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STUDY GUIDE

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Tackling the Question of Statelessness

Written by: Max Meitner

Introduction

Throughout the world there are currently up to 4.4 million stateless people. This number is of course very general and incomplete, given the fact that most countries in the world do not report statelessness data and thus the figure is most likely substantially higher. This number is only growing with more and more people denied nationality. This increase is driven by factors such as ongoing armed conflicts, forced displacement, and stricter nationality laws imposed by countries due to security concerns or political tensions.

Statelessness has a profound and lasting impact on those affected, depriving millions of basic rights that many take for granted. Without a nationality, they are often denied access to education, healthcare, employment, freedom of movement and even the right to marry. This exclusion can be then passed down to their children, creating a vicious cycle that continues for generations. These people are becoming increasingly vulnerable in today's society and live in fear they will be detained, deported or exploited in their illegal workplace, which they are basically forced into.

Citizens can be also deprived of their nationality through changes in law using discriminatory criteria that leave whole populations stateless. In fact, the majority of the world's known stateless populations belong to minority groups living in states they were born into.

The various reasons for statelessness include: Conflict, discrimination, gaps in nationality laws, emergence of new states and borders and loss of nationality based on where said person is living

Key Terms

Nationality
Legal recognition of belonging to a state, granting rights and responsibilities under the laws of the particular state.

Statelessness
Not being recognized as a citizen by any country.

Discriminatory nationality laws
Laws denying or invalidating citizenship based on factors such as ethnicity, gender or religion.

Birth registration
The official and legal record of a child´s birth, which is needed to access basic human rights and proving one's nationality.

Right to nationality
A fundamental human right of every individual to be recognized as a citizen of a particular country.

Current overview

This issue, even after many previous attempts, remains a challenge to be solved and every ten minutes a child is born stateless. The Council must not only confront the discriminatory policies of many of its own states, but also the legal and demographic challenges that come with resolving this issue. The advocacy and spreading of information about this problem is also crucial.

The Global Compact on Refugees (2018) and the Global Compact for Safe, Orderly, and Regular Migration (2018) have emphasized the need to address statelessness as part of broader migration and refugee protection efforts. The Human Rights Council has continued to work with governments, NGOs, and international organizations to identify and protect stateless individuals.

However, ongoing challenges persist, including political instability in countries like Syria, Yemen, and Afghanistan, where conflict and displacement have increased the risk of statelessness; climate change, which threatens to displace populations and potentially create new cases of statelessness; and discrimination against ethnic and religious minorities, such as the Roma in Europe and the Nubians in Kenya, who continue to face barriers to citizenship. One of the most affected countries is Myanmar, as a prime example of flat out denying citizenship to minority muslim groups (Rohingya in particular) as under the country´s 1982 Citizenship Law, which discriminates based on individual ethnicity. As a result the Rohingya have faced discrimination, displacement and persecution. This even resulted in a military crackdown in 2017, forcing over 700,000 of stateless minority individuals to flee to the bordering country of Bangladesh. There they remain stateless and confined to overcrowded refugee camps.

Another example of this issue is in Syria, where even before the civil war displacing thousands, an estimated 300,000 Kurds in northeastern Syria were stateless due to a 1962 census that stripped them of citizenship, labeling them as "foreigners." This policy, known as Hasaka Decree 93, left generations of Kurds without access to basic rights, including education, healthcare, and employment.

There is also the media propagated problem of the Israeli invasion of Palestine and its neighbouring countries, where particularly in Palestine statelessness is rampant due to the lack of a recognized Palestinian state and restrictions on the ability to acquire citizenship. Many Palestinians in the West Bank and Gaza Strip hold temporary travel documents but lack full citizenship, limiting their access to rights and services. In Israel, some Palestinian residents of East Jerusalem and the Golan Heights have precarious residency status, which can be revoked, leaving them at risk of statelessness. Additionally, Palestinian refugees displaced since 1948 and their descendants, numbering in the millions, often remain stateless, as host countries like Lebanon and Jordan grant limited rights without full citizenship.

Furthermore, The COVID-19 pandemic exacerbated the vulnerabilities of stateless populations. Many stateless individuals were excluded from healthcare, social protection, and vaccination programs due to their lack of legal status, while lockdowns and border closures further restricted their ability to access services or resolve their status.

