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Item 3 (f) of the provisional agenda*
Items for discussion and decision: civil registration, vital
statistics and statelessness statistics

Report of the Expert Group on Refugee, Internally Displaced Persons and Statelessness Statistics on statelessness statistics

Note by the Secretary-General

In accordance with Economic and Social Council decision 2021/224 and past practices, the Secretary-General has the honour to transmit the report of the Expert Group on Refugee, Internally Displaced Persons and Statelessness Statistics on statelessness statistics, which is presented to the Statistical Commission for discussion. The report presents work undertaken since 2019 to develop international recommendations on statelessness statistics, which will be ready for submission to the fifty-fourth session of the Statistical Commission in March 2023. In particular, the report covers: (a) the background to the development of the international recommendations; (b) progress made to date by the Expert Group, including the specific challenges identified and the key elements of a proposed statistical framework; and (c) the planned way forward to complete the international recommendations.

Action to be taken by the Statistical Commission includes: (a) providing feedback on the key elements of the proposed overarching statistical framework, including definitions and classifications of the population within the scope of the draft international recommendations on statelessness statistics; (b) providing guidance on the plans and priorities of the Expert Group subgroup on statelessness moving forward, in particular regarding the further development of the international recommendations; and (c) requesting the Expert Group to report back to the fifty-fourth session of the Commission in March 2023 and present the full international recommendations for discussion.

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* E/CN.3/2022/1.

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I. Introduction

1.   The present report of the Expert Group on Refugee, Internally Displaced Persons and Statelessness Statistics on Statelessness Statistics is submitted under item 3 (f) of the provisional agenda, Items for discussion and decision: civil registration and vital statistics, on behalf of the Expert Group. The report is provided for discussion and to initiate feedback that will provide valuable information for the next phase of the Expert Group's work in developing the recommendations on improving official statistics about stateless populations nationally, regionally and globally.

2.   The report sets out the progress made to date. It has been peer reviewed by experts in the field of statelessness and official statistics; the comments received were either addressed in the final draft or will be further deliberated in future stages of the process, as appropriate. The report focuses only on the Expert Group's work on statelessness statistics; other activities of the Expert Group concerning the implementation of statistical recommendations for refugees and internally displaced persons fall outside the scope of the current report.

II. Background to the development of the international recommendations on statelessness statistics

3.   The Expert Group was established by the Statistical Commission at its forty-seventh session in 2016 and is tasked with addressing the statistical challenges of reporting on forcibly displaced people, including a lack of consistent terminology and international comparability of statistics. Work to develop the international recommendations on statelessness statistics was included in the Expert Group's work programme in 2020. Revised terms of reference to include statelessness in the scope of work, as well as in the title of the group, were submitted to the Bureau of the Commission for its consideration and approval. In November 2021, following a thorough review process, the Bureau agreed to the revised terms of reference.

A. Legal definition of statelessness and the mandate of the Office of the United Nations High Commissioner for Refugees

4.   The international legal definition of a stateless person is provided by the 1954 Convention relating to the Status of Stateless Persons as "a person who is not considered a national by any State under the operation of its law".[1] Following the conclusions of the International Law Commission, the definition set out in article 1(1) of the Convention is part of international customary law, making it binding on all States.[2]

5.   States individually establish criteria for the acquisition, loss and deprivation of nationality through their national legal frameworks.[3] Nationality can be granted based

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[1] 1954 Convention related to the Status of Stateless Persons, art. 1 (1), United Nations, *Treaty Series*, vol. 360, No. 5158, p. 117. See also, Office of the United Nations High Commissioner for Refugees (UNHCR), *Handbook on Protection of Stateless Persons*, (Geneva, 2014), part one.

[2] International Law Commission, draft articles on diplomatic protection, with commentaries, 2006 (A/61/10, Part Two, chap. IV.E.2, Article 8, Stateless persons and refugees, Commentary, pp. 48 and 49).

[3] The terms nationality and citizenship are often used interchangeably at the international level to describe the legal bond between an individual (the national or citizen) and a State. It is noted that, at the national level, these terms are often given distinct meanings. In the present report, the term nationality is used to align with existing practice in UNHCR global reporting on statelessness statistics and correlates to the definition of citizenship in the Principles and Recommendations for Population and Housing Censuses.

on birth on the territory (*jus soli*) or through descent (*jus sanguinis*) and this can be done automatically by law or by application. Many States apply a combination of *jus soli* and *jus sanguinis* and include both automatic and non-automatic modes of acquisition.

6.   There are many causes of statelessness and most relate to problems or gaps in nationality legislation and policy and/or the way in which these are applied in practice. Factors that can lead to statelessness include:

(a)   Discrimination based on racial, ethnicity or religion;

(b)   Sex discrimination limiting the ability of women and men to confer nationality to their children on an equal basis;

(c)   Exclusion of some residents of a State from nationality following State succession when those residents have no right to any other nationality;

(d)   Preventing an individual from claiming nationality of their State of birth and/or residence, based on a real or perceived link to another State, even though they cannot in fact acquire the nationality of that State;

(e)   Inadequate safeguards against statelessness, including specifically for foundlings or children of unknown parents and in situations of loss or deprivation of nationality.

7.   Although some people who are displaced across international borders may be stateless, most stateless persons are found in the countries in which they and their ancestors were born and have lived their entire lives.

8.   The Office of the United Nations High Commissioner for Refugees (UNHCR) has a mandate from the General Assembly to identify, reduce and prevent statelessness and protect stateless persons (resolution 61/137). As part of its mandate to identify stateless people, the UNHCR Executive Committee has called on UNHCR to "work with interested Governments to engage in or to renew efforts to identify stateless populations and populations of undetermined nationality residing in their territory, in cooperation with other United Nations agencies … which may include, as appropriate, processes linked to … updating of population data" and has also encouraged "States which are in possession of statistics on stateless persons or individuals of undetermined nationality to share those statistics with UNHCR and calls on UNHCR to establish a more formal, systematic methodology for information gathering, updating, and sharing".[4]

B.   The data gap and risk of leaving stateless people behind

9.   UNHCR, as the custodian agency for statelessness statistics, collects and compiles global statistics on stateless persons and persons of undetermined nationality as one of its mandated responsibilities. The first time that UNHCR reported country statistical data on statelessness was in its *2004 Global Refugee Trends*.[5] Since then, and for over a decade, UNHCR has often used the figure of ("at least") 10 million people as its best estimate of the stateless population worldwide based on yearly updated counts from UNHCR country reports and on broad information from countries deemed to have large stateless populations. Since 2019 and in its most recent *2020 Global Trends*[6] report, this figure was replaced with the more general reference to "millions" of stateless people globally, in recognition of the fact that the earlier estimates were not

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[4]   UNHCR, Executive Committee, Conclusion No. 106 (LVI) (2006) on identification, prevention and reduction of statelessness and protection of stateless persons, paras. (a) and (d).

