

# THE HUMAN RIGHTS OF STATELESS PEOPLE

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## HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

HOUSE OF REPRESENTATIVES

ONE HUNDRED AND FOURTEENTH CONGRESS

FIRST SESSION

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MARCH 23, 2015

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TOM LANTOS HUMAN RIGHTS COMMISSION

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# CONTENTS

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## WITNESSES

Simon Henshaw, Principal Deputy Assistant Secretary, Bureau of Population, Refugees, and Migration, State Department .....	10
Jana Mason, Senior Advisor, U.S. Government Relations and External Affairs, United Nations High Commissioner for Refugees ....	22
Julia Harrington Reddy, Senior Legal Officer, Equality and Citizenship, Open Society Justice Initiative .....	31
Sarnata Reynolds, Senior Advisor on Human Rights, Refugees International .....	36

## LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Prepared Statement of the Honorable James P. McGovern, a Representative in Congress from the State of Massachusetts and Co-Chairman of the Tom Lantos Human Rights Commission .....	5
Prepared Statement of Jana Mason .....	26
Prepared Statement of Julia Harrington Reddy .....	33
Prepared Statement of Sarnata Reynolds .....	39

## APPENDIX

Hearing Notice .....	52
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## THE HUMAN RIGHTS OF STATELESS PEOPLE

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MONDAY, MARCH 23, 2015

HOUSE OF REPRESENTATIVES,

TOM LANTOS HUMAN RIGHTS COMMISSION,

*Washington, D.C.*

The Commission met, pursuant to call, at 1:30, p.m., in Room 2172, Rayburn House Office Building, Hon. James P. McGovern [co chairman of the Commission] presiding.

Present: Representative McGovern, Representative Pitts, Representative Collins

Staff Present: Soo Choi, Democratic Fellow; Kimberly Stanton, Lead Democratic Fellow; Dan Hall, Democratic Fellow; Carson Middleton, Republican Staff Director.

Mr. McGOVERN. Good afternoon, and welcome to the Tom Lantos Human Rights Commission's hearing on "The Human Rights of Stateless People."

I would like to begin by welcoming our witnesses. Thank you for your hard work in shining a spotlight on the issue of statelessness and protecting stateless populations. I would also like to thank the staff of the Commission for organizing this important hearing.

We are here today to discuss statelessness, a human rights problem that is relatively unknown, but has a devastating impact on people's lives in dozens of countries around the world. Today, over 10 million people are stateless, which means that they are living without any nationality or citizenship. They are neither refugees, nor migrants, but people who are not recognized by any state as a national under the operation of its laws.

Stateless people suffer because nationality is the right to have rights. It is a precondition for enjoying the full range of basic human rights. Many stateless people are unable to access basic services, go to school, work legally, register births, marriages, or deaths, travel freely, own property or vote. For these reasons, they are also especially vulnerable to arbitrary treatment, exploitation, and labor and sex trafficking. Ending statelessness could help reduce many other human rights violations.

The first step in solving the problem of statelessness is recognizing and understanding it. This is the first goal of today's hearing. There are many reasons why statelessness occurs. Some cases originate from racial, ethnic, and religious discrimination and nationality laws, such as the Rohingya in Burma, Dominicans of Haitian descent, and Bedoon from Kuwait, and the Hill Tribe people from Thailand.

Gender discrimination in birth registration is an issue in over 25 countries, including Syria. As a result, many Syrian children who have lost their fathers in the ongoing armed conflict are at risk of being stateless.

I am also alarmed that recently some Gulf states, including Kuwait and Bahrain, have punished political dissidents by taking away their citizenship.

I look forward to learning from our expert witnesses about these varying causes of statelessness and their consequences.

Our second goal today is to discuss the actions that can and should be taken to end statelessness. I look forward to hearing about what the United States and the international community have done to protect stateless people and eradicate statelessness and what more we should do to help. I strongly believe that solutions to this human rights problem are within a closer reach than some of others that we examine in this Commission.

And having said that, it is now my honor to turn this over to the co chair, Congressman Joe Pitts.

[The statement of Mr. McGovern follows:]

**Prepared Statement of Rep. James P. McGovern:**

Good afternoon, and welcome to the Tom Lantos Human Rights Commission's hearing on The Human Rights of Stateless People. I would like to begin by welcoming our witnesses – thank you for your hard work in shining a spotlight on the issue of statelessness and protecting stateless populations. I would also like to thank the staff of the Commission for organizing this important hearing.

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Mr. PITTS. Thank you. Thank you, Mr. Chairman.

And welcome to Doug Collins, Commissioner.

Thank you for holding this important hearing on the rights of stateless people. And I would like to thank Mr. Henshaw, our panelists, and distinguished guests for coming to testify on this important topic.

By some estimates, 10 million people are stateless across the globe. For perspective, there are an estimated 30 million human trafficking victims in the world. This is not a small issue, but rather one that represents a substantial amount of human rights disparities between people and is one of increasing significance.

Statelessness can result from negligence, marginalization, or targeted discrimination by the state. No matter its cause, statelessness results in decreased human rights outcomes for its victims. It can be a primary violation of human rights when states actively revoke the citizenship rights of individuals or groups of peoples.

It can also come about as a secondary, downstream violation stemming from other human rights violations, as in the case of refugees, resulting from conflicts, human trafficking, and forced labor cases, or in cases where ethnic or religious groups are marginalized by the state.

In opposing statelessness and addressing the grievances of victims, governments around the world can also gather information relating to other global human rights violations. Given the deteriorating environment for so many human rights conditions around the world, our government must continue to focus efforts on observing and combatting practices that contribute to its manifestation.

I am also concerned by the increasing use of proactive and sometimes sophisticated measures by some governments in taking away the citizenship rights of its own people. We have witnessed proactive participation or complicity by some states in fostering statelessness, such as campaigns by the Government of North Korea in trafficking its own people to countries in the Arab Gulf for forced labor.

My distinguished co-chair and I have brought to light the actions of the Burmese Government in actively denying the citizenship rights of 800,000 of its own people, the Rohingya people. The Rohingya people have suffered from obvious discrimination and persecution by its government, but less known are the ensuing violations of rights that stem from their statelessness. They suffer severe legal, economic, and social discrimination, including restrictions on travel outside their village of residence, limitations on their access to higher education, and a prohibition from working in certain sectors of their economy.

Our government must prioritize the removal of state-sanctioned discriminatory policies by foreign states, and Co-Chairman McGovern and I will continue to work to

bring the plight of stateless people around the globe to the attention of the international community.

So, again, I thank you, Mr. Chairman, for holding this important hearing. I look forward to working with NGOs and our own State Department in combating the practices that cultivate this violation of the basic human rights of so many. And with that, I yield back.



Mr. McGOVERN. Mr. Collins, do you want to open?

Mr. COLLINS. Thank you.

Mr. McGOVERN. Okay. Then we will go right to the panel. With that, I would like to introduce our administration witness. I am pleased to welcome Mr. Simon Henshaw, Principal Deputy Assistant Secretary of the State Department's Bureau of Population, Refugees, and Migration. In full disclosure, I have known Simon for a long, long time. When I was an aide to Congressman Joe Moakley from Massachusetts we spent a lot of time in El Salvador, and Simon was with the State Department and down there as well. And we appreciate his years of service to our country.

And you may begin.

STATEMENT OF MR. SIMON HENSHAW, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, DEPARTMENT OF STATE

STATEMENT OF SIMON HENSHAW

Mr. HENSHAW. Thank you very much, Chairman McGovern, Chairman Pitts, Congressman Collins. Thank you for holding this important hearing on the issue of statelessness around the world. And thank you very much for your statements, which I think encapsulize the issues that we are facing.

There are at least 10 million stateless persons around the world, people whom no government recognize as a citizen. Over one third of the stateless are children. And I believe that many Americans do not understand the plight of the stateless people because we rarely encounter it ourselves in the U.S. Children born overseas to American parents and anyone born in the United States have a right to U.S. citizenship. But this doesn't happen in so many other countries around the world. Other countries do not give automatic citizenship to those born within their borders.

While many situations of statelessness result from gaps in nationality laws, too often statelessness results from discrimination. Without citizenship, stateless people suffer in many different ways throughout their lives and then often see their lack of legal status and all the indignities that accompany that passed along to their children. They often face barriers to schooling, health care, social services, and lawful employment, and miss out on the legal protections that come from being a citizen. When they have children, their children's births go unregistered. Moreover, stateless persons often lack passports, driver's licenses, and other identity documents that would facilitate their freedom of movement.

Without documentation and legal status stateless persons, especially women and children, face a heightened risk of family separation, arbitrary arrest and detention, trafficking, sexual and physical violence, and other forms of exploitation and abuse. We want to stop needless suffering and indignity. Seeing individuals stripped of rights and protections, branded as outcasts, and not recognized as equal in dignity and rights clashes with our core values as Americans. So does the notion that children inherit this unfair status and pass it on to their children. We believe that all people are created equal. U.S. Supreme Court Justice Earl Warren's 1958 decision in *Trop v. Dulles* stated that denationalization is a form of punishment more primitive than torture, for it destroys for the individual the political existence that was for centuries in the development. The punishment strips the citizen of his status in the national and international political community. His very existence is at the sufferance of the country in which he happens to find himself.

What is the U.S. Government doing? We support the U.N. High Commission for Refugees' mandate to prevent and reduce statelessness and to protect stateless persons.

We believe that UNHCR plays a constructive role in assisting governments to resolve issues of statelessness around the world. The United States is the largest single donor to UNHCR, providing over \$1.2 billion to UNHCR in fiscal year 2014. These contributions to UNHCR's core budget help fund its efforts to address statelessness.

We use diplomacy to mobilize other governments to prevent and resolve situations that leave people stateless. For example, we advocate reforms to address statelessness in the Human Rights Council when it meets in Geneva, through the Universal Periodic Reviews and other treaty bodies, and we encourage other governments to support us in these efforts.

We also use bilateral diplomacy to advocate directly with government where stateless persons reside. For example, I have traveled to the Dominican Republic, the Bahamas, and Haiti to meet with government officials and international organizations and discussed the serious risks of statelessness faced by tens of thousands of persons of Haitian descent.

We support UNHCR and the International Organization For Migration to assist Haitians and Dominicans of Haitian descent born in the DR with basic services, including assistance for refugees, documentation services for persons at risk of statelessness, and other services for vulnerable migrants. Similarly, PRM Assistant Secretary Richard traveled to Burma and Bangladesh this January to discuss the plight of stateless Rohingya. Even though Rohingya have lived in the Rakhine State, Burma, for generations, they are rendered stateless by Burma's 1982 Citizenship Law. Nearly 140,000 have lived in displacement camps in the Rakhine State since the 2012 intercommunal violence and up to 500,000 reside in Cox's Bazar, Bangladesh. Many more have sought refuge in other countries throughout the region.

Assistant Secretary Richard's visit to Rakhine State focused on concerns that are not only humanitarian issues, but also structural human rights issues requiring a long term political solution and resolution of their legal status. Rohingyans suffer from continued segregation and restrictions on their movement and remain marginalized, deprived of basic services and access to livelihood. Institutional discrimination perpetrates an environment of fear and insecurity among the Rohingya and give them little hope for their future.

My colleagues in the PRM Bureau have met with activists concerned about statelessness in the Gulf. Many of the activists are Kuwaiti women speaking out in support of Bedoon, a stateless population of over 100,000 people living in Kuwait and elsewhere in the Gulf. The Bedoon, the Rohingya, and other stateless communities are marginalized populations who become much more so because of their lack of nationality. But statelessness is not caused only by religious or ethnic discrimination. Discrimination against women in nationality laws is also a significant cause of statelessness and it affects entire families. Indeed, gender discrimination in nationality laws is an important cause of statelessness. In 27 countries around the world women do not have the same rights as men to confer nationality to their children. So if a woman gives birth and the child's

father is absent the baby may be denied the mother's citizenship, leaving the child with no citizenship at all and creating a new generation of stateless persons.

This has happened to thousands of Syrian refugee children and internally displaced persons born without documentation and without fathers present to help secure their nationality. This war has torn families apart. Men have been killed, injured, or detained. They have gone off to fight or gone to check on relatives or property and not returned. Children born of rape and those lacking official documents are frequently left stateless.

This phenomenon has grave implications for countries in conflict such as Syria and Iraq and in refugees and IDP host communities. Nonetheless, the laws in Jordan, Lebanon, and Syria require a father to be present at birth for a baby to be granted citizenship. In Lebanon, Lebanese women have no right to pass on their citizenship to their children no matter what the status of the child's father. And as a result these children who have already faced unspeakable violence and who will have difficulty attending school also face a new and profound challenge of having no way to prove their nationality.

