

# Fighting Statelessness and Discriminatory Nationality Laws in Europe

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## Abstract

The European Convention on Nationality opens with an articulation of the general principles upon which the instrument rests. These can be summarised as follows: (i) states are free to determine who are their nationals, within the limits set by international law; (ii) statelessness shall be avoided; and (iii) rules relating to nationality may not be discriminatory. Here, the second and third statements give content to the first. Thus, the most significant limits imposed by international law with regard to the regulation of nationality are standards relating to the avoidance of statelessness and to the principle of non-discrimination. This article explores the development of these two sets of standards in the European context through an analysis of the further provisions of the European Convention on Nationality as well as an investigation of emerging regional jurisprudence. In particular, the article considers the significance of the recent *Rottmann* (ECJ 2010) and *Genovese* (ECtHR 2011) rulings.

## Keywords

nationality; citizenship; statelessness; discrimination; European Convention on Nationality; Rottmann; Genovese

## 1. Introduction

International law has moved on a long way since the landmark *Tunis and Morocco Nationality Decrees Case* was decided by the Permanent Court of International Justice in 1923.<sup>1</sup> At the time of this first significant ruling on the role of international law in the regulation of citizenship, the rules governing the acquisition and loss of nationality were regarded as falling entirely within the *domaine réservé* of states.<sup>2</sup> As such, these rules were deemed free from the influence of international standards and beyond the jurisdiction of international courts, notwithstanding that this might one day change, depending on the further development of international law.<sup>3</sup>

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<sup>1</sup> Permanent Court of International Justice, 7 February 1923, *Advisory Opinion No. 4, Nationality Decrees issued in Tunis and Morocco*.

<sup>2</sup> See above, note 1, p. 24; P. Weis (1979) *Nationality and Statelessness under International Law*, Dordrecht: Kluwer Academic Publishers Group, p. 66.

<sup>3</sup> See also Article 1 of the Hague Convention on Certain Questions relating to the Conflict of Nationality Laws, 1930.

Some ninety years on and the playing field has now indeed changed dramatically. The progressive development of international norms emanating from and relating to the “right to a nationality”, first espoused as a fundamental right in the Universal Declaration of Human Rights in 1948, is remarkable.<sup>4</sup> At both global and regional levels, these international standards have come to impose significant restrictions on the freedom of states to regulate access to nationality in accordance with their own sovereign interests.<sup>5</sup> As the Inter-American Court of Human Rights explained in a 2005 ruling:

At the current stage of the development of international human rights law, this authority of the States is limited, on the one hand, by their obligation to provide individuals with the equal and effective protection of the law and, on the other hand, by their obligation to prevent, avoid and reduce statelessness.<sup>6</sup>

Two principles therefore lie at the heart of international law today, in terms of its influence on the regulation of nationality. Firstly, states must guarantee that the right to a nationality is enjoyed on equal footing by everyone, in accordance with the principle of non-discrimination.<sup>7</sup> Secondly, states have an obligation to prevent, avoid and reduce statelessness (i.e., to ensure that everyone is recognised as a national somewhere, in accordance with the right to a nationality).<sup>8</sup>

Nowhere is the trend towards limiting states’ freedom in nationality matters and recognising these two crucial principles more evident than in Europe – despite the failure to transpose the right to a nationality into the European Convention

<sup>4</sup> UN General Assembly (1948) *Universal Declaration of Human Rights*, Article 15.

<sup>5</sup> Consider, for instance, Article 24 of the International Covenant on Civil and Political Rights; Article 7 of the Convention on the Rights of the Child; Article 29 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women; Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination; Article 18 of the Convention on the Rights of Persons with Disabilities; Article 6 of the African Charter on the Rights and Welfare of the Child; Article 20 of the American Convention on Human Rights; Article 7 of the Covenant on the Rights of the Child in Islam; Article 6 of the UN Declaration on the Rights of Indigenous Peoples; Paragraph 55 of chapter VI on The Human Dimension of the *Concluding Document of Helsinki*, Conference for Security and Cooperation in Europe, 1992; and Paragraph 19 of the *Charter for European Security* of the Organisation for Security and Cooperation in Europe, 1999. See also, generally, the 1961 Convention on the Reduction of Statelessness; the 1997 European Convention on Nationality and the 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession.

<sup>6</sup> Inter-American Court on Human Rights (2005) *Yean and Bosico v. Dominican Republic*, Series C, Case 130, paragraph 140.

<sup>7</sup> Note that “all nationality laws have distinctions and not all persons will be equally connected with all States. Nevertheless, in some cases persons are unable to acquire nationality in any State despite very strong ties which are sufficient for the grant of nationality to other equally-situated persons. There may be either overt discrimination or discrimination created inadvertently in the laws or through their implementation”. United Nations High Commissioner for Refugees, *Guidelines: Field Office Activities Concerning Statelessness*, Field-Office Memorandum No. 70/98, 28 September 1998, p. 6.

<sup>8</sup> A stateless person is someone who “is not considered as a national by any state under the operation of its law”. See Article 1 of the 1954 Convention relating to the Status of Stateless Persons.

on Human Rights, thereby rendering it a lonely exception to the general rule that this right can be found in every major human rights instrument adopted since the Universal Declaration. To date, Europe is the only region to adopt its own dedicated and detailed convention on nationality.<sup>9</sup> This was followed some years later by a second dedicated instrument, elaborating rules on the avoidance of statelessness in the specific context of state succession.<sup>10</sup> In addition, access to nationality has been the subject of numerous resolutions and recommendations within the Council of Europe, as well as the focus of several decisions by regional courts.<sup>11</sup> Of the latter, the most striking are the recent *Genovese* and *Rottmann* cases as they indicate that the regulation of citizenship has become a matter over which both the European Court of Human Rights and even the Court of Justice of the European Union are, given the right circumstances, able to exercise jurisdiction.<sup>12</sup> Moreover, in line with the aforementioned emerging principles of international law in the field of nationality, the particular interest of the Courts in these two cases was promoting non-discrimination in the enjoyment of the right to a nationality and the avoidance of statelessness, respectively.

This article traces the development of European regional standards relating to statelessness and non-discrimination in the enjoyment of the right to a nationality, focusing in particular on the content of the innovative European Convention on Nationality. It looks at how these norms emerged in parallel to – and sometimes at the forefront of – similar developments within international law globally, before giving special consideration to how the ground-breaking *Genovese* and *Rottmann* cases are helping to position Europe for a more effective fight against statelessness and discriminatory nationality laws in years to come.