Efforts to combat statelessness have in recent years gained some small but meaningful victories, such as in Kenya, where the Nubian and Shona populations are among the groups facing this challenge. Statelessness in Kenya stems from historical, legal, and administrative factors, including colonial-era policies, lack of documentation, and discriminatory practices. The Nubians, descendants of soldiers brought to Kenya by the British colonial government in the early 20th century, have historically been denied full citizenship rights due to their perceived "foreign" origins. Similarly, the Shona, a group of Zimbabwean descent who migrated to Kenya in the 1960s as missionaries, have faced challenges in obtaining Kenyan citizenship, leaving many stateless for generations. High Court of Kenya ruling in 2017 that the Nubian community must be recognized as Kenyan citizens and granted equal access to identification documents. While this was a landmark decision, implementation has been slow and inconsistent, and in 2021, the government committed to implementing the court's ruling, though challenges remain.

Timeline of key events

World War I and the Russian Revolution
The collapse of many countries and the redrawing of borders resulted in many stateless individuals. The Soviet revolution of 1917 also worsened the situation.

Responses by the League of Nations
The Nansen Passport was established as a travel document to help refugees and people without a nationality in 1922, particularly targeting Russians and Armenians. This became the first major effort to address the issue.

The Universal Declaration of human rights (UDHR) of 1948
Article 15 declares that nationality is a right and no one shall be deprived of it arbitrarily. This layed the foundation for future legislation.

United Nations and the Convention of 1954
The aim of the gathering was to legally define a stateless person and to establish rights for such individuals as education, employment and housing.

United Nations and the Convention of 1961
This treaty was aimed to prevent statelessness by establishing rules on nationality acquisition and retention. The focus was on children born without any nationality.

Decolonization
The surging wave of decolonization in Africa and Asia left some groups stateless due the creation of new countries and exclusionary citizenship laws.

Breakup of the USSR and Yugoslavia
Again the dissolution of these states in the 1990s led to the denying of statelessness to many, in particular minority groups such as a great deal of Roma citizens.

European Convention on Nationality
This european gathering concerned the establishment of principles for the acquisition of a nationality and it´s retention, including legislation to help stateless-born children**.**

#IBelong campaign of 2014
Launched by the HRC combined with the UN Refugee Agency, the campaign aimed to eradicate statelessness by 2024. This brought global awareness to the issue and encouraged states to act by reforming nationality laws.

Rohingya Crisis
The mass persecution and displacement of the Rohingya Muslim minority in Myanmar coupled with the denying of their citizenship has highlighted the issue´s connection with human rights and forced migration.

Syrian Civil War
The immense number of refugees and particularly children left without a nationality due to restrictive laws in host countries has once again highlighted the issue and brought some public attention.

Global Action Plan to End Statelessness of 2017
Set out by HRC, it outlined concrete steps for states to take in order to combat the issue, such as reforming discriminatory laws, improving birth registration and ensuring stateless people are identified and protected.

2019
Kenya´s recognition of the Shona and Rwandese communities and subsequent granting of citizenship to the previously stateless communities marked a significant step in resolving long standing problems in the region.

The COVID-19 Pandemic
The pandemic was a show of vulnerability of the stateless populations, who very often lacked healthcare, social protection and documentation to help them in the crisis and resulted in said individuals included in pandemic response measures.

The Dominican Republic's Constitutional Court Hearing
The Dominican Constitutional Court ruled that children born to parents without any documentation are entitled to citizenship, addressing the issue of statelessness of Haitian descendants.

Climate change and statelessness
Rising sea levels and various other environmental dangers have brought worries of mass displacement in low-lying island nations like Tuvalu and Kiribati. Efforts are being made to address this through change in legal and policy innovations.

Key Questions a Resolution should adress

- *How should the UN address discriminatory laws and policies that contribute to statelessness?*

- *What steps will be taken to improve the situation of birth registration and documentation?*

- *How will it ensure the protection of stateless individuals and the upholding of their rights?*

- *What mechanisms will be established to identify and resolve existing cases of statelessness?*

- *How will the resolution guarantee international cooperation and support for this issue?*

- *What mechanisms will be implemented to prevent statelessness in case of state successions, displacement or conflict?*

Conclusion

To address this issue the Human Rights Council must address not only the structural causes of statelessness but also its far-reaching consequences for not only the affected individuals, but also governments all around the world. Another step would be to revise discriminatory nationality laws to ensure no one is denied citizenship based on factors out of their control and alter birth rights to citizenship to guarantee every child is recognized by law and granted a nationality. Governments must also address gaps in legislation that leave individuals stateless due to armed conflicts and displacement.

