

UPR 24th session & Statelessness: overview and analysis

The 24th session of the Universal Periodic Review (UPR) took place from 18 – 29 January 2016. As part of its engagement with the UPR process, the [Institute on Statelessness and Inclusion](#) compiled and disseminated a [summary document](#) ahead of the session which highlighted statelessness issues in the countries under review and suggested possible recommendations. Following up from this, the present document offers an overview and analysis of the recommendations that were made during this session to the countries under review on the basis of the draft reports adopted by the UPR Working Group, which can be accessed via UPR-Info [here](#).

The draft reports show that a total of **46 recommendations were made in relation to statelessness and/or the right to a nationality**. All but three of the 14 countries that were subject to review received at least one recommendation on these issues.¹ Latvia and Estonia received the highest number of recommendations issues of statelessness, accounting for 17 and 12 recommendations respectively (see table 1, annex 1). The recommendations were made by a wide array of states, 29 in total. Spain, Mexico, Ecuador, Australia, Kenya and the Russian Federation² were most active in making recommendations on statelessness/nationality during this UPR session. The main topics relating to statelessness raised in this session were: taking further steps to fulfil children’s right to a nationality, facilitating solutions to existing cases of statelessness and acceding to the UN statelessness conventions. Other topics included the promoting the enjoyment of rights by stateless persons and making improvements to / addressing gaps in the nationality law (see table 2, annex 1).

An analysis of the recommendations can be found below, summarising which countries made recommendations, which topics are raised, and – where relevant – considering whether any important statelessness-related issues were missed. The full text of the relevant recommendations issued can be found in annex 2.

How does this compare to the previous UPR Session?

During the 23rd session of the UPR (Nov. 2015), a total of 54 recommendations on statelessness/nationality were received by 8 of the countries under review. The most prominent topics were removing gender discrimination from nationality laws and ensuring citizenship for specific groups. Myanmar, Oman and Lebanon received the greatest number of recommendations.

[Click here](#) for the summary document of the 23rd UPR

Recommendations to Denmark (4):

Recommendations issued by 4 countries: Colombia, Finland, Mexico and South Africa. *One recommendation focused on safeguarding children’s right to a nationality, another on promoting solutions to existing cases of statelessness and the remaining two related more generally to improving the content of the nationality law / bringing it into compliance with international law.*

Recommendations to Estonia (12):

Recommendations issued by 9 countries: Iceland, Norway, Ecuador, Uruguay, Ireland, Panama, Australia, Spain and Croatia. *Most of the recommendations related to accession to the UN statelessness conventions and facilitating the resolution of existing cases of statelessness. There were also recommendations on strengthening the safeguards against statelessness for children and more generally improving the nationality law.*

Recommendations to Latvia (16):

Recommendations issued by 13 countries: Mexico, Ecuador, Ireland, Australia, Spain, Kenya, Brazil, Germany, Russian Federation, Bulgaria, Belarus, China and Kyrgyzstan. *The recommendations dealt evenly with three issues: access to*

¹ No relevant recommendations were made to Belgium, Mozambique or Niger during this session.

² Note that all three of the recommendations made by the Russian Federation were directed towards Latvia.

nationality for stateless children, improving the enjoyment of rights by stateless persons and resolving existing cases of statelessness. There was also a recommendation on judicial review of naturalization applications which are denied.

Recommendations to Namibia (2):

Recommendations issued by 2 countries: Kenya and Cote d'Ivoire. *One of the recommendations issued to Namibia urged accession to the 1961 Convention on the Reduction of Statelessness. The other related to filling a gap in the nationality law by ensuring that children born in the territory to unknown parents acquire a nationality (i.e. foundlings).*

Recommendations to Palau (1):

Recommendation issued by the United Kingdom. *Palau received the recommendation that it accede to both UN statelessness conventions and take all steps necessary to implement their content.*

Recommendations to Paraguay (1):

Recommendation issued by Portugal. *Paraguay received the recommendation that it implement a statelessness status determination procedure to ensure the protection of non-refugee stateless persons.*

