Why Citizenship is Relevant to Sustainable Development: Considerations for the 2019 High Level Political Forum

Policy Brief

May 2019

Tendayi Bloom
The Open University

Bronwen Manby
London School of Economics and Political Science

Khadija Badri
European Network on Statelessness

Introduction

Citizenship is the key way in which a person is able to act as a member of society. Citizenship is often needed for a person to work in their home country or to gain the right to work elsewhere. It is often through a person's citizenship that they access basic rights like education, health care and social security. In the way that our world is currently organised, access to citizenship is needed for participation in sustainable development.

The annual High-Level Political Forum (HLPF) provides a vital moment of reflection on the implementation of the Sustainable Development Agenda. In this context, two main considerations regarding access to citizenship arise:

(1) How to ensure that those without access to any citizenship can contribute to and benefit from global sustainable development efforts;

(2) How sustainable development efforts can produce new ways to ensure that everyone has access to citizenship.

In July this year, the HLPF is considering six Sustainable Development Goals in particular:

SDG 4 Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

SDG 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

SDG 10 Reduce inequality within and among countries

SDG 13 Take urgent action to combat climate change and impacts

SDG 16 Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

SDG 17 Strengthen the means of implementation and revitalize the global partnership for sustainable development

Access to citizenship is relevant to all six of these goals. This document suggests how to start thinking about access to citizenship in the context of each goal. It also uses these goals to indicate ways in which access to citizenship could be considered across the Sustainable Development Agenda.

SDG 4 Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

Lack of citizenship documents still creates barriers in access to education, scholarships, technical training and recognition of educational achievements.[1]

When progress is made and recorded on the proportion of children and young people in education, it is crucial to ensure that all children are counted, including children without citizenship or civil documentation.[2]

When children without citizenship are omitted from census data, development measures and school registers they may not be included in monitoring of SDG4.

WHAT TO CONSIDER:

(a) Whether lack of citizenship creates barriers to realising children's right to education. For example, are children denied access to school or prevented from taking exams?

(b) Whether existing reporting on access to education takes children without citizenship into account

(c) Whether problems proving or accessing citizenship exacerbates barriers to education for girls

ADDITIONAL INFORMATION:

The right to education for all children appears in the almost unanimously adopted Convention on the Rights of the Child Article 28. The 1954 Convention relating to the Status of Stateless Persons[3] also requires States to provide access to education for stateless people.

EXAMPLE OF GOOD PRACTICE:

A 2011 law in Moldova established a dedicated statelessness determination procedure. People recognised as stateless are granted permanent residence and rights in line with nationals, including unrestricted access to all levels of education and access to State-funded higher education and scholarships. Those with recognised stateless status are also offered language classes provided by the Ministry of Education[4].

LINKS TO OTHER SDGS:

Access to education provides the tools needed for contribution to sustainable economic growth (SDG 8).

Entry into primary education provides a key moment when children who have not previously been registered can receive the documentation they require (SDG 16).

Addressing documentation and citizenship issues to ensure *all* children including girls can access a quality education will help to reduce gendered barriers to education and promote gender equality (SDG5).

---

[1] Relevant targets: 4.1, 4.2, 4.3, 4.4, 4.5.
[2] Relevant indicators: 4.1.1, 4.2.1, 4.2.2, 4.3.1, 4.4.1, 4.5.1, 5.6.1.
[3] https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf
[4] https://index.statelessness.eu/country/moldova

SDG 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

When someone does not have citizenship of any country it can create barriers to decent, legal work anywhere and lead to low-wage and precarious informal employment, impeding self-reliance.[5]

This puts people at risk of human trafficking, which disproportionately affects women and girls, particularly those without documents, who may also be forced into prostitution.[6]

Those without access to citizenship anywhere need the right to work in the place where they live and support to access employment in the formal labour market, education and training.

