



UNHCR
The UN Refugee Agency

“THIS IS OUR HOME”

STATELESS MINORITIES AND THEIR SEARCH
FOR CITIZENSHIP

#IBELONG

“Imagine being told you don’t belong because of the language you the faith you follow, the customs you practice or the colour of your This is the stark reality for many of the world’s stateless. Discrimination, which root cause of their lack of nationality, also pervades their everyday lives – often effects. If we want to end statelessness, we must address this discrimination. We must insist on equal nationality rights for all.”

Filippo Grandi
UNITED NATIONS HIGH COMMISSIONER
FOR REFUGEES

Discrimination. Exclusion. Persecution. These are the words that most commonly describe the existence of the world’s stateless minorities. More than 75% of the world’s known stateless populations belong to minority groups.⁽¹⁾ These populations include the descendants of migrants, many of whom arrived or who were displaced to a territory before it gained independence; nomadic populations with links to two or more countries; and groups that have experienced ongoing discrimination despite having lived for generations in the place that they consider to be home.

Discrimination on the basis of ethnicity, race, religion or language is a recurrent cause of statelessness globally. In some cases discrimination against minorities is prescribed by law: at least 20 countries maintain nationality laws in which nationality can be denied or taken away in a discriminatory manner.⁽²⁾ Instances of mass deprivation of nationality on grounds of ethnicity or race have continued to occur in recent decades. More frequently, discrimination is based on formal or

⁽¹⁾ This percentage is based on statistics for stateless populations included in UNHCR’s 2016 Global Trends Report that are known to belong to an ethnic, religious or linguistic minority. It does not account for minority groups that compose a proportion of a known stateless population in a country, but do not form the majority of that population. The percentage also does not include the many stateless minority groups for which UNHCR does not have adequate statistical data.

⁽²⁾ See Action 4 of UN High Commissioner for Refugees (UNHCR), *Global Action Plan to End Statelessness*, 4 November 2014, available at: <http://www.refworld.org/docid/545b47d64.html>



*Speak,
skin.
can be the
with crippling*

informal policies and practices that affect certain groups disproportionately. Statelessness can exacerbate the exclusion that minorities already face, further limiting their access to education, health care, legal employment, freedom of movement, development opportunities and the right to vote. It creates a chasm between affected groups and the wider community, deepening their sense of being outsiders: of never belonging. Left unaddressed, the protracted exclusion of stateless minorities can build resentment, fear and - in the most extreme cases - lead to persecution, displacement, instability and insecurity.

In May and June 2017, UNHCR spoke with more than 120 individuals who belong to stateless, formerly stateless and at-risk minority groups in three countries: the Karana of Madagascar, Roma and other ethnic minorities in the former Yugoslav Republic of Macedonia, and the Pemba and Makonde of Kenya. Drawing on individual testimonies collected during these consultations, this report explains the circumstances that have led to them not being recognized as nationals of any country. It shows how statelessness can be passed on from one generation to the next, with children denied nationality on the basis of their parents' national or ethnic origins. It highlights the daily indignities and suffering of individuals who are excluded because of characteristics that are inherent to their identities – their histories, their looks, their language, their faith. The findings in this report underscore the critical need for minorities to enjoy the right to nationality.

These key findings from UNHCR's consultations in 2017 relate to both

causes and impacts of statelessness among the minority groups consulted. They illustrate that the two can be closely related to each other (e.g., discrimination and lack of documentation can be both causes and consequences of statelessness).

DISCRIMINATION

“PEOPLE TELL US
TO GO BACK TO MUMBAI.
BUT WE DON'T KNOW MUMBAI.
WE WERE BORN HERE.”

—NASSIR HASSAN, 48,
KARANA COMMUNITY,
MADAGASCAR

Discrimination and exclusion of ethnic, religious or linguistic minority groups often lies at the heart of their statelessness. At the same time, their statelessness can lead to further discrimination, both in law and in practice. According to those consulted, discriminatory attitudes are apparent in interactions with the authorities and their fellow countrymen and women. They also report that discrimination degrades their communities, stopping them from being viewed as equal human beings, deserving of the same rights and levels of respect. Discrimination also contributes to poverty and difficulties in accessing education, health care, and other state services.

LACK OF DOCUMENTATION

“THEY [THE AUTHORITIES]
DIDN'T EXPLAIN THINGS TO ME,
THEY JUST ASKED FOR DOCUMENTS THAT
I DIDN'T HAVE.”

—HAIDAR OSMANI, 54,
ETHNIC ALBANIAN COMMUNITY,
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Discrimination against the stateless minorities consulted manifests itself most clearly in their attempts to access documentation needed to prove their nationality or their entitlement to nationality, such as a national identity document (I.D.) or a birth certificate. Lack of such documentary proof can result in a vicious circle, where authorities refuse to recognize an otherwise valid claim to nationality. In some cases, minority groups find it impossible to meet the legal requirements necessary to acquire a national I.D. - typically, proof of having been born in the country of residence to a parent of the same nationality (e.g., a birth certificate). Even where the law specifies that all births on a territory are to be registered, lack of knowledge of such laws can lead some authorities to deny registration to minority groups viewed as foreigners. Other forms of discrimination range from arbitrary refusal to provide or renew documents; hostile treatment; or exploitation by authorities issuing documentation. All of this leads to many having to make repeated appointments, pay onerous fees and wait for unduly long periods of time for a response to their document applications. Most individuals consulted had made multiple attempts to acquire a birth certificate or national I.D. Without any means to prove their nationality or entitlement to citizenship, they are often excluded from benefits such as public health services and social assistance available to citizens.

POVERTY

“THE BIGGEST PROBLEM IS THE POVERTY CAUSED BY MY STATELESSNESS. A STATELESS PERSON CANNOT OWN PROPERTY. I FEEL BELITTLED AND DISGRACED BY THE SITUATION THAT I AM IN.”

—SHAAME HAMISI, 55,
PEMBA COMMUNITY,
KENYA

Because of their statelessness and lack of documentation, the groups consulted are typically excluded from accessing legal or sustainable employment, or obtaining the kinds of loans or licenses that would allow them to make a decent living. These disadvantages can expose them to those who would take advantage of their vulnerability and inability to challenge exploitative employment arrangements. This marginalization can make it difficult for stateless minorities to escape an ongoing cycle of poverty. Denied the ability to own their own property, some stateless minorities have resorted to registering their assets using other identities (usually of citizens they know) in order to be able to provide for their families, leaving them in a state of insecurity and worry.

FEAR

“THEY [POLICE] KNOW WHAT WE DO, WHERE WE GO. THEY ASK FOR OUR I.D.s, WHEN WE SAY WE DON'T HAVE ANY, WE ARE ARRESTED AND BEATEN.”

—AJNUR DEMIR, 26,
ROMA COMMUNITY,
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

All the groups consulted spoke of their fear for their physical safety and security on account of being stateless. Some individuals have experienced being physically persecuted first hand. Others point to examples of deliberate profiling by the police, the inability to produce documents leading to arrests or the payment of bribes, as well as detention and attempted deportations by authorities. Being criminalized for a situation that they are unable to remedy has left psychological scars and a sense of vulnerability among many. For some, the inability to even secure a permanent dwelling or to own their own property or assets fundamental to their livelihoods has left them in a state of precariousness and extreme worry. All parents expressed deep despair about not having the ability to change the future for their children.

“WE ARE HERE, THIS IS OUR HOME.”

