

Social, Humanitarian & Cultural Committee

INTRODUCTION



A letter from the Chairs:

Hello Delegates,

It is our pleasure to welcome you to the Social, Humanitarian & Cultural Committee. As delegates in this council, you will be discussing a very pressing and current issue, 'Promote the acquisition of nationality as the primary solution to statelessness'.

We are Vipra Agrawal and Vaishna G.S and will be your chairs for this committee. We will be there to bring forth discussions and help you as and when you require it and expect you to thoroughly go through this guide prior to commencing your research on the issue. The agenda of the committee is open-ended but requires focused research in certain key aspects that have been listed in this guide.

We're really excited and thrilled to be a part of the SOCHUM at NMMUN 2021 and look forward to witnessing some productive debating!

The council issue may be challenging at times, but we hope that this background guide can be of assistance to all of you. However, this background guide is to help

point the right direction of research; we expect all of you to do your own research as well.

Please note that all delegates need to be well versed on both ends of the debate. This being clear, kindly do not limit your research to the areas mentioned below but ensure that you logically highlight your research to areas associated with the issue given.

It is also very important to read and understand the Rules of Procedure uploaded on the website to understand what one can expect on conference day.

Even though this is a virtual conference, we promise to put in the same amount of enthusiasm and effort and hope the same from all of you :) Please do maintain the discipline as you would in a real-life conference.

We look forward to making our sessions productive and enjoyable and assure you of a great learning experience backed with quality debate and simulation. We wish you all the best in your preparations and look forward to seeing you at the Conference!

Please feel free to reach out to us if you have any queries!

Best regards,
Vipra and Vaishna
Chairs of SOCHUM

About SOCHUM



SOCHUM is also called the Third Committee of the General Assembly.

The Assembly allocates to this committee, agenda items relating to a range of social, humanitarian affairs and human rights issues that affect people all over the world.

FUNCTIONS

An important part of the work of the Committee will focus on the examination of human rights questions, including reports of the special procedures of the Human Rights Council which was established in 2006.

POWER

As one of the five organs of the General Assembly, it has the power to suggest solutions and propose guidelines but cannot enforce anything without the support of national governments. That said, SOCHUM is among the most major bodies within the UN, as demonstrated in the vast number of issues it is designed to address. Its purview includes human rights issues and a broad range of social

and humanitarian affairs. This means the committee has the authority to address issues related to refugees, children, and women as well as concepts including self-determination and racism.

Alike other United Nations General Assembly (UNGA), SOCHUM works closely with other UN and non-UN bodies, governmental or non-governmental. Together, they work according to the Charter of the United Nations. In addition, SOCHUM as a UNGA may request topic-specific reports from other UN agencies, such as the Human Rights Council.

The UN Secretary-General reports annually to SOCHUM on different agenda items, and the committee votes on the important matters. The votes are to be recorded. At the end of the session, the committee reports to the plenary bodies of the GA on topic-specific items.

According to the United Nations, SOCHUM deals with “a range of social, humanitarian affairs and human rights issues that affect peoples all over the world.”

As one of the primary forums through which the entire global community is able to collaborate and engage meaningfully on these issues, the operation of SOCHUM is essential to maintaining human dignity and compliance with international humanitarian law everywhere in the world.

As a General Assembly committee, its recommendations are not only a valuable part of providing solutions, but a representation of cooperation at the highest

level. All 193 member-states belong to all six GA committees and each resolution produced by those committees are of contributions from the international community as a whole.

The Third Committee of the GA only releases non-binding resolutions, that is to say it cannot impose action plans and regulations upon states, it can only give suggestions and provide analysis on the matters at hand. Moreover, it collaborates with special rapporteurs and independent experts in order to gather and compile the information necessary to tackle the aforementioned problem

Introduction to the agenda

ISSUE- Promote the acquisition of nationality as the primary solution to statelessness

“Nationality is a human right; Statelessness is the most acute violation of this right”



How does nationality work?

People usually acquire a nationality automatically at birth, either through their parents or the country in which they were born. Sometimes, however, a person can apply to become a national of a country.

What is naturalization?