[5]   www.unhcr.org/statistics/unhcrstats/42b283744/2004-global-refugee-trends-overview-refugee-populations-new-arrivals-durable.html.

[6]   See UNHCR, *Global Trends: Forced Displacement in 2020* (Copenhagen, 2021). Available at www.unhcr.org/60b638e37/unhcr-global-trends-2020.

based on any rigorous methodology and could not be deemed to be reliable. This reveals two salient points: the true scale of the world's stateless population is unknown, and the data quality challenges are significant.

10. Annual statistical reporting on statelessness typically comes from data derived from a combination of sources, including: administrative registers maintained by national statistics offices and line ministries; statelessness status determination and other registration procedures; census data; household surveys; UNHCR projects, surveys and administrative records; civil society, non-governmental organizations (NGO) and community-developed registers or other data sources; and other internal UNHCR estimates.[7] Using these varied sources, UNHCR country offices obtain yearly figures on the number of stateless people, and the data are uploaded to the UNHCR population statistics reference database. Prior to 2017, stateless persons who were also displaced were reported only by their displacement status (i.e., they were not counted as stateless), but since 2020, reporting has been streamlined, and reporting on stateless people with a dual status is now implemented across all such populations in all countries.[8] The most recent total reported figure of 4.3 million is based on information from 94 countries,[9] but much of this information does not meet the standards expected of official statistics, as described in the 2019 report "UNHCR Statistical Reporting on Statelessness".[10]

11. Given the scarcity of national data, any rigorous estimate of stateless populations globally is likely to be much larger than the figure of 4.3 million that UNHCR reports. However, the magnitude of the undercount is not known. The World Bank has estimated that more than 1.1 billion people globally are without official proof of identity.[11] Stateless people lack proof of identity but also have other risk factors: therefore only some of these people are likely to be stateless, but there is no estimate of how many. Many large countries are not currently reporting any stateless people, even though their populations are thought to include stateless people; other countries are unable to identify their stateless populations reliably. Some countries that do report statelessness use definitions which are not consistent with the international legal definition, and many report large fluctuations over time.

12. Beyond population data there are also other important data gaps, as statelessness has many negative consequences for impacted populations. People who are stateless or at risk of statelessness may be denied access to basic rights such as education, health care, formal employment, or financial services. Others are at risk of immigration enforcement and may risk prolonged detention.[12] The impact of statelessness on children is also highlighted in a 2015 General Assembly report (A/HRC/31/29), which reminds us of the individual human right to a nationality enshrined in article 15 of the Universal Declaration of Human Rights.

13. The negative impact of statelessness on affected populations makes them a clear example of a vulnerable group deserving of dedicated attention through the 2030 Agenda for Sustainable Development. In this context, 193 Member States pledged to ensure that "no one will be left behind" and to "endeavour to reach the furthest behind first". This commitment creates an unprecedented need for disaggregated data on different groups, including the most vulnerable, in order to support policymaking and

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[7] See UNHCR, "UNHCR Statistical Reporting on Statelessness", UNHCR Statistics Technical Series, No. 2019/1. Available at https://www.unhcr.org/5d9e182e7.pdf.

[8] See UNHCR, "Mid-Year Trends 2021" (2021). Available at www.unhcr.org/statistics/unhcrstats/618ae4694/mid-year-trends-2021.html.

[9] Ibid.

[10] See UNHCR, Statistical Reporting on Statelessness.

[11] See World Bank, Identification for Development (ID4D) Dataset. Available at http://id4d.worldbank.org/global-dataset.

[12] See UNHCR, "Protecting the rights of stateless persons: the 1954 Convention relating to the Status of Stateless Persons" (Geneva, 2014). Available at https://www.refworld.org/pdfid/4cad88292.pdf.

track progress towards the achievement of the Sustainable Development Goals. Stateless people, who are often invisible in national data systems, also suffer from a lack of inclusion in the social, economic and political spheres of society.

14. The lack of reliable data can make it difficult for the authorities and development partners to take the legal and policy measures needed to resolve statelessness. Robust evidence is needed to assess the numerical scope of statelessness and its impact on development, including poverty, human rights and access to services for those affected. Improving the state of knowledge about statelessness and the characteristics of those affected can help to make more visible their plight and to develop appropriate policy measures both to prevent it from occurring and to plan pathways for providing citizenship to those who are currently stateless. However, the issue is politically sensitive, and the data are difficult to collect. Those impacted are often not willing to identify themselves in data collections, may not know that they are stateless, or may be excluded from data collection activities owing to their lack of citizenship. The reasons are discussed at greater length in the following section.

15. In 2014, the #IBelong Campaign to end statelessness was launched by UNHCR.[13] As part of the campaign, the Global Action Plan to End Statelessness was developed, outlining concrete actions that need to be taken to eradicate statelessness. Action 10 of the Global Action Plan focuses on the need to improve quantitative and qualitative data on stateless populations, both of which are essential for States to adequately respond to statelessness, to enable UNHCR to fulfil its mandate and to measure progress in implementing the Global Action Plan. The development of international recommendations on statelessness statistics is an important initiative in this context. The "leave no one behind" commitment of the 2030 Agenda also brings significant momentum to this process.

III. Progress to date

16. Progress made to date on the development of international recommendations on statelessness statistics, includes collaborative work undertaken to date and some emerging results, as outlined below.