BACHIR IBRAHIM, 71
KARANA COMMUNITY,
MAHAJANGA, MADAGASCAR

Ensuring equal access to nationality rights for minority groups is one of the key goals of UNHCR’s #IBelong Campaign to End Statelessness by 2024. To achieve this, UNHCR urges all States to take the following steps in line with Actions 1, 2, 4, 7 and 8 of UNHCR’s Global Action Plan to End Statelessness:

- Facilitate the naturalization or confirmation of nationality for stateless minority groups resident on the territory, provided that they were born or have resided there before a particular date, or have parents or grandparents who meet these criteria.
- Allow children to gain the nationality of the country in which they were born if they would otherwise be stateless.
- Eliminate laws and practices that deny or deprive persons of nationality on the basis of discriminatory grounds such as race, ethnicity, religion, or linguistic minority status.
- Ensure universal birth registration to prevent statelessness.
- Eliminate procedural and practical obstacles to the issuance of nationality documentation to those entitled to it under law.



THE #IBELONG CAMPAIGN DESIGN DEVELOPED IN COOPERATION WITH UNITED COLOURS OF BENETTON



In May and June 2017, UNHCR spoke with more than 120 individuals who belong to stateless, formerly stateless or at-risk minority groups in three countries: the Karana of Madagascar, Roma and other ethnic minorities in The former Yugoslav Republic of Macedonia, and the Pemba and the Makonde of Kenya. The consultations enabled UNHCR to better understand the key causes of statelessness of these groups, as well as the impacts of being stateless on their lives.

While there is no reliable data concerning the exact figure of stateless persons globally, UNHCR estimates that there are currently millions of people without any nationality. Many of these people belong to a group that is an ethnic, religious, or linguistic minority in the country in which they have often lived for generations. They are therefore distinct from the majority both because they are stateless and because they are minorities.⁽³⁾ This report considers both statelessness status and minority status as they relate to each other through people’s lived experiences.

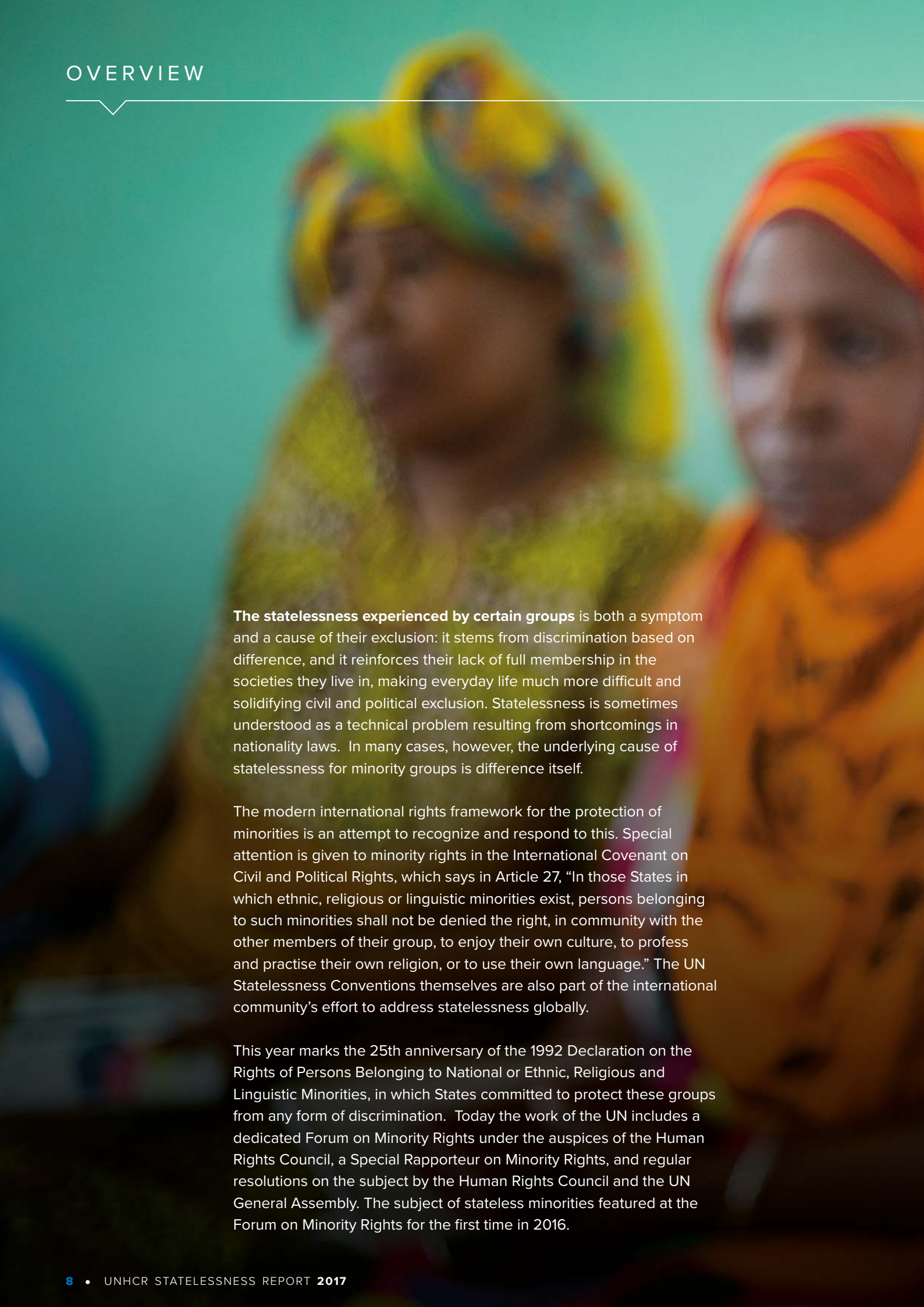
In some cases a person’s statelessness is caused by explicit exclusion from citizenship in the nationality law of the country in which they live on the basis of their minority status. For example, the Muslim Rohingya in Myanmar, the largest known stateless group in the world, are excluded from a list of ‘national ethnic groups’, which, according to the 1982 Citizenship Law, automatically acquire citizenship at birth. They are unable to acquire Myanmar nationality because of the discriminatory way in which the law is drafted and applied in practice. In Syria, in 1962, a special census ordered by decree negatively impacted 300,000 Syrian Kurds leaving them stateless (this number has since been reduced to 160,000).⁽⁴⁾ In other situations, the discrimination is less explicitly linked to minority status. For example, a

⁽³⁾ While there is no internationally agreed definition of a minority, it is commonly accepted that a minority is an ethnic, religious or linguistic group, fewer in number than the rest of the population, whose members share a common identity. See, e.g., Article 27, international Covenant on Civil and Political Rights.

⁽⁴⁾ Important steps have been taken to address the situation of Syrian Kurds deprived of their nationality in 1962; most notably, in 2011 Decree 49 was promulgated, leading to the granting of Syrian nationality to thousands of stateless persons from the ethnic Kurdish minority since then.



2013 Constitutional Court ruling in the Dominican Republic had a disproportionate impact on persons of Haitian descent born in the country, depriving many persons from this minority group of nationality, even if the ruling did not expressly target them. Discrimination in administrative practices in a number of countries can leave minority groups without documentation such as birth certificates and national I.D.s. Such documentation is vital to proving their entitlement to nationality, leaving them at risk of statelessness or stateless where the discrimination is systematic and persistent. Where minority groups are poorer, less well educated, unable to speak the national language, live in remote areas or do not have access to avenues for advice or support, their ability to counter this discrimination, and the resulting exclusion it causes, remains extremely limited.



The statelessness experienced by certain groups is both a symptom and a cause of their exclusion: it stems from discrimination based on difference, and it reinforces their lack of full membership in the societies they live in, making everyday life much more difficult and solidifying civil and political exclusion. Statelessness is sometimes understood as a technical problem resulting from shortcomings in nationality laws. In many cases, however, the underlying cause of statelessness for minority groups is difference itself.