In 2011 the U.S. Government launched the Women's Nationality Initiative. Its goal is to get countries to change nationality laws that discriminate against women because these laws are a major cause of statelessness.

As part of this initiative, the United States put forward a resolution on the right to a nationality with a focus on women and children in the 20th session of the U.N. Human Rights Council in 2012. In addition to guaranteeing women an equal right to nationality, this resolution includes women's rights to acquire and retain nationality and transmit it to their children on an equal basis with men. Forty nine governments cosponsored the resolution and it passed by consensus, a significant achievement.

This effort is picking up momentum. Earlier this month at 59th Commission on the Status of Women in New York, Assistant Secretary Richard chaired a high level event on equal nationality rights that drew a standing room only crowd and strong statements of support from a diverse panel of government representatives.

PRM is pleased to support the Global Campaign for Equal Nationality Rights, an advocacy campaign launched last year by a collation including UNHCR, U.N. Women, the Women's Refugee Commission, and other NGOs.

In conclusion, we applaud UNHCR for launching its Global Campaign to End Statelessness over the next 10 years. This campaign is ambitious, but it should be achievable if each of us as citizens, leaders, advocates, government officials pledge to engage and to push for needed reforms. Statelessness is a problem that can be fixed with a reasonable dose of political will and a little bit of technical assistance.

It is a solvable problem. Already we have seen instances where countries ended this type of discrimination. For instance, in Bangladesh in 2008 a high court ruling recognized 300,000 Urdu speakers as citizens. And in Cote d'Ivoire in 2013 amendments to legislation allowed long term stateless residents to acquire nationality. That legal reform enabled many of the 700,000 stateless persons in Cote d'Ivoire to become citizens.

UNHCR tells us that since 2003 over 4 million stateless persons have acquired a nationality and over the past 10 years 12 countries have reformed their nationality laws to remove discrimination against women.

With enough political will, this problem can be resolved. And in fact, statelessness can be ended in our lifetimes. I look forward to working with Members of Congress to do our part to make that happen. Thank you very much.

Mr. McGOVERN. Well, thank you very much for your testimony.

Mr. McGOVERN. And I think for the record I just want to read from the Universal Declaration of Human Rights, Article 15, which states that "everyone has the right to a nationality; no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." And I think that is one of the more powerful items in the Universal Declaration of Human Rights that, unfortunately, it seems that a lot of countries around the world are ignoring.

You mentioned the Dominican Republic and the situation between the Dominican Republic and Haitians. I was just in Haiti and in the Dominican Republic a few weeks ago with Minority Leader Pelosi and a delegation that she led, and this issue about Haitians in the Dominican Republic was brought up quite a lot, both in Haiti and in the Dominican Republic. You mentioned that you had traveled to the Dominican Republic. One of the concerns that was raised to us is that while everybody in the United States seems to say that they are sympathetic to the plight of the Haitians in the Dominican Republic, that we are not saying it publicly enough to put enough pressure on the Dominican Government or the powers that be in the Dominican Republic to kind of help resolve this issue. And I understand that some of the fault lies with the Haitian Government as well in terms of producing documentation and other such materials for a number of these people.

But I am curious if you can kind of tell us a little bit more about what the U.S. is doing to try to resolve the issue with regard to Haitians in the Dominican Republic.

Mr. HENSHAW. Happily. In fact, along with Assistant Secretary Malinowski, I met last week with the Dominican Foreign Minister, and we reiterated the importance of his government taking steps to solve this issue. We highlighted the importance of not ending up in a situation where massive deportations were likely to take place.

As you know, there was a court decision in the Dominican Republic in which a large number of people of Haitian of descent were found not to have citizenship even though previously they had Dominican citizenship. I believe that the present administration in the Dominican Republic is committed to solving this problem, and they came out with a plan in which they would move towards reestablishing citizenship for one group of people who had lost it and then setting up a path to citizenship for a second group of people of Haitian descent.

Unfortunately, that plan has not moved very quickly and its time is running out on June 15. So we have made it very clear again and again to the government that we think it is important that they take steps to both get this program running in time and to take steps after the June 15 deadline so that people of Haitian descent still have an opportunity to register.

Mr. McGOVERN. So do we have any kind of assurance from the Dominican Government that there won't be a massive deportation, if you will, or expulsion? A lot of people we are talking about are Haitians that were born in the Dominican Republic.

Mr. HENSHAW. Right.

Mr. McGOVERN. Do we have any assurance that what everybody's fears are won't happen?

Mr. HENSHAW. We have assurances that they will move forward and make this program work. The lack of progress so far gives me slight pause, but I do take the word of President Medina's staff. I do take them at their word and believe that they are committed to moving forward and avoiding that kind of situation.

Mr. McGOVERN. We met with President Medina and he gave us assurances and said he was obviously focused on this issue. But one of the concerns that some of us have is that this has become somewhat of a political football in the Dominican Republic. There was a report of a Haitian that was lynched that got quite a bit of press down there. And while the politics of this is all heating up, there are people whose lives are in the balance.

So we appreciate anything that the State Department can do to continue to keep pressure on both the Dominican Government and the Haitian Government to help make sure that these people whose lives are in the balance are protected and they get the nationality that they are entitled to. Along the way, if there are things that you can do to help keep us informed on that, we would be very grateful.

You mentioned the Rohingya in Burma. We are obviously very concerned about that as well. And, again, you touched on it, but any elaboration on your analysis of the recent situation in Burma would be helpful.

Burma recently announced that all white cards, which serve as identity documents and acknowledge temporary residence for more than 1 million Rohingya, will be revoked at the end of May. In addition, Rohingya will be permitted to apply for citizenship, but only if they identify as Bengali, which they are not.

So how is the U.S. engaging with Burma on these issues? And is there any cause for optimism?

Mr. HENSHAW. Assistant Secretary Richard was in Burma just a couple months ago and this was her primary reason for visiting. She was there, again, with Assistant Secretary Malinowski, so two senior U.S. Government officials out there, making it clear that we would like to see progress in the area in the case of the Rohingya in Burma. On the white cards, I am aware that the Burmese Government has rescinded the white cards from the Rohingya population. We have been on record many times with our concerns regarding the restrictions that affect members of the Rohingya population, and steps that deny the rights of white card holders would run counter to the Burmese commitment to reconciliation. So it is our intention to continue to press them on that issue.

Mr. McGOVERN. And let me ask you a question about Syria. I am sorry to be going from country to country to country, but this seems to be a problem in so many parts of the world, sad to say. Can you give us PRM's analysis of statelessness in Syria and explain to us how do stateless people differ from Syrian refugees or the internally displaced, which is also another major problem in Syria? Are there significant differences in assisting stateless people, refugees, and the internally displaced? And does statelessness affect the delivery of humanitarian assistance?

Mr. HENSHAW. Statelessness people are generally not refugees because they are still within the border of the country in which they were born. The difficulty is that they do not have the nationality of the state in which they are born. They can be internally displaced persons, however, just like any other. So if we use Syria for an example, Syrians who were already stateless before the war could be internally displaced by the war or a few of them could make it across the border and become a refugee, though that has not happened in large numbers.

The problem since the war broke out with new cases of statelessness are in the birth of children both inside Syria and in the countries to which refugees have gone to in that discriminatory laws that require the father's presence make it difficult for mothers in many cases to establish citizenship for their children. So you have a Syrian mother who flees to Lebanon, she is pregnant, with some children, they all have documents. The father doesn't come with them. When the child is born she is unable to establish citizenship. So we have a growing class of stateless persons.

Your last question was on whether or not it affects the deliverance of humanitarian aid. No, it should not affect the deliverance of humanitarian aid. We make humanitarian aid available to anybody that needs it, whether or not they are labeled statelessness or not.

Mr. McGOVERN. Let me just say, I mentioned in my opening statement that some of us are increasingly alarmed that some Gulf states, including our allies, like Kuwait and Bahrain, have punished political dissidents by taking away their citizenship, and this is becoming more and more of a pronounced problem. I am just curious, what is our response to that? Are we putting any pressure on those governments to cease doing that?

Mr. HENSHAW. It is our position that citizenship should not be taken away from people for political reasons, and we are engaged in conversations with those governments, letting them know of our opinion.

Mr. McGOVERN. And I will just close with this and I will turn it over to Mr. Pitts. But, I mean, these two countries in particular, Kuwait and Bahrain, we have very strong ties with them, and we have a military cooperation agreement with them and we have strong economic ties. It would seem to me that with regard to these countries at least that we should be able to exert a lot more leverage.



And I am particularly concerned about the situation in Bahrain where the human rights situation in general continues to deteriorate. And this is just kind of the latest illustration of how that is deteriorating. And I would urge the administration. And if there are things that we can do here in Congress to help reinforce your message to these and other countries, please let us know. We would be happy to work with you.

Mr. HENSHAW. Thank you for that.

Mr. McGOVERN. Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman.

If we could continue there with the Gulf states, what is the magnitude of this problem with Bahrain and Kuwait and the UAE and Saudi Arabia? Can you elaborate on that? And what happens after political dissidents lose their citizenship? Can you expound on that?

Mr. HENSHAW. Yeah, I am just seeing if I have any numbers. I may have to get back to you on that. Yeah, we are talking about dozens of cases. And I am sorry, the second part of your question, sir?

Mr. PITTS. Well, what happens after political dissidents lose their citizenship?

Mr. HENSHAW. Well, they become statelessness. So they are not able to vote, they are not able to receive benefits, in many cases they are unable to work.

Mr. PITTS. And what is PRM doing to protect these people? What kind of leverage do we have with these states?

Mr. HENSHAW. At this point it is fairly early in the process, so we have reached out and begun a number of conversations with those states and have let them know what our position is.

Mr. PITTS. Do we urge them to amend their laws to permit the revocation of citizenship for political reasons?

Mr. HENSHAW. We have let them know that it is the U.S. Government's position that citizenship should not be withheld in cases of political dissent. But I cannot tell you to that degree whether or not we have specifically urged them to change their laws.

Mr. PITTS. Let's move on to the Rohingya again. How does pressing for Rohingya citizenship in Burma play a role in a larger atrocity prevention strategy? Maybe you can explain a little bit, what is the relationship, if any, between statelessness and mass killings or genocide?

Mr. HENSHAW. Generally, there is not a direct relationship that I could point to looking at it globally, but there are certainly many cases, and the Rohingya is one good case, in which the reasons that Rohingya are statelessness has to deal with discrimination and prejudice against that group, which also manifests itself in violence.

Mr. PITTS. Okay. And what is the relationship between or links between statelessness and human trafficking?

Mr. HENSHAW. We have done some studies on that in particular, sir, and while there is no direct relationship, the causes that lead people to be victims of trafficking are very much existent in groups of statelessness people. If I could just give you an example I might be more clear. Poverty and other types of issues that face statelessness contribute to trafficking, and so does the lack of documents, for instance. A good example would be a person who doesn't have documents in a country might not be permitted to travel internally, might go to the capital seeking work. And in that case, because they are not properly documented and working illegally, they are more likely to be subject to trafficking. And there are plenty of cases of that.

Mr. PITTS. Do you have any recommendations for us in Congress, any suggestions with regard to actions that Congress might take on the issue? Are there tools that you need in your toolkit that we could pass?

Mr. HENSHAW. Sir, the one thing I would suggest is that we work together to shine a spotlight on statelessness. When Congressmen travel abroad to countries in which statelessness is an issue, if they could raise that issue with governments publicly as appropriate, so that people both in government and in the public are more aware of the instances and the results of statelessness. And I think also supporting UNHCR in its current 10 year plan to eliminate statelessness is something else we should all be doing.

Mr. PITTS. Thank you, Mr. Chairman.

Mr. McGOVERN. Mr. Collins.

Mr. COLLINS. Thank you, Mr. Chairman. I appreciate the testimony. I just have some just basic questions. I mean, we have been moving all around a lot of this. The first, and we are in a room probably full of folks who understand this, but if somebody were watching this or thinking about it, explain the real difference between the refugee situation leading to statelessness or, two, where a stateless person is different than refugees and vice versa, maybe elaborating a little bit on that for me.

Mr. HENSHAW. Sure. A refugee is someone that has fled war or violence or discrimination for political reasons across a border into another country. Stateless persons can be part of that population, but in general statelessness people are not crossing borders, they are people within their own country who have not been given nationality

rights. So statelessness people are not refugees and refugees are not stateless, but those two populations can be mixed and in individual cases they can be one and the same.

