

Presentation

Madame Chair, Special Rapporteur, ladies and gentlemen.

If the impact of statelessness on minorities has been a hidden issue, the impact of statelessness on minority women and children has been even more hidden.

If we are to fully understand how and why statelessness impacts on minorities around the world and find solutions, we have to understand it as an intersectional problem. What does that mean? It means that we have to understand the multiple and intersecting disadvantages faced by the people affected. What does it mean to be a woman, a minority woman, a minority stateless woman, and why are they disproportionately affected?

This is not a new concept: the international legal framework requires us to take an intersectional approach. The statelessness conventions are not the only international legal instruments setting standards and obligations relating to statelessness, and the right to a nationality.

- CEDAW explicitly requires states to grant equal nationality rights to women and men.
- The Convention on the Rights of the Child - almost universally ratified - enshrines the right of all children to a nationality.
- CERD requires the elimination of racial discrimination in respect of the right to a nationality.
- CRDP protects people with disabilities from discrimination in relation to their right to birth registration and nationality.

The fact that these provisions exist in international law tells us something about structural inequality. It tells us how we need to approach the issue of statelessness and why minorities, minority women, minority women of colour, minority women of colour who are disabled, are disproportionately impacted by such a fundamental form of exclusion as statelessness.

This discussion, this Forum, is a significant step forward out of our traditional silos, be it statelessness, minority rights, women's rights, children's rights, towards a more intersectional understanding of statelessness, that is more grounded in reality.

Statelessness is a minority issue. Statelessness is a gendered issue. Statelessness impacts differently on children, on people with disabilities, on others with intersecting identities.

To understand this more comprehensively is to understand people's lives and experiences more completely, and to begin to find solutions that are grounded in that experience, shaped by and relevant to the people affected.

So, who are we talking about and what do we need to do, in more concrete terms, to turn this intersectional international framework into law, policy and practice that effectively addresses and redresses the balance to prevent and reduce statelessness among minority women and children?

First and foremost, we need to eliminate provisions in nationality laws that directly discriminate against women, one of the main causes of statelessness. Nationality laws in 25 countries prevent women from passing their nationality to their children on an equal basis with fathers. Around 50 countries deny women equal rights with men in their ability to acquire, change, retain and confer their nationality.

The Global Campaign for Equal Nationality Rights has done tremendous work to galvanise action to reform gender discriminatory laws, and countries that have removed discriminatory provisions should be commended.

But we need to build on this and take the debate beyond explicit legal discrimination to understand the subtler forms of indirect discrimination in the way seemingly neutral laws are implemented in practice. This is where minority women and children in the European context where we work are being most impacted by the risk of statelessness.

Take the example of Roma women and children in the Western Balkans. A context where several factors combined to heighten the risk of statelessness: state succession and displacement, affecting the most marginalised groups most acutely. It is their belonging that is most often questioned. Add to this a wider societal context across Europe in which antigypsyism and gender inequality persist,

and you have a recipe for Roma women and children to be disproportionately impacted by the risk of statelessness.

Nationality laws do not explicitly exclude Roma women and children from citizenship, but they are disproportionately impacted by unsurmountable administrative barriers, discrimination and lack of access to justice. This manifests in intergenerational cycles of exclusion: for example, Roma women face barriers to accessing reproductive healthcare because of documentation problems, so often give birth at home, but then, as a consequence, face barriers to registering their children's births – in this way, the risk of statelessness is passed on to the next generation. Inequality and lack of documentation also contribute to patterns of violence and exploitation, further exacerbating those inequalities and perpetuating the risk of statelessness. Documentation is often required to access state funded legal aid, even when that legal aid is required precisely to resolve a lack of documentation, denying access to justice.

It's easy to put the onus on individuals to seek redress or to blame a supposed lack of interest in accessing documentation or naturalisation procedures on the part of those affected. But that ignores the structural inequalities underpinning these problems, not to mention the voices and agency of people affected, many of whom we have heard in this room. The onus must be on those who hold power – on States – to redress the balance and to engage with those affected to understand how.

Progress has been made, and good practice does exist. Our Statelessness Index, launched earlier this year, is an online comparative tool that examines law, policy and practice in countries across Europe, assessing how States protect stateless people and what they are doing to prevent and reduce statelessness; benchmarking performance against international standards. It currently includes 12 countries, and we are adding more as we develop it each year as a tool for everyone working on this issue.

The Index highlights that there are solutions. They do exist. It is possible to prevent and reduce statelessness. But to ensure those solutions are effective, it is essential to take an intersectional approach, to harness political will and commitment, and to ensure that the people affected shape and guide the process.

Thank you.