A. Process of developing the international recommendations on statelessness statistics

17. In February 2019 in Ankara and subsequently in Bangkok during December 2019, expert meetings were organized to discuss the need for developing and adopting common standards and definitions to improve the quality and quantity of statistics about stateless populations. Participants at the Bangkok meeting included experts from national statistical offices and line ministries, with 16 countries represented from throughout Asia, Africa and Europe (Cambodia, Côte d'Ivoire, Eswatini, Kenya, Kyrgyzstan, Malaysia, Pakistan, Philippines, Rwanda, South Africa, Sri Lanka, Thailand, Ukraine, Uzbekistan, Viet Nam and Zimbabwe) alongside staff from eight United Nations and international organizations. They agreed that it was both feasible and important to develop recommendations on statelessness statistics, and work was initiated in this regard jointly between representatives of countries and international organizations. The Expert Group exchanged examples of good practice and

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[13] See UNHCR, Global Action Plan to End Statelessness: 2014–2024 (2017) (available at https://www.unhcr.org/protection/statelessness/54621bf49/global-action-plan-end-statelessness-2014-2024.html); UNHCR, "I am here, I belong: the urgent need to end childhood statelessness" (2015) and UNHCR, "This is our home: Stateless minorities and their search for citizenship" (2017).

methodological innovation and iteratively developed a zero draft of the recommendations on statelessness statistics.

18. During the fifty-first session of the Statistical Commission, several delegations acknowledged the need to develop standards on statelessness statistics and expressed their support for the proposal by Kenya to invest in the further development of international recommendations on statelessness statistics initiated by the Expert Group. In view of the synergy that sometimes exists between statelessness and forced displacement, as well as the overlapping membership of participating countries, in November 2020, the work on statelessness statistical recommendations was included in the work programme of the (then named) Expert Group on Refugee and Internally Displaced Persons Statistics, following agreement by its steering committee.[14]

19. At the fifty-second session of the Statistical Commission, the side event "Leaving no one behind: improving statistics on statelessness"[15] was aimed at informing the statistical community about the current scarcity and weaknesses of official statistics needed to estimate the size and characteristics of stateless populations globally. It highlighted the importance of the ongoing efforts by the Expert Group to develop the international recommendations on statelessness statistics with the aim of generating feedback and support. In October 2021, revised terms of reference to include statelessness in the scope of work, as well as in the title of the Expert Group, were submitted to the Bureau of the Commission for its consideration and approval. In November 2021, following a thorough review process, the Bureau agreed to update the terms of reference of the Expert Group to adjust its name and include work on statelessness statistics and the development of international recommendations (see updated terms of reference in the background paper, available online on the Statistical Commission portal).[16]

20. The Expert Group subgroup on statelessness currently comprises 18 countries and 9 international and regional organizations with work ongoing to identify further participants.[17] The working methodology is of a collaborative nature, following the successful approach taken for the development of the *International Recommendations*

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[14] The statistical guidance produced by the Expert Group on Refugee, Internally Displaced Persons and Statelessness Statistics to date has addressed refugees and internally displaced persons. To date, this includes: (a) *International Recommendations on Refugee Statistics* (available at https://ec.europa.eu/eurostat/documents/3859598/9315869/KS-GQ-18-004-EN-N.pdf/d331c9cc-1091-43c2-b589-2c250bccc281?t=1542636809000) endorsed by the Statistical Commission at its forty-ninth session (see E/CN.3/2018/16); (b) *Technical Report on Statistics on Internally Displaced Persons (IDPs)* (available at https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Technical-Report/national-reporting/Technical-report-on-statistics-of-IDPs-E.pdf) welcomed by the Statistical Commission at its forty-ninth session (ibid.); (c) *International Recommendations on Internally Displaced Persons Statistics* (available at https://ec.europa.eu/eurostat/documents/3859598/12257846/KS-GQ-20-005-EN-N.pdf/714a7ba0-7ae6-1707-fef4-984a760e0034?t=1610984164036), adopted by the Statistical Commission at its fifty-first session (see E/CN.3/2020/18); and (d) *Compilers' Manual on Displacement Statistics* (available at https://unstats.un.org/unsd/statcom/51st-session/documents/BG-item-3n-compilers-manual-E.pdf) (operational instructions in compliance with the above recommendations) presented to the Statistical Commission at its fifty-first session and currently being further developed.

[15] See https://unstats.un.org/unsd/statcom/52nd-session/side-events/25Feb-Improving-Statistics-on-Statelessness.pdf.

[16] https://unstats.un.org/unsd/statcom/53rd-session/.

[17] Cambodia, Côte d'Ivoire, Eswatini, Kenya, Kyrgyzstan, Malaysia, Norway, Pakistan, Philippines, Rwanda, Sri Lanka, State of Palestine, Thailand, Ukraine, United States, Uzbekistan, Viet Nam, Zimbabwe, Eurostat, Economic Commission for Africa, Economic and Social Commission for Asia and the Pacific, Economic and Social Commission for Western Asia, United Nations Population Fund (UNFPA), UNHCR, United Nations Relief and Works Agency for Palestine Refugees in the Near East, World Bank and World Bank-UNHCR Joint Data Center on Forced Displacement.

on Refugee Statistics and *International Recommendations on Internally Displaced Persons Statistics*.

21.   The first draft of the international recommendations on statelessness statistics was consolidated in late 2020. It follows a similar structure to that found in the *International Recommendations on Refugee Statistics* and *International Recommendations on Internally Displaced Persons Statistics*, previously endorsed by the Statistical Commission and now being implemented at the country level with support from the Expert Group. The draft international recommendations currently includes the following chapters:

(a)   Legal framework and definition of a stateless person: discussion of the relevant legal background and legal definition of statelessness;

(b)   Defining statelessness for the purpose of statistical measurement: includes an overarching statistical framework, reproduced below, statistical definitions and recommended basic tabulations;

(c)   Measuring the number of stateless people: discussion of the recommended data sources with good practice, expertise and examples drawn from countries;

(d)   Analysis of the characteristics of stateless populations: presenting recommendations for the analysis of statelessness data, including selecting variables for analysis, and proposals for the analysis of the causes of statelessness, including gaps in nationality legislation and inadequate safeguards against statelessness;

(e)   Coordination and strengthening systems of stateless statistics: recommendations to improve the coordination of statelessness data, including a discussion of data protection, confidentiality and data-sharing, quality assurance, partnership and dissemination.