Mr. COLLINS. And in some ways wouldn't there be an agreement also that the refugee status, especially what we are seeing in Syria and other places, leads to statelessness given the requirements of a birth father or the marriage record and other things, especially what we are seeing in the Middle East in particular?

Mr. HENSHAW. Yeah. In the Middle East of course there are plenty of examples where fathers are present when a child is born, and there are places where mothers are allowed to register the birth, but there are a large number of cases, and it is growing, where because of discriminatory laws against women, children are being born without nationality papers.

Mr. COLLINS. Does Lebanon seem to be better than Jordan in that regard especially, with the two Syrian populations?

Mr. HENSHAW. Lebanon has particular discriminatory laws against women when it comes to birth.

Mr. COLLINS. One last question, because I am curious as to just what is the position right now of the PRM or the U.S. Government concerning the two legal sort of treaties out there which we are not member states of, the 1954 and the 1961 conventions. What is our relationship to those right now?

Mr. HENSHAW. Right. We are party to the International Covenant on Civil and Political Rights, Article 24 of which states that every child has the right to nationality. We are not party to either of those conventions. There are differences between those conventions and our own national law which we cannot reconcile, and those two treaties do not give room for reservations. So we have been unable to sign on to them.

I could give two examples that would be helpful. In the United States you have the right to give up nationality, to renounce nationality if so wish to do so. Under these treaties, you are not allowed to do that if it leads to statelessness.

Another example is the United States holds the right to, if someone illegally enters our country, to send them out of our country, if though they are stateless. The conventions say that no one should be subject to that.

Mr. COLLINS. Thank you for your work and I appreciate what you do in bringing it to light.

Mr. Chairman, I yield back.

Mr. McGOVERN. Thank you very much.

We appreciate you being here today. And, again, I will just follow up on what Mr. Pitts said. I mean, any suggestions that the administration has on how we can be helpful and better shining a light on this issue or helping resolve this issue. The problem with people who are stateless is that they are basically are in limo, they have no rights, they have no ways to protect themselves because they have no standing in the places where they are living. And I think it is a very disturbing trend where people are just kind of left alone with no support and no opportunity to get support for anything that might be done against them.

And I think one of the things that I think is important for people to remember is that I think you probably could expect this to be an issue in countries that they are in conflict, that have wars going on, but we see it in countries that are not at war, that our are allies, that are our friends, places where we go to vacation. And we need to work with those countries to help them resolve this because nobody should be stateless. The Universal Declaration of Human Rights is very clear on this.

I have talked to people who are, quote, "stateless," and I think what is frustrating to them is that nobody seems to be able to have any concrete suggestions on how they can be helped. We all say it is wrong, but obviously the pressure that we are bringing to bear on some of these governments, including our allies, has not been enough. So if there are things that we can do that you think, either legislatively or in terms of hearings or briefings, then we would certainly welcome that.

Mr. HENSHAW. Okay. Thank you so much for the time.

Mr. McGOVERN. Thank you.

Mr. HENSHAW. And good to catch up with you again.

Mr. McGOVERN. Nice to see you.

Mr. HENSHAW. Thanks.

Mr. McGOVERN. Now we are going to call our second panel. I am very pleased to welcome the members of our second panel, Ms. Jana Mason from the United Nations High Commissioner for Refugees; Ms. Julia Harrington Reddy from Open Society Justice Initiative; and Ms. Sarnata Reynolds from Refugees International. And I would like to formally submit written testimonies of all of the witnesses into the hearing record.

Ms. Mason, we will begin with you.

STATEMENTS OF MS. JANA MASON, SENIOR ADVISOR, U.S. GOVERNMENT RELATIONS AND EXTERNAL AFFAIRS, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES; MS. JULIA HARRINGTON REDDY, SENIOR LEGAL OFFICER, EQUALITY AND CITIZENSHIP, OPEN SOCIETY JUSTICE INITIATIVE; AND MS. SARNATA REYNOLDS, SENIOR ADVISOR ON HUMAN RIGHTS, REFUGEES INTERNATIONAL

#### STATEMENT OF JANA MASON

Ms. MASON. Thank you very much, Mr. Chairman and members of the Commission. And I have to say once again we see this Commission at the forefront of an issue that is not really getting a lot of attention by either policymakers or the public at large.

The issue of statelessness is one that is not very easy to explain. You can't really say it in your standard elevator speech, especially since there are so many ways that someone can become stateless. And it is challenging to create a state of urgency for something that is often invisible and that at first blush often looks like just a technical glitch that doesn't take much effort to fix.

Even for those of us that work in UNHCR, myself included, it is sometimes difficult to understand, to fully understand this issue, and to understand how compelling it is, particularly compared to a lot of the refugee crises and other emergencies that we work with on a daily basis. But once you really learn about this issue and you start to understand the depth of the hopelessness that stateless people have and the fact that they are robbed of their very identity, then it really gets in your blood, just like refugee issues, and then you want to tell the whole world about stateless issues. So, again, thank you for giving us a chance to tell this story.

DAS Henshaw already introduced the main issues confronting stateless people and did a very good overview. So I am going to focus my remarks chiefly on what UNHCR is doing with respect to this issue.

So to emphasize a few main points that have already been mentioned, an estimated 10 million people in the world are considered stateless. Again, it is an estimate because this is largely invisible. This number doesn't include, just to go to one of the issues we were just discussing, it doesn't include stateless refugees, such as the Rohingya, that have been discussed. Obviously, these populations can overlap, there are stateless refugees, there are many people who are stateless for reasons having nothing to with forced displacement. But the Rohingya and others are not counted in that 10 million. There are currently 20 major nonrefugee stateless populations around the globe, and we will be discussing a few of them today.

Statelessness impacts people in all regions of the world. It occurs because of a bewildering number of reasons. Over one third of the world's stateless persons are children. And, in fact, a new child is born stateless every 10 minutes. And it is

particularly heartwrenching in terms of children, because the lack of a nationality makes them vulnerable to a lot of the human rights violations that have been mentioned, illegal adoption, child labor, forced conscription, trafficking, and detention. And children who are born as a result of sexual and gender based violence are at particular risk of statelessness in many parts of the world where only fathers can pass on nationality. UNHCR has a mandate from the General Assembly to identify and protect stateless persons and to prevent and reduce statelessness in the future. We do this through many means, largely through advocacy and awareness raising, like we are doing now, through technical advice to governments and technical assistance, and through operational support to governments, course civil society, and stateless individuals themselves. Just four months ago, as was mentioned, and I am very grateful for all the great mention of this, we launched a 10 year campaign and an action plan to end statelessness in the next 10 years. Some of the photos on display around the room were commissioned for the launch of that campaign.

We launched the campaign after already seeing a building momentum over the last few years to really tackle this issue and some particular success. Our campaign is supported by a global action plan that is comprised of 10 actions, 10 specific actions that governments can undertake with the support of UNHCR and civil society to reduce and eliminate statelessness. We were also undertaking a major public awareness campaign known as I Belong. You can learn more about that at [ibelong.unhcr.org](http://ibelong.unhcr.org). So I would now like to elaborate briefly on just 3 of the 10 action plans. Again, there are 10; I am going to discuss 3.

Action 1 is resolving existing situations of statelessness, because if we want to truly end statelessness in 10 years priority has to be given to resolving the serious, protracted situations in the world. In too many instances families endured generations of statelessness even though they have longstanding ties to the community and to the country. For example, more than 2 decades after the disintegration of the Soviet Union, over 600,000 people remain stateless. Another major example is the Rohingya that has already been discussed. And these are only two examples.

But while the magnitude and duration of these situations are daunting, history has shown us that sometimes solutions are achieved through rather simple, cost effective legislative reforms. Sometimes it takes a court decision, sometimes just a simple legislative fix. So just a few examples.

In 2007 Brazil reformed its constitution to resolve the statelessness of an estimated 200,000 children born abroad since 1994.

Also in 2007, Kyrgyzstan adopted a new citizenship law to establish that former Soviet citizens residing in the country are considered nationals, and this has already benefitted more than over 65,000 people.

In 2008, a high court decision in Bangladesh recognized 300,000 Urdu speaking Biharis in the country as Bangladeshi nationals. They had been denied citizenship by the government when the country achieved its independence in 1971.

Significant reductions in statelessness have also occurred in Cote d'Ivoire, in Nepal, in the Russian Federation, and most recently in Estonia. So this shows that there is government will to tackle this problem.

The second action I am going to discuss briefly, which has already been mentioned, is the need to remove gender discrimination and nationality laws. Currently, 27 countries around the world prevent mothers from granting their nationality to their children on an equal basis as fathers, and over 60 countries do not allow women to acquire, change, or retain their nationality on an equal basis as men.

We have, however, seen some progress in this area as well. In the last 10 years, 12 countries have reformed their laws to allow mothers to confer nationality on children. But despite these developments, we are increasingly concerned with the impact that gender discriminatory laws have on women and their children, and that includes those born within the Syrian refugee crisis. One fourth of all Syrian refugee families are now headed by women alone because the men are often killed or forcibly separated from their families. Since Syrian children acquire nationality exclusively through fathers, this is a recipe for statelessness, especially if the births can't be registered, and DAS Henshaw discussed that as well.

Syria is not alone with respect to such nationality laws, either within the Middle East region or globally. And this situation demands heightened attention from the international community. And in that respect we do want to acknowledge and express our gratitude for the U.S. as a lead supporter in the Global Campaign to End Gender Discrimination in Nationality Laws.

The third action of the 10 actions I want to mention is a need to ensure birth registration for the prevention of statelessness. As discussed earlier, the emergency in Syria and the related emergency in Iraq have both created massive risks of statelessness. With so many governments concerned with the turmoil in the region, understandably maybe, very few of them prioritizing issues of legal documentation or statelessness. But this we believe is precisely the moment when action is needed to prevent an entire generation of stateless children.

Civil registration systems no longer function in large regions that are held by ISIL and other militant groups in both Syria and Iraq. The situation leaves families who are trapped in these areas, in addition to the horrors they are experiencing where they are, it leaves them with no means of registering new marriages and births. And internally displaced persons from these regions often flee, either within the country or across borders, with no documents. These documents are often destroyed or confiscated by the militia. So they have no means to replace them, because there is no centralized civil registration database.



And in addition to having no identity documents, therefore, they can't register any subsequent marriages or births. Also, because over half of Syria's hospitals have been destroyed, women are not only giving birth in dire conditions, but they also doesn't receive the documents that they need to be issued a birth certificate.

In response, UNHCR is promoting the timely registration of all Syrian births. We and our partners are providing information and legal assistance to Syrians both inside Syria and in the countries in the region. And I will say a number of host countries, particularly Lebanon and Jordan, are taking positive steps to remove obstacles to birth registration.

I do want to say a few words briefly about the particular situations of statelessness in the Americas region, including the Caribbean and the U.S. During the launch of our 10 year campaign, our High Commissioner noted that the Americas is poised to be the first region to truly eradicate statelessness. In fact, we are encouraged that we have seen many positive developments in the Americas in just the first few months of the campaign. And my written statement enumerates a few of those positive things we have seen in the Americas.

But these positive practices can't overshadow the serious risk of statelessness that persists in certain pockets of the Americas. For example, as has been discussed, we continue to be concerned about the serious risk of statelessness facing persons of Haitian descent in the northern Caribbean. In the Dominican Republic, the 2013 court ruling that has been discussed stripped many Dominicans, the vast majority of whom are of Haitian descent, of their nationality. And while the government has provided legal avenues to restore that nationality. Most of the affected people remain without a solution.

I would also be remiss at this hearing if I didn't point out concerns regarding statelessness here in the United States. Perhaps surprisingly to some people, there are at least 4,000 stateless people who live in the U.S. We documented the situation in a 2012 report "Citizens of Nowhere," and we found in that report that stateless individuals in the U.S. face a lot of the same obstacles and human rights concerns as stateless people elsewhere in the world.

In 2011, the U.S. Government pledged to take meaningful action to resolve the situation, and key congressional lawmakers have proposed legislative fixes, none that have been adopted so far, but there are fixes that have been introduced. So we look forward to continued progress on those efforts, and in the meantime we support any actions that the U.S. Government can take to reduce the administrative hardships that stateless individuals in the U.S. face.

But globally, as I said, the U.S. is a leader in the effort to end statelessness, and we welcome further engagement and leadership, particularly on issues related to gender discrimination, birth registration, and protracted situations.