Furthermore, the Council must recognize the need for international cooperation to support individuals who are affected and prevent any new cases of statelessness. We must also lead the effort to raise awareness and hold states accountable for upholding the right to nationality. Without these changes, millions will continue to live without basic rights, trapped in cycles of exclusion and vulnerability.

Human Rights Concerns in Counter-Terrorism Detention Facilities

Written by: Jakub Halvín and Sára Karešová

Introduction

Guantánamo Bay, Saydnaya, Fleury-Mérogis, and Dhahban Prison are names well known to anyone interested in global affairs. Every once in a while, these places make headlines again with new allegations of human rights abuses. These facilities share two things in common: first, they are intended to hold individuals deemed dangerous or high-risk by the governments of respective countries, and second, they have all faced serious accusations of inhumane conditions, torture, and mistreatment. Even though numerous human rights organizations highlight these issues, the general public often does not give them much importance. The Human Rights Council is here to change that.

Key Terms

Counter-terrorism detention facilities
Prisons or secure facilities designed specifically to detain individuals accused or convicted of terrorism-related offenses.

Extraordinary rendition
The secret or forcible transfer of a suspect to another country for interrogation, often bypassing legal protections and exposing detainees to torture or inhumane treatment.

Enhanced interrogation techniques
Euphemism for practices such as torture, used to extract information from detainees. Methods may include waterboarding, sleep deprivation, or stress exposure.

Habeas corpus
A legal principle used in anglo-saxon countries requiring a person under arrest to be brought before a judge or court, ensuring protection against unlawful detention.

Non-refoulement
A principle of international law that forbids the return of individuals to countries where they face torture, inhumane treatment, or persecution.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Resolution of the General Assembly concerning protection of people against any act of physical or mental torture, and other forms of cruel, inhuman or degrading treatment or punishment.

Arbitrary detention
Imprisonment without proper legal justification or due process, often used to silence political dissent or detain individuals indefinitely without trial.

Solitary confinement
The practice of isolating prisoners in small cells for 22-24 hours a day, which can have severe psychological consequences and is considered a form of cruel, inhumane, or degrading treatment when prolonged.

Due process
The legal requirement that the state must respect all the legal rights owed to a person, ensuring fair treatment through the judicial system.

Accountability mechanisms
Processes and institutions designed to investigate and hold perpetrators of human rights abuses accountable, such as independent monitoring bodies or international tribunals.

National security exception
Legal loopholes used by states to justify suspending certain human rights protections in the name of protecting national security.

Black sites
Secret prisons operated by governments, often outside their official borders, where detainees are held without acknowledgment or legal oversight, facilitating torture and abuse.

Current overview

Counter-terrorism detention facilities have become a focal point of human rights debates, with many notorious prisons — such as Guantanamo Bay (USA), Sednaya Prison (Syria), CECOT (El Salvador), and Fleury-Mérogis (France) — facing accusations of severe abuses. These prisons often house high-risk inmates, including suspected terrorists and violent offenders, but their operations frequently violate fundamental human rights principles.

A consistent concern is the use of torture and inhumane treatment. Reports from Amnesty International and Human Rights Watch document instances of physical abuse, waterboarding, forced stress positions, and psychological torture. Solitary confinement is a common practice, with detainees isolated for 23 hours a day — a method widely condemned for causing long-term mental health damage.

Due process violations are another pressing issue. Many detainees are held without formal charges or fair trials, sometimes for years. Guantanamo Bay, for example, has held prisoners for decades without trial under the guise of "unlawful enemy combatants," bypassing both US and international legal frameworks. Similarly, Sednaya Prison has become infamous for its secret trials and summary executions.

Overcrowding and unsanitary conditions exacerbate these abuses. CECOT in El Salvador, designed for maximum-security prisoners, currently holds thousands in tightly packed cells with limited access to healthcare, proper nutrition, or sanitation. Such conditions violate the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which mandate humane treatment for all detainees, regardless of their crimes.