The modern international rights framework for the protection of minorities is an attempt to recognize and respond to this. Special attention is given to minority rights in the International Covenant on Civil and Political Rights, which says in Article 27, “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” The UN Statelessness Conventions themselves are also part of the international community’s effort to address statelessness globally.

This year marks the 25th anniversary of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, in which States committed to protect these groups from any form of discrimination. Today the work of the UN includes a dedicated Forum on Minority Rights under the auspices of the Human Rights Council, a Special Rapporteur on Minority Rights, and regular resolutions on the subject by the Human Rights Council and the UN General Assembly. The subject of stateless minorities featured at the Forum on Minority Rights for the first time in 2016.



Following each of the consultations, UNHCR, together with representatives from each of the affected minority communities, met with stakeholders from Government and civil society to highlight key findings. Minority representatives were also supported to advocate directly with authorities for inclusion of their communities through grant of nationality; reforms to prevent childhood statelessness and remedy discriminatory laws; and improvements to policies and administrative practices to ensure unfettered access to civil registration and associated national identity documentation.

The voices of stateless individuals from minority groups featured in this report help us understand the complex interplay between being disadvantaged as a minority and being stateless. With these insights active steps can be taken to remedy the injustice of statelessness and alleviate the hardships stateless persons experience in their everyday lives.

Tina Eric, 22, from the Makonde tribe in Kwale County, Kenya, participates in the consultations with stateless minorities in June 2017.



Mahajanga



The
Karana of
Madagascar

**SOUGRABAY IBRAHIM,
WHO IS 84 YEARS OLD AND
STILL STATELESS, HAS NEVER
ATTENDED SCHOOL.**



The Karana minority in Madagascar has been present on the territory of this island nation for more than a century. They trace their origins to the western provinces of pre-partition India, particularly to an area that now comprises the Indian state of Gujarat and part of southeastern Pakistan. The most significant wave of migration from India to Madagascar took place in the latter half of the nineteenth century, when seafaring trade on the Indian Ocean became more competitive and many people from India settled in Madagascar, especially on the western coast. There is no reliable data concerning the exact number of

“To go to university you had to do military service. Without nationality, I could not do military service. And so I’ve struggled my whole life without a proper education.”

Karana in Madagascar; while it’s popularly believed that this Indian-origin minority numbers some 20,000, the actual figure might be significantly higher. The vast majority of these people were born in Madagascar and have spent their entire lives on the island. Most live in urban areas, including the capital, Antananarivo, and the city of Mahajanga on the northwest coast. The fact that the Karana are predominantly Muslim has contributed to a perception of them as outsiders.

While exact figures are lacking, it is likely that a significant proportion of the Karana in Madagascar are stateless. This is primarily because Madagascar’s nationality law follows the principle of *jus sanguinis* (granting citizenship at birth to children who have at least one parent who possesses Malagasy nationality), and the Karana were

generally not given citizenship when Madagascar won independence from France in 1960 because they were not considered to be ethnically Malagasy. Virtually all the stateless Karana who met with UNHCR in 2017 reported having attempted to obtain Malagasy citizenship without success. Some retained lawyers to assist with the effort and continually requested citizenship over several decades without receiving any formal reply. An uncertain number of Karana have been able to obtain another nationality and resolve their statelessness that way. For example, several of those who met with UNHCR had obtained French citizenship as a result of a program that France has made available to certain residents of former French colonies. However, the Karana with French citizenship that UNHCR spoke to all remain permanent residents of Madagascar who consider Madagascar their home.

Like stateless people the world over, stateless Karana in Madagascar are often unable to access formal education and opportunities for employment, leaving them with little hope of escaping a situation of extreme poverty. Ismael Ramjanali, a senior citizen who was stateless until he acquired French citizenship in 2017, explained that for his generation of men, “To go to university you had to do military service. Without nationality, I could not do military service. And so I’ve struggled my whole life without a proper education.” His mother, Sougrabay Ibrahim, who is 84 years old and still stateless, never attended school. She remembers going without food so that she could feed Ismael and his siblings. Although she managed to feed them most days, she couldn’t get them medical attention when they were ill. When people asked what was wrong with her children, she had to reply, “They are sick and I have no money to buy them medicine.”

“I am Muslim,
but without nationality
I have never been
able to travel
to Mecca.”



Saguir Ramatoula, 56, Mahajanga, Madagascar.



Aziz Asgaraly from, Mahajanga, Madagascar, helping poor Malagasy children and orphans through Karana community funded projects. To date, many Karana remain unable to access any nationality. Identity documents issued to them by the State of Madagascar, indicate their nationality to be “undefined” meaning, in practice, that they are stateless

The Karana express their sense of exclusion. As Nassir Hassan, a middle-aged Karana woman, puts it, “People tell us to go back to Mumbai. But we don’t know Mumbai. We were born here.” There is also frustration at the indignities they have to suffer, including the many administrative roadblocks that must be navigated to keep their identity documents up-to-date. Families who have been living in Madagascar for generations are still required to obtain residency permits. Rules change regularly as new forms of identification, such as biometric identification, are introduced, and fees for

identification documents seem to rise constantly. Mahamadhoussen Chamimakatomme, a 58-year-old Karana woman, explains how she’s spent over 25 years seeking Malagasy citizenship. As part of her recent efforts, she paid a large sum for a 100 year “temporary” residency permit, only to be told soon afterwards that it was no longer valid unless it was redone with biometrics. “My residence card was thrown in the trash by a civil servant,” she laments. Ibrahim Ickbal, a 50-year-old father of two who works for a local jeweler, recently took out a loan from his employer so that he could afford to buy a new

biometric residency card. “With my modest salary, it will take two years to pay back the loan” he says, adding, “This has been an enormous financial investment, and I still cannot vote or travel”.

Frustration with temporary residency permits, changing documentation requirements, and exorbitant fees is consistently expressed in discussions with the Karana. Several people tell UNHCR that it’s possible to be issued with genuine Malagasy passports for a fee in order to travel abroad for medical treatment, but that these documents are confiscated upon return. However, most stateless Karana are unable to afford such travel documents. Saguir Ramatoula, a softly spoken 56-year-old man, highlights an unusual predicament particular to many Karana, “I am Muslim, but without nationality I have never been able to travel to Mecca”. He adds, “If we are not Malagasy by birth then who are we? This is our home”.

Aziz Asgaraly, a 60-year-old retiree who serves as the President of the Association of Kothja community in Mahajanga, reflects the views of many that they deserve citizenship based on their strong ties and contributions to the communities in which they live. “We run a weekly food distribution to children and elderly people on Sundays, and we’ve helped set up a school that provides primary and secondary education to the local community. My family has been here for five generations but I’ve only managed to acquire French citizenship, not the citizenship of my homeland. Why do we not deserve to be

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We are your neighbors.
When it rains it rains for
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citizens here?” Aziz’s children now also have French citizenship through him. He notes that like so many Karana who have managed to go abroad to study, they are unlikely to come back.

“This is sad. The contributions they could make, the investments we could make...my children study in the best universities in the world, but they do not want to come back. Why would they come back to a country in which they have no rights? If they came back they would enrich the country, they would invest here, but they won’t come back. In this way we are slowly disappearing over time.”