## 2. The European Convention on Nationality

Without a doubt, in the European regional context, the most significant instrument of international law to place limits on the regulation of nationality by states is the European Convention on Nationality (hereinafter ECN). While it is rather surprising and disappointing that the European Convention on Human Rights (hereinafter ECHR) does not house an equivalent to Article 15 of the Universal Declaration, subsequent developments within the Council of Europe which culminated in the adoption of the ECN in 1997 have actually ensured that a more

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<sup>9</sup> The Council of Europe (1997) *The European Convention on Nationality*.

<sup>10</sup> The Council of Europe (2006) *The Convention on the Avoidance of Statelessness in relation to State Succession*.

<sup>11</sup> For instance, Committee of Ministers of the Council of Europe, *Resolution (77) 13 on the Nationality of Children born in Wedlock, 27 May 1977; Recommendation no. R(99) 18 on the Avoidance and Reduction of Statelessness*, 15 September 1999. See for full details of the Council of Europe's activities in the field of nationality <http://www.coe.int/nationality>.

<sup>12</sup> European Court of Human Rights (2011) *Genovese v. Malta*, Application No. 53124/09.

comprehensive framework for promoting the right to a nationality is in place in Europe than anywhere else in the world.<sup>13</sup> Furthermore, as will be discussed later in this article, the absence of the right to a nationality in the ECHR has not, in practice, prevented complaints concerning the acquisition or loss of nationality from being brought before the European Court of Human Rights using other, related, provisions of the Convention.<sup>14</sup>

Right at the heart of the European Convention on Nationality is a set of general principles that have guided the drafting of the instrument and should inform its implementation. These are set out in Chapter II of the Convention and can be summarised as follows:

1. States are free to determine who are their nationals, *within the limits set by international law*;<sup>15</sup>
2. Statelessness shall be avoided;<sup>16</sup> and
3. Rules relating to nationality may not be discriminatory.<sup>17</sup>

Here, the second and third statements give content to the first. Thus, the most significant limits imposed by international law with regard to the regulation of nationality are standards relating to non-discrimination and the avoidance of statelessness. In this, European regional norms echo the aforementioned developments at the global level.<sup>18</sup>

<sup>13</sup> The first convention to be adopted by the Council of Europe with respect to nationality was the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality, adopted in 1963. Later this was accompanied by a number of protocols. At the same time, the Committee of Ministers and the Parliamentary Assembly have adopted recommendations and resolutions relating to the enjoyment of nationality and the treatment of (non-)nationals. For instance, as early as 1955, the Parliamentary Assembly passed *Recommendation 87 on Statelessness* (25 October 1955), which refers directly to the 1954 United Nations Convention relating to the Status of Stateless Persons as well as to the ongoing debate that would lead to the adoption of the 1961 United Nations Convention on the Reduction of Statelessness.

<sup>14</sup> It is of interest to note that the explanatory report of the ECN explicitly points out that “even if the ECHR and its protocols do not, except for Article 3 of Protocol No. 4 (prohibition on the expulsion of nationals), contain provisions directly addressing matters relating to nationality, certain provisions may apply also to matters related to nationality questions. Amongst the most important ones are: Article 3 (prohibition of torture or inhuman or degrading treatment or punishment); Article 6 (right to a fair and public hearing); Article 8 (right to family life); Article 14 (non-discrimination); and Article 4 of Protocol No. 4 (prohibition on the collective expulsion of aliens)”. Council of Europe (1997) *European Convention on Nationality μ explanatory report*. Strasbourg, paragraph 16. Moreover, included within the preambles of the European Convention on Nationality is an explicit reference to Article 8 of the European Convention on Human Rights, illustrating the intrinsic connection between these two distinct instruments as part and parcel of the same regional body of law.

<sup>15</sup> See above, note 9, Article 3.

<sup>16</sup> See above, note 9, Article 4, paragraphs a and b.

<sup>17</sup> See above, note 9, Article 4, paragraph c and Article 5. Similar guiding principles are expressed in the Articles 2–4 of the Council of Europe Convention on the avoidance of statelessness in relation to State succession, 2006.

<sup>18</sup> See above, note 6. See also the successive annual resolutions of the United Nations Commission on

Where the ECN takes a step beyond the normative development achieved to date in other regions, is in translating these guiding principles into a series of concrete provisions that are readily implementable into states' nationality laws. In this, its approach is akin to that taken in the 1961 United Nations Convention on the Reduction of Statelessness (hereinafter 1961 Statelessness Convention), the central instrument dealing with nationality matters globally. Indeed, given the ECN's stated objective of consolidating "into a single text the new ideas which have emerged as a result of developments in internal and international law [since the 1930 Hague Convention]",<sup>19</sup> it is clear that the 1961 Statelessness Convention has had a direct influence on the formulation of a number of Articles of the ECN.<sup>20</sup> A primary concern of both instruments is the clarification of states' obligations with regard to the general principles of the avoidance of statelessness and the non-discriminatory enjoyment of the right to a nationality.<sup>21</sup>

With this coincidence of purpose in mind, it is of interest to detect a number of innovations in the ECN which cannot be found in the 1961 Statelessness Convention. Thanks to the continuing development of international law during the more than thirty years that passed between the adoption of the two instruments – combined, perhaps, with the different demands of standard-setting efforts at the universal and regional level – the latter was able to induce several further commitments from state parties. In particular, the ECN accepts only one ground upon which a person can still justifiably lose their nationality with statelessness as a result: in the event of "acquisition of the nationality of the State Party by means of fraudulent conduct, false information or concealment of any relevant fact attributable to the applicant".<sup>22</sup> In all other circumstances, the importance of the

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Human Rights and the United Nations Human Rights Council, E/CN.4/RES/1998/48, 17 April 1998, and onwards.

<sup>19</sup> Council of Europe (1997) *European Convention on Nationality – explanatory report*, Strasbourg, paragraph 11.

<sup>20</sup> For instance, the safeguard prescribed for the purposes of preventing statelessness among children – acquisition of nationality by a child born on the territory of a state party if the child would otherwise be stateless – is elaborated in almost identical phrasing in Article 1 of the 1961 Convention on the Reduction of Statelessness and Article 6(2) of the European Convention on Nationality, 1997.

