



EUROPEAN ASSOCIATION OF FORMER MEMBERS OF
PARLIAMENT OF THE MEMBER STATES OF THE
COUNCIL OF EUROPE

MALTA SEMINAR
3 November 2017

STATELESSNESS
IN THE LIGHT OF
MASS MIGRATION

DECLARATION

Adopted by the delegates() representing the members of the
European Association of Former Members of Parliament of the
Member States of the Council of Europe*

* Abstention by the delegates of United Kingdom

Mass Migration of Peoples

1. The world community is witnessing an unprecedented mass migration of peoples who in their millions have abandoned their homes to escape natural disasters, dysfunctional states, wars, civil wars, persecution, famine, poverty, underdevelopment and unemployment.

At great physical and financial cost and enormous risk, every day thousands of children, women and men travel enormous distances to seek a safe future for themselves and their offspring.

2. This mass movement of peoples continues to be unscrupulously encouraged and exploited by ruthless networks of human traffickers and human smugglers who, indifferent to the suffering of other human beings, repeatedly rob their victims of their means and dignity.

Travelling in overcrowded boats, trucks or other improvised and unreliable means of transport provided by human traffickers, tens of thousands have lost their lives while crossing seas and deserts in trying to reach their desired destination.

3. For more than a decade Europe has struggled to help save lives and to absorb the inflow of human beings reaching or crossing its borders as a result of the tragic phenomenon of irregular migration.

The millions that have reached or are aspiring to reach Europe cannot be considered as a homogenous category enjoying the same rights under international law, since some are refugees, others are stateless, while others still are irregular migrants.

4. In Europe there exists widespread consensus that migration is both a humanitarian and a security problem, two sides of the same coin that till recently were looked at separately.

5. Furthermore, there exists broad agreement in European and international fora that the current migration crisis requires a resolute, multifaceted approach inspired by solidarity and burden sharing for action to be taken within countries of origin, transit and destination in accordance with commitments under Target 7 Goal 10 of the UN approved Sustainable Development Goals.

Protection of Stateless Persons

6. In the light of the above and of the legal instruments available to the international community, concerted positive action is particularly required to protect persons, especially children, who are stateless and not considered as nationals by any State.

Statelessness is an affront to human dignity. All persons should enjoy the right to a nationality. This is a fundamental right enshrined in the Universal Declaration of Human Rights and further incorporated in other conventions and human rights instruments.

7. The extent of statelessness in Europe is elusive because arriving undocumented stateless refugees and migrants, instead of being identified as stateless are often registered as of 'undetermined nationality'.

8. Stateless persons often face great difficulties in registering marriages and the birth of their children, to own or inherit property and to access health care, education and lawful employment. This places them at risk of destitution, exploitation or human trafficking.

Children may be born stateless because they inherit their parents' statelessness or because their parents cannot transfer their own nationality due to gender discrimination in the laws of their own countries.

We Former Parliamentarians representing various Associations from European National Parliaments, from the European Parliament and from the Parliamentary Assembly of the Council of Europe gathering here in Malta strongly urge that:

- A. In a spirit of solidarity, all European States act in unison to limit the negative consequences of uncontrolled mass migration through resolute action that includes:
 - i. Burden sharing in the processing, settlement of refugees, stateless persons and entitled migrants and the repatriation of ineligible migrants;
 - ii. Increased investment and development aid in countries of origin,
 - iii. Greater and efficient control on armaments flowing to areas of conflict,
 - iv. Diplomatic and political solutions to internal and international disputes,
 - v. Action to combat poverty and climate change,
 - vi. The establishment of safe and protected refugee camps near their homelands,
 - vii. Resettlement assistance to returning migrants,
 - viii. Stronger international security cooperation to combat and dismantle human trafficking criminal networks.
- B. Member states of the Council of Europe that have not yet done so should at least ratify the Convention relating to the Status of Stateless Persons of 1954 and that of 1961 (subject to each country's reservation) that provides the international definition of stateless persons and sets out their minimum rights.
- C. States should ensure that Stateless persons on their territory are identified as such and arrange procedures for the civil registration and birth certificates. Furthermore, States should prevent statelessness at birth or later in life by rejecting acts of deprivation of nationality.
- D. Undocumented and unaccompanied children arriving at borders or saved at sea are if possible identified and processed so that in cases where positive confirmation is established these are granted registration of citizenship.
- E. While being processed, undocumented persons and their children should have access to the national health care services and educational facilities on a humanitarian basis.
- F. European States seek to harmonise legislation regarding the rights of children born of refugees, stateless persons or eligible migrants to permanent residence and citizenship especially in cases where the parents' nationality is difficult to establish.
- G. States seek the support of UNHCR and civil society organizations such as the European Network on Statelessness in addressing Statelessness in their National context.
- H. All States, particularly European States, remain faithful to their legal obligations and their moral responsibilities and avoid hasty, inappropriate policies that fuel the resurrection of political extremism that undermines democracy and the rule of law.
- I. States should participate at the UNHCR 2019 High Level Event on statelessness, contribute to sharing good practices to take action to help end statelessness, and be encouraged to make concrete pledges for the second half of the UNHCR #IBelong Campaign,
- J. The Institutions of the European Union, the Council of Europe and the OSCE should strengthen their efforts to end statelessness in the region.