Despite the significant challenges faced by the stateless Karana in Madagascar, a recent development is cause for celebration. On 25 January 2017, the Government promulgated a new law guaranteeing the equal right of citizens, regardless of their gender, to confer nationality on their children. Now, any child born to a Malagasy mother or father will be recognized as Malagasy. UNHCR is hopeful that the government may take further steps to resolve the statelessness of the minority groups without nationality; in addition to the Karana, there are an unknown number of persons of Chinese, Comorian, and mixed descent who are stateless in Madagascar. Few can argue with the words of Bachir Ibrahim, an elderly Karana man, who simply but powerfully makes the case for the Karana to have equal access to Malagasy nationality: “We are here. We are your neighbors. When it rains it rains for all of us. When the sun shines it should shine on us all.”

An aerial photograph showing a Roma settlement in a forested area. The settlement consists of several small, makeshift structures, some with corrugated metal roofs, scattered across a cleared area. A dirt road runs through the settlement, and a concrete road curves around it. The surrounding area is densely forested with green trees. In the bottom right corner, a river is visible. The overall scene depicts a makeshift and somewhat isolated community.

The
Roma and other
the former Yugoslav

ethnic minorities of Republic of Macedonia



Skopje





**MIVTAR RUSTEMOV, 48 AND
LIRIJE RUSTEMOV, 13,**
SKOPJE, THE FORMER YUGOSLAV
REPUBLIC OF MACEDONIA

**“I FEEL THAT
I BELONG HERE,
TOO.”**

“This is our
homeland...
we are not from
elsewhere.”

In an informal settlement made up of makeshift homes by the river Vardar, Roma children are playing with empty plastic bottles. The settlement is referred to as ‘Pod Kale’, which means “under the fortress” in Macedonian. “We collect plastic bottles and make 100-200 denars a day (less than 4 US Dollars) but we cannot save for tomorrow. We don’t get any support from the State”, explains Lasho Nasifi, a 24-year-old stateless Roma man.

The origins of the Romani people can be traced back to northern India. During the thirteenth to fifteenth centuries they migrated to Europe, including to what is today The former Yugoslav Republic of

Macedonia. Roma form the largest group among the ethnic minorities in the country that are stateless or at risk of statelessness. Official numbers indicate that there are 54,000 Roma in the country, although unofficial estimates range from 110,000 to 260,000. The Roma have a unique ethnic identity and speak the Romani language in addition to Macedonian, which distinguishes them from the majority Macedonian-speaking population.

The statelessness of the Roma and other ethnic minorities is linked, in part, to the dissolution of the Socialist Federal Republic of Yugoslavia in the early 1990s. The Law on Citizenship of the former Yugoslav Republic of Macedonia, enacted in November 1992, provided that citizens of the predecessor republic automatically became citizens of the newly created state. Those who were legally residing in the



Roma children playing at Pod Kale settlement, Skopje, The former Yugoslav Republic of Macedonia.

territory of the former Yugoslav Republic of Macedonia at the time of the dissolution could acquire nationality by applying for naturalization within one year. Many missed this short window of opportunity, largely due to lack of awareness, often remaining unaware of the fact that they were not citizens of the State in which they continued to live. As Haidar Osmani, a 54-year-old ethnic Albanian born in Skopje in 1963, recounts, “When they [the authorities] were giving Macedonian citizenship, those who didn’t know about it, did not apply for it.” As a result, many became foreigners in the country in which they were born and had spent most of their lives.

Apart from the consequences of the break-up of the former Yugoslavia, lack of birth certificates and other forms of identity documentation significantly affect the Roma community and their access to nationality,

not only in The former Yugoslav Republic of Macedonia but across south-eastern Europe. Trapped in a cycle where parents’ lack of documentation obstructs the registration of their children, they have no means of proving their entitlement to citizenship. This often results in a combination of poverty and lack of education coupled with poor levels of awareness of the procedures and requirements for documentation and ongoing discrimination. As Sherafedin Sejfula, a 54-year-old Roma man explains: “Discrimination against the Roma is widespread. It is everywhere, in police stations, hospitals, schools. Everyone has priority over you. They [public administration] have an arrogant approach from the start. They always tell you to leave. But this is our homeland, our grandparents were born here, we are not from elsewhere.”





The lack of documentation not only affects the Roma’s ability to confirm or acquire the citizenship of the former Yugoslav Republic of Macedonia but also hampers their access to education, healthcare, employment, social assistance and other basic rights available to citizens. The main obstacle to obtaining a national I.D., which is key to accessing State services, is the requirement of permanent legal residency. Most Roma live in informal settlements or unauthorized housing arrangements, as they cannot afford permanent dwellings. Fatmira Mustafa, a mother of four, collects rubbish from bins for a living. She lives on the edge of the northern suburb of Suto Orizari, where her little hut without water or electricity sits next to piles of rubbish. More than half of the Roma community of Skopje

live in Suto, as it is locally known, the only one of the ten municipalities in Skopje with a Roma mayor. Recently, Fatmira learned that an Albanian man had bought the plot of land on which she and her family are squatting. Ever since, she has been anxiously waiting for the day that the owner knocks on her door to show her the documents that entitle him to the piece of land.

Those with origins in other former Yugoslav republics are asked to produce documents that certify that they are not nationals of any other successor state to the Socialist Federal Republic of Yugoslavia. “The authorities told me that I had to go to Kosovo to get a certificate that I was not a citizen of Kosovo. But how could I travel there without documents?” asks Sutki



Fatmira Mustafa, 32, Skopje,
The former Yugoslav Republic of
Macedonia.

Sokolovski, a 28-year-old ethnic Albanian man. His mother, who abandoned him as a child, was from Kosovo but he was born in The former Yugoslav Republic of Macedonia and has lived there his entire life. Sutki's only document is an I.D. for foreigners, which comes without any entitlements to health insurance and limits his employment to the duration of his permit (i.e. one year). "With an I.D. for foreigners, no one wants to employ you. We are reduced to poverty", says Haidar Osmani. Poverty, in combination with the inability to access public healthcare, has devastating health

“They were born here, how can I not get a birth certificate for my children?”

implications for many Roma, who are unable to pay for medical insurance from their own pockets. Haidar was forced to sell his house after he needed treatment for cancer. For the five members of his family, he has to cover around USD 240 per month for health insurance. Without a national I.D. he is not entitled to health insurance, social assistance or sustainable employment. "I have made more than 20 formal applications for documents since 1991. I even visited the Ombudsman's Office. They [the authorities] didn't explain things to me,

Aijnur Demir, 26, and his young family at Pod Kale settlement, Skopje, The former Yugoslav Republic of Macedonia.



they just asked for documents that I don't have", he explains, defeated.