<sup>21</sup> These are, in fact, the sole objectives of the 1961 Statelessness Convention. All but one of its Articles are dedicated towards instructing states on how to avoid statelessness through the implementation of safeguards with respect to the acquisition of nationality at birth, in the event of loss, renunciation or deprivation of nationality and in the context of state succession. The sole exception – and the only provision that is generally applicable rather than reserved for the circumstance in which a person would otherwise be stateless – is Article 9 of the 1961 Statelessness Convention, which instead provides broadly for the prohibition of discriminatory deprivation of nationality. The ECN, on the other hand, also deals with a number of other issues relating to nationality, beyond the principles of the avoidance of statelessness and non-discrimination – such as how to regulate multiple nationality.

<sup>22</sup> See above, note 9, Article 7, paragraph 3. This is equivalent to Article 8(2b) of the 1961 Convention on the Reduction of Statelessness. Note that, as will be discussed below in the context of the *Rottmann* case decided by the European Court of Justice, the fact that the ECN and 1961 Statelessness Convention tolerate the withdrawal of nationality resulting in statelessness if fraud is at play does not necessarily grant states carte blanche in taking such a decision in practice. The principle of proportionality – between the

avoidance of statelessness is deemed to outweigh any otherwise legitimate interest the state may have in withdrawing a person's nationality. This, as the *Explanatory Report* to the ECN itself points out, can be contrasted with the 1961 Statelessness Convention which accepts a short and limitative list of additional situations which, alongside fraud, may also warrant rendering a person stateless.<sup>23</sup>

Elsewhere, the ECN provides further evidence that the regional standards now in place put Europe at the forefront of the fight against statelessness and discriminatory nationality law. Firstly, it is currently the only international convention to dictate a maximum waiting period that a state can require before lawful and habitual residents become eligible to apply for naturalisation.<sup>24</sup> This time echoing the 1954 Convention relating to the Status of Stateless Persons, the ECN also asks states to facilitate the naturalisation of stateless people, including by reducing the length of required residence.<sup>25</sup> As a result, stateless individuals lawfully and habitually residing within Europe are likely to have swifter access to the acquisition of a nationality – and thereby to a solution for their statelessness – than in other parts of the world where waiting periods for naturalisation can be very lengthy.<sup>26</sup>

Secondly, the ECN offers a detailed set of procedural standards that states must respect in the context of decisions relating to nationality.<sup>27</sup> Here, inspired by the general principles of due process of law and of the right to an effective remedy which have developed within the broader international human rights framework, the ECN is able to build upon the basic state obligations laid down in the 1961 Statelessness Convention. The ECN's procedural guarantees apply to *any* decision on “the acquisition, retention, loss, recovery or certification of its nationality” as opposed to only within the specific context of the deprivation of nationality

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act of fraud committed and the impact of loss of nationality – must also be satisfied. See also Committee of Ministers of the Council of Europe, *Recommendation No. R (99) on the avoidance and reduction of statelessness*, 15 September 1999.

<sup>23</sup> See Article 7(4) and 7(5) and Article 8(2) and 8(3) of the 1961 Convention on the Reduction of Statelessness.

<sup>24</sup> This maximum period is ten years. See above, note 9, Article 6(3).

<sup>25</sup> See above, note 9, Article 6(4g); Article 32 of the 1954 Convention relating to the Status of Stateless Persons. See also Council of Europe (1997) *European Convention on Nationality – explanatory report*, Strasbourg, paragraph 52; Committee of Ministers of the Council of Europe, *Recommendation No. R (99) on the avoidance and reduction of statelessness*, 15 September 1999. Besides the call for facilitated naturalisation for stateless persons in the 1954 Convention relating to the Status of Stateless Persons – and a similar provision in the 1951 Convention relating to the Status of Refugees – standards relating to a right to apply naturalisation that can be accrued through long-term residence remain underdeveloped at the universal level, although both the UN Human Rights Committee and the UN Committee on the Elimination of Racial Discrimination have commented on impediments to naturalisation. For a more detailed discussion of this emerging area of international law see L. van Waas (2008) *Nationality Matters. Statelessness under International Law*, Antwerp: Intersentia, pp. 366–370.

<sup>26</sup> In the Gulf region, for instance, waiting periods run into the decades, with Bahrain and Qatar requiring 25 years of residence and the United Arab Emirates 30. United Nations High Commissioner for Refugees (2010) *The situation of stateless persons in the Middle East and North Africa*.

<sup>27</sup> See above, note 9, Chapter IV.

resulting in statelessness in the situations tolerated by the 1961 Statelessness Convention. Moreover, the ECN provides not just for the right to a fair hearing, but also for the processing of applications within a reasonable time, the motivation of decisions in writing and the reasonableness of any related fees levied.<sup>28</sup> This means that the European regional framework provides greater assurances that people are able to challenge any discriminatory nationality practices or decisions that have left or rendered them stateless.<sup>29</sup>

Finally, the ECN explicitly details an obligation for state parties to cooperate in order to “deal with all relevant problems” concerning nationality, including by exchanging information and conducting consultations.<sup>30</sup> Since the general principles of the ECN include the avoidance of statelessness and non-discrimination in the enjoyment of nationality, these can be considered among the *relevant problems* to be tackled through cooperation.<sup>31</sup> In practice, this innovation of the ECN can help to facilitate the identification of stateless people (which may require gaining an understanding of the content and operation of the nationality laws of multiple countries), allowing for a fuller implementation of the prescribed standards relating to the avoidance of statelessness and of facilitated naturalisation procedures.

Notwithstanding this duty for state parties to cooperate in order to address relevant problems, the ECN, like the 1961 Statelessness Convention, stops short of establishing an actual enforcement mechanism.<sup>32</sup> Nor does it denote a supervisory role for the pre-existing European Court of Human Rights. Both regionally within Europe and at the universal level, there remains therefore something of a gap in terms of actual enforcement opportunities for the principles of the avoidance of statelessness and the non-discriminatory enjoyment of the right to a nationality. With this in mind, the subsequent sections of this article explore a number of hope-inspiring developments in European regional jurisprudence, up to and including the recent ground-breaking *Genovese* and *Rottmann* cases, which suggest that there are now avenues to pursue if a state’s own domestic procedures prove inadequate to ensure that these fundamental principles are adhered to.