So in conclusion, I just want to say that for those of us that work in the humanitarian field and for those, like members of the Commission, that work on human rights issues, a lot of the issues we face almost seem hopeless, they have no end in sight. For the Syria conflict and a lot of other displacements conflicts around the world, it is not likely that they will be resolved any time soon.

But this issue, the issue of reducing statelessness and eliminating it for future generations, is within our grasp. It can happen. It won't be easy, but it won't require billions of dollars and it won't require boots on the ground. It only requires the political will of governments and the support of agencies like mine and the NGOs on this panel and other partners who stand ready and willing to assist. We believe together that we can solve statelessness for 10 million people around the world and prevent it from happening to anybody else, and we think the time to do it is now. So thank you.

Mr. McGOVERN. Thank you very much.

[The statement of Ms. Mason follows:]

#### **Prepared Statement of Jana Mason**

##### Introduction

Mr. Chairman and members of the Commission, on behalf of the Office of the United Nations High Commissioner for Refugees (UNHCR) I would like to express our appreciation for the opportunity to appear before you today to address UNHCR's continuing concerns about the human rights of stateless people. My name is Jana Mason, and I am the senior advisor for external relations and government affairs in UNHCR's regional office in Washington, D.C., a position that I have held since 2008. During my tenure, I have repeatedly seen the critical role of the Commission in shedding light on numerous human rights and humanitarian crises. Our office has enjoyed an excellent working relationship with the Commission, and we look forward to continued collaboration.

For UNHCR, statelessness is an issue of paramount concern. An estimated 10 million people in the world do not have claim to nationality or citizenship of any state and are considered "stateless" as a result of exclusionary nationality laws or other factors (and this figure does not include persons who are both stateless and refugees). One child is born stateless every 10 minutes. Indeed, over a third of the world's stateless are children, whose lack of nationality makes them targets for illegal adoption, child labor, conscription, trafficking and detention. Children born from sexual and gender-based violence are at particular risk of statelessness in many parts of the world where only fathers can pass on nationality. Destitute stateless populations are also vulnerable to violent conflict and in some contexts have been forcibly displaced—either within the borders of their countries or across international borders—creating refugee crises and general instability.

Statelessness is a global human rights problem often resulting from discrimination based on ethnicity, religion and gender. Statelessness impacts people in all regions of the world, including the former Yugoslavia and Soviet Union, the Dominican Republic, Côte d'Ivoire, and Myanmar. Statelessness can lead to a life without basic rights such as education, medical care, or legal employment.

The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness are key legal instruments in the protection of stateless people around the world and in the prevention and reduction of statelessness. While they are complemented by regional treaty

standards and international human rights law, the two statelessness conventions are the only global conventions of their kind.

UNHCR has a mandate to identify and protect stateless persons and to prevent and reduce statelessness, given to it by the UN General Assembly through a series of resolutions in 1994. Twenty years earlier, the Assembly had asked UNHCR to provide assistance to individuals under the 1961 Convention on the Reduction of Statelessness. UNHCR's governing Executive Committee provided guidance on how to implement this mandate in a "Conclusion on the Identification, Prevention and Reduction of Statelessness and the Protection of Stateless Persons" issued in 2006. This requires the Agency to work with Governments, other UN agencies and civil society to address the problem.

UNHCR is heartened to see increased global awareness of this dilemma and actions taken to resolve it. Through political will, it has been possible to resolve large protracted situations of statelessness, some of which are discussed below.

In November 2014, UNHCR launched a ten-year Global Campaign to End Statelessness, building on increased momentum and awareness to tackle the issue. UNHCR was pleased to see such strong support for the Global Campaign here in the Americas. On November 18<sup>th</sup> of last year, the High Commissioner, Assistant Secretary Anne Richard as well as State and civil society leaders from across the Hemisphere came together in Washington D.C. to commit to ending statelessness in ten years. The Campaign is supported by a Global Action Plan comprised of 10 actions that are to be undertaken by States with the support of UNHCR and other stakeholders. The plan's actions include resolving existing situations of statelessness; preventing new cases of statelessness from emerging; and better identifying and protecting stateless persons.

In response to our Campaign, nearly six thousand people have signed UNHCR's open letter in support of ending statelessness, available online at [ibelong.unhcr.org](http://ibelong.unhcr.org). We want to promote innovation in addressing this challenge and reach out to non-traditional sectors as partners. This includes the adoption of dedicated statelessness determination procedures that States can use to identify and protect stateless people under international standards, and supporting research to further clarify the size and needs of the stateless populations. It also involves enlisting non-traditional sectors such as universities, law schools, the private sector, and media. Preventing statelessness can also be viewed as a core development activity, given its linkage to socio-economic indicators.

I will now elaborate on a few of the 10 Actions to End Statelessness.

#### Action 1: Resolve existing situations of statelessness

If we wish to truly end statelessness in ten years, priority must be given to resolving serious, protracted statelessness situations in the world. In too many instances, families endure generations of statelessness despite having deep-rooted and longstanding ties to their communities and countries. For example, more than two decades after the disintegration of the Soviet Union, over 600,000 people remain stateless. Some 300,000 Urdu-speaking Biharis were denied citizenship by the Government of Bangladesh when the country gained its independence in 1971. A 2013 Constitutional Court ruling in the Dominican Republic led to tens of thousands of Dominicans, the vast majority of Haitian descent, being deprived of their nationality and of the rights that flowed from it. More than 800,000 Rohingya in Myanmar have been refused nationality under the 1982 citizenship law, with their freedom of movement, religion, and education severely curtailed.

While the magnitude and duration of these statelessness crises are daunting, history shows that the solutions are often achieved through rather simple, cost-effective legislative reforms. For instance, in 2007, Brazil reformed its Constitution to resolve the situation of statelessness of an estimated 200,000 children born abroad since 1994. The law also prevents new cases of statelessness. Similarly, in 2007, Kyrgyzstan adopted a new citizenship law to establish that former Soviet citizens residing in the country are considered nationals by operation of law. As a result, more than 65,000 stateless persons and persons of undetermined nationality have had acquired or had their Kyrgyz citizenship confirmed since 2009. In 2008, a High Court

decision in Bangladesh recognized the Urdu speaking Bihari population as Bangladeshi nationals. In 2013, Cote D'Ivoire amended its nationality law to allow long-term residents in the country to acquire nationality through a declaration procedure, and UNHCR is working with the Government to address challenges related to a lack of awareness of the procedure. Significant reductions in statelessness have also occurred in Nepal through a provision of the 2007 Interim Constitution and in the Russian Federation through naturalization. Most recently, amendments to the Citizenship Act adopted by the Estonian parliament in January 2015 demonstrate steps taken to resolve existing situations of statelessness and ensure no child is born stateless. These reforms now enable children born to stateless parents to acquire citizenship automatically at birth, and also ease the requirements for naturalization for those who are over 65 years of age—a change that will benefit the stateless population of 88,000, many of whom are elderly.

### Action 3: Remove gender discrimination in nationality laws

Currently, 27 countries around the world prevent mothers from conferring nationality to their children on an equal basis as fathers, and over 60 countries do not allow women to acquire, change or retain their nationality on an equal basis as men. Recently, we have seen progress in this area, with twelve countries reforming their laws in the last ten years to permit mothers to confer nationality on their children, and several States championing the cause at the recent Beijing+20 Equal Nationality Rights event in New York.

Despite these positive developments, UNHCR is increasingly concerned with the impact gender discriminatory nationality laws are having on women and their children born within the Syrian and Iraqi refugee crises. One fourth of all Syrian refugee families are now headed by women alone, as husbands and fathers are forcibly separated from families by war. Since Syrian children acquire nationality exclusively through fathers, this is a recipe for statelessness for Syrian refugee children born in exile - especially if their births cannot be registered. Unfortunately, Syria's nationality laws are not unique in this region. Twelve countries in total in the Middle East and North Africa (MENA) region do not yet grant equality to women with regard to the right to pass nationality to their children. This demands heightened attention from the international community to prevent a generation of stateless children and the accompanying stability and risks.

### Action 6: Grant protection status to stateless migrants and facilitate their naturalization

Although most stateless people remain in the country of their birth, some leave and become migrants or refugees. These stateless people comprise a minority of the global refugee population, but many are not recognized as stateless and face serious human rights problems such as prolonged or repeated detention and destitution. Currently, at least 10 countries have statelessness determination mechanisms which lead to a legal status that permits residence and guarantees the enjoyment of basic human rights and facilitated naturalization, including Mexico, the United Kingdom and recently, the Netherlands. Our goal is that many more countries will adopt such procedures. Such action can be particularly important in regions like the Americas, which do not generally produce statelessness but which may host stateless migrants.

### Action 7: Ensure birth registration for the prevention of statelessness

As discussed under Action 3, the emergencies in Syria and Iraq have created, and continue to create, massive risks of statelessness. With so many States consumed by the turmoil in the region, few are prioritizing the issues of legal documentation or statelessness. This is precisely the moment when action is needed to prevent a generation of stateless children. Civil registration systems no longer function in large regions held by ISIL and other militant groups, leaving families trapped in these areas with no means of registering new marriages and births. Internally displaced persons from these regions often flee with no documents—which are often destroyed or confiscated by militants—and have no means of replacing them as there is no centralized civil registration database. In addition to being undocumented, therefore, they also cannot register any subsequent marriages and births.

In response, UNHCR is promoting the timely registration of all refugee births, with particular emphasis on Syrian refugee children born in exile, who currently number over 115,000. In addition to facing statelessness, unregistered refugee children are at heightened risks of family separation, illegal adoption, trafficking and child labor. In partnership with governments and other agencies, UNHCR has distributed over 300,000 leaflets to Syrian refugees in Lebanon, Jordan, and Iraq to clarify the procedures to register new births, and instructional videos are also screened in camps and urban settings to reach non-literate audiences. UNHCR has partnered with civil society organizations to establish legal aid to assist refugee families in registering new births, especially when they face challenges due to the absence of prerequisite documents that were lost or destroyed while fleeing Syria. In Lebanon, for instance, over 40,000 families were counselled on birth registration procedures in 2014, with 3,000 families advised each month on how to complete the process. Legal assistance is also provided to Syrian refugee families in Lebanon, Jordan, Iraq and Egypt, including the registration of informal marriages to ensure that newborn children can receive birth certificates. Host governments are also taking vital steps. The Government of Lebanon simplified birth registration procedures for Syrian refugees by accepting a single document as proof of both parental identity and marriage. From August to December of 2014, the Government of Lebanon also invited all Syrian refugees to regularize their presence in the country without penalty, thus removing a significant challenge to birth registration for thousands of families. In Jordan, the authorities launched mobile birth registration services for all camps in 2014. These efforts, together with legal counseling and awareness-raising, resulted in an eight-fold increase in the issuance of birth certificates to children born in refugee camps in Jordan from 2013 to 2014.

UNHCR is also taking steps to address the problem of Syrian refugee children who were born—but never registered—in Syria. For instance, over 37,000 such children over the age of one are now registered with UNHCR in Jordan. This gap arises in part from the destruction of half of Syria's hospitals, which has left some 1,480 women to give birth in dire conditions each day—and also without a medical birth notification, which is needed to obtain a birth certificate. Additional hardships are posed by the loss and destruction of identity documents among internally displaced families, and the non-functioning civil registration systems in opposition-held areas. To address these concerns, UNHCR has established legal assistance for families that face difficulties in registering new births, with over 4,000 families given legal representation in 2014. UNHCR has also scaled up protection counselling to conflict-affected families in Syria on civil registration procedures, with over 20,000 persons counseled last year.

I would also like to briefly address particular situations of statelessness in the Americas region, including the U.S. and the Caribbean.

During the launch event of UNHCR's 10-Year Global Campaign to eradicate statelessness, High Commissioner Antonio Guterres announced that, "The Americas is poised to be the first region to truly eradicate statelessness." UNHCR is very encouraged to see many positive developments in the Americas in just the first few months of the Global Statelessness Campaign. For example, in December of last year, 28 countries and three territories of Latin America and the Caribbean adopted the Brazil Plan of Action, which includes a specific chapter on statelessness. The adoption of this regional Action Plan further reflects the political will that exists to bring an end to statelessness in this Hemisphere.

Since November 2014, we have also seen States in the region acceding to the Statelessness Conventions, including Argentina, Peru and El Salvador. Furthermore, The Bahamas has advanced with its Constitutional reform process to achieve gender equality in its nationality laws.