A critical problem is the lack of transparency and accountability. Many of these facilities operate in secrecy or legal gray zones. "Black sites," run by intelligence agencies, allow governments to detain suspects without public acknowledgment, denying them their right to legal representation or contact with their families. National security laws often shield these actions from scrutiny, fostering a culture of impunity.

The international response has been mixed. While the UN Human Rights Council and the International Committee of the Red Cross (ICRC) have condemned these practices, enforcement mechanisms are weak. Countries like the United States and Russia invoke national security exceptions to justify harsh measures, while others, like Syria, outright refuse international oversight. Meanwhile, efforts to close Guantanamo Bay have stalled, reflecting the broader struggle to balance counter-terrorism efforts with human rights obligations.

Recent developments show a growing push for reform. In 2023, the UN Special Rapporteur on Torture urged states to ban prolonged solitary confinement, while regional bodies like the European Court of Human Rights have issued rulings against arbitrary detention and abuse. However, these measures remain difficult to enforce without full cooperation from national governments.

Ultimately, the challenge lies in ensuring that the fight against terrorism does not erode the very principles of justice and human dignity that counter-terrorism policies claim to defend. Delegates must explore solutions that strengthen accountability, enhance detainee protections, and promote transparency, all while addressing legitimate national security concerns.

Timeline of key events

1679
Habeas Corpus act was codified in English law, this principle was also later introduced to American Constitution.

Pre-20th century
People deemed terrorists were often punished without fair trial, with no backing in law at all.

Mid-20th century
Things have changed with the introduction of Geneva convention (1949) and later human right treaties.

1971
The British government detains several members of IRA (Irish Republican Army) and imprisons them without trial. Reports of cruel interrogation methods emerge.

1980s-1990s
Several countries such as Russia, Chechnya and Israel are reported to use secret torturing detention facilities.

2001
USA invades Afghanistan which marks a beginning of many documented cases of human rights abuse.

2002
Highly controversial Guantanamo Bay detention camp was opened. This facility at Cuba was used by USA to detain people without trial, while subjecting them to waterboarding, forced feeding, sleep deprivation and such.

2003 - Abu Ghraib prison scandal
Photos of American soldiers sexually assaulting and torturing prisoners are leaked.

2006
US Military commission act allow prisoners to be held in Guantanamo Bay without Habeas Corpus.

2013
Hunger strikes at Guantanamo Bay lead to reports of forced-feeding.

2016
Saydnaya Prison is exposed by Amnesty international for mass executions.

2017
Reports reveal Saudi Arabia torturing political prisoners in Dhahban prison.

2020
UN reports about China's re-education camps Xinjiang where Uyghurs face forced labour and torture.

2021
Joe Biden reviews Guantanamo but doesn't close it.

2023
Russia accused of building detention centers in Ukraine, where people face torture and forced disappearances.

2023
El Salvador opens one of the largest prisons in the world, CECOT, used for detaining gang menbers.

Key Questions a Resolution should adress

- *How can governments balance national security interests with their obligations under international human rights law?*

- *What legal protections should detainees in counter-terrorism facilities be afforded, regardless of their crimes?*

- *To what extent should interrogation methods be limited, and how can accountability for abuses be ensured?*

- *What steps can be taken to improve prison conditions, such as reducing overcrowding, providing adequate healthcare, and preventing torture?*

- *How can the international community address the lack of transparency surrounding these facilities?*

- *Are there successful examples of counter-terrorism facilities that uphold human rights, and what can be learned from them?*

- *How can cooperation between states and international bodies (e.g., UNHRC, ICRC) strengthen oversight and prevent abuses?*

- *What mechanisms can be implemented to protect whistleblowers and journalists exposing human rights violations in these prisons?*

- *How can states prevent the misuse of the "national security" argument to justify arbitrary detention or torture?*

- *What role should rehabilitation and reintegration programs play in counter-terrorism detention policies?*

Conclusion

To combat this issue, Human Rights Council must not only adress the human rights abuses itself, but also recognize loopholes used by respective countries to detain people in these facilities without fair trial.

The Council must also lead the effort to raise awareness about this topic and urge authorities to recognize this issue, holding accountable those guilty of human right abuses.

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