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<sup>28</sup> Compare Articles 10–13 of the European Convention on Nationality, 1997, with Article 8(4) of the 1961 Convention on the Reduction of Statelessness.

<sup>29</sup> Note that the same detailed procedural guarantees are repeated in the Council of Europe Convention on the avoidance of statelessness in relation to State succession, 2006, Article 12.

<sup>30</sup> See above, note 9. See also the Council of Europe Convention on the avoidance of statelessness in relation to State succession, 2006, Article 14.

<sup>31</sup> See also L. van Waas (2008) *Nationality Matters. Statelessness under International Law*, Antwerp: Intersentia.

<sup>32</sup> Article 11 of the 1961 Convention on the Reduction of Statelessness provides the legal basis for a specific role, mandated to the United Nations High Commissioner for Refugees, for an international body “to which a person claiming the benefit of this Convention may apply for the examination of his claim and for assistance in presenting it to the appropriate authority”. However, this is an advisory or facilitative role rather than an enforcement one.

### 3. *Genovese* and the European Court of Human Rights

Europe is home to one of the strongest international enforcement mechanisms in the field of human rights: the European Court of Human Rights (hereinafter ECtHR). Since it was established in 1959, it has delivered over 10 000 legally binding decisions on alleged state violations of the European Convention on Human Rights.<sup>33</sup> This instrument, as previously noted, does not however include the right to a nationality among the catalogue of fundamental rights it enshrines. Nor has the European Convention on Nationality bestowed the ECtHR with the task of supervising the standards that it houses. Given these two critical facts, it would appear that any questions relating to the regulation of nationality – including in the all-important contexts of non-discrimination and the avoidance of statelessness – fall outside the jurisdiction of the ECtHR. Yet the jurisprudence developed by the Court, together with the European Commission on Human Rights, culminating with the 2011 *Genovese* ruling, betrays a different story.

Since as early as the 1970s, cases relating to nationality have been lodged within the framework of the European Convention on Human Rights. In 1972, for instance, the European Commission on Human Rights ruled on an alleged violation of the right to a fair hearing in a case concerning the absence of a remedy against a decision by the Austrian state to withdraw the applicant's Austrian citizenship.<sup>34</sup> Then, the Commission found that Article 6 of the ECHR, the relevant provision in this case, did not apply because “it is the prerogative of the State to regulate citizenship and the relevant rules constitute public law”, placing nationality proceedings beyond the scope of Article 6.<sup>35</sup> Thirteen years later, in *K. and W. v. the Netherlands*, the Commission reiterated its view that the regulation of nationality was not a matter upon which the ECHR had any bearing. It ruled that “the right to acquire a particular nationality is neither covered by, nor sufficiently related to, [Article 8 in conjunction with Article 14] or any other provision of the Convention”.<sup>36</sup>

Regardless of these unambiguous, early decisions by the European Commission on Human Rights, the jurisprudence began to shift in the second half of the 1990s when a succession of cases relating to nationality policy were brought before the Commission and the ECtHR. Firstly, in *Kafklasi contre la Turquie*, the European Commission on Human Rights determined that the applicant's complaint against Turkey for the decision to withdraw his nationality – and refusal to

<sup>33</sup> See for full details on the history and operation of the European Court of Human Rights, available online at <http://www.echr.coe.int/ECHR/>.

<sup>34</sup> European Commission on Human Rights, 5 October 1972, *X. v. Austria*, Application No. 5212/71.

<sup>35</sup> *Ibid.* As cited in E. Ersbøll (2007) ‘The Right to a Nationality and the European Convention on Human Rights’, in: S. Lagoutte, H. Sano and P. Smith (Eds), *Human Rights in Turmoil. Facing Threats, Consolidating Achievements*, Leiden: Martinus Nijhoff Publishers, p. 263.

<sup>36</sup> European Commission on Human Rights, 1 July 1985, *Family K. and W. v. The Netherlands*, Application No. 11278/84, p. 220.



restore it despite the detrimental impact of his resultant statelessness – was admissible “because it raised serious factual and legal issues under article 8”.<sup>37</sup> No violation of the ECHR was found when the case was subsequently considered on its merits.<sup>38</sup> Yet, in ruling on the admissibility of the case, the Commission did hereby acknowledge that complaints relating to the regulation of nationality, or at least as to the effects of nationality decisions, could fall within the scope of the rights elaborated within the ECHR and be subject to scrutiny. This is the first sign of a departure from *K. and W. v. the Netherlands* which had seemed to rule out this possibility – and in a complaint brought under the very same Article of the ECHR.

One year after declaring Kafkasli’s complaint against Turkey admissible, the European Commission on Human Rights confirmed its revised position in *Slepcik v. the Netherlands and the Czech Republic*.<sup>39</sup> Although the case was found to be inadmissible – due to the applicant’s failure to first exhaust all domestic remedies – the Commission does not wholly rule out that the denial of access for Roma to Czech nationality following the country’s independence may come within the scope of Articles 3 and 14 of the ECHR.<sup>40</sup> Then, in *Zeibek v. Greece*, this notion that a racially underpinned policy of access to nationality may violate the prohibition of degrading treatment under Article 3 is confirmed.<sup>41</sup>

Together, this set of cases demonstrates an overall acknowledgment that the regulation of nationality may, given the circumstances, raise issues under a number of different provisions in the ECHR – in particular those dealing with private and family life (Article 8), inhuman and degrading treatment (Article 3) and

<sup>37</sup> European Commission on Human Rights, 22 May 1995, *Kafkasli c. la Turquie*, Application No. 21106/92. E. Ersbøll (2007) ‘The Right to a Nationality and the European Convention on Human Rights’, in: S. Lagoutte, H. Sano and P. Smith (Eds), *Human Rights in Turmoil. Facing Threats, Consolidating Achievements*, Leiden: Martinus Nijhoff Publishers, at note 58.

<sup>38</sup> European Commission on Human Rights, 18 February 1998, *Kafkasli c. la Turquie*, Application No. 21106/92.

<sup>39</sup> European Commission on Human Rights, 2 September 1996, *Slepcik v. the Netherlands and the Czech Republic*, Application No. 30913/96.