Recommendations to Seychelles (2):

Recommendations issued by 2 countries: Chile and Ukraine. *The recommendations related to accession to the 1954 Convention relating to the Status of Stateless Persons and protecting children of migrant workers from statelessness.*

Recommendations to Sierra Leone (3):

Recommendation issued by 3 countries: Canada, Colombia and Mexico. *All three of the recommendations received by Sierra Leone addressed the removal of gender discrimination in the nationality law so as to ensure that women can transfer their nationality to their children and spouses on an equal basis with men. No recommendations were issued in respect of removing the racial discrimination from the nationality law (which currently only permits a parent who is "of Negro African descent" to transmit nationality.*

Recommendations to Singapore (2):

Recommendations issued by 2 countries: Kenya and Panama. *The recommendation issued to Singapore by Kenya related to reviewing the nationality law so that children born to Singaporean mothers before key law reform was passed in 2004 also have the opportunity to acquire nationality. The other recommendation related to ensuring the right to nationality for children born in Singapore who would otherwise be stateless.*

Recommendations to Solomon Islands (1):

Recommendations issued by Paraguay. *The recommendation related to ensuring that the laws on nationality are in line with the principle of non-discrimination. Although the recommendation is general in formulation, it is of particular interest in the context of gender discrimination in the country: under the current law in the Solomon Islands, women cannot transmit nationality to their children or spouse on equal terms with men.*

Recommendations to Somalia (1):

Recommendations issued by Egypt. *General recommendation to enact legislation on issues, including a Citizenship Act.*

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Annex 1: Statelessness and UPR 24 at a glance

Table 1. *Number of recommendations made on statelessness / right to nationality by country under review*

Country under review	Number of recommendations
Belgium	None
Denmark	4
Estonia	12
Latvia	17
Mozambique	None
Namibia	2
Niger	None
Palau	1
Paraguay	1
Seychelles	2
Sierra Leone	3
Singapore	2
Solomon Islands	1
Somalia	1
Total	46

Table 2. *Main topic of recommendations made on statelessness / right to nationality*

Topic of recommendation	Number of recommendations
Fulfilling children's right to nationality	10
Solving existing cases of statelessness	10
Acceding to statelessness conventions	10
Promoting enjoyment of rights by stateless persons	5
Improving / repairing gaps in the nationality law	5
Removing gender discrimination from nationality law	4
Removing (other) discrimination from nationality law	1
Establishing Statelessness Determination Procedure	1
Total	46

Annex 2: Text of statelessness/nationality-related recommendations

Recommendations to Denmark:

- Continue to implement the measures necessary to find solutions for stateless persons (Colombia)
- Take further measures to ensure that its national citizenship legislation complies fully with the 1961 Convention on the Reduction of Statelessness (Finland)
- Adopt a legal framework to facilitate the granting of residence permits to child victims of trafficking and to grant citizenship to all children born in Denmark that otherwise would be stateless and thus more vulnerable to exploitation (Mexico)
- Strengthen measures to promote citizenship (South Africa)

Recommendations to Estonia:

- Work actively to reduce the number of stateless residents in the country (Iceland)
- Continue efforts to reduce statelessness and to facilitate access to citizenship for long-term residents in Estonia (Norway)
- Ratify, among other international instruments, ICRMW, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and continue its efforts to legalise the situation of persons with "undetermined nationality", guaranteeing their right to nationality (Ecuador)
- Consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961 (Uruguay)
- Accede to the Convention Relating to the Status of Stateless Persons 1954; and the Convention on the Reduction of Statelessness 1961 and ensure that language requirements relating to employment are implemented in a fair and objective manner and that the rights of ethnic and linguistic minorities are actively promoted and protected (Ireland)
- Ratify the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961) (Panama)
- Ratify the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961) (Australia)
- Ratify the 1954 Convention on the Status of Stateless Persons (Spain)
- Consider ratifying the 1961 Convention on the Reduction of Statelessness (Croatia)
- Confer nationality to all stateless minor children, regardless of age or the condition or nationality of their parents (Spain)
- Continue improving reforms to legislation on citizenship and nationality, reducing the cost of procedures and by making the language test less demanding to the minimum indispensable (Uruguay)

