

European Network on Statelessness Annual Report 2012/13



European
Network on
Statelessness

Introduction

There are an estimated 12 million stateless persons worldwide, including over 600,000 in Europe. Yet statelessness remains a relatively hidden and little understood issue. With both government and civil society organisations often unaware of the problem, many stateless persons find themselves stuck in the margins of society without respect for their basic human rights.

The European Network on Statelessness (ENS) was set up against this backdrop and to fill a perceived gap by acting as a coordinating body and expert resource for organisations across Europe who work with or come into contact with stateless persons. No other equivalent pan-European network, platform or forum currently exists to provide this function.

ENS is a network of non-governmental organisations, academic initiatives, and individual experts committed to address statelessness in Europe. We believe that all human beings have a right to a nationality and that those who lack nationality altogether – stateless persons – are entitled to adequate protection.

We are dedicated to strengthening the often unheard voice of stateless persons in Europe, and to advocate for full respect of their human rights. We aim to reach our goals by conducting and supporting legal and policy development, awareness-raising and capacity building activities.

ENS has attracted 70 new members since its public launch in June 2012. This is the first Annual Report of its activities and covers the period from 1 April 2012 to 31 March 2013. This report therefore does not cover the work undertaken to set up the Network prior to April 2012.

There is more information on our website at www.statelessness.eu or come and visit us on Facebook:



Please do not hesitate to contact us at info@statelessness.eu if you have any questions about the information presented in this report.

Chris Nash
ENS Coordinator

Organisation

Do you want to be part of our work?

The Network is open to non-governmental organisations, research centres, academics, lawyers and other individual experts who wish to apply for associate membership. Applications are approved by the ENS Steering Committee.

Until ENS's incorporation as an independent body with its own legal identity, the Network is hosted by the UK-registered charity Asylum Aid in London which performs key Secretariat functions including coordination, fundraising, financial management and overseeing the transition to incorporation. The ENS Steering Committee actively supports Asylum Aid in running the Network.

The Network was initially set up with modest seed funding from the Open Society Foundations to facilitate Steering Committee meetings and the development of a website. In May 2013 a small one year grant was secured from the Oak Foundation to support core operating costs as the Network seeks to develop and broaden its activities, including through dedicated project fundraising.

Our Members

The ENS Steering Committee

The ENS Steering Committee is responsible for the development of the Network and the implementation of its strategic plans. Its composition reflects regional diversity and relevant thematic and sectorial expertise necessary to meet the Network's objectives. *Current members are:*

Chris Nash is International Protection Policy Coordinator at Asylum Aid and joint author of the 2011 UNHCR/Asylum Aid report *Mapping Statelessness in the United Kingdom*. He has worked in the refugee and migration field for 14 years, both as a lawyer and as a manager at several NGOs (including ECRE and Amnesty International), and currently leads Asylum Aid's work on statelessness covering research, policy development, advocacy and training/awareness-raising. He is acting as the ENS Coordinator while Asylum Aid initially hosts the Network.

www.asylumaid.org.uk

Gábor Gyulai has been working in the field of asylum since 2000. He is Coordinator of the Hungarian Helsinki's refugee programme. Besides numerous asylum-related activities, Gábor has been active in putting statelessness on the international agenda since 2006, including involvement in various research and advocacy initiatives. He has trained hundreds of lawyers, judges, state officers and UNHCR staff on statelessness in various European and Latin-American countries. Gábor chairs the ENS Steering Committee. www.helsinki.hu

Ivanka Kostic is founder and Executive Director of Praxis Serbia and has been working in the field of human rights protection since 1993. Praxis has spearheaded a multi-tiered effort aimed at reducing statelessness, involving advocacy for changes to law and practice, provision of free legal aid, research, publishing human rights reports on the subject, and providing training and awareness-raising. www.praxis.org.rs

Maxim Ferschtman is senior legal adviser on equality and citizenship with the Open Society Justice Initiative (OSJI). His role includes responsibility for litigation against racial and ethnic discrimination as well as statelessness in Europe. Previously he has worked as an attorney in Amsterdam, concentrating on criminal, immigration, international law & human rights. Maxim replaced **Sebastian Kohn** (also OSJI) - a founding Steering Committee of the Network until March 2013 www.opensocietyfoundations.org