<sup>40</sup> In making this judgment, the Commission referred to a case brought before it in the 1970s in which the denial of residence rights within the United Kingdom to a particular group of citizens – through an act that was found to discriminate on the grounds of race – amounted to degrading treatment and a violation of Article 3 of the ECHR. European Commission on Human Rights, *East African Asians v. United Kingdom*, Application No. 4403/70-4419/70, 4422/70, 4423/70, 4434/70, 4443/70, 4476/70-4478/70, 4486/70, 4501/70 and 4526/70-4530/70 (joined), 14 December 1973.

<sup>41</sup> European Commission on Human Rights, 21 May 1997, *Ziebek v. Greece*, Application No. 34372/97. E. Ersbøll (2007) ‘The Right to a Nationality and the European Convention on Human Rights’, in: S. Lagoutte, H. Sano, P. Smith (Eds.), *Human Rights in Turmoil. Facing Threats, Consolidating Achievements*, Leiden: Martinus Nijhoff Publishers, p. 262. This case was also dismissed as inadmissible by the Commission on the grounds that local remedies had not been exhausted. Note that later, the applicant referred a new complaint to the ECtHR, claiming among others a violation of Article 8 in conjunction with Article 14, after his nationality had been reinstated but this had not resulted in the recognition of all of his children as citizens. This element of the complaint was deemed inadmissible. European Court of Human Rights, *Zeibek v. Grèce*, Application No. 46368/06, 9 July 2009.

non-discrimination (Article 14). This new understanding of the nexus between the regulation of nationality and the rights set out in the ECHR is confirmed during the same period through references to the ECHR in the preambles and the explanatory report to the European Convention on Nationality.<sup>42</sup>

In *Karassev and family v. Finland*, the European Court of Human Rights takes this jurisprudence a step forward again.<sup>43</sup> After recognising that Article 8 – either alone or in conjunction with Article 14 – may come into play in the context of decisions on nationality, the Court proceeds to assess whether Finland’s failure to grant nationality could be deemed discriminatory or otherwise arbitrary and thereby in violation of ECHR standards. The applicant claimed that Finland’s legislative safeguard against childhood statelessness, according to which a child born in Finland who would otherwise be stateless acquires Finnish nationality, should have been applied to him. The government, on the other hand, asserted that the applicant had acquired Russian citizenship and the safeguard therefore did not apply. In its ruling, the ECtHR applied a two-pronged test, looking on the one hand at whether the denial of nationality itself must be deemed arbitrary and, on the other hand, at whether the *consequences* of the denial of nationality were arbitrary. Neither was found to be sufficiently substantiated in this case such that there was a violation of Article 8 of the ECHR. Nor did the court agree with the applicant that the denial of nationality had been based on discrimination, thereby ruling out the application of Article 14 in conjunction with Article 8.<sup>44</sup> Thus, although no violation was found in this case, the ECtHR offered a valuable insight into how state practice relating to nationality will be scrutinised under these provisions and laid the groundwork for future cases.

The next ruling to carry forward these jurisprudential developments was *Kuric v. Slovenia*.<sup>45</sup> The applicants were among the so-called “erased” – individuals who had been unable to access nationality under Slovenian law and had become stateless following the dissolution of the Socialist Federal Republic of Yugoslavia, whose records had later been removed from the population register such that their residence rights in the country were also withdrawn. Due to the respective timings of the application of the nationality law and the ratification by Slovenia of the ECHR, the complaint brought against the act of denial of nationality itself was found to be inadmissible *ratione temporis*.<sup>46</sup> However, the Court considered

<sup>42</sup> See above, note 14.

<sup>43</sup> European Court of Human Rights, 12 January 1999, *Andrei Karassev and Family v. Finland*, Application No. 31414/96.

<sup>44</sup> See also M. Autem (2000) ‘The European Convention on Nationality. Is a European Code on Nationality Possible?’, in: *1st European Conference on Nationality – Trends and Developments in National and International Law on Nationality*, 18–19 October 1999, Strasbourg: Council of Europe, pp. 19–34, at pp. 23–24.

<sup>45</sup> European Court of Human Rights, 13 July 2010, *Kuric and others v. Slovenia*, Application No. 26828/06.

<sup>46</sup> *Ibid.*, paragraph 355. See also European Court of Human Rights, 31 May 2007, *Makuc and others v. Slovenia (Partial decision as to admissibility)*, Application No. 26828/06, paragraph 165.

the complaint as to the effects of the denial of nationality – and the subsequent treatment of the applicants – to be admissible and proceeded to consider this part of the case on its merits. It went on to determine that

the prolonged refusal of the Slovenian authorities to regulate the applicants' situation comprehensively [...] in particular the failure to pass appropriate legislation and to issue permanent residence permits to individual applicants, constitutes an interference with the exercise of the applicants' rights to respect for their private and/or family life, especially in cases of statelessness.<sup>47</sup>

After weighing up the facts of the case and considering “relevant international-law standards aimed at the avoidance of statelessness, especially in situations of state succession”, the Court concluded that this interference was incompatible with Article 8 and ruled that Slovenia was in violation of the ECHR.<sup>48</sup>

A year after ruling on *Kuric* and 15 years after initially acknowledging that the regulation of nationality may raise questions under the ECHR, the ECtHR is finally presented with a case in which the content and application of the state's nationality policy itself is found wanting. As such, *Genovese v. Malta* can be deemed a truly landmark ruling.<sup>49</sup> The applicant, Mr Ben Alexander Genovese, complained that the Maltese nationality legislation discriminated against him on the ground that he was born out of wedlock. Under the law, he was not entitled to acquire citizenship by descent from his Maltese father because of his illegitimate status – a violation, he submitted, of Article 14 in conjunction with Article 8 of the ECHR. The court agreed that the denial of citizenship may raise an issue under Article 8, “because of its impact on the private life of an individual, which concept is wide enough to embrace aspects of a person's social identity”.<sup>50</sup> It subsequently determined that

While the right to citizenship is not as such a Convention right and while its denial in the present case was not such as to give rise to a violation of Article 8, the Court considers that its impact on the applicant's social identity was such as to bring it within the general scope and ambit of that article. Maltese legislation expressly granted the right to citizenship by descent and established a procedure to that end. Consequently, the state which has gone beyond its obligations under Article 8 in creating such a right [...] must ensure that the right is secured without discrimination within the meaning of Article 14.<sup>51</sup>

The ECtHR could find no reasonable and objective justification for the difference in treatment in terms of nationality rights for a child born in- and out of wedlock.

<sup>47</sup> See above, note 45, paragraph 361.