These positive practices cannot overshadow the serious risk of statelessness that persists in certain pockets of the Americas. For example, UNHCR continues to be concerned about the serious risk of statelessness facing persons of Haitian descent in the northern Caribbean. In the Dominican Republic, a 2013 ruling by the Constitutional Court stripped the nationality of tens of thousands of persons born in the country. While the Government provided legal avenues to restore nationality to certain categories of persons, the vast majority of the affected population remains without a solution. These persons are now vulnerable to a variety of human rights violations, including the risk of expulsion from their country of origin. This appears to be a growing trend in the region. For instance, in The Bahamas, efforts have been

intensified in recent months to detain and expel Bahamian-born persons without prior confirmation of whether these persons are in fact nationals of Haiti.

Surprisingly, there are at least 4,000 stateless people who live in the United States. UNHCR documented the situation of stateless persons in the United States in its December 2012 report *Citizens of Nowhere*, finding that stateless people here face similar challenges as stateless persons around the world: long-term or indefinite separation from their families and loved ones; requirements to report to immigration authorities anywhere from once per week to once per year; and the possibility of detention. In 2011, the U.S. government pledged to take meaningful action to reduce statelessness and end the plight of the stateless who live in the United States. Key congressional lawmakers have proposed legislative solutions that would allow stateless women and men to come out of the shadows and resolve their situation of statelessness. UNHCR looks forward to working with congressional champions and others to generate more awareness and support for these efforts. In the meantime, we support efforts of the U.S. government to reduce the administrative hardships facing those who lack any nationality in the United States.

### Conclusion

UNHCR's statelessness mandate has enjoyed strong support from the United States for the better part of the last decade. The U.S. has also been a lead supporter of the Global Campaign to End Gender Discrimination in Nationality Laws, which is an important and complementary effort to our broader statelessness campaign. We welcome ongoing and future support to reduce and prevent statelessness in conflict and protracted situations; prevent childhood statelessness through closing gaps in nationality legislation; and improve birth registration and civil documentation. While I have only briefly addressed the many protection and assistance needs of stateless people, UNHCR has available much more detail that I would be happy to share with you. I thank you again for the opportunity to speak at this important briefing and for your ongoing interest in the human rights of stateless people.

Sixty years ago, the world agreed to protect stateless people. Now it's time to end statelessness itself. Together we can bring light to the shadows.

Mr. McGovern. Now we will hear from Ms. Julia Harrington Reddy from Open Society Justice Initiative.

#### STATEMENT OF JULIA HARRINGTON REDDY

Ms. HARRINGTON REDDY. Congressman Pitts, Congressman McGovern, thank you for this opportunity to testify and share the perspective of the Open Society Foundation on this important subject.

We are all here because statelessness is a serious issue no matter what the country. Citizenship is an unwritten condition of virtually all human rights and most economic and social opportunities. Statelessness is the deprivation of all those things, having no rights and no opportunities. While human rights are in principle universal, in reality individuals cannot enjoy these rights without recognition and protection from a state.

The community of nations recognized the importance of state protection when it created the system of asylum. Refugees need international protection because by definition they do not have protection, they are persecuted by their country of origin. A stateless person is in a similar situation, except that the denial of protection they suffer is in some ways more serious and harder to fight because it is dressed up under the color of law. Denying a person's citizenship enables a country to pretend that denial of protection to that individual is not persecution, but part of an apolitical and impartial legal regime.

However, stifling freedom of expression is not acceptable, even if national laws mandate it. Discrimination is not acceptable, even when, as under apartheid, there is an elaborate legal regime to enforce it. Statelessness may appear to be legal under national laws, but its consequences are so destructive of human rights that no defense of sovereignty can make it acceptable. Under the Nazi regime, German citizenship was taken away from Jews and others, and we have no difficulty understanding why that was wrong.

Statelessness is often caused by identity politics infecting and undermining a country's legal system. Worldwide, citizenship is conveyed according to two factors, place of birth and parent citizenship. Neither of these is inherently better than the other. The United States and the vast majority of countries in the Americas convey nationality based on place of birth. This is a logical system for countries that experience immigration, as the Americas always have, and this system insures that all children have a citizenship when they are born and that that citizenship will provide them with the rights and protections in the country that they are most likely to belong to.

I will now talk about the Dominican Republic. Today, as you well know, in the Dominican Republic thousands, perhaps hundred of thousands of people are stateless. We do not know the exact number because the Dominican constitution says that they are citizens, while the Dominican Constitutional Tribunal, which interprets the constitution, says they are not. International law says these people are stateless if they apply for

recognition of their citizenship and they are rejected. Many thousands of these people are applying as we speak in a process that may go on for a long time before total numbers are known.

This problem only became a legal one in 2013 when the Constitutional Tribunal took a decision that meant an entire class of the people lost the citizenship that they used to have retroactively. From 1929 until 2010, the Dominican Republic conveyed citizenship, like the U.S., on the basis of place of birth. Birth registration or possession of a national ID card in the Dominican Republic was not that common for most of the century, and there was always racial discrimination, but the discrimination was social not legal. There was migration from Haiti to the DR and there was discrimination against immigrants from Haiti and their children, but the citizenship law didn't discriminate.

Official denial of citizenship to individuals of immigrant ancestry began in the Dominican Republic when birth registration and the national ID card that depended on birth registration became more and more important for enrolling in school, getting jobs and health insurance, opening bank accounts, and registering children's birth. Before people were assumed to be citizens even if they didn't have documentation. When new requirements for documentation came, it meant that denial of identification documents was tantamount to denial of citizenship, and the identification documents were not easy to get.

This is a problem in many countries around the world. Requirements for documentation of identity are easy to impose, but they often far outrun the capacity of government to provide the needed documents to everybody.

In the Dominican Republic this problem was worsened by racial discrimination by state agents. We have all felt frustration when confronting bureaucracy, a sense of powerlessness even when we know the system isn't singling us out. Imagine the frustration of people trying to obtain identity cards or register their children's birth being faced with local government employees who, despite the language of constitution, could not accept individuals of immigrant ancestry as Dominican citizens.

The combination of unaccountable government bureaucracy, and ethnic discrimination caused Dominicans of Haitian ancestry to be systematically obstructed from obtaining documentation of their Dominican citizenship. Of course being denied documents is a serious problem. But for most of those who were affected, families who had come to the DR generations before, moving to another country was out of the question. After all, they were Dominican. The Inter American Court blew the whistle on this particular discrimination 10 years ago. But the practices didn't change. It was only in 2010 that the Dominican Republic decided it would rather change its constitution than grant citizenship automatically to people were born in the country of immigrant parents.

In principle, even that was no problem. Many countries around the world grant citizenship exclusively on parent citizenship. And individuals of immigrant ancestry born before 2010 in the Dominican Republic, still had citizenship as a matter of law. So



their children would be still be legally Dominican if they could just navigate the bureaucracy to get documentation.

September 2013 was the real turning point and the beginning of extensive statelessness in the Dominican Republic, because the constitutional tribunal decided, that the new principle of conveying Dominican citizenship on the basis of parent citizenship, instead of place of birth, should apply retroactively back to 1929. This decision took away the citizenship of Dominicans of immigrant ancestry, hundreds of thousands of them, even if their families had been in the country for generations and had previously held documentation of citizenship. It is important to note that the vast majority of these individuals do not have a right to Haitian citizenship. Like U.S. citizens, Haitian citizens can pass their citizenship to their children born abroad for only one generation. This is why the people in the Dominican Republic are mostly stateless, not Haitian citizens residing in the Dominican Republic.

Dominicans of immigrant background share the same vulnerabilities, the same fates as those in other countries covered on this panel. Without Dominican citizenship or documents, they cannot exercise any rights in the Dominican Republic. Without another citizenship or travel documents, they cannot legally go to Haiti or any other country. There is nowhere for them to go. In reality, they will remain where they are, completely disenfranchised.

What can the United States do? First, we can lead by example, which we already do, by not creating stateless people or letting children born on our territory be stateless. United States could do even more, as Ms. Mason referred to, by creating a path to citizenship, for stateless adults who are in the United States.

Second, the U.S. Government could let other countries know that making people stateless is unacceptable. Especially where denial of citizenship targets a specific ethnic group, no legal procedure can disguise, that this is discrimination with the most devastating effects. The Department of State collects information on stateless populations in its Annual Human Rights Reports. This could be made universal and more systematic such that the Department of State's reports capture and quantify all examples of statelessness, letting other countries know that the United States considers statelessness a serious human rights violation. Chairman Pitts, Chairman McGovern, thank you for your time and for letting me share my views.

Mr. McGOVERN. Well, thank you very much.

[The statement of Ms. Reddy follows:]

**Prepared Statement of Julia Harrington Reddy:**

Congressman Pitts, Congressman McGovern, thank you for the opportunity to testify and share the perspective of the Open Society Justice Initiative on this important subject.

As you know, statelessness is a serious issue no matter what the country.

Citizenship is an unwritten condition of virtually all human rights, and most economic and social opportunities. Statelessness is the deprivation of all of those things: having no rights and no opportunities. While human rights are in principle universal, in reality, individuals cannot enjoy these rights without recognition and protection from a state. Picture the situation of undocumented immigrants: they are subject to deportation at any time to their country of citizenship. A stateless person is in a similar situation, except that no country will accept them. There is a reason why many stateless people end up in lengthy detention: their situation is incomprehensible to the authorities who wish to deport them, but the reality is that there is nowhere for them to go.

The community of nations recognized the importance of state protection when it created the system of asylum. Refugees need international protection because, by definition, they do not have protection – they are persecuted – by their country of origin. A stateless person is in a similar situation, except that the denial of protection they suffer is in some ways more serious and harder to name and fight, because it is dressed up under the color of law. Denying a person citizenship enables a country to claim that denial of protection is not persecution at all, but part of an apolitical, impartial, legal regime.

However, stifling freedom of expression is not acceptable even if national laws mandate it. Discrimination is not acceptable, even when, as under apartheid, there is an elaborate “legal” regime to enforce it. Changing religion can be criminalized, but to do so violates the freedom of conscience.

Statelessness may appear to be legal, under national laws, but its consequences are so destructive of human rights that no defense of “sovereignty” can make it acceptable. Under the Nazi regime, German citizenship was taken away from Jews and others, and we have no trouble seeing why that was wrong.

Statelessness is often linked to identity politics infecting and undermining a country’s legal system. Worldwide, citizenship is conveyed according to two factors: place of birth and parents’ citizenship. Neither of these is inherently “better” than the other. The US, and the vast majority of countries in Americas, convey nationality based on place of birth. This is a logical system for countries that experience immigration, as the Americas always have. It ensures that all children have a citizenship when they are born, and that that citizenship will provide them rights and protection in the country they belong to.

Today, as you well know, in the Dominican Republic, hundreds of thousands of people are stateless. We do not know the exact number because the Dominican constitution says they are citizens, but the Dominican Constitutional Tribunal, “interpreting” the constitution, says they are not. International law says they are stateless if they apply for recognition of their citizenship and are rejected. Many thousands are applying, in a process that may go on for years, before the total numbers are known.

This problem became a legal one in 2013, when, thanks to the Constitutional Tribunal, an entire class of people lost their citizenship retroactively. From 1929 to 2010, the DR conveyed citizenship on the basis of place of birth. Birth registration, or possession of a national ID card, was not common for most of the 20th century, and there was always racial discrimination, but the discrimination was social, not legal. There was migration from Haiti to the DR, and discrimination against immigrants from Haiti and their children, but the citizenship law did not discriminate.

Official denial of citizenship came when birth registration and the national ID card that depended on birth registration, became more and more important in enrolling in school, getting jobs and health insurance, and registering children’s births. Once, people were assumed to be citizens without identification, but new requirements meant that denial of identification amounted to denial of citizenship, and the identification wasn’t easy to get. This is problem common in many countries around the world, when the requirements for documentation of identity, which are easy to impose, far outrun the capacity of the government to provide the needed documents to everyone.

In the Dominican Republic, the problem was worsened by racial discrimination by state agents. We've all felt frustration when confronting bureaucracy, a sense of powerlessness, even when we know the system isn't singling us out. Imagine the frustration of people trying to obtain identity cards, or register their children's births, being faced with local government employees who, despite the language of the Dominican Constitution, could not accept individuals of immigrant ancestry as Dominican citizens. The combination of unaccountable government bureaucracy and ethnic discrimination caused Dominicans of Haitian descent to be systematically obstructed from obtaining documentation of their Dominican citizenship. Of course, being denied documents is a serious problem. But for most who were affected—families who had come to the DR generations before—moving to another country, even if they could, was out of the question. After all, they were Dominican.