22.   Originally the international recommendations on statelessness statistics had been planned for submission to the fifty-third session of the Statistical Commission in March 2022, but this was postponed and is now planned for the fifty-fourth session of the Commission in March 2023. The delay is due to the circumstances surrounding coronavirus disease (COVID-19), as countries were unable to meet, discuss and agree on some of the technical challenges inherent in developing a new thematic area of official statistics. Experience with developing the *International Recommendations on Refugee Statistics* and *International Recommendations on Internally Displaced Persons Statistics* has shown the importance of in-person meetings and workshops in resolving difficult issues and securing agreement on key questions, as well as in fostering peer-to-peer exchange and learning in the process. The new time frame will enable the Expert Group to strengthen country-level buy-in, improve country-level contributions and ultimately deliver a stronger technical product to the Commission in 2023. It also provided an opportunity to submit the current report, which has been peer reviewed, to the Commission for feedback, which will further contribute to the work going forward.

B.   Key elements of the proposed statistical framework for statelessness

23.   The Expert Group subgroup on statelessness has devised a preliminary statistical framework for statelessness statistics, which will be subject to further discussion and development with Member States and relevant experts during the forthcoming drafting and consultations for the international recommendations on statelessness statistics. The proposed framework is based on the international legal definition of a stateless person and is outlined below.

Overview of statelessness statistical framework

24.	There are three population groups that fall into the proposed statistical framework for statelessness and thus fall into the scope of the international recommendations on statelessness statistics (see figure 1). They are:

(a)	Stateless persons;

(b)	Persons of undetermined nationality;

(c)	Stateless-related persons.

25.	Each category is then further divided into subdivisions based on whether or not they are native born. Each element is described in detail below.

26.	UNHCR currently reports on two distinct populations as part of its global reporting responsibilities on statelessness – stateless persons and those of undetermined nationality – and combines these two groups to produce global figures. These two populations are largely retained in the proposed conceptual framework for the international recommendations on statelessness statistics described here, although they have been adapted for the purpose of statistical production.

Statistical definitions of the stateless and undetermined nationality population

27.	The two core population categories, stateless persons and persons of undetermined nationality, are in line with international frameworks and for statistical purposes are defined as follows:

(a)	"Stateless persons" include people who are currently without the citizenship of any country. They are classified as stateless either through self-declaration or through recognition by competent government authorities, on an individual or group basis;

(b)	"Persons of undetermined nationality" are people who lack proof of citizenship but who may possess an entitlement to nationality and, if so, could be assisted to obtain proof of citizenship by the relevant authorities. Those in the undetermined nationality category must lack proof of citizenship and have links to more than one country, whether real or perceived to be real by authorities, because of their place of birth, marriage, habitual residence, or descent from earlier generations who have migrated.

28.	Those falling within the category of stateless persons could include large groups such as the Rohingya, or individuals whose statelessness might arise because of a variety of causes as outlined in paragraph 6 above. As many people in scope of these recommendations have yet to have their statelessness or citizenship officially confirmed, many will fall into the category of undetermined nationality pending such confirmation. Thus, the category of undetermined nationality, may in fact include some stateless populations but it will also include many more who are not stateless. They lack proof of citizenship and will have ties, real or perceived, to more than one country. Examples of persons who may fall within the classification of undetermined nationality include those who are awaiting a final decision on an application for statelessness status, or undocumented people with a migratory background who have lived outside their countries of origin for many years or multiple generations.

29.	The categories in the statistical framework for the core populations are intended to reflect the degree of certainty of any individual's stateless circumstances. It is important to distinguish between the two, as many of those of undetermined nationality could be assisted to obtain citizenship if supported. Both groups have a real obstacle to obtaining citizenship or the documentation needed to obtain it.

30.   The statistical definitions above are intended to be used for all relevant data sources, including administrative records, surveys and censuses, or results estimated from modelled or linked data. They represent the best estimate of an individual's citizenship status. The exact distinction between the classification of stateless and that of undetermined nationality can be finalized only by a legal or administrative process conducted by national authorities whereby the evidence is examined on a case-by-case basis for individuals or groups. Unless the data are derived administratively from a legal process to determine an individual's citizenship status, then the allocation of individuals to a statistical category will be based on a respondent's answer to a question or be estimated from answers to several questions; it will therefore be the best approximation possible based on the information collected and the statistical method used. Inevitably there will be false positives and negatives, but the resulting data are expected to be of much better quality than those currently available.

31.   Where possible, countries are recommended to collect data about relevant characteristics which may assist them in identifying individuals likely to be in scope of the international recommendations on statelessness statistics. These variables will depend on the country circumstances and will be likely to include ethnicity, language spoken, religion, migratory background, country of birth and nationality of both parents. The variables will depend on national circumstances and will be described fully in the international recommendations.

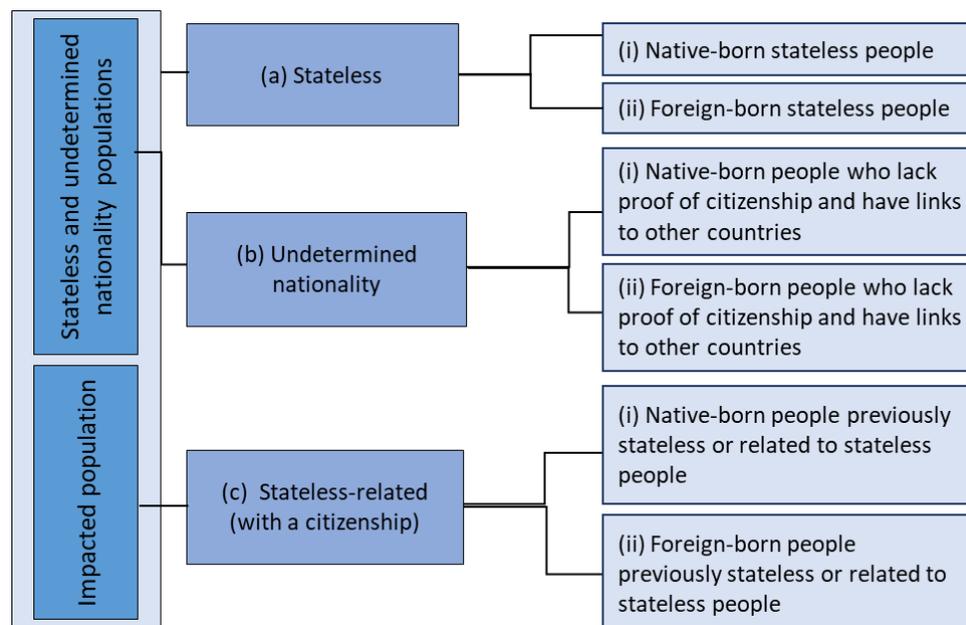*Statistical definition of stateless-related persons*

