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Agenda item 1

Ending statelessness

Sponsor: China (People's Republic of), Russia, Sweden, United Kingdom of Great Britain and Northern Ireland

Signatories: Australia, Belgium, Bosnia and Herzegovina, Brazil, Cuba, Indonesia, Kenya, Libya, Morocco, Myanmar, Nigeria, Pakistan, Philippines, Saudi Arabia, South Africa, Sudan, Syrian Arab Republic, Turkey, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of), Vietnam

Resolution adopted by the Human Rights Council on 23 April 2022

8/1. Ending statelessness

The Human Rights Council,

Following the article 15 of the Universal Declaration of Human Rights, ratified on 10 December 1948, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of their nationality,

Placing great concern over the current situation regarding statelessness, which affects more than 4.9 million people encounter by 2022,

Recognizing their rights to have an identification that states their current status,

Bearing in mind the Convention on the Reduction of Statelessness of 30 August 1961 and the Convention relating to the Status of Stateless Persons of 28 September 1954,

Noting that the effects and consequences of statelessness may produce irreparable damages to determined vulnerable groups,

Recalling:

a) The General Assembly resolution A/RES/44/25 on the Convention on the Rights of the Child of 20 November 1989, which implies the obligation to extend a nationality to every person under 18 years;

b) That persons arbitrarily deprived of nationality are protected by international human rights and refugee law as well as instruments on statelessness, including, with respect to States parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol there to;

c) General Assembly resolution 61/137 of 25 January 2007, in which, inter alia, the Assembly urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons;

d) General Assembly resolutions 55/153 of 12 December 2000 and 59/34 of 2

December 2004 on the nationality of natural persons in relation to the succession of States,

Recognizing the authority of States to establish laws governing the acquisition, renunciation or loss of nationality in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

1. *Encourages* the creation of a UNHCR monitoring system that would:
 - a) Be funded by the UNHCR member states;
 - b) Collaborate with civil society and local agents;
 - c) Serve the purpose of providing annual reporting and data collection on the amount of stateless people and those who are no longer stateless;
 - d) Enable to share information on technological development in the areas of data management, as well as digitalization of bureaucratic processes through the creation of a Technology Fund which will enable the exchange of data and resources between states on an international level, such as but not limited to:
 - i. The number of stateless refugees that have acquired a citizenship;
 - ii. Bureaucratic practices for the acquisition of a leave to remain, as well as citizenship card;
 1. Leave to remain understood as the process of adoption of stateless people prior to the grant of citizenship;
 - iii. Trained staff capacitated to give legal assistance to;
 - iv. Stateless individuals;
 - v. Advice concerning relevant United Nations human rights mechanisms and appropriate treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue with the ongoing collection of information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;
2. *Urges* Regional cooperation to:
 - a) Promote forums to improve regional cooperation to discuss legal, social and political topics regarding the reduction of statelessness;
 - b) Assist States in facing increased numbers of statelessness people;
 - c) Improve bureaucratic infrastructure to enhance the organization of assigning citizenship;
 - d) Legal and diplomatic guidance in order to reduce regional conflicts, therefore preventing and reducing cases of statelessness.;
3. *Asks* High commissioner to strengthen the “#I belong” campaign to raise the profile of self-reliance in order to prevent people from becoming stateless. With proposal to:
 - a) Promote active citizenship;
 - b) Help *people* who do not have citizenship gain status;
 - c) Strengthening existing awareness campaigns;
4. *Insists* that the States recognize the distinction between refugees and stateless

people:

a) Legal distinction to acquire working permits and citizenship, proven by the 1951 Refugee Convention and its 1967 Protocol;

b) Stateless definition: “a person who is not considered as a national by any State under the operation of its”;

5. *Calls upon* States that have not already done so to consider accession to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons:

a) Encouragement of the implementation of a Common Statelessness Determination Procedure (UK SPD) that will constitute a common framework which will allow better identification, protect stateless persons and provide a quicker documentation collection. By doing this, there will be a more effective provision of information to applicants;

b) Calls upon countries to commit, respect, and guarantee the rights of employment opportunities, equal housing, universal healthcare and quality education for refugees and stateless people; to this:

i. Calls upon the collaboration of NGOs to pursue this goal, such as the UNHCR and the International Council of Voluntary Agencies;

c) The UK SDP system is to be understood as a guideline for other nations, as each country will be able to adapt this system in accordance with its geopolitical and socioeconomic characteristics;

6. *Recognizes* the right of States to establish national laws governing the acquisition, renunciation or loss of nationality, in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession:

a) Through the establishment of legal, technical and administrative advice and assistance;

b) Considering the need for expert knowledge based on regional and national circumstances in order to create effective institutional frameworks;

7. *Encourages* all States to adopt and implement nationality legislation with a view to tackling statelessness, and is open to provide technical and legal expert collaboration to help in this task;

8. *Insists that* the appropriate mechanisms of the Council and the appropriate United Nations treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue to collect information on the issue of human rights;

9. *Expresses concern* at various forms of discrimination against stateless persons:

a) Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on discriminatory grounds such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

b) Proposes the implementation of social institutions and awareness campaigns;

c) Focuses on education that would include making citizens aware of their basic human rights and how to fight for them;

10. *Requests* the Secretary-General to prepare a report on the impact that arbitrary deprivation of nationality may have on the enjoyment by persons of their human rights, including civil, political, economic, social and cultural rights, and to present it to the Council at next session;

11. *Recommends* Member States to respect with a harmonized migratory and border control guideline respecting countries' sovereignty and capacity to establish their own national migratory laws with the aim of a more sophisticated identification of refugees, especially those that are at risk from becoming stateless:

a) Special emphasis must be made within those regions with an overload of refugees

and migratory movements, mostly concentrated in the Middle East and the African continent;

b) Collaboration with the UN High Commissioner of Refugees is needed to ensure the management of the refugee crisis;

c) The Arab League of Nations may construct a protocol regarding the facilitation of citizenship access and naturalization within the League's jurisdiction through the Economic and Social Council of the Arab League;

d) Philippines, Indonesia and Vietnam may construct a protocol regarding the facilitation of citizenship access and naturalization within the ASEAN jurisdiction through the Intergovernmental Commission on Human Rights;

12. *Decides* to continue its consideration of this matter at its tenth session under the same agenda item;

13. *Encourages* Member States to provide pro bono legal aid to stateless persons and people at high risks of becoming stateless.

*8th meeting
23 April 2022*

[Adopted by a recorded vote of 43 to 0, with 4 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Bosnia and Herzegovina, Brazil, China, Cuba, Indonesia, Kenya, Libya, Morocco, Myanmar, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, South Africa, Sudan, Syrian Arab Republic, Sweden, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), Vietnam