Dr. Laura van Waas is Senior Researcher and Manager of the Statelessness Programme, of Tilburg Law School in the Netherlands. She is the author of *Nationality Matters* (2008), an in depth analysis of the international normative framework relating to statelessness, alongside numerous other academic publications on nationality and statelessness. She has worked for UNHCR on several statelessness projects: conducting research, drafting public information materials, and developing training programmes. She has also undertaken research and provided training for a number of other international organisations.

www.tilburguniversity.edu

Amal DeChickera is Head of Statelessness Projects at the Equal Rights Trust, and is responsible for research, advocacy, training, awareness raising, network building and policy development on statelessness. Amal authored ERT's 2010 publication "Unravelling Anomaly", and drafted ERT's "Guidelines to Protect Stateless Persons from Arbitrary Detention", and the "Commentary to the Guidelines". Amal sits on the advisory board of the International Detention Coalition and is also a member of the Asia Pacific Refugee Rights Network and the UK Detention Forum. www.equalrightstrust.org

Associate member organisations

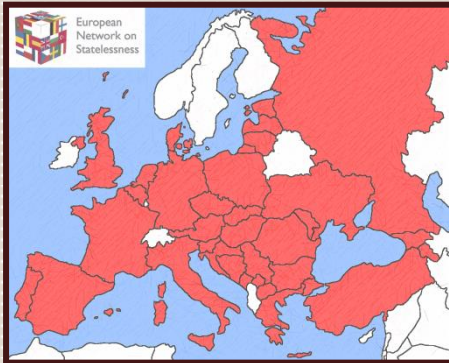
Aditus Foundation, Malta; **AIRE Centre**, UK; **Archway Foundation**, Romania; **Association for Integration and Migration**, Czech Republic; **Association for Juridical Studies on Immigration**, Italy; **Asylkoordination**, Austria; **Bail for Immigration Detainees**, UK; **Belgian Refugee Council**; **British Red Cross**; **Caritas Vienna**; **Civil Rights Programme**, Kosovo; **Danish Refugee Council**; **Detention Action**, UK; **EUDO Citizenship**; **Faith Hope Love**, Russia; **Forum Réfugiés**, France; **Greek Council for Refugees**; **Helsinki Citizen's Assembly Turkey**; **Helsinki Foundation for Human Rights**, Poland; **HIAS**, Ukraine; **Human Rights League**, Slovakia; **Immigrant Council of Ireland**; **Information Legal Centre**, Croatia; **Innovations and Reforms Centre**, Georgia; **Interights**, UK; **Italian Council for Refugees**; **JRS Romania**; **Kerk in Actie**, Netherlands; **Latvian Centre on Human Rights**; **Law Centre of Advocates**, Moldova; **Legal Centre**, Montenegro; **Legal Clinic for Refugees and Immigrants**, Bulgaria; **Legal Information Centre on Human Rights**, Estonia; **Lithuanian Red Cross Society**; **Macedonia Young Lawyers Association**; **Migrant Rights Network**, UK; **NGO Vitality**, Moldova; **Peace Institute**, Slovenia; **People for Change Foundation**, Malta; **Portuguese Refugee Council**; **Refugee Action**, UK; **Refugees International**; **Vaša Prava**, Bosnia and Herzegovina

Individual associate members

Marine Antonyan, Armenia; **Katia Bianchini**, UK; **Adrian Berry**, UK; **Zsolt Bóbis**, Hungary; **Michelle Mila van Burik**, Netherlands; **Ivana Canjuga Bedić**, Croatia; **Arsenio Cores**, Spain; **Eva Ersbøll**, Denmark; **Paolo Farci**, Italy; **Eric Fripp**, UK; **Mónika Ganczer**, Hungary; **Professor Guy Goodwin-Gill**, UK; **Stans Goudsmit**, Netherlands; **Stefanie Grant**, UK; **Professor René de Groot**, Netherlands; **Professor James Hathaway**, US; **Karel Hendriks**, Netherlands; **Erika Kalantzi**, Greece; **Maureen Lynch**, US; **Reinhard Marx**, Germany; **Keelin McCarthy**, UK; **Tamás Molnár**, Hungary; **Mike Sanderson**, UK; **Nando Sigona**, UK; **Kelly Staples**, UK; **Jason Tucker**, UK; **Kostas Tsitselikis**, Greece

Law & Policy Development

Through national and pan-European work, we are influencing policy debate at every opportunity.



(Countries where ENS has members)

At the same time we are working to increase our capacity to bring about change through the use of strategic litigation.

