

## **Convention relating to the Status of Stateless Persons**

**Canada** has not signed or ratified the Convention relating to the Status of Stateless Persons.

**Adoption:** The United Nations Conference on the Status of Stateless Persons adopted the Convention on 28 September 1954.

**Entry into force:** 6 June 1960

**Number of signatories and ratification/accessions:** 89 parties to the convention; and 23 signatories

### **Summary information**

The [Convention relating to the Status of Stateless Persons](#) is a 1954 United Nations multilateral treaty that aims to protect stateless persons. The Convention was adopted on 28 September 1954 and entered into force on June 1960. The 1954 Convention establishes a framework for international protection of Stateless persons and is the most comprehensive codification of the rights of Stateless person yet attempted at the International level according to the United Nation High Commissioner for Refugees. The Convention requires all signatory States to protect the rights of stateless persons. A “stateless person” is defined as someone “who is not considered as a national by any State under operation of its law” ([Art. 1\(1\)](#)). The Convention aims to regulate and improve the legal status of stateless persons and to ensure non-discriminatory protection of their fundamental rights and freedom by the state in which they take asylum. The convention provides important minimum standards of treatment for those who qualify as stateless persons. It requires that stateless person have the same rights as citizens with respect to freedom of religion and education of their children. For a number of other rights such as the right of association, the right to employment and to housing, it requires that stateless person are to enjoy, at a minimum, equal treatment as other non-nationals.

The 1954 Convention upholds the right to freedom of movement for stateless persons lawfully on the territory and requires States to provide them with identity papers and travel documents. Furthermore the 1954 convention prohibits expulsion of stateless person “save on grounds of national security or public order” ([Article. 32](#)) who are lawfully on the territory of a Contracting State. Moreover the Convention requires that States “facilitate assimilation and naturalization” ([Article. 32](#)) of Stateless persons. While the Convention seeks to ensure a legal status and minimum level of protection for stateless person whoever they may be, it does not oblige a state to grant its nationality to a stateless person.

Similar to the 1951 [Convention relating to the Status of Refugees](#), the convention excludes individuals when there are serious reasons for considering that they have committed a war crime, a crime against humanity, or they have committed a serious non-political crime outside the country of their residence prior to their admission to that country” ([Article 1\(1\)](#)).

## History

The establishment of the [Convention relating to the Status of Stateless Persons](#) is a manifestation of the United Nations’ profound concern for stateless persons and aim to ensure stateless persons enjoy the widest possible exercise of their fundamental rights as outlined in the United Nations Charter and the Universal Declaration of Human Rights. In recognition of the lack of international agreements relating to the protection of post-Second World War refugees, the Human Rights Commission, during its second session, acknowledged the need to adapt existing conventions to the new conditions created after the Second World War and the development of international law under the support of the United Nations.

Therefore, the United Nations General Assembly convened a Conference of Plenipotentiaries to draft an international treaty on refugees and Stateless persons in 1951. Whereas the [Convention relating to the Status of Refugees](#) was adopted that year, the negotiation on the protection needs of Stateless persons continued. Two years later, a United Nation Conference was convened in New York, attended by twenty-seven participating States and five States as observers. [The Conference adopted the Convention relating to the Status of Stateless Persons](#). Similar to the 1951 Refugees Convention, the 1954 Convention “excludes” different categories not considered to deserve or need protection – for example individuals receiving protection or assistance from United Nation agencies other than the Office of the United Nation High Commissioner for Refugee (UNHCR) [as well as those enjoying the rights and obligation of citizenship in their country of residence and war criminals, serious non-political criminals and similar cases](#).

The [Convention relating to the Status of Stateless Persons](#) was largely modeled after the [Convention relating to the Status of Refugees](#). Relevant articles of the Refugees Convention were modified simply by substituting the words “Stateless person” for Refugee. However, in certain instances the text itself is modified completely, with the result that the treatment accorded Stateless person differs from that of “refugee”. For [example Article 1](#) of the [Convention relating to the Status of Stateless person](#) establishes and defines a stateless person.

