



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

**Haut Commissariat des Nations Unies pour les réfugiés
Représentation Régionale du HCR pour l'Afrique de l'Ouest**

Immeuble Faalo, Route du Méridien

BP 3125 Dakar - Sénégal

Call for interest - Consultancy

Project: Course on Statelessness and the right to a Nationality for African Portuguese speaking practitioners

Duration: 27th of November to 1st December 2017 (to be confirmed)

Duty station: Saly, Senegal (travel and full-board accommodation provided)

Remuneration: TBD (payment upon completion of the assignment)

1 – Context

At least 10 million people in the world are stateless. Statelessness results from a juridical vacuum preventing an individual to enjoy his/her right to a nationality: its main causes are gaps in nationality laws, arbitrary deprivation of nationality, processes relating to State succession and restrictive administrative practices, for instance in relation to issuance of documents which prove nationality.

While human rights are in principle universal and inherent, in practice stateless persons are exposed to serious violations of their fundamental rights: they are often unable to obtain identity documents and can therefore be denied access to education and health services; they may encounter difficulties in obtaining employment; their freedom of movement and full participation in public life can be prevented; they may also face the risk of being detained for reasons linked to their status.

Since 1974, the UN general Assembly has mandated UNHCR to lead global efforts to address statelessness by supporting the identification of stateless populations and the protection of stateless persons, as well as promoting efforts to prevent and reduce statelessness.

According to UNHCR estimates, statelessness affects up to 10 million people worldwide, at least one million of which are in West Africa. There are many factors contributing to the risk of statelessness in the region, which suggest that the population at risk is very large.

A milestone achievement towards the eradication of statelessness in West Africa is represented by the Abidjan Declaration on the eradication of statelessness, adopted in February 2015 by all ECOWAS Member States.

On 9 May 2017, the region made one step further. The ECOWAS member States validated the “Banjul Plan of Action on the eradication of statelessness in West Africa” which sets out concrete measures to end statelessness by 2024 and is legally binding on all the Member States.

Against this background, UNHCR plans to organize a training course on “*Statelessness and the Right to a Nationality*” for African Portuguese-speaking professionals issued from governments, NGOs, civil society and international organizations.

2 – Objective, contents and expected results of the training

The objective of the course is to build capacity of African Portuguese-speaking practitioners on the issues of identification, prevention and reduction of statelessness. The participants will be provided with solid working tools through presentations, practical cases and exchanges on different experiences.

The training course should focus on (i) the right to a Nationality, (ii) the prevention and reduction of statelessness, (iii) the protection of stateless persons, and (iv) the ECOWAS framework related to the eradication of statelessness.

All the participants will be able to master theoretical and practical notions on the prevention and reduction of statelessness, as well as the protection of stateless persons.

3 - Date and venue of the training

The 5-day training will be organised in Saly (Senegal) from the 27 November to the 1st December (tentative dates and venue).

Against this background, UNHCR is seeking to recruit 3 experts on Nationality and Statelessness able to facilitate at least two of the following sessions.

4 - Selection of the trainers

Each session will last around 60 mins and shall include case-studies issued from current affairs and/or contemporary history. Each presentation shall be accompanied by a PPT presentation (or similar) and has to involve the active participation of the trainees. Facilitators can use practical cases, simulations or short movies.

a) Borders and Statelessness (60 minutes)

The facilitator is a teacher in Law and/or Social sciences and a specialist on the issues of identity and nationality among populations living in areas encompassing international borders. During the session, s/he will cover the issue of Nationality in State succession, including independence processes.

The trainer will present case-studies related to the African context, for instance the case of South Sudan or the Bakassi peninsula; s/he will explain the way in which the International community (including the International Court of Justice and the concerned States) regulates Nationality matters, and the state of the art of the international Law on the issue (reference shall be made to the draft articles on State succession by the International Law Commission).

The trainer will also explain other factors, not linked to the State succession, able to create obstacles regarding the acquisition or the confirmation of Nationality of populations living along borders. The trainer should tailor the whole presentation to the African context.

b) The African Regional system: mechanisms and instruments (60 minutes)

The facilitator is a Law/Political Science teacher and has an expertise in African Union Institutions and the right to a Nationality in the framework of the African Union.

The session will focus on the right to a Nationality in Africa and the trainer will make reference, inter alia, to the African Charter on Human and People's Rights and to the African Charter on the Rights and Welfare of the Child.