<sup>48</sup> See above, note 45, paragraph 376. Note that the Slovenian government has since lodged an appeal, providing an opportunity for the ECtHR Grand Chamber, where the case is now pending, to either confirm or reconsider the stance taken on these compelling issues of denial of nationality and the subsequent treatment of those thereby left stateless.

<sup>49</sup> See above, note 12.

<sup>50</sup> See above, note 12, paragraph 33.

<sup>51</sup> See above, note 12, paragraphs 33–34.

The court thus concluded that this provision of the Maltese Citizenship Act was discriminatory and violated Malta's ECHR obligations.

In reaching this decision, the ECtHR took the final, crucial step in a journey that started with the European Commission on Human Rights' ruling in *Kafkasi contre la Turquie*,<sup>52</sup> gradually progressing from a largely theoretical acknowledgment that nationality policy could raise questions under the ECHR to the finding that a particular nationality provision was in direct violation of this instrument. *Genovese* may have far-reaching consequences for the content and application of nationality laws across Europe, where there are still clear pockets of discriminatory nationality policy like that in the Maltese legislation<sup>53</sup> and where safeguards against statelessness are not always inadequately implemented.<sup>54</sup> States can now no longer expect such policy to escape examination by the ECtHR.

#### 4. *Rottmann* and the European Court of Justice

Until now, in discussing first the European Convention on Nationality, then the case law relating to the European Convention on Human Rights, this article has focused on the development of standards within the context of the Council of Europe. As mentioned in the Introduction, however, there is another forum in which the regulation of nationality by Europe's states is also increasingly the subject of debate: the European Union. In assessing Europe's position in the fight against discriminatory nationality laws and statelessness then, this other source of regional norms should not be overlooked.<sup>55</sup> The case law of the Court of Justice of the European Union in Luxemburg (hereinafter ECJ) is of particular significance, demonstrating as it does a similar progression towards active scrutiny of nationality policy as was uncovered in relation to the European Court of Human Rights. The ECJ's recent *Rottmann* case indeed shows remarkable parallels to the ECtHR's *Genovese* in terms of the culmination of jurisprudential developments in a ruling that directly tests the application of a state's nationality law.

Dr. Janko Rottmann was an Austrian national who emigrated to Germany in the mid 1990s. In February 1999, he was granted German citizenship by naturalisation, which resulted in the automatic loss of his previous Austrian nationality. It was later unearthed that Rottmann had neglected to inform the German

<sup>52</sup> See above, note 37.

<sup>53</sup> Denmark and Austria, for example, also both limit the rights of father's to transmit nationality to their children if they are born out of wedlock. See the citizenship law database of the European Union Democracy Observatory on Citizenship at <http://eudo-citizenship.eu/>.

<sup>54</sup> See, for instance, the findings in relation to the safeguards in Dutch nationality law against childhood statelessness, in United Nations High Commissioner for Refugees (2011) *Mapping Statelessness in the Netherlands*, The Hague.

<sup>55</sup> Note that the sphere of influence of standards developed in the context of the European Union is smaller than that of the Council of Europe, the latter encompassing 47 states, including all those that are member states of the European Union.

authorities of criminal proceedings that had been brought against him in Austria. When this came to light, the German authorities decided that Rottmann's naturalisation should be annulled since it had been based on fraudulent facts. He would thereby lose his German citizenship and – having already forfeited his Austrian nationality and without an automatic entitlement to reacquire it – become stateless. When Rottmann brought an appeal before the German court against the decision to denaturalise him, the court asked the European Court of Justice for guidance in the interpretation of relevant EU law, given that Rottmann's loss of German nationality and resultant statelessness would also entail his loss of European Union Citizenship.<sup>56</sup>

In March 2010, the ECJ issued its opinion on Rottmann's predicament. The court started by recalling its previous case law on the question of nationality, dating back to the 1992 case of *Micheletti*.<sup>57</sup> In these cases and now in *Rottmann*, the ECJ recognised that devising citizenship rules was in principle a sovereign matter for each state, yet that EU member states should have “*due regard to Community law* [when laying down] the conditions for the acquisition and loss of nationality”.<sup>58</sup> This is in spite of a Declaration attached to the Final Act of the Treaty on the European Union, also in 1992, which would seem to remove the regulation of nationality from EU law's sphere of influence. The Declaration states that “the question whether an individual possesses the nationality of a Member State shall be settled solely by reference to the national law of the Member State concerned”.<sup>59</sup> In fact though, while nationality is regulated by domestic law, as established by each state, the ECJ acknowledges early on that EU law may influence states' freedom in the regulation of nationality. This remained a largely theoretical issue in earlier rulings, as the facts of the cases did not present an opportunity for the ECJ to directly assess *the conditions for the acquisition and loss of nationality*. In *Rottmann* this was the very substance of the case, since it centred specifically on a decision to revoke naturalisation. That this would simultaneously entail the loss

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<sup>56</sup> Court of Justice of the European Union, 2 March 2010, *Rottmann v Freistaat Bayern*, Case C-135/08. For a detailed rendering of the facts in the case and the court's assessment, see J. Shaw (2011) ‘Setting the Scene: the Rottmann case introduced’, in J. Shaw (Ed.). *Has the European Court of Justice challenged member state sovereignty in nationality law?* EUI Working Papers, RSCAS 2011/62, European University Institute, Italy, pp. 1–2.

<sup>57</sup> Court of Justice of the European Union, 7 July 1992, *Micheletti and others v Delegación del Gobierno en Cantabria*, Case C-369/90.

<sup>58</sup> Emphasis added. See above, note 56, paragraph 39. Reference is made by the ECJ to its earlier cases *Micheletti*, Case C-369/90, 7 July 1992; *Mesbah*, Case C-179/98, 11 November 1999; and *Chen*, C-200/02, 19 October 2004.