Naturalization is:

The legal act or process by which a non-citizen of a country may acquire citizenship or nationality of that country. Such a citizen is called a naturalized citizen

Who is a stateless person?

A stateless person is:

Someone who is "not considered as a national by any state under the operation of its law".

A person's citizenship and nationality may be determined based on the laws of a country where an individual is born or where her/his parents were born.

Today, millions of people around the world are denied a nationality. As a result, they often aren't allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married.

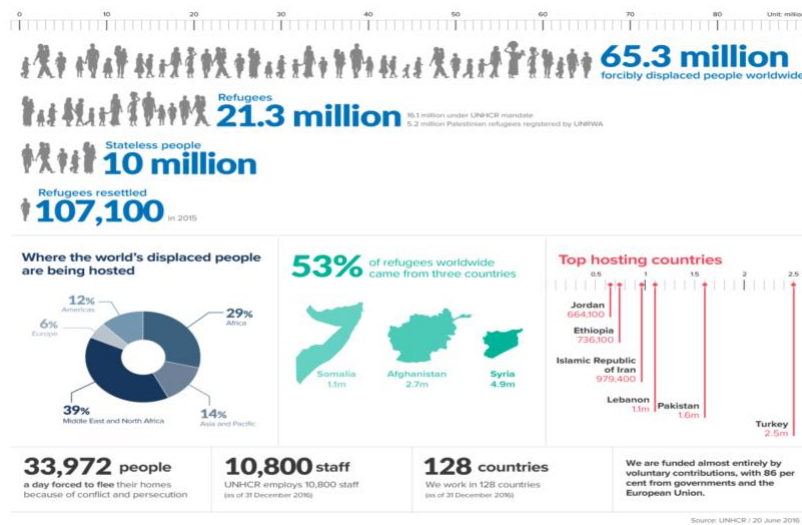
Stateless people may have difficulty accessing basic rights such as education, healthcare, employment and freedom of movement. Without these things, they can face a lifetime of obstacles and disappointment.

How Does a Person Become Stateless?

1. Gaps in nationality laws are a major cause of statelessness. Every country has laws which establish under what circumstances someone acquires nationality or can have it withdrawn. If these laws are not carefully written and correctly applied, some people can be excluded and left stateless. An example is children who are of unknown parentage in a country where nationality is acquired based on descent from a national. Fortunately, most nationality laws recognize them as nationals of the state in which they are found.
2. Another factor that can make matters complicated is when people move from the countries where they were born. A child born in a foreign country can risk becoming stateless if that country does not permit nationality based on birth alone and if the country of origin does not allow a parent to pass on nationality through family ties. Additionally, the rules setting out who can and who cannot pass on their nationality are sometimes discriminatory. The laws in 27 countries do not let women pass on their nationality, while some countries limit citizenship to people of certain races and ethnicities.
3. Another important reason is the emergence of new states and changes in borders. In many cases, specific groups can be left without a nationality as a result and, even where new countries allow nationality for all, ethnic, racial and religious minorities frequently have trouble proving their link to the country. In countries where nationality is only acquired by descent from a national, statelessness will be passed on to the next generation.

4. Finally, statelessness can also be caused by loss or deprivation of nationality. In some countries, citizens can lose their nationality simply from having lived outside their country for a long period of time. States can also deprive citizens of their nationality through changes in law that leave whole populations stateless, using discriminatory criteria like ethnicity or race.

What are the consequences of Statelessness?



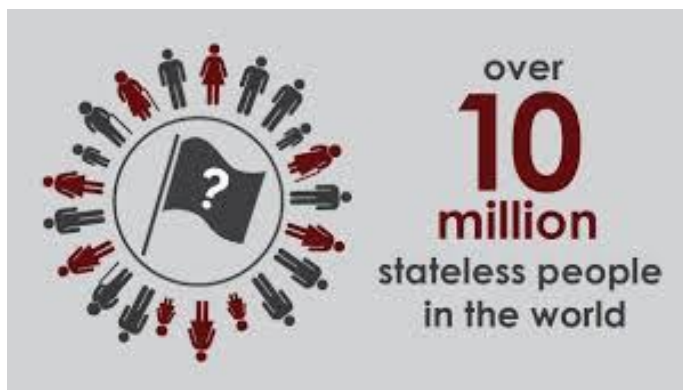
The consequences of statelessness create a **ripple effect**, such that they are not felt just by the individuals directly impacted but also by their family members, wider members of society, and the international community of states. Modern bureaucracies are crafted in a way that takes the possession of a nationality as the norm - statelessness is the neglected and largely forgotten state of exception. Without any nationality, a number of rights are immediately out of reach even according to the mechanics of contemporary human rights. Political rights are the