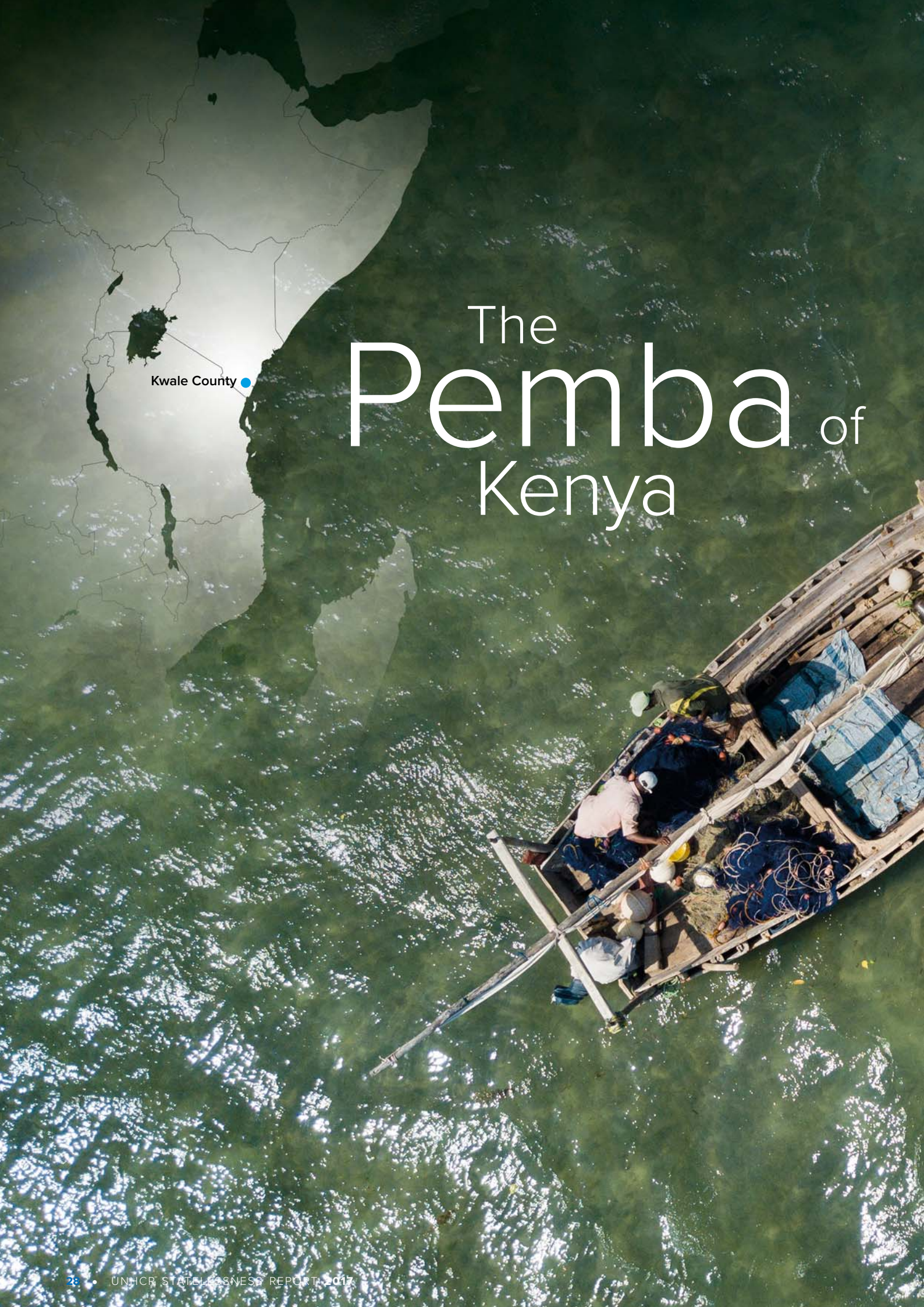
Almost all members of the community share his sentiments that they are not given clear instructions by the authorities, that they experience arbitrary treatment and that they are asked to produce documents they are unable to obtain. "I went to the public notary and asked for these documents", Haidar continues, "I even got the notary to certify that I am who I am. I even had witnesses. When I went back to the authorities to show them the documents, they said I didn't need them and tore them apart." Bajramsha Esad, a 42-year-old Roma mother who tried to obtain a birth certificate for her son, tells us "when the lady at the desk saw me she made a face and told me to leave. They offend us, and often say 'Get away from here, gypsy.'" This feeling of being shunned due to their ethnicity resonates strongly within the community. "Every time I show up they are repulsed because I am Roma", says Ferdi Bislimi, a 23-year-old Roma man without any identity documents.

Unless accompanied by a lawyer or supported by a local NGO, the Roma typically face discriminatory treatment when trying to access public services. The community therefore relies on UNHCR's partner organisation, the Macedonian Young Lawyers Association, and Roma NGOs, like Ambrela, in order to obtain birth certificates and other forms of documentation as well as to access other rights, such as education. Due to futile attempts in the past, many Roma are of the view that they cannot enroll their children in school. The national Law on Primary Education, however, states that every child has a right to primary education on a non-discriminatory basis. This includes the admission of stateless and undocumented

children residing on the territory. In practice, Roma children are often prevented from graduating to the next level and birth certificates are mandatory in order to take final exams. Mivtar Rustemov, a 48-year-old Roma father of seven, has for years been trying in vain to obtain birth certificates for his six children who were born at home. "I cannot understand how this is possible. They were born here, how can I not get a birth certificate for my children? I want her [his daughter Lirije] to have the same opportunities as her friends have."

The younger generation feels that they are missing out on opportunities due to their inability to travel outside the country or even to move around freely within it because of targeted I.D. checks by the police. "They [police] know what we do, where we go. They ask for our I.D.s, when we say we don't have any, we are arrested. They take us to the police station, beat us and threaten us with fines", explains 26-year-old Ajnur Demir. Despite the younger generations' wish to escape these daily humiliations, they admit that "our country is dear to us. We need the conditions to live here. Everywhere else we are foreigners. Here we are home."

Some of these issues are now being addressed. The Working Group on 'Resolving the Issue of Undocumented Persons' under the auspices of the Ministry of Labor and Social Policy has recently resumed its work and discussions are ongoing on potential law reforms that would help the Roma access procedures for birth and personal name registration. The Ministry of Labor and Social Policy is also covering the costs of DNA testing for the most vulnerable Roma families to enable birth registration for children born at home who lack other evidence to prove their family links.



Kwale County ●

The Pemba of Kenya



SHAAME HAMISI, 55,
KWALE COUNTY, KENYA

“WE WANT TO GET CITIZENSHIP.
THIS IS OUR HOME.”



Azure waters and pearly

beaches are the main draws for visitors to the palm-fringed southern coast of Kenya. Dhows, traditional Arabian sailing boats known as 'Jahazi' in Swahili, can frequently be seen unfurling their triangular sails against the horizon - iconic reminders of the history of nautical migration between Kenya and its coastal neighbours. However, life is far from idyllic for stateless populations that have inhabited this region for generations.

The Pemba, originating from the Tanzanian island of the same name, arrived in two major waves of migration to the southern coast of Kenya. The first arrivals came between 1935 – 1940 in search of better livelihood opportunities. They took advantage of the free movement that existed between the islands of Zanzibar, Pemba and the '10 Mile Strip,' an area stretching from Vanga near the Kenya-Tanzania border to Kipini in Lamu, and the 10 nautical miles inland from that coastline, all of which were governed by the then Sultan of Zanzibar, Abdullah bin Khalifa. In 1963, with colonial rule drawing to an end in Africa, the Sultan relinquished his control over the 10 Mile Strip and the area was included as part of the Kenya Protectorate. It thus became an integral part of Kenya upon the country's independence in December 1963. Notwithstanding the long presence of the Pemba on the Kenyan coast, or the fact that most had lost their ties with the island of Pemba over time, these first arrivals and their descendants have never been recognized as Kenyan citizens.

The second wave of Pemba arrived in Kenya between 1963 – 1970, some seeking economic opportunity, but most fleeing the violence resulting from the 1964 Zanzibar Revolution, which led to the overthrow of the monarchy of Sultan Jamshid bin Abdullah. Although some from this group were issued with Kenyan nationality identity cards, these were withdrawn under the repressive regime of President Moi and deportation orders against the Pemba were issued throughout the 1980s and 1990s. Notwithstanding these orders, many Pemba took refuge in the Kenyan bush, desperate to remain in the country that they had come to view as home. It is estimated that there are approximately 3,500 Pemba living in Kenya today.

