

UPR 23rd session & Statelessness: brief overview of outcomes

The 23rd session of the Universal Periodic Review (UPR) took place from 2 to 13 November 2015 and the adopted draft reports of the UPR Working Group can be found [here](#). The Institute on Statelessness and Inclusion provides this summary document which highlights the statelessness related recommendations made to the countries that were under review in this UPR session.

The draft reports show that a total of **54 recommendations were made in relation to statelessness and/or the right to a nationality**. These recommendations were made to 8 out of the 14 countries that were subject to review, namely Lebanon, Myanmar, Oman, Mauritania, Nepal, Austria, Australia, and Georgia.¹ The first three countries received the highest number of recommendations issues of statelessness at national level, accounting for 40 out of the 54 recommendations. The main topics relating to statelessness which was raised in this session was eliminating gender discrimination in law and practice (including recommendations for law reform at national level to allow equal conferral of nationality among men and women onto their children and withdrawing from reservations made to Article 9 CEDAW) and ensuring access to citizenship for specific groups (e.g. minority groups, repatriating refugees, children born out of wedlock). Less common topics covered in recommendations included the avoidance of statelessness in the context of withdrawal of nationality, ensuring birth registration with a view to preventing statelessness, and acceding to/ ratifying relevant treaties and conventions. The states which made the most recommendations on statelessness-related issues in this session were France, Canada, Sweden, and Kenya.

A brief overview on the recommendations made per country can be found below, focusing on who the recommending countries are, which topics are raised, and – where relevant – considering whether any important statelessness-related issues in countries under review were missed.²

Recommendations to Myanmar:

Recommendations issued by 16 countries: Turkey, US, Saudi Arabia, France, Portugal, Switzerland, Germany, Iceland, Canada, Slovenia, Mexico, Malaysia, Australia, Netherlands, UK, Sweden. *All recommending countries focus the content of their recommendations around ensuring access to citizenship for minorities / non-discrimination in citizenship law which is the main statelessness-related human rights challenge Myanmar faces.*

Recommendations to Oman:

Recommendations issued by 12 countries: Italy, Republic of Korea, Portugal, Iceland, Ireland, Canada, Chile, Norway, Sierra Leone, Sweden, Namibia, and France. *All recommendations relate to amending gender discriminatory laws at national level, except for the recommendations made by France which also focus on accession to statelessness conventions & law reform to eliminate the possibility of withdrawal of nationality leading to statelessness.*

¹ No relevant recommendations were made to Micronesia, Nauru, Rwanda, Saint Lucia, Saint Kitts and Nevis, and Sao Tome and Principe

² Prior to the 23rd UPR session, the institute on Statelessness and Inclusion put together a summary document on statelessness related human rights challenges in the countries under review which can be found [here](#). This information has been compared to the recommendations made in the 23rd UPR session to assess which statelessness-related issue have not been raised in respect of specific countries.

Recommendations to Lebanon:

Recommendations issued by 10 countries: Norway, Sweden, Czech Republic, Kenya, Austria, France, Uruguay, Spain, Denmark, and Germany. Almost all recommendations focus on gender discrimination in nationality law, except for Germany which recommends setting up an effective mechanism for birth registration to avoid statelessness among newborns. Although two important causes of statelessness have been raised, none of the recommending states addressed the issue of the long-standing and inter-generational problem of statelessness in Lebanon, caused by the historic non-registration (and consequently recognition) of individuals at the moment of state formation and independence, and the non-provision since, of any avenue through which such persons and their descendants could access Lebanese nationality.

Recommendations to Nepal:

Recommendations issued by 7 countries: Canada, Spain, Hungary, Sierra Leone, New Zealand, US, Portugal. All countries' recommendations relate to the elimination of gender discrimination, except for Portugal's recommendation which encourages accession to the statelessness conventions. An issue that could have been raised in respect of Nepal – but was not – is the lack of universal birth registration, including for children of refugees, foreigners, stateless persons and single mothers.³

Recommendations to Australia:

Recommendations issued by 2 countries: Kenya and France. Kenya recommends Australia review the current offshore processing arrangement, and policy of mandatory detention of refugees and stateless persons. France recommends that Australia only allow deprivation of citizenship in exceptional circumstances and subject to a legal procedure.

Recommendations to Mauritania:

Recommendations issued by 2 countries: Kenya and Brazil. Kenya recommends reform of nationality law to eliminate gender discrimination and for women to transfer citizenship on an equal basis with men. Brazil recommends Mauritania to provide the returning displaced population with citizenship documents.

Recommendations to Georgia:

Recommendations issued by 2 countries: Nigeria, Djibouti. Nigeria focuses on the issuance of birth certificates and citizenship documents for Roma, and Djibouti on removing the citizenship requirement for education beyond the 9th grade. Another concern that could have been raised is that under Georgian nationality law, children who are born stateless in the territory are only entitled to Georgian nationality if the parents are stateless and hold permanent residence, which is not in line with the country's international obligations.

Recommendations to Austria:

Recommendation issued by 1 country: Portugal. Portugal recommends Austria address the limitations in access to nationality for children born out of wedlock. Further nationality law reform is needed to ensure that, in accordance with CRC articles 2 & 7 and the *Genovese* ruling of the ECtHR, there is no discrimination in the right to acquire Austrian nationality between children born in and out of wedlock, including by providing access to nationality for children previously affected by such discrimination in the law.

[This overview was compiled on 29 November 2015]

³ See the summary document prepared by the Institute on Statelessness and Inclusion, together with FWLD and the Global Campaign for Equal Nationality Rights for the 23rd UPR session, available [here](#).