first to be denied to stateless persons, as well as other rights whose enjoyment is limited to citizens of that particular state. Disenfranchisement is therefore an immediate and almost universal problem for stateless persons, limiting their ability to influence laws and policies that affect them or to call for reforms that would bring an end to their statelessness.

The harsh reality for many stateless persons is a story of lack of opportunity, lack of protection and lack of participation. They face challenges in all areas of life, including entering or completing schooling, accessing healthcare services, finding gainful employment and obtaining social security. In some situations, statelessness actually becomes a conduit or catalyst for human rights violations, be they perpetrated by the state or because of a vacuum of state protection.

Being slated as outsiders, not just by their state but by all states, may indeed make the stateless easy targets for victimization within society, as they may be seen as less deserving of compassion, protection and support. Amongst others, they may be a target for exploitative practices, such as forced labor. Indeed, the treatment of stateless persons can, in certain instances, amount to persecution. Moreover, the constraints that stateless persons experience, coupled with the fact of not being formally recognised as a member of a state, has an adverse effect on their well-being. A diminished sense of self-worth, and in some instances, a confused sense of identity and belonging, can prompt sentiments of anxiety, depression and hopelessness.

Where Does Statelessness Occur?



In all regions of the world, there are individuals and groups who are denied a nationality. Gathering reliable data on the number of people affected by statelessness is a real challenge. Nevertheless, it is known that at least forty countries globally have large stateless populations.

Why is there a problem with gathering statistical data?

Statistical coverage and reporting on stateless populations worldwide are incomplete. The issue remains “hidden” in many countries, such that there is no reliable figure for the number of people affected.

In some contexts, the line between those with a recognised nationality and those without may not be at all clear; especially where state documentation systems are weak.

Data on statelessness is steadily improving, but significant gaps remain, even in a number of states where it is clear that statelessness is a major challenge. For instance, large numbers of people are affected by statelessness in Zimbabwe, Nepal, India, Madagascar, Bhutan, the Democratic Republic of Congo and Lebanon, but no accurate figure is currently reported for these countries.

What is the legal framework to address statelessness?

