

European Commission
Home Affairs
Director General Mr. Manservisi
Per email: HOME-ANEWAGENDA@ec.europa.eu

Subject
Contribution to the debate on the
future agenda for EU Home Affairs
policies

Date
January 23rd, 2014
Our reference
2014/0011/LK/SG/IS

Dear Mr. Manservisi,

The Netherlands Institute for Human Rights welcomes your call for input as outlined in your message dated 29 October 2013 and would like to seize this opportunity to contribute to the future agenda for EU Home Affairs policies, starting in 2015.

The Netherlands Institute for Human Rights would like to draw your attention to the position of stateless persons in Europe. Worldwide there are about 12 million stateless persons; among which 600.000 are living within Europe's borders. Their position is a vulnerable one, they are prone to discrimination and abuse.

Most EU member States signed both the 1951 Convention on the Status of Refugees and the 1954 Convention on the Status of Stateless Persons. Only Cyprus, Malta, Estland and Polen haven't signed the 1954 Convention (yet). Both Conventions offer refugees and stateless persons protection and access to fundamental human rights. For refugees, legal and policy regulations have been adopted at European level to establish who qualifies for the status of refugee and subsidiary forms of protection. Subsequently minimum standards relating to their need for protection, as well as minimum procedural safeguards have been established (e.g. the Qualification Directive and Procedures Directive). Further implementation of the 1954 Convention on the Status of Stateless Persons among the EU Member States, e.g. the identification and protection of stateless persons, has not materialised.

Over the last few years some EU member States have established a procedure to determine who is a stateless person and to provide such person with a legal protection status. However, there is no uniformity in such a procedure. And furthermore some EU member states seem to be hesitant to establish such a procedure.

For this reason The Netherlands Institute for Human Rights would like to suggest to incorporate protection of stateless persons on your agenda for future action. Although access to nationality lays within national sovereignty, statelessness mostly

occurs within the context of migration. EU's authority in that field is therefore a starting point for addressing statelessness and providing protection through migration policy.

To include sufficient guarantees to a stateless person to access the protection and human rights the Convention on the Status of Stateless Persons offers, minimum standards within the EU seem necessary in view of a common approach towards implementation of the 1954 Convention and thereby fully realizing the rights of stateless individuals.

With kind regards,

A handwritten signature in black ink, appearing to read 'L.J.L. Koster'. The signature is written in a cursive, slightly stylized font. The letters are connected, with a long horizontal line extending from the end of the signature.

Ms. L.J.L. Koster
Chair