32.   A third category of "stateless-related persons" is included in the scope of the international recommendations on statelessness statistics but they remain distinct from the two core population groups. It is included to enable the authorities to monitor the welfare of those affected by statelessness and other policy-related matters:

        (c)   "Stateless-related people" includes individuals who are not stateless or of undetermined nationality themselves, but have either previously experienced statelessness, are descended from one or more stateless parents, or are currently living in a household with at least one stateless person.

33.   This additional category is included in the international recommendations on statelessness statistics classification as the impact of statelessness on individuals and their families can be long-lasting and countries may wish to monitor their progress. The category is comparable with the *International Recommendations on Refugee Statistics* classification "those with a refugee background", which includes former refugees, children and family members of refugees, and the *International Recommendations on Internally Displaced Persons Statistics* classifications "internally displaced person-related" for children of internally displaced persons and "other non-displaced family members of internally displaced persons".[18]

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[18] See European Union and United Nations, *International Recommendations on Refugee Statistics*, *March 2018* (Luxembourg, 2018), paras. 93 and 94 (available at https://unstats.un.org/ unsd/demographic-social/Standards-and-Methods/files/Principles_and_Recommendations/ International-Migration/2018_1746_EN_08-E.pdf); See also European Union and United Nations, *International Recommendations on Internally Displaced Persons Statistics*, (Luxembourg, 2018), paras. 78–80 (available at https://ec.europa.eu/eurostat/documents/3859598/12257846/KS-GQ-20-005-EN-N.pdf/714a7ba0-7ae6-1707-fef4-984a760e0034?t=1610984164036).

Figure I
Proposed statistical framework for statelessness

Country of birth subgroupings

34. Beyond these three primary categories, the framework further distinguishes between people who are native born and those who are not. This distinction is made because the recommended legal routes to obtaining nationality or for the confirmation of eligible nationality often differ according to a person's place of birth and migratory history. In other words, people who are native-born stateless people usually follow a different procedure from that for those who are foreign born, who are by definition migrants to a country. Native-born people may also be impacted by migratory causes, if their parents, grandparents or earlier generations migrated, but this does not impact on the classification and is explored at the analytical stage when examining the causes of statelessness. This grouping by country of birth also aligns with the proposed framework for international migration presented at the fifty-second session of the Statistical Commission as part of the upcoming revision of the *Recommendations on Statistics of International Migration*.

C. Data sources: challenges and possible recommendations

35. The concept of statelessness is based on the absence of citizenship, which presents serious data collection challenges to the statistical community for the following reasons:

(a)   First, those who are aware of their own statelessness will know of their vulnerability and will often be reluctant to identify themselves in data collections, leading to undercounts or reluctance to register vital events;

(b)   Second, many may be unaware of their citizenship status problems if they have been living in populations with low rates of birth registration and where few possess documents that prove nationality. They will not self-identify as stateless in surveys and censuses;

(c)   Third, attempts to identify the stateless in regular data collections may impact on response rates among undocumented and minority groups (see the United States example in the background paper, available online on the Statistical Commission portal);[19]

(d)   Fourth, attempts to identify this population in administrative data are likely to fail without corresponding changes in legal frameworks for civil registration and vital statistics as national laws and bureaucratic obstacles can prevent those without proof of nationality or documentation from registering their children's births and other vital events.[20] However, stateless people can be identified in administrative data arising from asylum claims and immigration records,[21] and, as a result, statelessness statistics globally tend to be biased towards stateless migrants, as the countries reporting statelessness tend also to be destination countries with good administrative systems;

(e)   Fifth, attempts to include the stateless in the strengthening of civil registration and vital statistics may present risks to stateless people unless they are protected from immigration enforcement, as civil registration data are not usually protected under statistics legislation until data are passed to the statistical authorities;

(f)   Sixth, collecting statistics on statelessness may lead to large estimates of those potentially stateless or of undetermined nationality. Pilot studies have produced very large estimates of those at risk of statelessness, although the definitions used were much broader than those proposed here.

Selecting methodologies to suit the national context

36.   National laws and regulations determining citizenship vary dramatically from country to country, as do the circumstances which have resulted in stateless populations. The strength of national statistical systems for collecting data also vary, and many of the countries with weaker statistical systems are likely to have large numbers of residents with no proof of citizenship, resulting from undeveloped civil registration. Each country will need to adopt customized and integrated approaches to data collection, which is likely to require adaptation of the forthcoming international recommendations on statelessness statistics.

Administrative records and population registers

37.   Administrative records and population registers can provide a useful data source, if the registers are not limited to citizens and are capable of identifying those who are stateless or of undetermined nationality. Many countries limit their civil registration systems to citizens or legal residents who have identification documents, but the population of interest to statelessness statistics are not citizens and/or may not have such documents. Stateless people by definition have no citizenship and are classified in the non-national or foreign citizen category for the purposes of statistics.

38.   Even where a person may be eligible for registration, many are prevented from doing so by practical, cost and bureaucratic obstacles. Civil registration records are in themselves of limited use for statelessness statistics, especially in those States where birth registration is least complete. Nonetheless, a lack of birth registration is a risk factor for statelessness, and a profile of populations who lack birth registration

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[19] https://unstats.un.org/unsd/statcom/53rd-session/. For further analysis, see Hermann Habermann and, Thomas A. Louis, "Can the fundamental principles of official statistics and the political process co-exist?", Statistical Journal of the IAOS 36 (June 2020), pp. 347–353.