## Key Provision

Since only those stateless persons who are also refugees are protected by the 1951 Convention relating to the Status of Refugees and thus many stateless persons are not covered by this convention, the establishment of the 1954 Convention relating to the Status of rights of Stateless Persons was seen as essential by the UN in order to regulate and improve the Status of Stateless persons by an international agreement.

General Provisions - The term “stateless person” is defined as “a person who is not considered as a national by any State under the operation of its law” ([Article 1](#)). This excludes individuals who are receiving protection or assistance from any agencies of the United Nations other than the United Nations High Commissioner for Refugees. It does not apply to war criminals, to the perpetrators of crimes against humanity, to those who have committed a serious non-political crime outside their country of residence before their admission to that country or to those who have been guilty of acts that are contrary to the purpose and principles of the United Nations.

Other provisions:

- General Obligation – Stateless persons have an obligation to the country in which they find themselves in, which requires conforming to its laws and regulations as well as measures taken to the maintenance of public order;
- Non-Discrimination – Contracting states to the Convention are to apply the provisions of the Convention without discrimination;
- Right to Religion – Contracting States to the Convention are to ensure the protection of freedom of religion of stateless persons;
- Exemption from Reciprocity - Contracting States shall provide stateless persons the same treatment as is accorded to aliens generally;
- Exemption from Exceptional Measures – No exceptional measures to be taken against a stateless person in a Contracting state because of their former nationality;
- Provisional measures – Provisional measures affecting stateless persons may be taken in time of war or grave emergency where national security is at issue;
- Continuity of residence – Forcible removal of stateless person from territory of a Contracting state due to the Second World War to count as residence in that territory; Stateless seamen – State to show sympathy to stateless seamen regularly serving on ships flying the flag of that State;
- Personal Status – Personal status of a stateless person to be governed by the law of his/her domicile ahead of the law of his/her residence;
- Movable and immovable property – Rights to property rights to be no less than accorded to aliens generally;

- Artistic rights and industrial property – Stateless persons are to be given the same rights to intellectual property rights as national born citizen;
- Right of association – Stateless persons rights of association to be no less than accorded by each Contracting State to aliens generally;
- Access to Court – Contracting States are ensure that Stateless persons have free access to the court of law, as well as given the same treatment in matters that relates to the court including legal assistance and exemption from “cautio judicatum solvi”;
- Gainful employment – Contracting States to ensures that all Stateless persons are to be treated as favourably as to aliens generally in regard to participation in wage-earning employment;
- Welfare – Stateless persons are to be treated no less favourably than any national born citizens with respect to rationing, public education and public relief;
- Labour legislation and social security - Contracting states are to accord to Stateless persons the same treatment as accorded to nationals with respect to labour legislation and social security, subject to certain limitations;
- Identity papers – Stateless persons, who does not possess a valid travel document, are to be issued identity papers by Contracting State;
- Fiscal Charges - Contracting States cannot discriminate against Stateless in Fiscal charges;
- Right to transfers of assets – Stateless person are entitled the right to transfer their assets to the place of their resettlement;
- Expulsion – Contracting states cannot expel a Stateless person except on the grounds of national security of public order and only after a decision reached in accordance with due process of law; and
- Settlement of Dispute – Any dispute between contracting states to the Convention relating to the interpretation or application, should be referred to the International Court of Justice.

### **Canada’s Commitments and Responsibilities**

Canada has neither signed nor ratified the convention.

It has been criticized for not having a government body responsible for determining whether a person is stateless or not as well as for not being a party to the convention.

### **International Monitoring and Implementation**

The UN General Assembly selected the UNHCR for this task of assisting States to protect stateless persons and to resolve statelessness situations. The UNHCR also offers “technical advice regarding legislation and operational support to promote the

implementation of determination procedures and measures to ensure the rights foreseen in the Convention.”

## **References**

[Convention Relating to the Status of Stateless Persons](#)

[United Nation High Commission for Refugee - The UN Refugee Agency - Refworld](#)

[United Nation Treaty Collection](#)

[World Intellectual Property Organizations](#)