The Inter-American Court blew the whistle on this discrimination 10 years ago, but the DR's practices didn't change. Five years later, in 2010, the Dominican Republic decided that it would rather change its Constitution than grant citizenship automatically to people born in the country of immigrant parents.

In principle, this is no problem: many countries around the world grant citizenship exclusively based on parents' citizenship. Individuals of immigrant ancestry born before 2010 still had Dominican citizenship as a matter of law, so their children would be legally Dominican, if they could navigate the bureaucracy to get documentation.

Statelessness in the Dominican Republic began in September 2013 when the Dominican constitutional tribunal decided (despite language in the 2010 Constitution) that the new principle of conveying Dominican citizenship on the basis of parents' citizenship, not on the basis of place of birth, should apply retroactively back to 1929. This decision took away the citizenship of Dominicans of immigrant ancestry—hundreds of thousands of them—even if their families had been in the country for generations. It's important to note that the vast majority of these individuals do not have a right to Haitian citizenship: like Americans, Haitian citizens can pass their citizenship to their children born abroad, but not to successive generations. This is why these people are stateless rather than being Haitian citizens residing in the DR.

Dominicans of immigrant backgrounds share the same vulnerabilities, the same fates, as those in other countries covered on this panel. Without Dominican citizenship or documents, they cannot exercise any rights in the Dominican Republic. Without any other citizenship or travel documents, they cannot legally go to Haiti or any other country. There is nowhere for them to go. In reality, they will remain where they are, entirely disenfranchised.

What can the United States do? First, we can lead by example, which we already do by not creating stateless people or letting children born on our territory be stateless. The United States could do even more by creating a path to US citizenship for stateless adults in the US. Second, let other countries know that making people stateless, even if it's done through laws or courts, is unacceptable. Especially where denial of citizenship affects a specific ethnic group, no legal principle or procedure can disguise that this is discrimination of the most devastating kind.

Chairman Pitts, Chairman McGovern... thank you for your time and allowing me to share my views.

Mr. McGovern. And last but certainly not least, Ms. Reynolds from Refugees International, welcome.

#### STATEMENT OF SARNATA REYNOLDS

Ms. REYNOLDS. Thank you. I would like to take this opportunity to thank Co Chairs McGovern, and Pitts, and Congressman Collins, and the members of the Tom Lantos Human Rights Commission, for this opportunity to discuss the lives of stateless people and the profound suffering they endure because they don't have legal identities. Refugees International is a non profit, non governmental organization that advocates for life saving assistance. Based here in Washington, we conduct 12 to 15 trips every year to research displaced populations in places such as Myanmar, South Sudan, El Salvador, Mexico, and Turkey, which I just returned from last night.

Every person has the right to nationality. And the violation of this right resulting in statelessness is both a cause and a consequence of discrimination, persecution, exploitation, and forced displacement in all regions of the world. The use of ethnic or identity markers to attribute nationality is common. And it may be the most frequent justification for denying the right to nationality, as a government asserts that a disfavored population just doesn't fit in, that they just aren't part of the national identity. The right to nationality is at risk from political changes taking place. Targeted discrimination is occurring. Or government abuse their sovereignty by withdrawing the right of nationality to political dissidents among other reasons.

Today, I am going to illuminate each of these three paths to citizenship by sharing the stories of individuals I have met in Turkey, in Myanmar and in the Gulf. I have changed their names to protect their identities. And as we speak and share our views today, I hope we will be able to keep in mind that statelessness is a manmade issue and that it can be remedied by a commitment to fair nationality and legal policies.

Bilal is officially dead, yet I met him in Turkey last week where I was learning more about access to birth registration and cross border humanitarian assistance to Syrian refugees. Bilal defected from the Syrian military in 2012. And he was reported dead by the Syrian Government in 2013. Just a few weeks ago, he had a baby. And Amina is a lovely and healthy little girl. But Bilal can't register her birth because he doesn't legally exist. He had a birth certificate, a marriage certificate, a doctorate degree, and a military I.D., and all of them were demolished when his house was bombed by the Assad regime. Sleep doesn't come easily to the parents of any newborn, and I am sure lots of us in this room can relate. But what keeps Bilal up at night is worrying about what is going to happen to his daughter who has no record of where she was born, what her name is, who her parents are, and where they are from.

As we have talked about today, Syria passes nationality law through the father. But because Bilal does not legally exist and because he is afraid that if he goes to the Syrian council in Istanbul, which is what he would have to do to get a Syrian birth

certificate, his whereabouts, well, his existence will become known, his whereabouts will become known. And then he will be found and hurt as a result.

So, Amina is going to grow up without a birth certificate, at least for now. And she may be rendered stateless if and when her family can return to Syria. And so like other stateless children, she may go without education and without health care. Or, perhaps most importantly for the Syrians who are fighting right now, she may end up not being able to participate politically, to vote in a new Syria, if and when that comes to pass.

Unfortunately, in Syria, thousands of other children may also be born stateless. Syrian doctors and medical workers that we met in Gaziantep last week in southeast Turkey, who work in Syria, helping Syrian people who are injured, told us that they were aware of hundreds of children that have already been conceived and who were born of the rape from ISIS soldiers. Obviously, who they are and where they are will never be known. Obviously, they will have no connection to these children. And these children will not have a Syrian father or documentation of a Syrian father, to acquire Syrian nationality. Because of Syria's restrictive and discriminatory nationality law, it is likely that the number of stateless children and those at a heightened risk of statelessness will only grow as this conflict goes on.

Any negotiations toward a resolution of the civil war must include safeguards for these children. And it must include these adults who are being reported as dead but are, in fact, alive. I want to take this opportunity to thank the U.S. Government and to thank the U.N. Refugee Agency, the UNHCR, for its commitments to and work on behalf of stateless people. We are very excited about the 10 year campaign to end statelessness. And we hope that the U.S. will continue to support these efforts.

About 5,000 miles away, one million stateless Rohingya live in abject poverty and exclusion. We have already talked about this population quite a lot today, so I won't go into the details. But Refugees International has met with them in the region and in Myanmar many times over the years. And I was able to meet with them in 2012 and in 2014. Despite denying them freedom of movement, the ability to gain a livelihood and so many other human rights, the government still refuses to supply the Rohingya with food and health care. And so, they suffer from chronic malnutrition, and they die from tuberculosis, and in childbirth, and as newborns. At the end of May, Myanmar has said that it will revoke all white cards that are held by the Rohingya, as has been brought up, and also 400,000 other people in Myanmar who are ethnically of Indian and Chinese origin. They will all go without an identity card which didn't give them nationality in the first place.

Because the U.S. suspended many of the previous sanctions held over the Myanmar Government, there are few levers that would compel Myanmar to recognize the rights of the Rohingya's nationality. European countries and Myanmar's neighbors are doing very little to promote the rights of the Rohingya. Still, U.S. Ambassador Derek Mitchell is a leader on this issue. And his efforts should be acknowledged and

recognized. But there is so much more to do. Gulf States, including Bahrain, the United Arab Emirates, Kuwait, and Saudi Arabia are increasing denationalizing political dissidents as a punishment for their protests and a warning to would be activists. In the last 3 years, Bahrain has stripped the citizenship of more than 40 people due to their protests against the government's restrictions on expression and discrimination against minority groups.

In July 2014, Bahrain amended its National Citizenship Act, it is called, to make it possible for the Ministry of Interior to now strip a person of their nationality if they are considered to be doing something that is, quote, "harms the interests of the kingdom." Before that, the king had to revoke citizenship and only after there had been a criminal conviction for treason.

There may be hundreds of thousands of stateless people in the Gulf region known as the bidoon, which is the Arabic word for without. In April 2013, the bidoon and some of their Kuwaiti allies, had the first conference on statelessness in Kuwait. And I was honored to be able to give one of the opening speeches. After the speech, I met a Kuwaiti human rights activist named Amir who had been arrested 15 times since 2002. He took on many issues, one of which was the right to nationality. And, after returning from Qatar where he had been work on a program on statelessness in Kuwait, his passport was confiscated.

I know a question was raised about what happens to people in the Gulf when they are stateless? And I know from my work in Kuwait that at least two things can happen. One is that they can be put in deportation jail. Now obviously, they are not going anywhere. So these jails are, again, another punitive measure that is used without a criminal conviction. Kuwait, in particular, has also offered Comoros Islands citizenship to its stateless populations, even though they are from, or they have lived in, have always lived in, were born in Kuwait. Not many bidoon have taken the government up on this offer. But it is an incredibly abusive state exercise, saying to people who have no other identity but Kuwaiti that you can only acquire citizenship if you leave.

So, moving forward, the U.S. has taken an unprecedented interest in preventing and eradicating statelessness. And it should be pressing Gulf Governments to promote and protect the right to nationality and to refrain in all cases from withdrawing citizenship for political reasons. Neglecting the rights and struggles of stateless populations, creates the perception that stateless people aren't as deserving of international protection. This neglect also creates a false impression that stateless populations do not find themselves in as bad circumstances or as vulnerable as refugees or internally displaced people. Treated as a lesser concern, governments such as Myanmar are facilitated in their refusal to provide U.N. agencies and humanitarian organizations access to the populations who are in harrowing conditions. And this only compounds their misery and emboldens bad actors to do even worse.

If the right to nationality was recognized as a stand alone human right by every nation in the world, rather than perceived as included in or an extension of a state's

authority to determine who may be recognized as a citizen, influential states could raise concerns about violations without immediately being accused of transgressing state sovereignty. In that way, challenging a state's denial to the right to nationality could be seen not as an exercise in piercing state sovereignty, but in an exercise of political human rights diplomacy, no different than challenges related to the treatment of women and children, freedom of speech, or conditions in jails. All of which governments, including the United States, routinely do in a lot of forums.

Thank you so much for letting me testify here today. I look forward to your questions.

Mr. McGovern. Well thank you very much for your testimony.

[The statement of Ms. Reynolds follows:]

**Prepared Statement of Sarnata Reynolds:**

I would like to take this opportunity to thank Co-Chairs McGovern and Pitts, and the members of the Tom Lantos Human Rights Commission for this opportunity to discuss the lives of stateless persons and the profound suffering they endure because they do not have legal identities.

Refugees International (RI) is a non-profit, non-governmental organization that advocates for lifesaving assistance and protection for displaced people and the stateless in some of the most difficult parts of the world. Based here in Washington, we conduct 12 to 15 field missions per year to research displaced populations in locations such as South Sudan, Myanmar, Bangladesh, El Salvador, Mexico, and Turkey, where I just returned from last night. RI does not accept any government or United Nations funding, which allows our advocacy to be impartial and independent.

Every person has the right to a nationality and the violation of this right, resulting in statelessness, is both a cause and consequence of discrimination, exploitation, and forced displacement in all regions of the world. The use of ethnic or other identity markers to attribute nationality is common, and it may be the most frequent justification for denying the right to nationality, as a government asserts that a disfavored population does not reflect the nationality identity. The right to nationality is at risk when political change is taking place, targeted discrimination is occurring, laws of different nations' conflict, or governments abuse their sovereignty by withdrawing the nationality of political dissidents, among other reasons. Being stateless means having no legal protection or rights to participate in political processes, inadequate access to social services, poor employment prospects, little opportunity to own property or travel, and few protections against trafficking, harassment, and violence. Statelessness also has a disproportionate impact on women and children.

Today I will illuminate each of these paths to statelessness by sharing the stories of individuals I have met throughout the world. I have changed their names to protect their identities. As we speak and share our views today, I hope we will all keep in mind that statelessness is a manmade phenomenon, and that it can be remedied by a commitment to fair nationality laws and policies.

Bilal is officially dead. I met him in Turkey last week, where RI was learning more about access to birth registration for Syrian refugees and the effectiveness of cross-border humanitarian assistance. Bilal defected from the Syrian military in 2012 and he was recorded as dead by the Syrian government in 2013. Just a few weeks ago he had a baby. Amina's a lovely, healthy little girl, but he can't register her birth because he does not legally exist. He had a birth certificate, marriage certificate, a college degree, and a military ID, but all of them were destroyed when his house was demolished in Syria.