Recommendations to Latvia:

- Bring the nationality legislation into compliance with the provisions of the 1961 Convention on the reduction of statelessness and the CRC (Kenya)
- Introduce the automatic acquisition of citizenship together with birth registration for children of foreign parents whose nationality cannot be passed to them, and facilitate the possibility of judicial review for all naturalisation applications which are denied (Spain)
- Further facilitate the acquisition of citizenship by individuals born in the country who are children of non-citizens (Brazil)
- Further facilitate the granting of citizenship to children of non-citizen parents who do not acquire any other nationality (Germany)
- Provide "non-citizens" with equal access to employment, education, health care, and social welfare, as well as take into account their interests in the conclusion of international treaties and agreements (Russian Federation)
- Ensure the full enjoyment of rights of non-citizen residents and linguistic minorities and facilitate their integration into society (Bulgaria)
- Continue to take further steps to improve the environment for naturalisation as well as ensure the protection of social and political rights of non-citizens (Australia)
- Simplify the process of naturalisation of "non-citizens" living in the country for decades (Russian Federation)
- Take further legal, political and practical measures to reduce the phenomenon of non-citizens (Belarus)

- Remove disproportionate restrictions, such as those identified by the Human Rights Committee, on non-citizens and provide for the possibility of judicial review of all refusals of naturalisation (Ireland)
- Ensure full realisation of the rights of “non-citizen” residents and of members belonging to linguistic minorities and contribute to their integration in society (Russian Federation)
- [...] facilitate the regularization of non-citizens [...] (Ecuador – part of longer recommendation)
- Improve the relevant laws to further combat racial discrimination and hate speech in order to protect effectively the rights of non-citizens residing in Latvia and minority groups (China)
- Ensure the registration of all newly born children so as to continue reducing the number of adult non-citizens (Mexico)
- Continue efforts to reduce the number of non-citizens (Kyrgyzstan)

Recommendations to Namibia:

- Consider the ratification of the 1961 Convention on the Reduction of Statelessness (Côte d’Ivoire)
- Align the provisions of the nationality law with international human rights standards so as to enable children born in the territory of Namibia whose parents are unknown to acquire nationality of Namibia (Kenya)

Recommendations to Palau:

- Become party to the 1954 and 1961 UN Statelessness Conventions and take all steps necessary to implement their content (United Kingdom of Great Britain and Northern Ireland)

Recommendations to Paraguay:

- Implement a statelessness status determination procedure to ensure the protection of stateless persons who are not refugees (Portugal)

Recommendations to Seychelles:

- Ratify the Convention relating to the Status of Stateless Persons (Chile)
- Ensure the protection of children of migrant workers from statelessness (Ukraine)

Recommendations to Sierra Leone:

- Amend the Sierra Leone Citizenship Act so that women can transfer their nationality to their children and non-national spouses on an equal basis with men, and include a provision in the new Constitution which grants equal nationality rights to men and women (Canada)
- Ensure equality of rights between men and women to acquire, transfer, change or conserve nationality and transmit it to children born abroad, as recommended by CEDAW (Colombia)
- Adopt measures to ensure that women can acquire, transfer, change or preserve their nationality and transfer it to their children born abroad, such that these children could be recognised by law through birth registration (Mexico)

Recommendations to Singapore:

- Review the nationality law to provide persons born to Singaporean mothers before 15 May 2004 an opportunity to acquire Singaporean nationality (Kenya)
- Enact laws covering the right of children to acquire nationality, in particular those born in Singapore who cannot obtain another nationality (Panama)

Recommendations to Solomon Islands:

- Ensure that those laws related to acquisition, transmission, conserving and loss of nationality are in line with the principle of non-discrimination (Paraguay)

Recommendations to Somalia:

- Enact legislation on human rights, including Citizenship Act, Persons with Disabilities Act, and the National Human Rights Commission Act (Egypt)