Via our members we are helping to compile and provide information on national practices to various intergovernmental and Treaty Body monitoring processes such as the Universal Periodic Review. We contributed to a comparative report being prepared by OHCHR in connection with a Human Rights Council Resolution concerning the Arbitrary Deprivation of Nationality. A member of the ENS Steering Committee gave evidence at a hearing of the Parliamentary Assembly of the Council of Europe (PACE) in Paris in Nov 2012 on issues surrounding access to nationality in the region.

We have received funding from UNHCR to develop a comparative analysis and good practice guide on statelessness determination procedures. This will provide an invaluable tool as more governments across Europe are persuaded to address the statelessness problem by putting in place dedicated procedures equivalent to those that routinely already exist for asylum seekers.

As part of efforts to influence policy debate at the national level, ENS Steering Committee members have spoken at events in the Netherlands (Dec 2012), Budapest (Dec 2012) and Rome (Feb 2013). Efforts to try and move statelessness higher up the EU's agenda included a presentation at a Brussels event on access to citizenship (Feb 2012) and a subsequent invitation to address a hearing of the EU's Fundamental Rights Agency.

Capacity Building Activities

Since its launch ENS has been working to increase its capacity to provide training to a range of stakeholders, including through developing online materials and by establishing a dedicated pool of trainers.

In Nov 2012 ENS held its first major Network event in Budapest, bringing together 30 members from 28 European countries. The aim was to provide specialist training, share information and engage in strategic planning on ways to tackle statelessness in Europe. The seminar was made possible by the support of UNHCR's Global Learning Centre. One of the conclusions arising from the Budapest event was the need to expand the provision of training among NGOs interested in increasing their focus on statelessness work. Subsequently ENS has successfully fundraised for further support from UNHCR's Global Training Centre for a Train the Trainer event scheduled to take place in Nov 2013.



ENS has been actively engaged in building partnerships with the academic community by finding innovative ways to increase the sharing of ideas and knowledge between ENS members, academics and other experts. Through its website, direct advice is provided to Masters and Ph.D students considering or undertaking statelessness research.

ENS has advertised its ability to provide expert legal/policy advice and consultation to external stakeholders, including national governments looking to introduce stateless protection mechanisms or to introduce law reform aimed at preventing statelessness among children born in Europe. Working in partnership with governments has already proved effective in some countries, for example the UK which recently introduced a statelessness determination procedure.

Communications & Awareness-Raising Work

With the support of seed funding from the Open Society Foundations, ENS developed and launched its website in June 2012. Since then various forms of social media have been deployed to reach new audiences across Europe. Our quarterly newsletter and weekly blog provide opinion and analysis of current developments to our mailing list of over 300 subscribers, and through the strategic use of social media to many hundreds or thousands more.

For more in-depth analysis we will continue to collate and provide relevant resources on our website in order to

support advocacy by our members and other stakeholders. These reports, policy briefs and other items have been carefully selected from the wider body of available resources, due to their specific relevance to problems of statelessness in Europe.



As part of its awareness-raising efforts, in December 2012 ENS marked International Human Rights Day by issuing a public statement calling for greater inclusion of stateless persons in Europe and around the world. The statement was widely publicised by ENS, translated into four languages and received prominent media attention in Italy and Denmark.

Working in Partnership & Looking to the Future

ENS works in partnership with other organisations and institutions. We support and encourage international and regional organisations – like the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe, and UNHCR – to address statelessness within their respective mandates.

Given a previous relative lack of understanding and attention towards statelessness issues among civil society and other actors, an immediate priority and expected short term impact will be to raise awareness among these key constituencies. It is expected that the impact of this increased awareness will create political space and help make the case for necessary law and policy reform.

This work will build on momentum through other intergovernmental processes such as the UNHCR pledging process initiated at its Ministerial Meeting in Geneva in December 2011 and through the September 2012 High-Level Rule of Law meeting during the General Assembly in New York where the EU pledged that all Member States would accede to the 1954 Statelessness Convention and consider acceding to the 1961 Statelessness Convention. This has set a clear agenda for Europe in terms of the integration of key international standards into national laws across the region – a process which ENS will seek to influence at every opportunity.

As this impetus for change grows, ENS's ability to provide technical advice and assistance will help strengthen existing and nascent protection mechanisms. In the short to medium term, and as more European states amend their legislation and introduce national statelessness determination procedures, the Network's capacity building functions will enable NGOs and lawyers to be fully equipped to ensure that stateless persons receive the protection to which they are entitled under international law.