Lack of citizenship can make it difficult to access banking, to make contracts, or to own property, thus making banking and financial institutions neither accessible nor sustainable.[7]

WHAT TO CONSIDER:

(a) Do States make efforts to provide access to citizenship for those that currently have no citizenship and have long-established ties to the country?

(b) Does a 'statelessness determination procedure' exist? That is, is there a mechanism for officially identifying that someone lacks access to any citizenship?

(c) Is there a special 'protection status' for migrants without access to any citizenship, granting rights including a residency permit and the right to work?

(d) Does existing reporting on levels of unemployment and access to education and training count those without citizenship or with civil registration difficulties?

(e) How do barriers to citizenship and civil registration intersect with other dimensions of discrimination (e.g. gender, race, ethnicity, disability) regarding access to regular and safe work?

ADDITIONAL INFORMATION:

Article 17 of the 1954 Convention relating to the Status of Stateless Persons[8] acknowledges the right of stateless individuals to wage-earning employment.

EXAMPLE OF GOOD PRACTICE:

France's statelessness determination procedure grants people without access to any citizenship a renewable residence permit which allows employment and self-employment in line with the 1954 Convention[9]. In 2018, France increased the length of the residence permit from one year to up to four.

LINKS TO OTHER SDGS:

Access to productive employment and decent work for those without any citizenship can ensure safer working environments for both men and women (SDG5), reduce inequality within countries (SDG 10) and increase the proportion of young people and adults in training and non-formal education (SDG 4).

---

[5] Relevant Targets: 8.5, 8.6, 8.7, 8.8
[6] Relevant Target: 8.8
[7] Relevant Target: 8.10
[8] https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf
[9] https://index.statelessness.eu/country/italy

SDG 10 Reduce inequality within and among countries

Lack of citizenship documents blocks people from accessing regular labour markets, exacerbating social, economic and political exclusion, particularly for individuals already facing barriers because of gender, disability, race or belonging to an ethnic minority.[10]

People without access to citizenship can be unable to enjoy orderly, safe and regular migration pathways. Large scale and forced migration can also make access to birth registration and citizenship more difficult for both migrants and their children, putting them at risk of statelessness.[11]

People without citizenship are often absent from development measures and indicators.[12]

WHAT TO CONSIDER:

(a) Does documentation and lack of citizenship create barriers to accessing labour markets or being considered within measures of poverty and development? How does this intersect with existing barriers related to gender, race, ethnicity, disability etc.?

(b) Does existing law, policy and practice prevent certain individuals or groups from accessing citizenship?

(c) Is statelessness effectively identified and responded to in migration and asylum processes, such as nationality screenings, access to resettlement pathways and family reunification?

ADDITIONAL INFORMATION:

The 1954 Statelessness Convention[13] states that stateless persons should be treated as favourably as possible regarding access to labour markets (article 17) and the same as nationals regarding social security and labour legislation (article 24).

EXAMPLE OF GOOD PRACTICE:

Makonde of Mozambican origin living in Kenya since the 1950s have long suffered discrimination in labour, education and interactions with authorities due to lack of documentation. In 2015, the President launched an interdepartmental taskforce to examine the situation of statelessness in Kenya, concluding that Makonde people and others experiencing statelessness should be registered and given citizenship.

In October 2016, having still not received citizenship, hundreds of Makonde marched to Nairobi. In response, the government upheld the 2011 Citizenship and Immigration Act by waiving citizenship application fees and documentation requirements. Within a year, thousands of Makonde Kenyans had been issued birth certificates, 1,500 registered as citizens, and 1,200 received national IDs. This has given them access to regular work, social rights, and educational opportunities.

LINKS TO OTHER SDGS:

Reducing inequality will be crucial to ensuring people are not impoverished or made hungry because they lack access to citizenship (SDG1, SDG2). Part of reducing inequality will be the need to ensure everyone has access to decent work (SDG 8), education at all levels (SDG 4) and also ending all forms of discrimination against women and girls, including those related to citizenship practices (SDG5).