Predominantly earning their living through fishing and subsistence farming, the group of 25 stateless Pemba men and women that UNHCR consulted in Shimoni village were all pre-independence arrivals or the children of such persons, born and raised their entire lives in the coastal counties of Kwale and Kilifi. Shaame Hamisi, a 55-year-old father of 13 and Chairman of the Pemba community, remains stateless and undocumented, despite the fact that his wife is a Kenyan national and is entitled to pass her nationality to him under the law. Shaame is a fisherman and spends long, hot days and starry nights on the Indian Ocean, trying to make a living to feed, clothe and educate his large family. "The biggest problem is the poverty caused by my statelessness" he says. "Because I am stateless, I cannot get a fishing license. Without a license, I cannot go deep-sea fishing where the best catch can be found. I cannot afford my own boat, which costs 300,000 Kenyan shillings (approximately 300 US Dollars), or the equipment to fish well. Without a Kenyan national I.D., I'm not eligible for bank loans to purchase those

"The biggest problem is the poverty caused by my statelessness."

things. I must pay rent and fuel money to use my neighbour's boat. Even if I could purchase a boat, I would have to register it in someone else's name. A stateless person cannot own property. I feel belittled and disgraced by the situation that I am in." It is not only Shaame who feels distress at being excluded. Sixty-six-year-old Mekombo Abdallah is a Pemba woman of few words, but when asked how she feels about her situation, she quietly says: "I cannot even eat when I think of my statelessness."

Omar Kombo, a jovial 48-year-old Pemba man with six young children, also feels bitter about the inequality he experiences as a result of being stateless. "The majority of us are fishermen" he says. "The Beach Management Unit deducts 10 Kenyan shillings for each kilo of fish that every fisherman on this coast sells. It is supposed to issue the dividends to all contributors for damage done to the boats during the season. Because we are Pemba we get nothing, even if our boats are broken. We are forced to participate in this scheme, but all the benefits are given to our brothers with Kenyan nationality." Suleiman Ali Makame, 40, who comes from the same village, recalls a time when he was fishing and Tanzanian Pemba illegally entered Kenyan waters. "We were all arrested by the Kenyan Coastguard and asked to show our identity cards. I could not, despite the fact that I have lived here my whole life and feel that I am Kenyan. I have never set foot on Pemba. I don't know anyone there. I was locked up as a criminal with all the others."

To escape the disadvantage inherent in not being recognized as Kenyan, some of the

Pemba have turned to fraudulent means to get by. Bi Aisha Abdallah, a 45-year-old mother of six, confesses that when Pemba children need to graduate, some Pemba parents have resorted to 'buying' Kenyan parents who can present national I.D.s to enable the children to take their final national examinations. Rashid Bakari, an articulate young Pemba man, says that he is fortunate not to be stateless. His father arrived in Mombasa from Pemba in 1938, and when asked by the authorities in 1963 about his ancestry he named the local Bajuni tribe, among whom the family had been living. "But I am not Bajuni" says Bakari, "I am a Pemba, and even though I am not stateless, I want to reclaim my rightful ethnic identity. I want to be a Kenyan national, but I also want to be who I am." Omar Kombo faces the same dilemma and says "unless I change my name to one from a local Kenyan tribe I will not be registered as a Kenyan national. But I choose not to change my name or my tribe because that is not who I am. I am a Kenyan of Pemba origin."

Under the Constitution of Kenya and the Kenya Citizenship and Immigration Act, stateless persons who have lived in Kenya continuously since the date of independence (12 December 1963), and their descendants, can acquire Kenyan citizenship by registration. Foreigners who arrived after independence, but who have lived legally in Kenya continuously for seven years, are also eligible for Kenyan citizenship as long as certain conditions are met. Accordingly, all of the Pemba and their children with whom UNHCR consulted should be able to acquire

"I have never set foot on Pemba. I don't know anyone there."



Omar Kombo, 48, and some of his children, Kwale County, Kenya.



“I want to be a Kenyan national, but I also want to be who I am.”

Kenyan citizenship. However, an inability to meet evidentiary requirements of proof of arrival or date of birth in the country, as well as a lack of adequate Government infrastructure to implement citizenship by registration, has left some eligible stateless groups, such as the Pemba, without a solution. For some, like 90 year-old Pemba woman Moboje Musa, this has meant almost a century of exclusion. “I’m old enough to have great, great grandchildren, but I am still stateless,” she says.

However, there are signs that this situation may change. In December 2016, the Kenyan Government recognized the stateless Makonde, another ethnic group living on

the Kenyan Coast, as Kenyan nationals, waiving certain evidentiary requirements and issuing national identity cards and late birth certificates to eligible members of the community. The Government has also extended the deadline by which stateless persons present in the country since independence and their descendants can register for nationality from August 2016 to August 2019, signaling an awareness of the ongoing nature of the problem and a willingness to address it. Members of the Pemba community are mobilizing, together with local NGOs such as the Mombasa-based Haki Centre and UNHCR, to advocate for their recognition as Kenyan nationals.



Kwale County ●

The Makonde of Kenya



AMINA KASSIM, 51,
KWALE COUNTY, KENYA

**“I FELT LIKE I WAS A SLAVE.
NOW I FEEL LIKE I HAVE BEEN BORN AGAIN.”**





“I felt like I was a slave. Now I feel like I have been born again,” says Amina Kassim, a beaming 51-year-old Makonde woman, who describes what it feels like to have acquired Kenyan nationality and documentation after living as a stateless person for five decades. Happiness and new-found confidence also shine on the faces and through the voices of the 30 other members of the Makonde tribe that UNHCR consulted in Ukunda in the coastal county of Kwale. Julieta Simenya, a 76-year-old, whose cheeks are patterned with distinctive tattoos traditional to Makonde culture, once spent days hiding with her baby in the jungle when the Makonde were

being arrested because they lacked national I.D.s. “We are very happy now” she says, “Now we have no fear. Now village chiefs from other tribes acknowledge us, greet us, and even invite us to their meetings!”

“It means a lot to be voting as a Kenyan for the first time in 55 years.”

The Makonde in Kenya are an ethnic tribe estimated to be around 4,000 in number who trace their origins to northern Mozambique. The consultations with members of the Makonde community, who were recognized as citizens of Kenya in October 2016 after living in the country in a protracted situation of statelessness, examined whether they had experienced any positive changes since being recognized.

The community is mostly made up of labourers who were recruited by the British during the colonial period to work on sisal farms and sugar plantations across Kenya’s coastal counties of Kwale and Kilifi and in the hills of Taita Taveta. Other Makonde in Kenya are the descendants of exiled

freedom fighters and refugees from the Mozambican civil war. Despite most being resident in Kenya since its independence in December 1963, they were not recognized as citizens or included in any of the population registration databases. A 2009 national census report simply classified them as ‘others’.

Tina Eric, a bright 22-year-old Makonde woman, recounts a painful memory: “One of my teachers in school singled me out one day and told the class that I was a Makonde. ‘Those are the ones that eat snakes’ she said. I was ridiculed after that. Even those who I thought were my friends did not fully accept me.” Valerian Korneryu, 59 years old, remembers the days of constant harassment by authorities: “During Moi’s regime, I was threatened at gunpoint by the police. They arrested me in Ukunda and made me take off my shoes. ‘You are not a Kenyan worthy of wearing Kenyan shoes’ they said.” Thomas Nguli, the respected 60-year-old Chairman of the Makonde community, confirms how these discriminatory attitudes, present even at the highest levels of government, degraded and excluded the community, stopping them from being viewed as fellow human beings, deserving of respect: “A certain political leader was asked how he viewed the Makonde and he shamelessly responded to the crowd that he saw us as cannibals – people who ate other people! After that, what hope did we have?”