[20] Bronwen Manby. "'Legal identity for all'" and statelessness: opportunity and threat at the junction of public and private international law". Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3783310.

[21] Although it can be difficult to distinguish those who are stateless or of undetermined nationality from those who are undocumented having lost their documentation as a result of displacement.

will provide a useful starting point for further investigation on statelessness in a country.

39. Birth registration often records the nationality and names of the parents, as well as the names and date and place of birth of the child: critical evidence to determine nationality. If citizenship is granted by the State of birth, an accurate record of the nationality of the parents is not required for the child to avoid statelessness. If the State of birth does not grant nationality based on birth in the territory, the correct record of the parents' nationality is important for the child to acquire the nationality of that State. In some States a parent cannot register the birth of a child if the parent lacks an identity document or legal immigration status. Discrimination based on sex may be a barrier to birth registration as it often is to transmission of nationality to a child. Finally, a birth certificate may be of no probative value for the State of nationality of the parents unless it is also transcribed into the official civil registers of that State.

40. In countries where efforts are being made to improve vital registration, in particular to include marginalized groups, stateless people should be included, but changes in the law and in administrative and operational practices are often needed for stateless people to register their vital events. Country examples have been identified where efforts have been made to register particular ethnic groups known to be stateless, or to include marginalized groups and this has usually required changes to the law, regulations and procedures including training of local birth registrars. However, even when laws are changed, ingrained practices can be hard to alter. A recent study[22] in Thailand found that, despite a change in the law to provide birth certificates to all babies born in hospital, almost half of a stateless group did not get them (see examples from the Philippines and Thailand in the background paper, available online on the Statistical Commission portal).[23]

41. In Europe, a region where civil registration is strong, only half of the 24 countries featured in the European Statelessness Index demonstrate good practice in providing documentary proof of birth, as not all children receive a birth certificate or proof of their birth, usually owing to the parents' residence or documentation status.[24] In addition, registering a vital event may be risky for the family, whose lack of citizenship will be drawn to the attention of the authorities. International norms urge States to prohibit data-sharing between health or registration officials and immigration enforcement authorities,[25] but not all countries in the Index prohibit such data-sharing and a few even mandate it, meaning that the relevant enforcement authorities must be informed.[26] Special mention should be made here of the "do no harm" principle, as data collected for vital registration are not usually protected by statistics legislation or the Fundamental Principles of Official Statistics until the data are passed to the statistics authorities; therefore data privacy and confidentiality may not be protected. While it may be

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[22] Mahidol University and United Nations Children's Fund (UNICEF) Thailand, "An assessment of access to birth registration among migrant children: the quantitative study" (June 2021). Available at www.unicef.org/thailand/reports/assessment-access-birth-registration-among-migrant-children.

[23] https://unstats.un.org/unsd/statcom/53rd-session/.

[24] Statelessness Index, "Birth registration and the prevention of statelessness in Europe: identifying good practices and remaining barriers", thematic briefing, May 2020 (available at https://index.statelessness.eu/sites/default/files/ENS-Birth_registrations-StatelessnessINDEX_briefing.pdf). Comparable information on other regions is not yet available.

[25] Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return.

[26] Statelessness Index (see footnote 23).

desirable to share data with health authorities, those without proof of citizenship may be reluctant to register vital events if there is a risk of data-sharing.

42.   Those countries that have complete population registers are able to identify stateless populations in their registers by using reliable sources of administrative data. In Norway, the population register provides an official estimate of Norway's stateless population and those with an unknown nationality. It draws information from the register and the population census which can indicate links to other countries and is also able to link stateless parents and children. The identity of non-Nordic immigrants to Norway, including their citizenship, is checked, and registered by the police and/or the Directorate of Immigration following a thorough procedure that utilizes all available information about the immigrant, including passport, birth certificate and other documents, as well as interviews (see Norwegian Population Register in the background paper, available online on the Statistical Commission portal).[27] However, countries with complete population registers are comparatively rare, and this is especially so in countries where large stateless populations are thought to exist.

Household surveys

43.   Data collection challenges are not limited to administrative data and civil registration. Stateless people's potential vulnerability to the authorities, to marginalization and to discrimination may result in a reluctance to identify themselves in surveys and censuses too. They may be unwilling to participate in data collection activities or may actively avoid them, and it can be difficult to identify a sufficiently large sample of stateless respondents. Much of the data collected will rely on respondents reporting their own citizenship status, or lack thereof, which can lead to false positives and false negatives. If possible, secondary questions should be asked to help verify the initial answer. These additional questions will depend on national laws and circumstances and might include birth registration, migratory history, nationality of parents, ethnicity, language or religion.

44.   Stateless people may be clustered in defined locations. When this is the case populations may be more easily identified and suitable survey data collection tools designed (see the Kenya Shona Study in the background paper, available online on the Statistical Commission portal).[28] In other cases, the stateless people may be small in number or hidden within communities and difficult to identify. Sparsely distributed populations integrated in communities can present serious methodological difficulties and can result in achieved sample sizes being too small for reliable estimates. Specialist sampling techniques may be required in these settings and associated recommendations will be included in the international recommendations on statelessness statistics. In countries where desk research indicates low numbers of stateless people, or where they are highly clustered geographically, adding a specialist statelessness module to regular household surveys such as Labour Force, Multiple Indicator Cluster or Demographic and Health Surveys is unlikely to be successful. A specially designed survey is likely to be required, and this differs from similar recommendations in the *International Recommendations on Internally Displaced Persons Statistics* and *International Recommendations on Refugee Statistics* because of the difficulties associated with identifying the two core stateless populations from a limited number of variables.