Sleep does not come easily to the parents of any newborn, but what keeps Bilal up at night is worrying about what will happen to his daughter if she does not get a birth certificate recording her birth, her name, and the names of her parents. Syria passes nationality through the father, but Amina's father is technically dead, and regardless, to register her would require that Bilal submit her birth report to the Syrian government in Istanbul. This is impossible because Bilal does not legally exist, and if his whereabouts were to become known, he is afraid that he would be identified by the Assad regime, located, and killed. So Amina will grow up without a birth certificate, at least for now, and she may be rendered stateless if the family cannot return to a peaceful Syria. Without citizenship, she may not be able to enroll in school, access health care, and perhaps most importantly, politically participate in a new Syria. Unfortunately, in Syria thousands of other children may also be born stateless. Syrian doctors and other medical professionals who work in makeshift hospitals in Syria told us in Gaziantep that they were aware of hundreds of children who had been conceived after a woman was raped by an ISIS soldier. The soldier was likely not Syrian, his identity was unknown, and he will have no part in the lives of these children. Despite being born in Syria, without a Syrian father they may not acquire Syrian nationality.

Because of Syria's restrictive and discriminatory nationality law, it is likely that the number of stateless children, and those at risk of statelessness, will continue to grow. Any negotiations toward a resolution of the civil war must include safeguards for these children and the adults who are alive and well but recorded as dead.

About 5000 miles away, one million stateless Rohingya live in abject poverty and exclusion. Although almost all of them descend from families that lived in Myanmar even before its independence in 1961, they are a persecuted Muslim minority who were formally denationalized in 1982. More than 10 percent of the population lives in internal displacement camps that have become segregated and isolated ghettos. The rest live in villages in Rakhine State in Western Myanmar, but like the Rohingya in camps, they are not permitted to leave their villages nor are they allowed to work. Yet the government refuses to supply the Rohingya population with food or health care so they suffer from chronic and extreme malnutrition and they die from tuberculosis, in child birth, or as newborns. The United Nations and international humanitarian organizations are permitted to provide the Rohingya with food and health care at times but last year they were ordered to stop working for a few weeks, and the organization Doctors Without Borders was expelled for almost a year.

Because the U.S. suspended many of the previous sanctions held over the Myanmar government, there are few levers that would compel Myanmar to recognize the rights of the Rohingya to nationality. European nations and Myanmar's neighbors are doing very little to express concern for the rights of the Rohingya community. Still, US Ambassador Derek Mitchell has shown leadership among the diplomatic community in Myanmar and his efforts should be commended.

Gulf States, including Bahrain, the United Arab Emirates, Saudi Arabia, and Kuwait are increasingly denationalizing political dissidents as a punishment for their protests and a warning to other would be activists. In the last three years Bahrain, has stripped the citizenship of more than 40 people due to their protests against the government's restrictions on expression and discrimination against minority communities. In July 2014, Bahrain amended its Citizenship Act to make it easier to revoke nationality. Now, the minister of interior, with the approval of the cabinet, can take this profound step if an individual is deemed to be causing "harm to the interests of the kingdom". In the past, the King himself had to approve the revocation after a criminal treason conviction.

There are hundreds of thousands of stateless people in the Gulf region, known as the "bidoon", the Arabic word for "without". In April 2013, the bidoon and their Kuwaiti supporters held the first-ever conference on statelessness in Kuwait, and I was honored to be asked to give the opening speech.

After the speech I met a Kuwaiti human rights activist named Amir who had been arrested 15 times since 1982. He took on many issues, one of which was the right of the more than 100,000 stateless Kuwaitis to nationality. After a trip to Qatar in 2002, where he was preparing a television program on stateless Kuwaitis, Amir was taken aside at Kuwait City airport and his passport was confiscated.



Being sequestered inside Kuwait has cost Amir dearly. He has missed the birth of all eight of his grandchildren because his children live overseas. The day I met him was his niece's birthday. A few days earlier, he brought his wife to the airport so she could travel to meet their newest grandchild, but he had to stay behind. Even his daughter, who lives just five hours away by car, is out of reach. Dozens of other activists throughout the Gulf have had their citizenship withdrawn for similar peaceful political and oppositional activities.

At this time, when the U.S. has taken an unprecedented interest in preventing and eradicating statelessness, it should be pressing Gulf governments to promote and protect the right to nationality, and to refrain in all cases from withdrawing citizenship because of peaceful dissident activities.

Neglecting the rights and struggles of stateless populations creates the perception that stateless people are not worthy of international protection. This neglect also creates a false impression that stateless populations do not find themselves in as desperate a situation as refugees and the internally displaced (an experience they often share individually and in forced migration). Treated as a lesser concern, governments such as Myanmar are facilitated in their refusal to provide UN agencies and humanitarian organizations access to stateless populations in harrowing conditions, compounding misery and emboldening bad actors to do worse.

If the right to nationality was recognized as a stand-alone human right, rather than perceived as included in and an extension of a State's authority to determine who may be recognized as a citizen, influential States could raise concerns about violations without being immediately charged of transgressing state sovereignty. In that way, challenging a State's denial of the right to nationality could be seen not as an exercise in piercing state sovereignty, but instead an exercise in human rights diplomacy, no different than challenges related to the treatment of women and children, freedom of speech, or conditions in jails - all of which governments routinely articulate in a variety of forums.

Thank you very much for the opportunity to testify today and I look forward to your questions.

Mr. McGOVERN. All three of you, thank you for your excellent testimony. And I am going to yield to Mr. Pitts to begin the questioning.

Mr. PITTS. Thank you, Mr. Chairman. Again, thank you for your testimony.

Ms. Mason, let me start with you. How does UNHCR work with governments and the international community to facilitate progress on statelessness? What are UNHCR's priorities? How does UNHCR identify its priorities? I was happy to hear about the 10 year campaign. Would you elaborate on those questions?

Ms. MASON. Thank you. Our priorities come from the mandate that I mentioned, was given to us by the General Assembly. And they relate to the two international conventions on statelessness. And subsequently, over the years, we have had specific guidance given to us in the form of resolutions by the General Assembly. So, we use that to guide what we do. As mentioned earlier, it takes many forms. Some of it is what we are doing right now and through the campaign and through the photo exhibits, just bringing awareness.

Some of it is in the form of technical assistance. We work closely with the governments to help give them the tools that they need. Sometimes, there is will but they just don't have the national resources or know how to resolve some of the technical issues to create databases and create documentation. So, we give them the technical aid that they need there. Sometimes it requires a bit more.

Exceptionally, it requires intervening in individual cases of stateless individuals. And we have done that, anywhere from individuals in the U.S. to other parts of the world. We work, you know, like most things we do, we don't do it alone. We work jointly with other U.N. agencies, U.N. country teams in place on the ground. In some particular situations, we work closely with the Office of the U.N. High Commissioner for Human Rights and we do joint initiatives to try to provide direction on this issue.

We do a lot of advocacy with the governments. Like most advocacy that we do on refugee issues as well, some of it is public, some of it is behind closed doors. But, I can assure you that on the thorniest of the issues, some of which have been discussed here today, we are doing a lot of direct advocacy.

Mr. PITTS. Thank you. Ms. Harrington Reddy, in talking about the Dominicans, I think you mentioned that we need to let other countries know, that "making people stateless, even if it is done through laws or courts, is unacceptable," is your quote. Do you have recommendations for specific actions? Do you have recommendations to the international community or the U.S. Government?

Ms. HARRINGTON REDDY. Well, certainly it is always important for the Department of State to act diplomatically. We have seen in different countries the U.S. Ambassador can be, there is a continuum, can be more or less public and assertive on

statelessness. I think the U.S. Government as a whole is in a good position to lead because of our very good domestic practice. So, you know, resolutions, congressional visits have already been mentioned. When it comes to specific countries, I think that everyone in this room knows the U.S. is highly influential and particularly where we are dealing with countries that are our allies. And, I think even in the worst situations of statelessness, the total number of stateless people is small compared to the populations of these countries. And, indeed, these stateless populations have been living in these countries already. It is not going to cause any social or economic dislocation to legalize them again. So, I do think that there is a lot that individuals in the Congress can do and that the executive branch can do bilaterally.

Mr. PITTS. Would you be a little bit more specific on your recommendations to Congress, what should we be doing?

Ms. HARRINGTON REDDY. Well, I think certainly when, Members of Congress go on visits

Mr. PITTS. Raising the issue?

Ms. HARRINGTON REDDY. Yes, raise the issue always. And don't be, you know, states love to raise a legalistic defense and say well, this is just our law and, sadly, these people happen not to qualify. Don't be confused by that. You know, there is lots of information we are very happy to furnish to Members of Congress, so that you can have a deep legal and historical understanding of the situation so that you will be ready in order to press a point if someone tries to give you a blanket smokescreen for it.

Mr. PITTS. Okay. Thank you. And, Ms. Reynolds, you started with Syria, the Syrian gentleman in Turkey. What is the international community doing to prevent or eradicate statelessness in Syria, in the context of the ongoing arm conflict? What more could it do? And what are your recommendations to the U.S. Government?

Ms. REYNOLDS. So, in terms of Syria, obviously, like you said, it is an ongoing conflict. So, it is difficult. What is good is, we are not getting out in front of it, but at least we are dealing with it as it is unfolding in the region. And so, making sure that refugees are getting registered is really important. Refugee record registration is not going to give anyone a birth certificate. But at least it is a record in Turkey, for instance, it is a legal record, it is a Turkish record, it is not a U.N. record that, you know, a child exists, what their name is, who their parents are.

But, we also want to see even more data taken because this is a situation where the Syrian Government, you know, only provides nationality through the father. So, if possible, questions that may not usually be asked, like where is your father from, where were his parents from, what, you know, what are the full names of family members going back two generations, these are questions that are important because hopefully they will help document the lineage if the father is not around or, indeed, in the case I talked about, if the father is around but he has been reported as dead.

UNHCR, we know, of course, is working in Jordan and in Lebanon with the governments to help them have more robust registration. The Turkish Government actually has quite a robust registration. It needs to get better. But in the meantime, we are hoping that they will collect more records. As I said, as a recommendation, when this conflict comes to an end, part of the discussion and the resolution has to be what happens to these children who may not be recognized as citizens, upon their first time really, in Syria and all the parents who have been reported as dead. That is something that has actually happened before.

In South Sudan, when the transition happened, there was actually a lot of thought given to their nationality law. And it is a very inclusive nationality law. I went there and actually spent time with their Ministry of Citizenship a long time ago now and it seems like much longer than it was given what is happening. There were still problems because there is resentments after war. I mean that is normal. But it is an important part of the process of resolution and you know, beginning again.

Mr. PITTS. Thank you. Thank you very much. Thank you, Mr. Chairman.

Mr. McGOVERN. Well thank you very much. Let me just, for the record, you mentioned the stateless in the United States. Can you elaborate on that a little bit?

Ms. MASON. There are individuals here who have come to the U.S. over a period of years or decades, who didn't necessarily have access to a visa, giving them a particular status, and they have applied for asylum and been denied, maybe they never qualified for asylum. So, they are in sort of a Catch 22 where they don't have, a status in U.S., but they don't have a passport, they don't have any government in the world that calls them their own. Unless there are some compelling reasons otherwise, there should be some ability for them to regularize their status and have human rights.

Just like elsewhere in the world, some of these people have to report to U.S. immigration authorities anywhere from once a week to once a year. They can't be reunified with their families. Sometimes, they can't even cross State boundaries. There are a lot of other issues. And even though they are not likely to be forcibly deported from the U.S., they could, they do face the ever present risk of detention.

So, again, it is very much a case by case basis and a very labor intensive thing. But we have advocated with the U.S. Government and that is why legislative fixes would be important. They have been introduced in previous Congresses. We would love to see that happen again.

Mr. McGOVERN. And how many people do you estimate we are talking about would fall into that category?

Ms. MASON. At this point, we are looking at maybe 4,000. But I have to caution that this is really just an estimate at this point.

Mr. McGOVERN. And is the only it could be fixed is legislatively? Or could the administration provide a special

Ms. MASON. There are steps that the administration could take to relieve the burden, the administrative burden. But to actually give them a status and then ultimately put them on a path to some sort of citizenship, that would require a legislative fix at this point.

Mr. McGOVERN. All right. I mean, I appreciate you raising the issue. And that is obviously something we should try to help accelerate. Because, I can only imagine how difficult it is for these individuals to be able to live and the uncertainty in their lives, and the ability to work, and the ability to travel, and the ability to, you know, do everything that people need to do. But I appreciate you raising that.

Let me kind of ask you a general question. I mean, Mr. Pitts kind of went through the litany of countries. I guess my question is what should the United States be doing that we are not doing at this particular point? I mean I appreciate the fact and I have great respect for Mr. Henshaw and Mr. Malinowski who have been raising this issue, our ambassadors overseas.

But, you know, whether it is the Dominican Republic or whether it is Bahrain or whether it is Kuwait, not just the countries that are at war, I mean, I guess I am a little bit frustrated that we are not making more progress than we are. So, what should we be doing, this is open to anybody here, to kind of step this up a little bit?