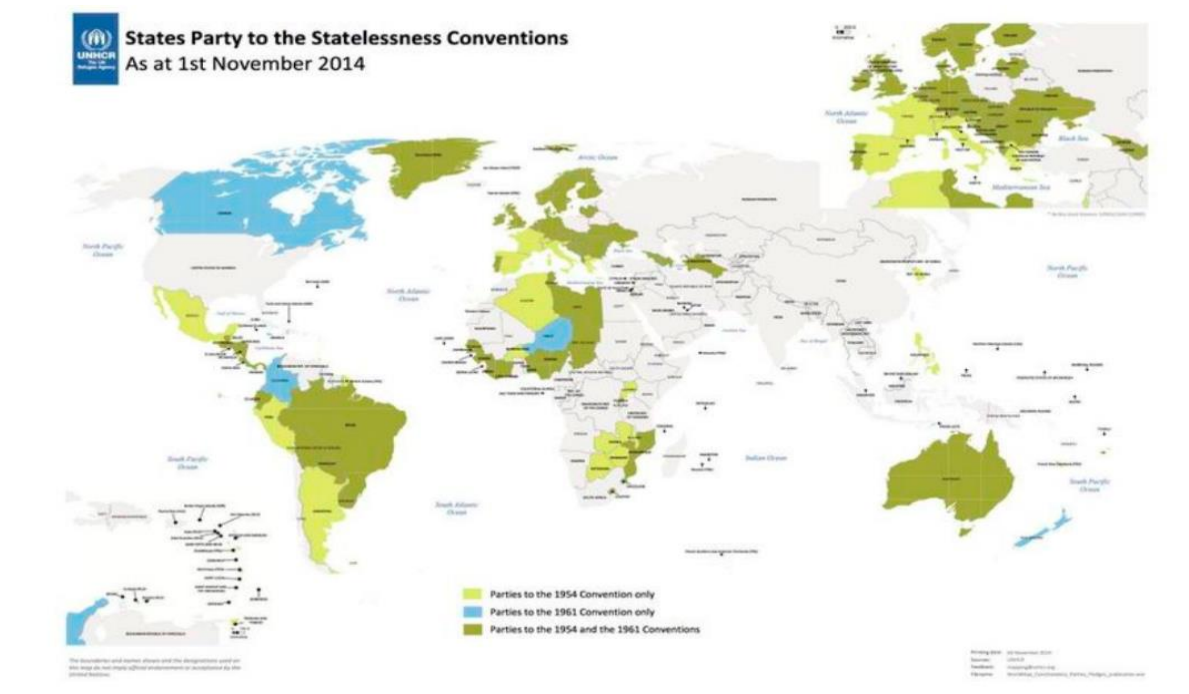


Image: <https://www.unhcr.org/4d651eeb6.html>

- Countries set their own rules for acquisition, change and loss of nationality as part. At the same time, the discretion of States with regard to nationality is limited by obligations under international treaties, customary international law and general principles of law.
- The 1954 Convention relating to the Status of Stateless Persons is the cornerstone of the international protection regime for stateless persons. It provides the definition of a stateless person and establishes minimum standards of treatment for stateless people with respect to a number of rights. The 1954 Convention also guarantees stateless people a right to identity, travel documents and administrative assistance.
- Specific obligations relating to prevention and reduction of statelessness are established under the 1961 Convention on the Reduction of Statelessness. It requires countries to establish safeguards in legislation to address statelessness at all stages in life. It also sets out important safeguards to prevent statelessness due to loss of nationality or state succession.
- The 1961 Convention also sets out the very limited situations in which countries can deprive a person of his/her/their nationality, even if it would result in statelessness.
- Regional treaties complement the international statelessness conventions and establish additional obligations for States Parties relating to the prevention of statelessness.
- UNHCR is mandated by the UNGA to identify and protect stateless people and to prevent and reduce statelessness. UNHCR fulfills its mandate by

working with governments, other UN agencies and civil society to address the problem.

- On 4 November 2014, UNHCR launched the #IBelong Campaign to End Statelessness by 2024. To achieve the goals of this campaign, it established a guiding framework comprising 10 Actions to be undertaken by States, with the support of UNHCR and other stakeholders.
- The Global Action Plan is intended to resolve existing major situations of statelessness and prevent new cases from emerging.

Even though several laws and initiatives exist internationally, they are often not followed in the intensity they are prescribed to.

Statelessness in different countries

1.The Dominican Republic

In the 1920s, Haitian migrants moved to the Dominican Republic. They settled in slums, bringing their families or marrying and having children with Dominican women. They integrated into Dominican communities, becoming the most numerous minority group in the country.

Over the years, authorities in the country have adopted a set of practices, standards and judicial decisions directed to denationalize people born in the country who descend from Haitian migrants. This process has resulted in several becoming stateless.

2.Afghanistan

A group of people on the eastern side known as Bangriwala have reportedly been forcibly relocated because of their lack of identity documents.

It was eventually resolved that the so-called Bangriwala were not Afghans and that they should be removed to an unknown location, possibly neighboring Pakistan.

People can apply for citizenship, but the problem lies in how people have to apply for a tazkera, the document that proves citizenship and provides rights. A local elder – who has to be registered as an official representative of the community that the person claims to belong to – has to verify that the person is part of the

community or the son/daughter of a community member who already has a tazkera and is registered. The practical problems for Bangriwala are two-fold. First of all, most of their local elders are not officially registered, which makes it impossible for them to vouch for tazkeras. Secondly, most of them have never been registered in the national archives and thus have left no bureaucratic trace, which makes it more difficult for their successors to register leaving them stateless.