45.   Although in many contexts stateless people and those of undetermined nationality will be a "rare" population, meaning they comprise a very small proportion of the total population of a country or region, this is not always the case. In some countries with low levels of civil registration, those lacking proof of

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[27] https://unstats.un.org/unsd/statcom/53rd-session/.
[28] Ibid.

nationality, or the documents needed to obtain it, can make up a reasonably high proportion of the population. In these contexts, a general household survey can be considered as a viable option for stateless data. There are examples of successful surveys using standard two-stage probability sampling techniques in contexts where the numbers of stateless people are large and the population in scope widely dispersed (see Côte d'Ivoire example in the background paper, available online on the Statistical Commission portal).[29]

46.   From 2019 to 2021 several studies and surveys to identify persons who were likely to have difficulties in obtaining proof of citizenship were piloted in countries known to have stateless populations. Surveys are particularly helpful where there is the political will to assist those affected to obtain citizenship, as this can encourage respondent participation. An example comes from the pre-registration exercise and socioeconomic survey for the Shona community (see the Kenya Shona survey in the background paper, available online on the Statistical Commission portal).[30] This survey both revised the estimate of stateless people living in the country and helped to grant nationality to facilitate the full social and economic inclusion of the Shona population in Kenya.

Population and housing censuses

47.   A potential source for statistics on statelessness is the population census. Those countries using two of the recommended census questions on country of citizenship, giving the options of "none" or "stateless", and the respondent's country of birth can support the estimation of the size of the stateless population by using modelling or data linking techniques. However, asking directly about statelessness may result in undercounts because people may not identify themselves as stateless, not know that they are stateless or, in situations where citizenship issues are politically sensitive, non-response rates may be higher.

48.   Lessons learned from the 2010 census round for the purpose of estimating migration[31] highlight that 87 per cent of all countries for which census questionnaire information are available in the database of the Statistics Division included a question about country of birth. Disaggregation by foreign-born status should be possible for most countries. Some 66 per cent included both questions on country of birth and citizenship,[32] which is very helpful for statelessness estimation, and it is hoped that these core questions will be even more widely used in the 2020 round.

49.   Several countries are now testing adding "stateless" and "no citizenship/none" to their census citizenship codes. This approach was tested in the Kenya population and housing census[33] (see background paper, available online on the Statistical Commission portal).[34] The results show that the stateless can be counted, but that undercounts should be anticipated even where there has been good publicity about the data protection offered. Post-census evaluation also indicated that most stateless people felt safer to either self-identify with other known Kenyan tribes or not to provide any information

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[29] Ibid. See also UNHCR, *Cartographie des personnes à risque d'apatridie en Côte d'Ivoire* (Geneva, 2019) (available at www.refworld.org/docid/615463624.html) and "UNHCR launch mapping of statelessness in Côte d'Ivoire", UNHCR blogs, 3 September 2018 (available at www.unhcr.org/blogs/mapping-statelessness-cote-divoire/).
[30] https://unstats.un.org/unsd/statcom/53rd-session/.
[31] UNFPA, "The need to capitalize on the 2020 census round for migration analysis", technical brief, March 2018. Available at https://www.unfpa.org/sites/default/files/resource-pdf/The_Need_to_Capitalize_on_the_2020_Census_Round_for_Migration_Analysis.pdf.
[32] Ibid.
[33] See https://housingfinanceafrica.org/app/uploads/VOLUME-IV-KPHC-2019.pdf.
[34] https://unstats.un.org/unsd/statcom/53rd-session/.

on their nationalities. The international recommendations on statelessness statistics will include recommendations on publicity and enumerator training.

50.   A census can also include questions about birth registration or possession of identity documents. As part of the United Nations Legal Identity Agenda, countries are urged to collect data about the possession of identity documents among their entire resident population, in particular, birth certificates, to monitor the civil registration and vital statistics coverage in their country. In target 16.9 of the Sustainable Development Goals, Member States are urged to "provide legal identity for all, including birth registration", supported by indicator 16.9.1 "Proportion of children under 5 years of age whose births have been registered with a civil authority, by age". The possession of identification documents helps to reduce the risk of statelessness and a relevant question about identification documents could be asked in censuses if there is sufficient space and it is shown not to compromise response rates.

51.   Censuses are particularly useful to modelling and data linkage estimation techniques where the variables collected are relevant to the statelessness characteristics in the national context. These will vary by country, but are likely to include birth registration, religion or language spoken, being from a particular ethnic group or country of birth/nationality of parents. The responses are of course self-reported or provided by a household representative, but the data may help to design subsequent surveys or be used for modelling exercises to estimate the size of the stateless population.

52.   For the reasons outlined above in the section on administrative data, register-based censuses can also present particular problems in capturing data on stateless people who may not be recorded in registers or administrative records, and special procedures may be needed to ensure that they are included in census estimates.

Data linking and modelling – combining data sources

53.   Beyond 2023 and based on the experience of the Expert Group, it will still take time for countries to implement the recommendations to produce more reliable and comparable national statistics on statelessness. Given that there is a more urgent need to better estimate the scale of the issue, UNHCR has worked with partners to set up an Inter-Agency Group on Statelessness Estimation.[35] This Group's work is ongoing; in 2022 it will contribute to the development of the international recommendations on statelessness statistics, shaping recommendations for national statistical authorities to use statistical methods and demographic models to estimate stateless population sizes in the presence of low-quality and missing data. The Inter-Agency Group is an expert-driven effort supported by a technical advisory group. Such approaches are additional to improved primary national data collection and are needed to improve the reliability of regional and global estimates.

54.   Different data sources can and have been used to produce data on stateless persons and those of undetermined nationality; however each approach has its strengths and weaknesses depending on the national context and the local circumstances of affected populations. Owing to the rare nature of statelessness in many countries and the challenges in identifying stateless people, alternative methods should be explored to complement traditional approaches. A full set of recommendations for the production of data on statelessness will be developed in the international recommendations on statelessness statistics.

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[35] See www.jointdatacenter.org/improving-statistics-on-statelessness/.

D. Alignment with other relevant initiatives

55.   The recommendations in the international recommendations on statelessness statistics will take account of other international statistical recommendations and global initiatives that are relevant to official statistics about stateless populations. Some of these initiatives have already been considered; they are discussed below:

Legal identity agenda and civil registration and vital statistics scaling-up plan

56.   Global initiatives to scale up civil registration and vital statistics systems and legal identity will serve to prevent statelessness in future by providing evidence of a person's place and date of birth, but there are often bureaucratic, operational and legal obstacles to registration for people who are stateless or who lack proof of citizenship. Often changes in practices, laws and regulations are needed for them to be eligible for registration. The development and communication of pathways to solutions to their statelessness may be required to incentivize stateless persons to want to be registered.