Indeed, for a long time hope for the Makonde was in short supply. Talented artists, the Makonde’s intricate ebony carvings have long been prized as souvenirs by wealthy tourists. But until recently, their lack of citizenship meant that they were frequently cheated of earning a fair income for their labour. “We were the first carvers to sell on the beach” says



Thomas Nguli, 60, Kwale County, Kenya.

Thomas, “but they would come and arrest us, saying that we did not have a license to access the area. It was a public beach! Still, we paid middlemen who would give us permits, but then they would run and tell the police who would come and confiscate our meagre earnings.” John Hamisi, 48 years old, paid for a fake national I.D. to take a job at a safari camp, but was still paid less than half the 18,000 Kenyan Shilling (170 US Dollars) monthly salary because he was a Makonde. When his fraud was discovered, he was immediately fired. “I felt like committing suicide, because even the little that I was earning was no more.”

Without citizenship or identification documents such as national I.D.s or birth certificates, Makonde children were held back from graduating from school or being considered for scholarships. Tina Eric explains how her heartbroken parents let

Tina’s brother, a brilliant student, be adopted by a Kenyan family just so that he could go to high school. Makonde adults were excluded from accessing financial services such as micro-loans granted to women’s groups to set up bee-keeping and tailoring businesses or tea-shops. Amina Kassim laments that “before I got my national I.D., I lived a debilitating life. I could not engage in any meaningful business. I traded petty things, like Swahili buns. You don’t need a permit to sell them.” Her friend, 44-year-old Khadija Lucas, agrees, saying “I had no capital. I could not join women’s groups. With an I.D. you can borrow up to 100,000 Kenyan Shillings (1,000 US Dollars) to start a business.” The ability to buy property, access health services or travel documents was also non-existent. And all felt the sharp sting of being unable to buy something as simple and necessary as a mobile phone.

Although in the past the Makonde in Kenya have, at various times, been invited to vote by both the Mozambican and Kenyan governments in their respective general elections, they have never been accorded the status of citizens by either of them. The acquisition of Kenyan nationality by the Makonde in October 2016 marked the end of a protracted struggle. In 2015, after decades of lobbying, the Makonde community successfully petitioned President Uhuru Kenyatta to review their case. In response, he called for the formation of an inter-departmental taskforce to look into statelessness in the country. The multi-agency Taskforce, which includes the Directorate of Immigration and Registration of Persons, the National

Registration Bureau, Kenya National Bureau of Statistics, the Refugee Affairs Secretariat, Civil Registration Services and the National Intelligence Services, with assistance from UNHCR, began gathering case data and information about the Makonde and other stateless groups in Kenya such as the Pemba. In November 2015, the Taskforce completed a report with recommendations to register and naturalize stateless groups in the country.

Frustrated by delays in implementing the recommendations, in October 2016, hundreds of Makonde, young and old, supported by local civil society groups such as the Kenya Human Rights Commission, took part in a now legendary march from



Maria Vaz, 55, Kwale County, Kenya.

Kwale to Nairobi to personally request President Kenyatta to recognize them as Kenyan citizens. On 13 October 2016, moved by the plight and efforts of the Makonde, and determined to resolve their situation, President Kenyatta apologized, saying “it has taken too long to give you justice as fellow Kenyans. Today is the last day you will be called visitors.” He issued a directive to give effect to provisions in the Kenya Citizenship and Immigration Act (2011) that give stateless persons resident in the country since Kenya’s independence in 1963 (and their descendants), the right to be registered as Kenyan nationals. The President also officially recognized the Makonde as the 43rd tribe of Kenya, cementing the claim of future generations of Makonde to be recognized as citizens.

Almost six months on, more than 1,500 Makonde have been granted Kenyan citizenship. One thousand two hundred Makonde have been issued with national I.D.s and 2,000 have been given birth certificates. In the process, the Government waived onerous requirements, such as showing evidence of having continuously lived in Kenya since 1963, as well as the application fee of 2,000 Kenya Shillings (20 US Dollars).

In the short time since the President’s directive, the positive impacts of being recognized as citizens are being felt by the community. Makonde youth have been recruited as police and military officers and 200 places have been reserved for them in

The President officially recognized the Makonde as the 43rd tribe of Kenya.

the National Youth Service to undertake major projects under the country’s national development plan. John Hamisi’s spirits are soaring. He is happy now that “we have our people involved in Government services. Some of us have joined the police service. Some of us are even working in security with the General Service Unit. It feels good to stand up and speak in my mother tongue like any other Kenyan without being marginalized.” Others are enrolled in the ‘Inua Jamii’ or ‘Uplift the Community’ programme that remits monthly cash payments by mobile phone, now easily bought, to support the livelihoods of those who are poor, elderly or disabled. Older Makonde in Mombasa have been subscribed into the National Hospital Insurance Fund, helping those suffering from diabetes and high blood pressure.

Tina Eric’s brother is now 18 and has a Kenyan National I.D., which has allowed to him to win a scholarship to study at a medical training college. She is also looking for a good job that will help to “build the nation”. Amina Kassim is looking forward to receiving a passport to fulfil a lifelong dream to travel to India. Thomas Nguli has already bought land and is processing his title deed. Maria Vaz is looking forward to the general elections: “It means a lot to be voting as a Kenyan citizen for the first time in 55 years” she says. For the 22 members of the Makonde Dancers troupe, it is an opportunity to register their group as a business, to share their culture through their performances and earn a decent living. “We feel good” says 33-year-old Twi Hamisi, one of the dancers, “now, we are free”.



“THIS

Hatibu Bakari, 41, Pemba community, Kwale County, Kenya.

“OUR COUNTRY IS DEAR TO US.
WE NEED THE CONDITIONS TO BE ABLE TO LIVE HERE.”

“WHY ARE WE TREATED AS FOREIGNERS AND
EVEN ASKED TO REQUEST VISAS TO STAY IN OUR HOME?”

“EVERYWHERE ELSE WE ARE FOREIGNERS.
HERE WE ARE AT HOME.”

These were the most frequently articulated sentiments to emerge from UNHCR’s consultations with stateless minorities in 2017. The strongest message to come out of the discussions is that stateless minorities feel that they belong to the countries in which they have lived for generations as much as citizens of those countries do, and they seek the full recognition and participation in society that comes with citizenship.

None of the minority groups consulted had chosen to be stateless. Many were frustrated with the indignities they had lived through in trying to obtain identity documentation and citizenship for themselves

IS OUR HOMELAND.”

and their children, and a number continue to be caught up in financially and psychologically draining quests for nationality. As Ismael Ramjanali from the Karana community put it: “You only feel peace if you have citizenship. Without nationality, the insecurity takes up a lot of energy.” The exclusion that stateless minority groups endure takes a heavy toll on them, but is also a potential loss for the communities in which they live. This was the view taken, for example, by the Bangladeshi High Court in 2008 when it handed down a path-breaking decision recognizing the stateless minority Urdu speakers as nationals of Bangladesh. The Court observed that: “By keeping the question of citizenship unresolved on wrong assumptions over decades, this nation has not gained anything – but rather was deprived of the contribution they could have made in nation building.”

“You only
feel peace if you have
citizenship.”