3.China

U.N. human rights investigators have accused North Korea of abuses comparable to Nazi-era atrocities. As a result, many have migrated from there to China.

Undocumented North Koreans born in China are considered stateless from their birth. In 2010, the census data confirmed that at least 13 million children were affected by lack of *hukou*, which serves as birth registration and affirms nationality. The true number was probably closer to 30 million.

Most children were denied *hukou* by local bureaucrats because their parents violated the 'one child policy' still in place at that time, which restricted parents from having more than one or two (for those in rural areas whose first child was a girl) children or having children outside wedlock. Often, children denied birth registrations are those whose parents have yet to pay a "social compensation fee" – a fine for having their child without permission. Although this is an illegal action by local police bureaus, not only is denial of birth registration prevalent, many state officials see it as a key component of enforcing restrictions on reproduction.

When these children reach adulthood, they would be unable to work legally, get married, travel on planes, trains or long-distance buses, open a bank account or access other rights dependent on having proof of legal personhood. Moreover, they lacked documents attesting their nationality, which was a prerequisite for an ID card and passport application.

4. India

India is in the midst of a crisis around citizenship and statelessness. There are two immediate triggers for the crisis: (1) following a citizenship verification process, almost two million people have been left out of the state-run National Register of Citizens (NRC) in the state of Assam, augmenting risks of statelessness; and (2) Indian Parliament has enacted legislation - the Citizenship Amendment Act, 2019 - which differentiates between religious groups in the provision of citizenship.

More than 1.9 million people in India's Assam state face being stripped of their citizenship after they have, in effect, been declared as 'non-citizens' through the publication of the 'final' National Register of Citizens (NRC) list on 31 August 2019. While this is less than the four million people excluded from earlier drafts, fears of a statelessness crisis are growing.

5. Myanmar

Myanmar is home to an estimated 495,939 stateless Rohingya, the country's main stateless population. Other stateless minority groups are also present in the country, as well as individuals who have been left stateless due to flaws and gaps in Myanmar's Citizenship Law. One of the most significant problems with

Myanmar's Citizenship Law is its discriminatory nature because of its focus on race and ethnicity. There are no protection measures against the deprivation of nationality and statelessness, with corruption practices perpetuating the issue.

The Rohingya are not listed among the 135 national ethnic groups recognised by Myanmar and are therefore not entitled to citizenship, rendering them stateless.

Other groups also at the risk of or are stateless include Gurkhas, Tamils, Hindu speakers of Bengali-dialects, groups at the Myanmar border and Muslim and Hindu populations.

People with mixed ethnicities/ religions also can become stateless here since they don't meet the strict criteria set by the Myanmar Citizenship Law. If either parent belongs to an unrecognized ethnic minority, in theory, children should still be able to obtain nationality in certain situations. This however rarely happens in practice.

6.Syria

In Syria, having no nationality is not a new phenomenon - the country already hosted one of the largest populations of stateless people prior to the start of the conflict in 2011. This includes presence of several large groups excluded from nationality, as well as gender discrimination embedded in Syria's nationality law and practice, which has for decades prevented Syrian mothers from passing their nationality to their children. Women whose children are born with no legally established paternity continue to face problems in passing their Syrian nationality to the next generation.

The protracted conflict has significantly shaped the issue of statelessness in two keyways: changing the nature of the existing statelessness problems and producing new instances of statelessness.

For the two main affected groups in the country, Syrian Kurds and Palestinians, statelessness has been the result of specific historic events - the 1962 discriminatory census in Syria's north-eastern Hassaka governorate and the 1948 mass expulsion of Palestinians respectively. Combined they made up one of the largest groups of stateless people living in a single country.

7.Nepal

The main reason for statelessness in Nepal is gender discriminatory nationality laws. Over four million people in Nepal are stateless as women aren't allowed to pass their citizenship onto their children.

Women in Nepal face administrative restrictions when it comes to applying for their citizenship certificate. To apply for citizenship by descent administrative rules require a married woman to submit a formal attestation from her husband, an unmarried woman or girl needs a formal attestation from her father, that she qualifies for citizenship and has his permission to receive it.

