere as a person before the law”.³⁴

Article 24 of ICCPR said:

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality”.³⁵

Article 26, “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and

³¹ UN Global Report, available at: https://reporting.unhcr.org/globalreport2021/pdf#_ga=2.95103772.1827478245.1658597551-1408690795.1658597551, (last visited on September 10, 2022)

³² International Convention on the Protection of the rights of all Migrant workers and Members of their Families, art 29.

³³ The Universal Declaration of Human Rights, 1948, art 15.

³⁴ The International Covenant on Civil and Political Rights, 1966, art 16.

³⁵ *Ibid*, art 24.

guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”³⁶

Article 2 of CRC provides that “1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.”³⁷ Article 7; 1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. 2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”³⁸

“Naturalization in Article 32 of CRSSP provides, The Contracting States shall as far as possible facilitate the assimilation and naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.”³⁹

“Article 20, American Human rights Right to Nationality, 1) Every person has the right to a nationality. 2) Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality. 3) No one shall be arbitrarily deprived of his nationality or of the right to change it.”⁴⁰

Article 6 of convention 1961, “If the law of a Contracting State provides for loss of its nationality by a person’s spouse or children as a consequence of that person losing or being deprived of that nationality, such loss shall be conditional upon their possession or acquisition of another nationality.”⁴¹

³⁶ Ibid, art. 26.

³⁷ Convention on the Rights of the Child, 1989, art 2.

³⁸ Ibid, art 7.

³⁹ Convention relating to the status of stateless Persons, 1954

⁴⁰ American Convention on Human Rights, 1969

⁴¹ Convention on the Reduction of Statelessness, 1961

Article 6– “Acquisition of nationality, 1) Each State Party shall provide in its internal law for its nationality to be acquired ex lege by the following persons: a) children one of whose parents possesses, at the time of the birth of these children, the nationality of that State Party, subject to any exceptions which may be provided for by its internal law as regards children born abroad. With respect to children whose parenthood is established by recognition, court order or similar procedures, each State Party may provide that the child acquires its nationality following the procedure determined by its internal law; b) foundlings found in its territory who would otherwise be stateless. 2) Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality.”⁴²

Article 3, “Prevention of statelessness The State concerned shall take all appropriate measures to prevent persons who, at the time of the State succession, had the nationality of the predecessor State, from becoming stateless as a result of the succession.”⁴³

Article 6, “Responsibility of the predecessor State A predecessor State shall not withdraw its nationality from its nationals who have not acquired the nationality of a successor State and who would otherwise become stateless as a result of the State succession.”⁴⁴

UNHCR has divided its budget into four Parts: refugees, stateless persons, reintegration (of returning refugees) and IDPs. The expenses related to stateless persons always stayed less than 1 percent of budget since the launch of the #IBelong Campaign. Over the period appeared that Pillar II funding has been decreased from 1.2 percent to 1 percent in 2020.⁴⁵ In 2020, US institution PRM⁴⁶ provided \$571,053 funding to UNHCR for supporting stateless person so that maintain the program introduced by the global HLS⁴⁷. In 2019, the HLS revealed the front line of the #IBelong Campaign. It was a sequence of regional conferences that brought together officials from government institutions, the United Nations, and society, who jointly committed to over 360 pledges towards the abolition of statelessness.⁴⁸

⁴² European Convention on Nationality, art 6.

⁴³ Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession, art 2.

⁴⁴ Ibid, art 6

⁴⁵ Funding UNHCR’s Programmes, available at: https://reporting.unhcr.org/sites/default/files/gr2020/pdf/Chapter_Financial.pdf, (last visited on May 30, 2008)

⁴⁶ PRM is a government institute of United States, known as Department of Bureau of population, migration and Refugee, it has providing financial assistance to stateless persons through UNHCR.