Because, you know, I think we are beyond the point where simply kind of raising the issue in a private conversation or even in a press release, I think we are beyond the point where that is sufficient. And, again, this is not in any way to take away from all the great efforts that our Government is now doing. I am just simply saying how do we step it up a notch so that maybe we may get some better results?

Ms. MASON. You know, my colleagues may have suggestions. I would just say that we rely on the U.S. as a diplomatic leader in this arena. And diplomacy, obviously, is not just the purview of the executive branch. Members of Congress have a lot of bilateral relationships with other governments.

I am sure that you are aware that when it comes to bilateral talks with governments, even getting human rights issues on the top of the agenda is tough and among human rights agendas.

Mr. McGOVERN. I am well aware of that. Yeah.

Ms. MASON. Yeah. Getting statelessness might be on the lower tier of human rights.

Mr. McGOVERN. But, this is a human rights issue as well, a very important human rights issue, where peoples have no rights essentially and are oftentimes exploited. And as was raised earlier, you know, there are links between statelessness and human trafficking, and statelessness and, you know, mass killings. I mean, so, this is a very important human rights issue. And, again, I mean, I am just trying to figure out how we could be more effective in this battle.

I raised the issue when we travel to various countries. I raised it in the Dominican Republic, had a constructive conversation with the president. But I will be very honest with you, among some other sectors of society I am not too sure that, you know, expressions of concern, you know, were welcomed. And I am not sure whether it was constructive in kind of pushing them toward resolving this issue.

I am worried about what happens in June, you know, with regard to the Haitians in the Dominican Republic. But, I am just trying to figure out whether there is some creative ways that we can think outside the box to increase pressure, especially on countries that we have strong alliances with.

Ms. REYNOLDS. Thank you for those comments. I think they are very important. One of the things that, obviously, is a natural, and we all know this, is, meet with stateless people. They are incredible. I am so lucky to get to meet with them all over the world. But they are in so many countries, in the Dominican Republic, in Myanmar, in Kuwait, in many other countries. They are organized. They know what their rights are. They are on Twitter. They are on Facebook. They are probably watching this right now. And they are endlessly inspiring. And they have ideas about what can get done.

So, I mean that is something so important. And try to meet with them. A lot of governments, obviously, don't want the United States to meet with stateless populations. As far as they are concerned, they are not nationals of their country. And so, there is no business in meeting with them. But, I would say put pressure on that, you know, demand that, challenge that. Ask countries what are you doing about these populations. Because even, for instance, Myanmar, that says we have no obligations toward them because they are not our nationals, in fact, does.

Because even if they are not nationals of the country, which, of course, I wouldn't agree with, even if they are not nationals of the country, it still has the obligation to respect their human rights. And even if it doesn't want to respect the right to nationality, it still has to respect the right to go to school, the right to access health care, the right for women to be treated equally, the right for children to remain with their families and to be united. So, there are other avenues and ways to challenge governments in implementing the right to nationality without necessarily only talking about that right. It can be done through different avenues.

Ms. HARRINGTON REDDY. Well, going back to this question of allies, no one has mentioned on this panel, because it is a quite unusual case, but quite dramatic, that

the United Kingdom also has denationalized several people in the last year. And then that was actually, that practice was halted temporarily by the U.K. Supreme Court. And then legislation was introduced last year to bring those powers back again to the Home Secretary.

So, I think that even at the level of this most close relationship, that the U.S. has, you know, this should be raised as a human rights issue. I think it is being justified by security concerns, that oh, only a few people who are terror suspects are being targeted. But, it really sends the wrong message. And, indeed, there is a deep question as to whether this is counterproductive as a matter of security. Because, if someone has a passport and uses it, it is a lot easier to track where they are.

People who are really bent on international mayhem might like to divest themselves of a passport. Doing that for them may well be counterproductive. So, there is narratives floating around about the justification of denationalization as a symbolic act. As you mentioned, the U.S. Supreme Court came out very strongly against making people stateless. And so, it has not come up domestically.

Mr. McGOVERN. Right. If I took away your nationality, then you basically have no rights in this country. And I guess I could deport you. But where do I deport you to? You know, I can put you in jail, and you can just be in limbo for whatever time. This has also become a national security issue. But I think, I would put it in a different context.

And one of the things that worries me about what is happening in Syria, for example, right now, you know, the incredible explosion of the refugee population, the internally displaced, and those who fall into this stateless category, is that you have people who are you know, who, I think have great reason to be angry. And the question is how does that anger manifest itself in the long run.

You have children that are being born, and you know, whose parents are internally displaced or in refugee camps, or, you know, who are, quote, "stateless," who grew up with no rights, I mean how does that all manifest itself.

It just seems to me that for a whole bunch of reasons, you know, this is not in anybody's interest. And even with what Bahrain and Kuwait are doing now, basically kind of punishing political dissidents by taking away their nationality, I think that engenders more anger and more resentment toward the government than resulting in people not wanting to engage in dissent. I think it makes people feel even more compelled to speak out or to find ways to express their opposition than not.

I mean this is all, you know, so anyway, I am always amazed at how rotten governments can be towards their own people in specific situations. And, you know, taking somebody whose views you disagree with and saying you are no longer, you no longer have a nationality I think is outrageous.

And again, Bahrain and Kuwait are our allies. We have a military relationship with both those countries. And we have economic ties with those countries. And, I think this slide towards statelessness is just another manifestation of a human rights situation that is deteriorating in both those countries. And I think the suggestions of when Members of Congress go on codels, in countries where this is appropriate, they ought to raise the issue and they ought to meet with people who fall into the category of being stateless, I think that is a good suggestion.

You know, I know in the Dominican Republic, our ambassador, Ambassador Brewster, is raising this issue with the Dominican Government. And he was with us when we met with the president of the country and we raised it and he reinforced what we said. So, I felt good that we were all kind of singing from the same sheet of music.

But, yet, there are some people who think we ought to raise the decibel level a little bit more because they think that kind of diplomatically and quietly just raising this issue with officials, behind closed doors, is not creating the political atmosphere where anything meaningful will change.

But so, I guess that is what I was kind of getting at. Should we raise this issue more publicly? Would that be helpful? Or would that be harmful to try to get a resolution in places like the Dominican Republic or in other countries?

Ms. HARRINGTON REDDY. I think that specifically in the Dominican Republic, it would be helpful for the U.S. to be much more public. Because as you understood when you were traveling there, the issue is now very politicized. And yeah, the other speakers also alluded to this, that when it is a really ethnically motivated denationalization, it is usually serving someone's political purposes. And so, there are always economic and social reasons for wanting to disenfranchise one or another part of the population.

And so it is not easy for the government, in fact, to back down. I think in the Dominican Republic, they have been hiding behind this constitutional tribunal decision as the justification and said well, we are the executive branch, we would like to fix things, we would like to amend things. But the legislative fix is absolutely inadequate.

And the June deadline is the second deadline. The first deadline for the larger group of people has already expired with only a few thousand, if even that, we don't know if anyone really succeeded in getting citizenship under the legislative fix. So, in order to change the political dynamics in the Dominican Republic, I think that some people there, politicians there, need to understand that there is a real political cost. And there are a huge number of Dominicans and Haitians living in this country. There is no question that if they are born here, they are a citizen.

And so, the U.S. has an excellent position from which to press this issue. But I do think that private diplomacy vis à vis the DR has gone as far as it could go.



Ms. MASON. And I would just add that, obviously country by country each case is different, but from the U.N. perspective, I think we always welcome more public statements by governments. It makes our job a little bit easier because we are supposed to be following the lead of governments. So, I think more public statements would be welcome. And just in terms of being more public, I would like to say I think this hearing has been a real shot in the arm for those of us that work on this issue.

And if you and Congressman Pitts could convince your Senate colleagues to follow your lead and keep the momentum going, that would be great.

Mr. McGOVERN. We will do our best. That is tougher than negotiating a peace deal.

Ms. REYNOLDS. I agree, of course, with all of this. I was going to add, though, that regional governments play a really important role here as well. So, Rohingya, I think being the perfect example of this. So other, you know, around a million Rohingyas in Myanmar, there are also almost 500,000 in Bangladesh. There are increasing numbers in Malaysia and Indonesia. But Myanmar has basically said it is not willing to discuss this issue.

So, these neighboring countries have really big refugee populations and are having a real hard time shouldering them, understandably, particularly Bangladesh. And they have no they don't have anywhere to go back to. Even if Myanmar, the other conflicts are resolved and people can return, technically the Rohingya can't. So, those governments need to be supportive as well in their own multilateral or bilateral relations and obviously, their ability to host these communities in the meantime.

But, the solution can't be that, you know, the U.S. an agreement can't be that all those in neighboring countries stay there, the U.S. and some other countries resettle some and Myanmar is left with almost no Rohingya, which is exactly what they wanted.

Mr. McGOVERN. Right. No. Listen, I appreciate your testimonies here today. And this is an important issue. And I would say that if in the coming weeks and months, that there are specific things that you think the commission should speak out on or where we could be involved in more direct advocacy, please let us know.

I mean, part of the whole point of this is to raise awareness, but actually to intervene in a constructive way to try to, you know, address some of these human rights concerns.

And so, you know, we will make sure that all of our colleagues on the commission and anybody we know who is traveling anywhere gets the instructions about, you know, when it is appropriate to raise this issue and hopefully they will meet with some people who are affected. But we are open to suggestions. And, you know, I appreciate the UNHCR's you, know, campaign. And we want to be supportive. Anything we can do to help promote that, we would love to do. And anything else

anybody is working on, please, you know, contact our staff and we are eager to be of assistance. But, I mean, this is a big deal. And it is an issue that, you know and I don't know whether it is getting worse or not, but it seems to me, as somebody who has been kind of recently following this, that it is getting worse.

And I think we need not just U.S. strategy but an international strategy to try to deal with this. My heart aches for the people that are affected. This is just awful, an awful situation to be in.

And so with that, I thank you very much for being here. And this closes the hearing. Thank you.

[Whereupon, at 3:19 p.m., the commission was adjourned.]

# **APPENDIX**

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MATERIAL SUBMITTED FOR THE HEARING RECORD



## **Tom Lantos Human Rights Commission Hearing**

### **The Human Rights of Stateless People**

**Monday, March 23<sup>rd</sup>, 2015**

**1:30 PM – 3:30 PM**

**2172 Rayburn House Office Building**

Please join the Tom Lantos Human Rights Commission for a hearing on the human rights of stateless people, people who are not considered a national by any country under the operation of its law.

Statelessness is a global problem that affects at least 10 million people around the world. Lacking nationality, many stateless people are denied their basic human rights and are some of the most vulnerable and invisible people in the world. They do not have the rights of citizens nor even of refugees. Many are unable to access basic services, work legally, register births or marriages, or travel freely. They are also susceptible to arbitrary treatment, exploitation, and labor and sex trafficking.

Statelessness occurs for a variety of reasons, but discrimination is often a root cause. Racial, ethnic or religious discrimination in nationality laws and policies can render people stateless, as, for example, in the cases of the Rohingya people from Burma and Dominicans of Haitian descent. Gender discrimination in birth registration is an issue in over 25 countries, where only men can confer nationality on their children. Syria is one of those countries; as a result, many Syrian children who have lost their fathers in the ongoing armed conflict are at risk of being stateless. Recently, some Gulf States, including Kuwait and Bahrain, have punished political dissidents by taking away their citizenship, thus leaving them stateless.

This hearing will bring together experts to discuss the causes and consequences of statelessness and provide recommendations on what the United States can do to protect stateless people and help eradicate statelessness around the world.

#### **Panel I:**

- **Mr. Simon Henshaw**, Principal Deputy Assistant Secretary, Bureau of Population, Refugees, and Migration, Department of State

#### **Panel II:**

- **Ms. Jana Mason**, Senior Advisor, U.S. Government Relations and External Affairs, United Nations High Commissioner for Refugees
- **Ms. Julia Harrington Reddy**, Senior Legal Officer, Equality and Citizenship, Open Society Justice Initiative
- **Ms. Sarnata Reynolds**, Senior Advisor on Human Rights, Refugees International

For any questions, please contact Soo Choi at [202-225-3599](tel:202-225-3599) or [soohyun.choi@mail.house.gov](mailto:soohyun.choi@mail.house.gov).

Sincerely,

James P. McGovern  
Co-Chair, TLHRC

Joseph R. Pitts  
Co-Chair, TLHRC