57.   The United Nations Legal Identity Expert Group developed the operational definition of legal identity.[36] Legal identity is defined as the basic characteristics of an individual's identity, for example, name, sex and place and date of birth, conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth.

58.   In the *United Nations Strategy for Legal Identity for All*, the Expert Group advises that "Member States have the responsibility to recognize all individuals present on their territory as a person before the law, without prejudice to nationality (or lack thereof), legal status, gender or duration of stay".[37] In contexts of migration and displacement particular problems may arise as children often lack documentation and their parents may be unable to register vital events. Internally displaced persons and refugees may have lost their identity papers, or vulnerable family members may become separated. Special measures are required to ensure that displaced people do not become stateless. There are several examples where statelessness and refugee status have been conflated in official statistics derived from immigration records.

59.   However, most stateless people have not been displaced and have never left the country that they were born in and rely on the authorities in their countries of birth to register vital events. The International Covenant on Civil and Political Rights and the Convention on the Rights of the Child provide that birth registration is a right for all children, without any further conditions, and the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families have urged States to ensure that all children not only have their births registered immediately but are also issued with birth certificates, irrespective of their or their parents' migration status.[38]

60.   The Legal Identity Agenda and the strengthening of birth registration are important activities, providing proof of identity to populations who would otherwise be without them; however the protection of stateless people must also be considered. Birth registration is advantageous in preventing statelessness, but it can also increase the vulnerability of stateless people (see para. 41). The forthcoming international

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[36] See https://unstats.un.org/legal-identity-agenda/LIEG/. It should be noted that, in 2020, the Expert Group transitioned into a Task Force.

[37] See United Nations Legal Identity Expert Group, "United Nations strategy for legal identity for all", concept note. Available at https://unstats.un.org/legal-identity-agenda/documents/UN-Strategy-for-LIA.pdf.

[38] See joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child (see footnote 24).

recommendations on statelessness statistics will take account of data protection issues and include examples of good practice in amending civil registration laws to provide a more inclusive environment for stateless people, with a view to improving the statelessness statistics available from these sources.

Migration statistics

61.   The Expert Group on International Migration Statistics proposed a revised conceptual framework at the fifty-second session of the Statistical Commission (see E/CN.3/2021/11) which includes new migration-related concepts of citizens and foreign citizens, disaggregated by whether they were born in a country or born outside a country. The proposed statistical framework for statelessness described above is aligned with the proposed migration statistics overarching framework. Stateless people and those of undetermined nationality would be included as foreigners, as they are not formally citizens. Most of the stateless globally will not be lifetime migrants. A stateless person can be either part of the resident or temporary (non-resident) population, depending on their duration of residence in a country. Their nationality status is independent of their migration status.[39]
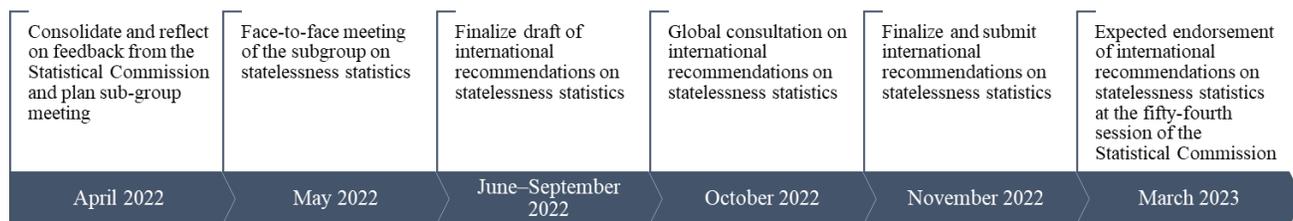
2020 Round of population and housing censuses

62.   Countries should be encouraged to use the recommended census question on country of citizenship, giving the options of "none" or "stateless", and to collect data on the respondent's country of birth. These and other relevant variables in the national context can support the estimation of the size of the stateless population.

IV.   The way forward to complete the international recommendations on statelessness statistics

63.   Following feedback from the fifty-third session of the Statistical Commission based on the present report, the work of the Expert Group subgroup on statelessness will continue under the oversight of the Expert Group Steering Committee, to complete the international recommendations on statelessness statistics (see figure 2). A face-to-face meeting of the subgroup is expected to be held in the first half of 2022 to reflect on input received from the Commission, strengthen input from Member States and other relevant experts, provide further experience and practical examples in collecting statistics on statelessness and to agree on how to finalize the recommendations. If, prior to the submission of the international recommendations, face-to-face meetings prove not to be possible owing to the COVID-19 pandemic, then virtual input from Member States and members of the subgroup will be enhanced. Prospective new members of the subgroup will be invited to join the next phase of the work. Finally, a global consultation among Members States and the wider statistical community will be carried out in the last quarter of 2022 and the results used to strengthen the international recommendations ahead of its submission to the Commission.

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[39] Commission decisions arising from E/CN.3/2021/11. Available at https://unstats.un.org/unsd/statcom/52nd-session/documents/decisions/Draft-Decisions-3March2021.pdf.

Figure II
Tentative timeline for finalizing the international recommendations on statelessness statistics

Consolidate and reflect on feedback from the Statistical Commission and plan sub-group meeting	Face-to-face meeting of the subgroup on statelessness statistics	Finalize draft of international recommendations on statelessness statistics	Global consultation on international recommendations on statelessness statistics	Finalize and submit international recommendations on statelessness statistics	Expected endorsement of international recommendations on statelessness statistics at the fifty-fourth session of the Statistical Commission
April 2022	May 2022	June–September 2022	October 2022	November 2022	March 2023

V. Action to be taken by the Statistical Commission

64.   **The Commission is invited:**

(a)   **To provide feedback on key elements of the proposed overarching statistical framework, including definitions and classifications of the population within the scope of the draft international recommendations on statelessness statistics;**

(b)   **To provide guidance on the plans and priorities of the Expert Group subgroup on statelessness, in particular regarding the further development of the international recommendations on statelessness statistics;**

(c)   **To request the Expert Group to report back to the fifty-fourth session of the Statistical Commission in March 2023 and present the full international recommendations on statelessness statistics for discussion.**

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