⁴⁷ High-Level Segment on Statelessness (hereinafter HLS)

⁴⁸ Evaluation of PRM Supported Initiatives to Prevent and Reduce Statelessness, Final Report, U. S. Department of State Bureau of Population, Refugees, and Migration, available at: <https://www.state.gov/wp-content/uploads/2022/02/Contract-No.140D0420R0037-PRM-Statelessness-Final-Evaluation-Report-Resonance-4.30-508.pdf>, (last visited on May 30, 2008)

In 2019, the German government provided large financial support to the #IBelong Campaign, which was spent on campaign materials, web expansion, visibility material, and in other programs by the communications team. The Danish government funded the creation of story and seeds for solutions, a program within UNHCR's Department of division of resilience and solutions. Sweden and Denmark have not provided any funding to the UNHCR but they have professed that they will amend their nationality provisions to eradicate statelessness in the HLS. However, Germany and Denmark provided funds for the statelessness campaign to UNHCR. Similarly, the European Union and Japan have also contributed to the UNHCR for statelessness activities.

All the instructions and guidelines issued by the UNHCR for stateless persons are focused more towards procedural reforms rather than adequate legislation. The UN has adopted 17 Sustainable Development Goal (SDG) to make the earth liveable. SDG16 supports the right to legal identity and promotes the end of statelessness, although 'UNLIA'⁴⁹ does not focus much on ending statelessness. Merely amending the legal frameworks of various Asian countries will not help in reducing statelessness, unless they continue to receive strong guidance and advocacy from the UNHCR. The Bali Process identifies that statelessness is a developing issue in understanding human trafficking, smuggling, and undocumented migration in the county.⁵⁰

V. Conclusion

Statelessness is a hidden sensitive issue that is spreading all over the world. Loss of nationality is not only a violation human rights, but also it weakens man internally and externally. Thus, this issue needs vigour efforts practically. All countries need to try together in one direction to solve this problem. UNHCR should uphold the international conventions and standards to help these people. Only then, one day, everyone has the nation to live with dignity without any fear or threat of deportation from that place. For eradication of statelessness from world, it is important that every individual should be aware of their rights. After that stateless communities may access to basic necessity, get legal aid, protection against violation of their human rights.

⁴⁹United Nations. Economic Commission for Africa; African Union Commission; African Development Bank (2019). United Nations legal identity agenda: fulfilling the promise to leave no one behind. UN. ECA Conference of African Ministers Responsible for Civil Registration (14-18: Lusaka, Zambia, October 5, 2019.). Addis Ababa. © UN. ECA. , available at:<https://hdl.handle.net/10855/43087>, (last visited on August 30, 2022)

⁵⁰ See the PRM-funded report on Thailand, The Nexus between Statelessness and Human Trafficking in Thailand, available at: https://files.institutesi.org/Stateless-Trafficking_Thailand.pdf, (last visited on May 30, 2008)

Without proper data and statistics, it is difficult to identify the statelessness. There is a need of more cooperation from the states. Because without authentic evidence, UNHCR cannot compel for financial help to the World Bank, UNFPA and even UNICEF to other services. Consequently, the World Bank has given very less attention to this issue. During collection of data major challenges face by authorities in the countries which have never accepted the issue of statelessness in its nations, especially Nepal, China, and Bangladesh etc. In 2021, as per data of Forum for Women, Law and Development (FWLD) 6.7 million persons are suffering without citizenship in Nepal.⁵¹

If states want to reduce the statelessness, they should review the relevant nationality legislations and provisions that provide evidence that the individual has prior links with a particular state such as a birth certificate, previous habitual residence, the spouse or children are nationals, the person's parents or grand-parents is a citizen, and consult those States. States have requested for cooperation with the individual concerned in providing all relevant information about his nationality or any link in that country. It would not only reduce the statelessness from the world but also help in achieving sustainable goals by nations. Nations can also amend their constitution and add non-discriminatory provisions for non-citizens as well. It will help in implementation of human rights in more effective manner. In some countries have human rights commission which may be an adequate supervision mechanism of compliance with such provisions, including complaints. There must be a provision of compulsory primary education in every country nationality law that would protect a nation from security threat. Even a child of a migrant worker should have the right to free education and an identity. Human rights are essential rights of every person and state has duty to protect these rights.

⁵¹ Forum for Women, Law and Development, "Legal identity", available at: <https://fwld.org/core-areas/legal-identity-and-citizenship/>, (last visited on September 13, 2022)