---

[10] Relevant Targets: 10.1, 10.2, 10.3, 10.4
[11] Relevant Targets: 10.7
[12] Relevant Targets: 10.1.1, 10.2.1, 10.3.1, 10.4.1
[13] https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf

SDG 13 Take urgent action to combat climate change and impacts

Communities without access to citizenship are often unable to access the tools needed for resilience in the face of the effects of climate change or are forced to live in regions susceptible to such effects.[14]

Climate change is making some places uninhabitable. For example, rising sea levels even threaten the continued existence of some small island States, putting citizens at risk of losing their country of citizenship.[15]

Communities without access to citizenship may be overlooked in development monitoring and democratic consultation, which risks losing their input into slow-onset climate change early warning systems.[16]

WHAT TO CONSIDER:

(a) Are communities without access to citizenship being considered in national resilience and adaptivity programmes?

(b) Does global climate change-related planning include supporting small island developing states and other national groups whose territories are at risk of being lost or of becoming uninhabitable as a result of either slow-onset climate change or severe weather events?

ADDITIONAL INFORMATION:

The 2015 global consultation on the Nansen Initiative[17] (a State-led process aiming to build consensus around protection for people displaced by disasters and the effects of climate change) explicitly acknowledged the risk of statelessness for those displaced by climate change.

EXAMPLE OF GOOD PRACTICE:

In 2014, acknowledging the likely disappearance of the territory of Kiribati in the future, the then President began to develop a relocation strategy based on the principle of 'migration with dignity'. This included the purchase of 5,460 acres of land in Fiji. More work is needed to understand the nature of Kiribati citizenship and rights in the case of such dispersal.

LINKS TO OTHER SDGS:

Plans for climate change resilience must include long-term planning to ensure access to clean water and sanitation is not compromised for communities affected, including those without citizenship or at risk of statelessness (SDG6).

Though often prevented from land ownership, many communities without access to citizenship are dependent on resources of the land and sea for survival (SDG14, SDG15).

---

[14] Relevant targets: 13.1, 13.3; Relevant indicators: 13.1.1, 13.1.2, 13.1.3. 13.3.1, 13.3.2
[15] Relevant targets: 13.2, 13.b; Relevant indicators: 13.b.1
[16] Relevant indicators: 13.3.2
[17] https://www.nanseninitiative.org/

SDG16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

People without access to any citizenship often have little opportunity to inform and influence the policies which affect them.

Gaps in citizenship and birth registration law, policy and practice mean that children may be born stateless or at risk of statelessness and grow up and become adults without any citizenship.

In some countries, women are still unable to transmit citizenship to their children on the same basis as men, or to register the births of their children themselves.[18] In others, ethnic minorities face difficulties in obtaining recognition of citizenship, whether in law or practice.

People with an irregular migration status may struggle to register the births of their children, creating future difficulties for those children in obtaining recognition of citizenship of the parents' countries or of the State of birth.

Statelessness creates disadvantages for children and adults in accessing school, healthcare and other rights. Where a large number of people living in a country are stateless, peace and security may even be threatened.

SDG target 16.9, *"By 2030, provide legal identity for all, including birth registration"*, supports existing commitments in the almost-universally ratified Convention on the Rights of the Child (CRC) and in other international human rights treaties for universal birth registration. States parties to the CRC are also bound to ensure that every child has the right to acquire a nationality.

Programmes to provide 'legal identity' to adults should include measures to resolve the status of stateless people and people of undetermined citizenship and to respect the right of everyone to recognition as a person before the law.

WHAT TO CONSIDER:

(a) Are those affected by statelessness and civil registration difficulties able to participate in and inform policy debates and decision-making processes? Are they consulted in SDG implementation?[19]

(b) Are all children registered immediately upon birth and provided with birth certificates, regardless of the status of their parents or which parent is registering the birth?[20]

(c) Do birth registration requirements create barriers (for example, documentation requirements, mandatory reporting of irregular migrants to authorities, fees or difficult procedures for late registration)?