In effect, despite the nationality laws in place, women only have a qualified right to citizenship since obtaining it does not depend solely on the laws of Nepal but on the applicant's father's or husband's cooperation. And the men in their lives often refuse because without citizenship a woman cannot access the courts to make legal claims to land and property.

8.Nigeria

Statelessness in the country is said to occur for several reasons, including discrimination against particular ethnic or religious groups, or on the basis of gender; the emergence of new States and transfers of territory between existing States; and gaps in nationality laws.

It dates back to the ceding of the Bakassi Peninsula which left the inhabitants of the peninsula uncertain of their citizenship and more recently, the Boko Haram insurgency which has led to mass displacements of persons.

A Nigerian minister said that the country has ratified the 1954 Convention related to the status of Stateless Persons and the 1961 convention on the reduction of Statelessness. Similarly, Nigeria signed the Abidjan declaration on the eradication of Statelessness in ECOWAS member States. This led to the development of the National Action Plan to eradicate Statelessness in Nigeria.

9.Belgium

In Belgium, until recently people who couldn't show that they acquired the nationality of the country they were previously residing in were recognized as stateless.

The most important problem in the current mechanism is the lack of an automatic grant of a residence permit following a positive recognition of statelessness. This leads to a major protection gap, because it precludes access to rights under the 1954 Convention. Similarly, people applying to be recognised as stateless in Belgium do not have a legal status or a temporary residence permit for the duration of the procedure. Registration of stateless people in the civil registries is also often inadequate, resulting in difficulties for stateless individuals to access their rights.

Interviews of stateless people conducted in Belgium showed how their lack of nationality often results in an accumulation of problems and how the uncertainty of their situation affects their lives and wellbeing.

10.France

Statelessness determination procedure (SDP) in France is accessible, there is a right to appeal, and a multi-annual residence permit with the right to a travel document granted to those recognised as stateless. The law requires that detention is a last resort. There are provisions in law to prevent statelessness including among children born on the territory or to nationals abroad.

However, there are also key gaps. France is not party to three of the four core statelessness conventions and although some disaggregated data on the SDP and stateless refugees is published, it does not capture statelessness in its census. Applicants for stateless status under the SDP have no legal right to stay and there is no simplified route to naturalization.

There is a safeguard in law for children born stateless in France, its implementation is problematic with some children being required to go through the SDP to prove their statelessness. Late birth registration is only possible through the courts and there is no evidence of state action to address the risk of marginalized groups remaining unregistered.

In addition to taking in asylum seekers who spontaneously present themselves on its soil, France has made active efforts since 2017 to provide those in the world who need protection with other safe and legal access routes to its territory.

11.Switzerland

In Switzerland, statelessness is determined on the basis of a formal SDP conducted by the SEM. This procedure is governed by the Federal Administrative Procedure Act. This ensures that fundamental procedural safeguards are guaranteed, such as the right to appeal and the opportunity to obtain free legal assistance during the appeal procedure.

However, the fact that there are no provisions governing specifically the statelessness determination procedure leads to regulatory gaps. The Administrative Procedure Act does not sufficiently take into account the particular situation of stateless persons in Switzerland. Applicants have no right to an interview, nor to assistance with translation or interpretation if required. They have no access to free legal advice and legal assistance in first-instance proceedings, even though these procedural safeguards are guaranteed by the Federal Constitution.

Moreover, there is no express provision granting applicants a right of residence for the duration of the procedure. Even if they are usually not removed during the procedure, the existence of a legal basis would nevertheless provide legal certainty and could also facilitate access to the procedure.

12.UK

Stateless people can get leave to remain in the UK because they have nowhere else to go. The criteria for this leave are found at Part 14 of the Immigration Rules.

Law, policy and practice on statelessness in the UK is mixed. There have been some recent positive developments, such as the introduction of a statelessness determination procedure (SDP) in 2013, and the UK is party to most relevant human rights treaties. It also has safeguards in place to prevent statelessness in most cases. But there are significant gaps. However, the country does not consider statelessness as a protection issue, does not provide for a time limit on detention, and the definition of a stateless person in the UK Immigration Rules contains exclusion criteria that go beyond the 1954 Convention.