<sup>59</sup> Final Act of the Treaty on the European Union, Maastricht, 7 February 1992. Declaration No. 2 on Nationality of a Member State. See also European Council, 31 December 1992, Decision of the Heads of State and Government concerning certain problems raised by Denmark on the Treaty of the European Union, Official Journal C348, section A; Court of Justice of the European Union, 2 March 2010, *Rottmann v Freistaat Bayern*, Case C-135/08, paragraph 40.

of EU citizenship was sufficient reason for the Court to deem the decision to be “amenable to judicial review carried out in the light of European Union Law”.<sup>60</sup>

The ECJ went on to scrutinise the decision to revoke Rottmann’s naturalisation on its substance. Firstly, the Court questioned whether the decision served a legitimate purpose, finding that the circumstances of deception (fraud) could be considered legitimate reason to withdraw nationality as there was a public interest at stake.<sup>61</sup> Secondly, the Court pondered on the legitimacy of revoking nationality where this would result in statelessness, referring to the European Convention on Nationality, the 1961 Statelessness Convention and the Universal Declaration of Human Rights before concluding that where a state “deprives a person of his nationality *because of his acts of deception*, legally established, that deprivation cannot be considered to be an arbitrary act”.<sup>62</sup> As a third step, the ECJ asserted that the legitimacy, in theory, of withdrawal of a nationality acquired by fraud is not immediately affected by the fact that this loss of nationality results in the concomitant loss of EU citizenship. Nevertheless, the Court goes on, it is then for the state authorities (in this particular instance, the national court which referred the question to the ECJ), to “ascertain whether the withdrawal decision at issue in the main proceedings observes the principle of proportionality”.<sup>63</sup> In Rottmann’s case, this means assessing the proportionality of the decision to denaturalise against the consequences that this would have for Rottmann, not just in terms of loss of German nationality but also due to the loss of his status as an EU citizen, with the rights and entitlements that entails. Finally then, the ECJ offers a few cursory observations on the factors that would weigh in to such a proportionality test – such as the gravity of the offence – before directing the case back to the German domestic court for it to rule on the substance.<sup>64</sup>

Turning to the second question put forward by the German court, as to whether Austria would be obliged to allow Rottmann to reacquire citizenship there if his naturalisation were revoked by Germany, the ECJ declared that

the principles stemming from this judgment with regard to the powers of the Member States in the sphere of nationality, and also their duty to exercise those powers having due regard to European Union law, apply both to the Member State of naturalisation and to the Member State of the original nationality.<sup>65</sup>

Yet, the court determined that the circumstances of the case, in particular that the decision to denaturalise had yet to be taken by Germany, prevented it from pronouncing on the substance of Austria’s obligations. Nevertheless, the substance of

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<sup>60</sup> See above, note 56, paragraph 48.

<sup>61</sup> See above, note 56, paragraphs 51 and further.

<sup>62</sup> Emphasis added. See above, note 56, paragraph 53.

<sup>63</sup> See above, note 56, paragraph 55.

<sup>64</sup> See above, note 56, paragraphs 56–59.

<sup>65</sup> See above, note 56, paragraph 62.

the ECJ's assessment has led commentators to suggest that "*Rottmann* opens the way for further potential incursions in the sphere of nationality sovereignty, as aspects of nationality law are held up for scrutiny against the standards inherent in EU law".<sup>66</sup>

Thus, as *Genovese* has done for the ECtHR, *Rottmann* firmly establishes the jurisdiction of the ECJ in questions relating to the regulation of nationality. While *Rottmann* centred on an emerging case of statelessness, for which the proportionality test was given paramount importance by the ECJ, future cases may also surround other EU principles. For instance, among the general principles of EU law is the prohibition of discrimination, which may lead the ECJ to scrutinise EU member states' nationality policy as to its discriminatory content or effects.<sup>67</sup> It is entirely conceivable then, that the ECJ and the ECtHR will find themselves shoulder to shoulder, each within its own distinct yet potentially overlapping jurisdiction, as wardens in the fight against statelessness and discriminatory nationality policy in Europe.

## 5. Final Observations

Echoing its Article 15, the right to a nationality enjoys a central position in almost every major human rights instrument adopted since the Universal Declaration of Human Rights. Anyone perusing the European human rights framework may, however, be forgiven for initially assuming that this region is lagging behind in terms of the recognition of the right to a nationality. Indeed, it is true, that the European Convention on Human Rights, the cornerstone of human rights protection in Europe, is silent on the question of citizenship. Nevertheless, as evident from the above presentation of developments within the European regional framework since the promulgation of the ECHR – both within the Council of Europe and the European Union – Europe is very much at the forefront of the fight against statelessness and discriminatory nationality policy today. There are, indeed, regional instruments dedicated specifically to steering states' regulation of nationality in which these principles play a guiding role, including the innovative European Convention on Nationality. Moreover, the development of jurisprudence by the European Court of Human Rights and the Court of Justice of the

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<sup>66</sup> J. Shaw (2011) 'Setting the Scene: the *Rottmann* case introduced', in J. Shaw (Ed.), *Has the European Court of Justice challenged member state sovereignty in nationality law?* EUI Working Papers, RSCAS 2011/62, European University Institute, Italy, p. 4. See also, in the same Working Papers, G. Davies, 'The entirely conventional supremacy of Union citizenship and rights', pp. 5–9; and G. De Groot & A. Seling, 'The consequences of the *Rottmann* judgment on Member State autonomy – the Court's avant-gardism in nationality matters', pp. 27–31.

<sup>67</sup> G. Davies (2011) 'The entirely conventional supremacy of Union citizenship and rights', in J. Shaw (Ed.), *Has the European Court of Justice challenged member state sovereignty in nationality law?* EUI Working Papers, RSCAS 2011/62, European University Institute, Italy, pp. 5–9.

European Union since the 1990s and culminating in the *Genovese* and *Rottmann* rulings demonstrate just how closely scrutinised European states' nationality policy may be.

This is not to say that these developments in Europe are unique or that similar opportunities to address cases of statelessness or discriminatory nationality rules have not emerged in other regional frameworks. In fact, in both the Americas and Africa, the right to a nationality has deliberately and explicitly been included in the relevant human rights instruments: Article 20 of the American Convention on Human Rights and Article 6 of the African Charter on the Rights and Welfare of the Child. Both of these instruments focus on the need to ensure that all children enjoy the right to a nationality – in particular with a view to preventing childhood statelessness – while also bringing nationality issues clearly within the scope of the general non-discrimination clauses found elsewhere in the same human rights treaties. In addition, while *Genovese* and *Rottmann* can be regarded as the seminal cases for Europe for the reasons discussed above, the American and African jurisdictions have their own landmark rulings. In *Yean and Bosico v. The Dominican Republic*, the Inter-American Court of Human Rights found a violation of both the right to a nationality and to equal protection before the law because the girls in question were refused recognition of citizenship – and left stateless – on discriminatory grounds.<sup>68</sup> In *Nubian minors v. Kenya*, the African Committee of Experts on the Rights and Welfare of the Child similarly found that the regional guarantees relating to the right to a nationality had been violated, in a case which also centred upon a discriminatory citizenship policy that had the effect of creating statelessness.<sup>69</sup>

So while Europe – fortunately – does not have a monopoly in terms of the development of regional standards on the avoidance of statelessness or of discriminatory nationality policy, the dual interest of the ECtHR and ECJ, coupled with the existence of the detailed and concrete norms of the European Convention on Nationality, mean it is uniquely placed to take on these issues.<sup>70</sup>

Furthermore, there is currently a higher accession rate in Europe to the 1961 UN Convention on the Reduction of Statelessness than in any other region, which means that there is also a significant commitment to applicable universal standards.<sup>71</sup>

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<sup>68</sup> See above, note 6.