(d) Are minimum protections against statelessness provided for in law for children of unknown parents and children born in the territory who cannot acquire the citizenship of one of their parents?

(e) Does gender discrimination affect access to citizenship? For example, can women confer their citizenship on their children and husbands? Does discrimination based on birth in or out of wedlock prevent some children from acquiring citizenship?

---

[18] UNHCR, *Background Note on Gender Equality, Nationality Laws and Statelessness*, 2019, available at https://www.refworld.org/pdfid/5c8120847.pdf.
[19] Relevant Indicators 16.7.1, 16.7.2; note also UNDP guidelines to support country reporting
[20] Relevant Indicator 16.9.1

EXAMPLE OF GOOD PRACTICE:

All children born in Bosnia and Herzegovina are entitled to birth registration, but documentation requirements, lack of awareness of procedures and discrimination have created barriers for Roma families. Consequently, many Roma were unable to demonstrate their entitlement to citizenship and were at risk of statelessness.

To address this, the Government, UNHCR and civil society, including Roma NGOs and community members identified Roma without documentation, raised awareness of the importance of birth registration and provided legal advice and information. A law change in 2012 allowed parents without documents to register a birth using witness statements and waived administrative fees for minorities and vulnerable individuals. As of June 2017, 53 Roma in Bosnia and Herzegovina were known to have undetermined citizenship[21].

LINKS TO OTHER SDGS:

Access to birth registration, civil registration and citizenship can increase access to all levels of education (SDG 4), safe, legal and decent work (SDG 8) and healthcare (SDG3), including for women and girls (SDG5). In turn, this can reduce the proportion of people without citizenship living in poverty (SDG1). Alleviating gender discriminatory law, policy and practice related to citizenship and civil registration is key to gender equality (SDG5).

---

[21] https://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Good-Practices-Paper-on-Ensuring-Birth-Registration-for-the-Prevention-of-Statelessness.pdf

SDG 17 Strengthen the means of implementation and revitalize the global partnership for sustainable development

Those with a connection to more than one State and whose citizenship is undetermined or contested are often at risk of statelessness. Reducing statelessness in these cases therefore depends on inter-State collaboration.[22] It will also require greater collaboration among UN agencies, international and regional bodies, States and civil society, including stateless persons themselves, those at risk of statelessness and their advocates. Efforts within the framework of the global partnership for sustainable development should promote respect for the right to citizenship within efforts to ensure respect for universal human rights of all.

WHAT TO CONSIDER:

(a) Do States participate in regional and global fora where statelessness is debated?

(b) Does international development assistance include capacity-building to address statelessness and ensure access to citizenship documents for everyone entitled to them?[23]

(c) Does international development assistance support developing high-quality, timely and reliable data, disaggregated with respect to statelessness and undetermined citizenship?[24]

(d) Has a national focal point been established to develop a national plan to address access to citizenship and (where relevant) to coordinate international assistance relevant to statelessness, legal identity, civil registration and issue of national identity documents?[25]

(e) Have bi- or multi-lateral commissions been created to determine the citizenship of persons with connections to multiple States and to ensure they have citizenship documents?

(f) Have steps have been taken to ensure that citizens abroad have access to consular birth registration and issue of citizenship documentation to all those entitled?

ADDITIONAL INFORMATION:

UNHCR has a ten-point Global Action Plan for the eradication of statelessness by 2024.[26] It also promotes coordination regarding the rights of stateless persons.

EXAMPLE OF GOOD PRACTICE:

In February 2015, the Economic Community of West African States (ECOWAS) adopted the Abidjan Declaration on the Eradication of Statelessness. In 2017, the Banjul Action Plan[27] based on this Declaration committed ECOWAS Member States to develop a framework for the collection of data. In line with this commitment, Côte d'Ivoire with the support of UNHCR included questions within its national census intended to establish better data on the number of people who are stateless or at risk of statelessness in the country, enabling the government to develop more targeted strategies to resolve their situation.

