

# Statelessness and access to nationality in Europe

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# Citizenship:

- **democratic citizenship:**


participation, involvement, informed choice,  
social cohesion

- **citizenship/nationality:**

legal bond between a person and a State

- ***traditionally prerogative of States?***

- ***international legal framework?***



Citizenship is man's basic right  
for it is nothing less than the  
right to have rights

*U.S. Chief Justice Earl Warren, 1958*

# Is the right to a nationality a human right?

- **Art. 15 of the Universal Declaration of Human Rights**
- **Art.7 Convention on the Rights of the Child**
- **2012 UN GA Human Rights Council resolutions 20/5 "Human rights and arbitrary deprivation of nationality" and 20/4 "The right to a nationality: women and children"**
- **ECtHR:**
  - Kuric and others v. Slovenia – the right to private and/or family life
  - Genovese v. Malta - person's social identity, discrimination

# Specific international legal framework

## ■ UN:

- 1954 Convention relating to the Status of Stateless Persons
- 1961 Convention on the Reduction of Statelessness

## ■ Council of Europe:

- 1997 European Convention on Nationality
- 2006 Convention on the avoidance of statelessness in relation to State succession



# Total number of stateless persons

- in the world – **12 mln**
- in Europe
  - **over 700,000** (UNHCR 2011)
  - **at least 600,000** (ENS 2012)

# Stateless persons in Europe

## UNHCR 2011

Latvia	312,362
Russian Federation	178,000
Estonia	97,749
Ukraine	39,817
Sweden	10,344
Serbia	8,500
Germany	8,044
Belarus	7,391



# Origins of statelessness

- Breakup of states (USSR, Yugoslavia, Czechoslovakia), secession
- Migration (mostly irregular)



# Examples of groups of stateless persons in Europe: Roma

- First case of mass statelessness: citizenship legislation after collapse of Czechoslovakia (10,000 – 25000)
- Estimates for stateless Roma in 2012:
  - Bosnia and Herzegovina – 10,000
  - Montenegro – 1,500
  - Serbia – 17,000
  - Slovenia – 4,000
  - Western Europe - ??

# Examples of groups of stateless persons in Europe: Meskhetian Turks

- 1944: deported from Georgia by Stalin
- 1989: Fergana valley massacre
- Krasnodar region – non-recognition of the right to Russian citizenship (11,000-13,000 stateless)
- 2004: resettlement in the USA
- return to Georgia – pending??

# Examples of groups of stateless persons in Europe: persons deprived of Greek citizenship

- Former Art.19 of the Greek Citizenship Code – repealed in 1998
- 60,000 Greek citizens of ethnic Macedonian or Turkish descent lost their Greek citizenship
- Provision repealed with no retroactive effect
- Approx. 200 stateless in 2011 in Western Thrace

# Examples of groups of stateless persons in Europe: the “erased” in Slovenia

- 1992 Aliens Act: 18,000 – 25,000 citizens of former Yugoslavia denied citizenship
- Over 13,000 lacked any legal status
- In 2011, over 4,000 persons remained stateless
- ECtHR: Kuric and others v. Slovenia, 2012

# Examples of groups of stateless persons in Europe: *non-citizens* in Latvia and Estonia

- The “restored citizenship” concept
- Protracted controversy – legal vs political arguments
- Legal status of *non-citizens*
  - Estonia: persons with undetermined citizenship
  - Latvia: special law, denial of statelessness

# Challenge for international community: what can be done?

- States' reluctance
  - enfranchisement – change of political landscape?
  - conservative concept of national identity
- New Nansen's committee??
- Individual complaints? Effectiveness of UNHCR?
- NGOs coalition - ENS