

# Statelessness in South and South East Asia

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The European Parliament adopted by 571 votes to 24, with 34 abstentions, a resolution on statelessness in South and South East Asia.

Parliament recalled that the Universal Declaration of Human Rights (UDHR) enshrines the **right to a nationality and the right not to be arbitrarily deprived** of one's nationality is enshrined in Article 15 of UDHR, as well as in other international human rights instruments.

The right to nationality has been enshrined in the Universal Declaration of Human Rights for close to seventy years, yet for millions of people this is still seemingly unattainable.

The international definition of a stateless person is "a person who is not considered as a national by any state under the operation of its law". The UNHCR has estimated that 135 million children under the age of five across the region have not had their births registered and are at risk of becoming stateless. Legislative gender discrimination, for example in acquiring or passing on nationality to one's child or spouse, is still present in South and Southeast Asia in countries such as Nepal, Malaysia and Brunei. However, the causes of statelessness can vary.

**Causes of statelessness:** Parliament stated that statelessness continues to receive limited international attention despite its very worrying global and regional human rights implications, and continues to be seen as an internal affair of states.

Reducing and eventually abolishing statelessness should become a human rights priority at international level, according to Parliament.

Overall, Parliament expressed concern about the millions of cases of statelessness all around the world, in particular in South and South East Asia, and expressed their solidarity with stateless persons.

**Rohingya minority:** more specifically, Parliament expressed concern at the situation of the Rohingya minority in Myanmar. They are the world's largest population of stateless peoples making up nearly 20% of global statelessness.

Parliament is appalled at the reports of massive human rights violations and the continued repression and discrimination of the Rohingya and the failure to recognise them as part of Myanmar society, in what looks like a **coordinated campaign** of ethnic cleansing.

It regretted that the status of statelessness is in some cases exploited in order to marginalise specific communities and deprive them of their rights. It therefore urged:

- the government and authorities of Myanmar to restore Myanmar citizenship to the Rohingya minority;
- the immediate opening of Rakhine State for humanitarian organisations, international observers, NGOs and journalists. In this regard, they reiterated that stateless persons should have **access to humanitarian programmes**.

**Enhanced communication on the issue:** Parliament emphasised the importance of an effective communication strategy on statelessness in order to raise awareness. The EU is called upon to improve communication on statelessness, in cooperation with the UNHCR, and through its delegations in the third countries concerned.

**EU strategy:** Parliament called on the EU to develop a comprehensive strategy on statelessness based on two sets of measures: (i) urgent situations; (ii) long-term measures to end statelessness. It should focus on a limited number of priorities and that the EU should take the lead in the event of urgent situations to raise awareness on statelessness at international level. The EU's comprehensive strategy on statelessness should be adaptable to specific situations faced by stateless people. A distinction needs to be made between statelessness that has occurred as a result of a lack of administrative capacity and statelessness that has occurred as a result of a discriminatory state policy against certain communities or minorities.

**New comprehensive policy approach:** recommending that Member States make it a priority to support the positive developments in addressing statelessness in South and Southeast Asia, Parliament proposed a new comprehensive policy approach including, *inter alia*:

- encouraging states to accede to the Statelessness Conventions;
- working with states to advocate the benefits of gathering intersectional, disaggregated and verifiable national data on stateless persons;
- consistently emphasising that birth registration needs to be free, easily accessible and undertaken on a non-discriminatory basis;
- encouraging the use of digital birth registration programmes in order to improve registration and archiving records;
- encouraging states in the region to address the needs of women, and issues related to sexual and gender-based violence;
- ensuring access to education to everyone, including stateless children, as statelessness is a significant obstacle that prevents children from being able to access equal education opportunities;
- establishing **regular reporting** on the EU's achievements in the fight against statelessness;
- setting-up EU human rights guidelines on statelessness;
- increasing **dialogue** on statelessness in South and South East Asia with relevant regional and international organisations;
- ensuring that all development projects and humanitarian aid for which the EU provides funding are set up so that addressing statelessness is included whenever relevant;
- reserving adequate funding in the Development Cooperation Instrument, European Development Fund and European Instrument for Democracy and Human Rights budgets for NGOs and other organisations working to reach stateless communities.

Parliament also noted the link between statelessness and forced displacement, in particular in conflict-affected regions and that at least 1.5 million stateless persons in the world are refugees or former refugees, including many young women and girls.

**Unify the definition of statelessness:** recalling that statelessness in the world is **largely unmapped and under-reported**, and that existing data are based on different definitions, Members urged the international community to adopt a **unified definition** and to address the gaps in data collection for measuring statelessness in developing countries.

The Commission is called upon to launch exchanges of good practice among Member States and encourage the active coordination of **national statelessness contact points**.

Lastly, Parliament welcomed the EU support to stateless persons in South and South East Asia through various instruments and encouraged the Union to continue its efforts in order to address the impact of

statelessness on development, peace and stability as an integral part of its development cooperation programmes and, more broadly, its external action.