LINKS TO OTHER SDGS:

International development assistance on any of the SDGs should include consideration of stateless individuals and access to citizenship.

---

[22] Relevant targets 17.17, 17.8
[23] Relevant targets: 17.9; 16.9
[24] Relevant targets: 17.18
[25] Relevant targets: 17.9; 16.9
[26] https://www.unhcr.org/uk/protection/statelessness/54621bf49/global-action-plan-end-statelessness-2014-2024.html
[27] https://www.unhcr.org/591c38347

Why citizenship and access to citizenship must be considered by the 2019 High Level Political Forum

As States prepare for the High Level Political Forum in July 2019, it is important that they consider how access to citizenship may be affecting progress toward achieving the goals and targets of the 2030 Sustainable Development Agenda. Access to citizenship has a fundamental impact on the ability of States and the international community to realise the commitments in the six goals under consideration this year, but also affects the possibility for progress across the Agenda.

People currently without access to citizenship need to be able to obtain a quality education and proof of their educational achievements (SDG 4). Barriers to regular labour markets need to be removed, reducing the risk of trafficking and exploitation (SDG 8). Ensuring access to citizenship and addressing any related, multi-dimensional discrimination will be crucial to making societies fairer and more equal (SDG 10). In countries most at risk of the effects of climate change, stateless persons need to be supported in efforts to build resilience, and serious examination is needed of what citizenship will mean for people living in territories at risk of becoming uninhabitable (SDG 13).

Removing all barriers to free birth registration immediately after birth and programmes to provide 'legal identity' to adults that resolve the status of stateless people and those with undetermined citizenship can help to ensure that everyone can participate in sustainable development efforts (SDG 16). At the same time, seeking the perspectives of people without any citizenship, who may currently be unable to participate in the political system where they live can support sustainable development planning to be truly inclusive (SDG 16). Access to citizenship is sometimes framed as an internal matter for States but ensuring both that everyone has rights even if they have no citizenship, and that everyone has access to a citizenship requires bilateral and multilateral cooperation (SDG 17).

It was agreed that the Sustainable Development Agenda should 'leave no one behind'. In today's world, citizenship is often required for participation in, contribution to and benefit from economic and social development. Often left out of censuses and population measures, and reporting on the development indicators, it is easy to overlook the needs of stateless people. This High Level Political Forum provides an opportunity for reflection on what it would really mean for sustainable development to leave no one behind.

Additional Resources:

(i)   1954 Convention Relating to the Status of Stateless Persons: https://www.unhcr.org/ibelong/wp-content/uploads/1954-convention-relating-to-the-status-of-stateless-persons_eng.pdf

(ii)   1961 Convention on the Reduction of Statelessness: https://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf

(iii)   Americas Network on Nationality and Statelessness: http://www.americasns.org/

(iv)   Citizenship Rights in Africa Initiative: http://citizenshiprightsafrica.org/

(v)   Convention on the Rights of the Child: https://www.unicef.org.uk/what-we-do/un-convention-child-rights/

(vi)   European Network on Statelessness, Statelessness Index: https://index.statelessness.eu/

(vii)   Institute on Statelessness and Inclusion: Statelessness, Human Rights and the Sustainable Development Agenda: http://www.institutesi.org/SDG_working-paper2017.pdf

(viii)   Statelessness Network Asia Pacific: https://www.statelessnessnetworkasiapacific.org/

(ix)   UNDG: Guidance Note on Statelessness and the SDGs: https://undg.org/wp-content/uploads/2018/09/STATELESSNESS-Low.pdf

(x)   UNHCR: Background Note on Gender Equality, Nationality laws and Statelessness 2019: https://www.refworld.org/pdfid/5c8120847.pdf.

(xi)   UNHCR: Global Action Plan to End Statelessness 2014-24: http://goo.gl/hvElnK

(xii)   UNHCR: The SDGs and Addressing Statelessness: https://www.refworld.org/pdfid/58b6e3364.pdf

Acknowledgements