<sup>69</sup> African Committee of Experts on the Rights and Welfare of the Child, 22 March 2011, *Nubian Minors v. Kenya*, Communication No. Com/002/2009.

<sup>70</sup> Note that in the *Rottmann* case before the ECJ and in numerous cases decided by the ECtHR, reference was made to the European Convention on Nationality as part of the relevant body of international law. Court of Justice of the European Union, *Rottmann v Freistaat Bayern*, Case C-135/08, 2 March 2010; European Court of Human Rights, *Ghiban c. Allemagne*, Application No. 11103/03, 16 September 2004; *Tanase v. Moldova*, Application No. 7/08, 27 April 2010; *Kuric and others v. Slovenia*, Application No. 26828/06, 13 July 2010.

<sup>71</sup> The Americas now comes a close second in regional accession rates to the 1961 Statelessness Conven-



As discussed in this article, the European legal frameworks include several key innovations that really solidify the region's position at the forefront of international developments in this field. The European Convention on Nationality admits only one ground upon which it would be permissible for a state to withdraw nationality and leave someone stateless: fraud. As the Committee of Ministers of the Council of Europe recommended and the ECJ recently concurred, even a decision to render a person stateless in these very exceptional circumstances would have to meet a stringent proportionality test which takes into account such factors as the gravity of the deception committed and the impact of statelessness on the rights and status of the individual.<sup>72</sup> As such, there is less tolerance than ever for a decision that would render a person stateless in Europe. Another critical point raised is the central importance given in Europe to procedural safeguards in the context of individual decisions on citizenship, stemming from the right to an effective remedy. This is apparent in the detailed safeguards prescribed in the ECN and the Council of Europe Convention on the avoidance of statelessness in relation to State succession. However, it is also evident from the way in which the ECtHR and the ECJ have established their jurisdiction over nationality questions: without the right to an effective remedy at the domestic level, these regional courts would not have an opportunity to play their part in scrutinising citizenship policy. Finally, it was noted that the ECN also elaborates an explicit obligation for states to cooperate with one another in order to “deal with all relevant problems”.<sup>73</sup> Where statelessness, or at least the loss of EU citizenship is at stake, the ECJ in *Rottmann* also “seems to hint at some relationship of cooperation needing to emerge between Member States”.<sup>74</sup> Such an obligation can be of key importance in practical terms, especially to identifying situations in which a person is at risk of being left stateless.

Looking to the future then, the existence of detailed regional standards relating to the regulation of nationality, the potential for two regional courts to exercise their jurisdiction and scrutinise states' nationality policy and the emerging obligation for those states themselves to cooperate in order to deal with problems, means that Europe is now well placed to deal with these critical issues. It is of particular interest to note that all of the key decisions discussed in this Article in tracing the developments in European case law dealt with either *a purported breach of non-discriminatory enjoyment of the right to a nationality* or *a situation in which the applicant had been left or was threatened with statelessness* – the two main

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tion thanks to a wave of new accessions in 2011. To access maps (regional and world-wide coverage) indicating accessions to both statelessness conventions, see <http://www.unhcr.org/pages/4a2535c3d.html>.

<sup>72</sup> Committee of Ministers of the Council of Europe, 15 September 1999, *Recommendation No. R (99) on the avoidance and reduction of statelessness*; see above, note 56.

<sup>73</sup> See above, note 30.

<sup>74</sup> See above, note 66, p. 4.

areas of concern that recur throughout regional and universal instruments and are rapidly emerging as core international principles in guiding states' nationality policy.<sup>75</sup> Today, with increased research into statelessness across Europe,<sup>76</sup> as well as a growing number of actors taking up cases of statelessness or discriminatory denial of nationality,<sup>77</sup> this recent jurisprudence is likely to be just the beginning. With the door to these European courts now firmly ajar, it is likely that more cases will follow and other avenues for litigating under the ECHR and EU law may also be explored.

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<sup>75</sup> *K. and W. v the Netherlands* and *Genovese* both centred around a complaint relating to gender discrimination in the nationality law, while *Slepčik* and *Zeibek* were both about alleged racial discrimination. Statelessness was meanwhile at play in *Kafkasi*, *Karassev*, *Slivenko*, *Kuric* and *Rottmann*. Only the complaint of the early case *X v. Austria* (1972) was neither related to statelessness nor discrimination.

<sup>76</sup> See, for instance, G. Gyulai (2010) 'Statelessness in Hungary: The protection of stateless persons and the prevention and reduction of statelessness', Budapest: Hungarian Helsinki Committee; B. Blitz and C. Sawyer (Eds) (2011) *Statelessness in the European Union. Displaced, Undocumented, Unwanted*, Cambridge: Cambridge University Press; United Nations High Commissioner for Refugees (2011) *Mapping Statelessness in the Netherlands*, Vienna: UNHCR; United Nations High Commissioner for Refugees/Asylum Aid (2011) *Mapping Statelessness in the United Kingdom*, Vienna: UNHCR.

<sup>77</sup> Consider, for example, the research and legal assistance work on behalf of stateless people and those at risk of statelessness in Serbia by Praxis ([http://www.praxis.org.rs/index.php?option=com\\_frontpage&Itemid=1](http://www.praxis.org.rs/index.php?option=com_frontpage&Itemid=1)) and the recent establishment of the European Network on Statelessness, network of non-governmental organisations, academic initiatives, and individual experts committed to the cause of addressing statelessness in Europe (<http://www.statelessness.eu>).