The principle of non-discrimination

is part of international law, and numerous human rights instruments contain provisions enshrining the right to nationality and the right to equality. The Universal Declaration of Human Rights proclaims in Article 15 that “Everyone has the right to a nationality” and “No one shall be arbitrarily deprived of his nationality nor the right to change his nationality”. The International Covenant on Civil and Political Rights specifies in Article 24 that “Every child has the right to acquire a nationality” and in Article 26 that “All

persons are equal before the law and are entitled without discrimination to the equal protection of the law. In this respect the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

There are likewise provisions on the right to nationality and non-discrimination in the Convention on the Rights of the Child, the Convention on the Elimination of Racial

Discrimination, and the Convention on the Elimination of all Forms of Discrimination against Women, among others. Article 9 of the 1961 Convention on the Reduction of Statelessness specifies that “A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds.” The Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities adopted 25 years ago committed States to take measures to ensure that persons belonging to minorities may exercise fully all of their human rights and fundamental freedoms without any discrimination and in full equality before the law. Most recently, the Sustainable Development Agenda adopted by the UN General Assembly in 2015 reflects the international community’s determination to “leave no one behind”, and commits States to ensure “legal identity for all, including birth registration, by 2030” (Target 16.9).

In almost all cases of statelessness, the best solution is for persons to be given the nationality of the country with which they have the strongest ties. It is vital that this is achieved as early as possible in individuals’ lives so that they are able to benefit from education and other opportunities that can pass people by if they lack nationality. Ensuring equal access to nationality rights for minority groups is one of the key goals of UNHCR’s #IBelong Campaign to End Statelessness by 2024. To achieve this,

“Now with citizenship, future

UNHCR urges all States to take the following steps in line with Actions 1, 2, 4, 7 and 8 of UNHCR's Global Action Plan to End Statelessness:

- **Facilitate the naturalization or confirmation of nationality** for stateless minority groups resident on the territory, provided that they were born or have resided there before a particular date, or have parents or grandparents who meet these criteria.
- **Allow children to gain the nationality of the country in which they were born** if they would otherwise be stateless.
- **Eliminate laws and practices that deny or deprive persons of nationality on the basis of discriminatory grounds** such as race, ethnicity, religion, or linguistic minority status.
- **Ensure universal birth registration** to prevent statelessness.
- **Eliminate procedural and practical obstacles** to the issuance of nationality documentation to those entitled to it under law.

Since UNHCR launched its #IBelong Campaign to End Statelessness in 2014, a number of States have made important strides in line with the recommendations above. The Government of Thailand has proclaimed a national policy of zero statelessness by 2024 and has confirmed the nationality of tens of thousands of

persons entitled to it who belong to minority hill tribes. The Government of Kenya has resolved the protracted statelessness of the Makonde people, including them as the 43rd tribe of Kenya. The Government of Malaysia has adopted a “Malaysian Indian Blueprint” with nationality solutions for its population of Indian descent, thousands of whom have had Malaysian nationality confirmed in the last several years. Some governments have strengthened safeguards against childhood statelessness, including Armenia, Estonia and Tajikistan. And the international community has indicated its resolve to achieve universal birth registration, and thereby help to prevent statelessness through the adoption of the 2030 Sustainable Development Agenda.

More needs to be done to end discrimination and ensure that all minority groups enjoy the right to a nationality and all that flows from it. Stateless minorities are only seeking the same opportunities that all citizens enjoy. When they are excluded it is not only they who suffer, as exclusion and marginalization have negative development consequences for all of society. When stateless minorities are recognized as citizens, the benefits are clear. In the words of Julietta Simenya, a Makonde elder, formerly stateless and now recognised as a citizen of Kenya: “Now we are happy. Now we have no fear. Now with citizenship, future generations will be okay.”

generations will be okay.”

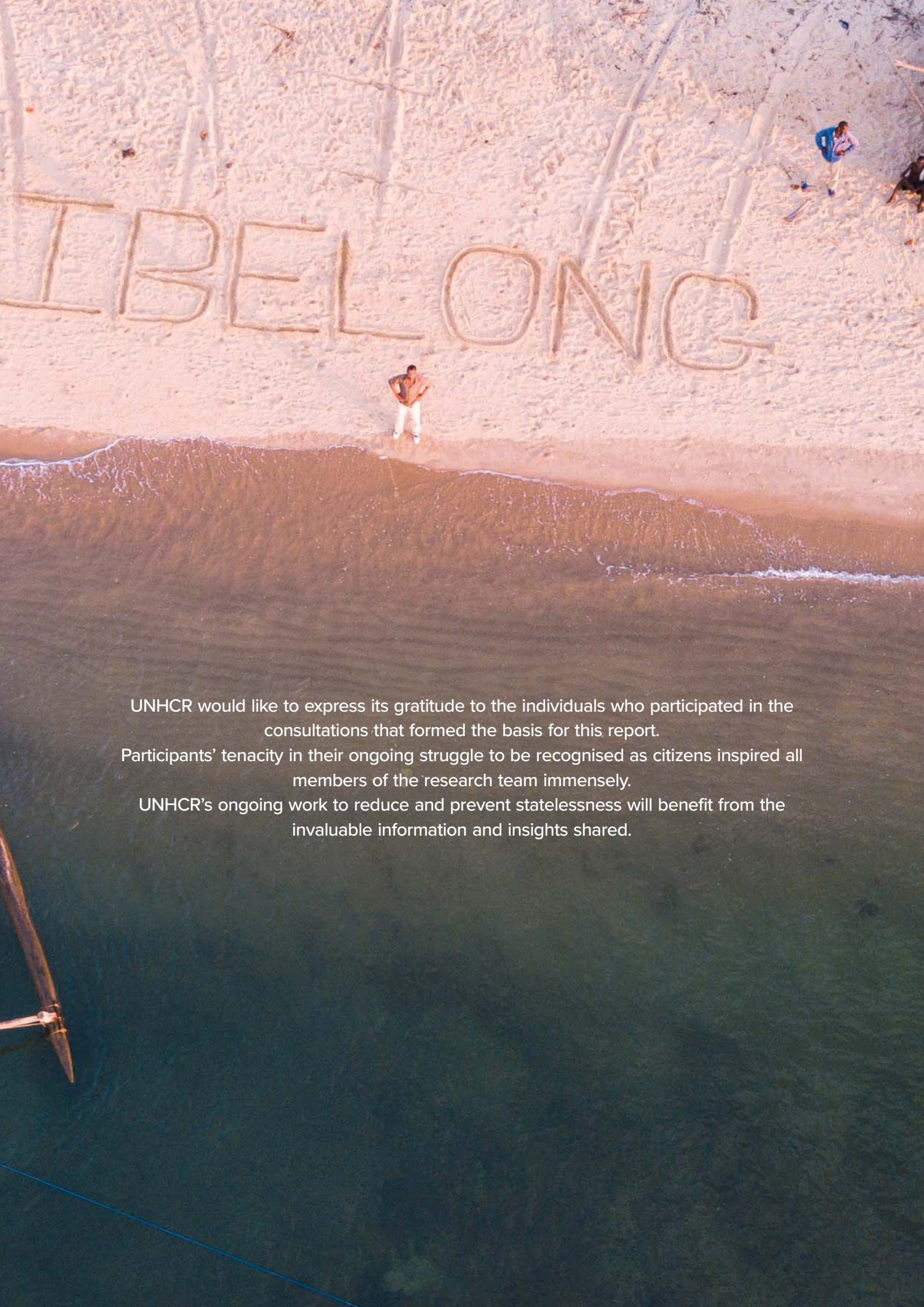


In order to protect identities, the names of some of the individuals referred to in this report have been changed.

The boundaries and names shown and the designations used on the maps in this report do not imply official endorsement or acceptance by the United Nations.

Cover photo:
Julieta Simenya, 76, Makonde community,
Kwale County, Kenya.

All photos in this report: © UNHCR / Roger Arnold.



UNHCR would like to express its gratitude to the individuals who participated in the consultations that formed the basis for this report.

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UNHCR's ongoing work to reduce and prevent statelessness will benefit from the invaluable information and insights shared.

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