In January 2014, a bill was passed to deprive a *naturalized* British citizen of their citizenship, even if that renders the individual stateless, if the Secretary of State is satisfied that the deprivation of citizenship is conducive to the public good because the person behaves in a manner that goes against the interests of the UK.

13.USA

The United States, which is not a signatory to the 1954 Convention on the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness, is one of a small number of countries that allow their citizens to renounce their citizenship even if they do not hold any other. The *Foreign Affairs Manual* instructs State Department employees to make it clear to Americans who will become stateless after renunciation that they may face extreme difficulties (including deportation back to the United States) following their renunciation, but to afford such persons their right to give up citizenship.

Former Americans who have voluntarily made themselves stateless include Garry Davis in the beginning years of the United Nations, Thomas Jolley during the Vietnam War, Joel Slater as a political protest in 1987 while believing that he would obtain Australian citizenship, and Mike Gogulski as a political protest in 2008 without attempting to take any other citizenship.

The Fourteenth Amendment of the US Constitution granted citizenship to African American slaves. The Supreme Court ruling clarified that people born to aliens on US soil were entitled to citizenship under the Fourteenth Amendment. However, it excluded Native Americans by defining a citizen as any person born in the US, but only if "subject to the jurisdiction thereof"; this latter clause excluded anyone who was born in tribal nations within the United States, as the Supreme Court ruled that they are "quasi-foreign nations who deal with Congress using treaties". The Indian Citizenship Act addressed the issue by granting citizenship to America's indigenous peoples.

According to CMS's analysis, roughly 218,000 US residents are potentially stateless or potentially at risk of statelessness. These groups live in all 50 states.

Conclusion:

Addressing statelessness is a challenging yet compelling issue for the international community. Although statelessness is a problem produced by nation-states, it is nevertheless of utmost international significance and can only be resolved by means of international politics, and specifically, international negotiations and treaties.

Statelessness has failed to fully emerge as an issue as a result of the lack of advocacy at national and international level.

Furthermore, the political will for solving this problem is often missing because the issue is often seen as a national issue that is fundamentally tied to the delicate issue of state sovereignty.

That being said, delegates are encouraged to dig deep on the situation within the national, regional, and global scope to understand the intersection of statelessness with the existing political, economic, and social issues.

Suggested Moderated Caucus topics

- 1.How to combat statelessness based on ethnic and gender-based differences.
- 2.Improvement of the integration of former stateless persons into society.

- 3.How to protect particularly vulnerable groups of stateless persons.
- 4.Should stateless people be provided citizenship?
- 5.Deriving a long-term practical political solution to protect stateless individuals.
- 6.How can the process of gaining citizenship by stateless people be improved?

Note: These are simply suggestions and may or may not be brought up by delegates in the council. You are expected to prepare your own mod topics as well.

Guiding questions

- 1.How does statelessness come into being?
- 2.What are the causes of statelessness?
- 3.Why is the issue of statelessness of such importance and relevance?
- 4.How can we help eradicate statelessness?
- 6.How can your represented country contribute to the media strategy and dialogue on the topic of statelessness?
- 7.What are the gaps between citizenship laws between countries and how can we fix them?
- 8.As the U.N. sets 2024 as the goal for when we will have ended statelessness, what necessary steps can be and are taken to ensure that happens?
- 9.How should education and other services be provided to stateless people?
- 10.Is providing citizenship to stateless people the best way to ensure their rights?
- 11.What can be done to implement provision of stateless people citizenship?
- 12.Does your represented country have good practices that can be shared with other Member States and serve as a basis to end statelessness?

Questions a Resolution should answer:

1. What are the defining characteristics of statelessness? Is the current definition sufficient or should the UN establish a more specific definition?
2. To what extent can the international community be involved in solving the issue of statelessness of individual states?
3. What UN programs could be improved in addressing statelessness and its effects and how?
4. How can the international community collaborate with national governments and local authorities, as well as civil society and non-governmental organizations in addressing statelessness?
5. In which other forms can the UN assist non-governmental organizations to address and end statelessness?
6. What other steps can the UN take to address statelessness?

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