The presentation will focus on existing mechanisms to regulate litigation on nationality matters. The trainer will refer to the existing case-law and the evolution of the interpretation of the right to a Nationality, including the decisions of the African Commission on Human and People's Rights (reference to the recent case in Cote d'Ivoire is encouraged), the General Comment on art. 6 of the Charter on the Rights and Welfare of the Child, as well as the decisions on Nationality issued adopted by the African Committee of experts on the Rights and Welfare of the Child.

The trainer will also make reference to the existing mechanisms before the African Court on Human and Peoples' Rights and recent case-law regarding Nationality issues, as well as any other relevant jurisprudence emanating from jurisdictional instances in any African Country.

c) Children/birth and Statelessness (60 minutes)

The trainer is a Law/Social Science teacher, and a specialist in the issue of children's rights, especially identity, civil registration and Nationality.

The facilitator will explain the legal and societal causes of Statelessness arising at birth or during childhood. S/he will cover the international and regional provisions on the prevention of Statelessness among children, and analyze their scope and capacity to respond to the challenge of Statelessness in the continent.

d) Statelessness and gender (60 minutes)

The trainer is a Law/Political Science/Social Science teacher, and s/he is a specialist in gender issues, with particular regard to women's rights related to Nationality.

The facilitator shall master the international and regional provisions on the issues of: i) transmission of women's nationality to children and alien spouse, ii) loss of nationality in case changes occur in the woman's civil status.

Reference shall be made to the CEDAW and to the Additional Protocol on Women's Rights in Africa (2003). The presentation shall also highlight the social consequences of gender discrimination in Nationality issues.

e) Migration and Statelessness (60 minutes)

The trainer is a specialist in migration (including forced migration) and is able to master the link between migration and loss of nationality. The facilitator will cover the issue of migration in Africa and will expose the risks of statelessness linked to migration, i.e. the risks linked to the Law provisions on Nationality (loss of Nationality, conflict of Laws preventing children of migrants to access nationality, etc.) or risks due to the absence/loss of proofs of nationality.

The facilitator will expose the relevant regional and international provisions and will make reference to the contemporary and past migration movements (especially the ones preceding/contemporary to independence processes).

f) Right to a Nationality (60 minutes)

The facilitator is a Law teacher and a specialist in the right to a Nationality and Civil Registration issues. S/he will cover the right to a Nationality in International Human Rights Law and analyze its nature of fundamental right. The trainer will expose the evolution of the International and Regional legal instruments related to the Right to a Nationality and right to birth registration.

The facilitator will also explain, with the support of case-studies, the content and scope of the 1961 Convention on the Reduction of Statelessness.

g) Proofs of Nationality (60 minutes)

The trainer is a Law teacher and a specialist in the Right to a Nationality and Right to birth registration. S/he will explain the different mechanisms and proofs of Nationality in law and practice, both in the contexts of in Civil Law and Common Law systems.

The trainer will explain the challenges on the issue of proofs of Nationality in contemporary Africa, and the existing of the possible methods to address such challenges.

h) Identification of Stateless persons (60 minutes)

The teacher is a Social Sciences teacher. Taking into consideration that the trainees are not specialized in statistics/population censuses, the trainer will expose the challenges on the identification of stateless persons/persons at risk of statelessness (nature of the population, social perception/knowledge on statelessness, etc.) as well as the existing methods accompanying States and key actors towards the identification of the Stateless populations, i.e. population censuses and specific studies.

The trainer will also suggest new methods to be developed for the identification of the Stateless populations.

S/he will also provide a methodology that could be used to identify stateless populations/populations at risk of Statelessness.

5 - Qualification and competencies

- Advanced University Degree (preferably PhD) in Law, Political Science, Social Science and related subjects
- At least 3 years-experience in University teaching on Nationality/Statelessness issues
- Relevant research and/or work experience in Africa (especially in West Africa)
- Fluency in Portuguese is strictly required (the training sessions have to be entirely delivered in Portuguese)

Expected output:

- The trainer delivers a clear and comprehensive overview of the theme(s), is able to manage and stimulate discussions and exchanges with the trainees, including brainstorming on possible solutions and good practises to share among the participants coming from different Countries.
- The trainer provides UNHCR with the teaching material used and with his/her presentation (PPT or other support), and gives UNCHR permission to publish his/her intervention after the training.

6 - How to apply

Candidates wishing to apply can submit their P11, CV, Motivational letter and a brief abstract (300 words) on how they plan to conduct the lesson(s) to the following address: sendarh@unhcr.org by the **4 November 2017**. The selection will be conducted based on the submitted projects.

The three selected candidates shall be available to work in Senegal at least two working days (excluding the trip) during the week 27 November – 1 December.