

## UPR 25<sup>th</sup> session & Statelessness: overview and analysis

The 25<sup>th</sup> session of the Universal Periodic Review (UPR) took place from 2 – 13 May 2016. As part of its engagement with the UPR process, the [Institute on Statelessness and Inclusion](#) compiled and disseminated a [summary document](#) 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 **14 recommendations relating to statelessness and/or the right to nationality** were made. Six of the 14 countries reviewed at this session received at least one recommendation on these issues.<sup>1</sup> Swaziland received the highest number of recommendations (seven), followed by Greece which received three relevant recommendations (see table 1, annex 1). Recommendations were made by 11 States from four of the five regional groups.<sup>2</sup> Ghana, Honduras and Panama were the most active in making recommendations on statelessness/nationality during this session. The topics relating to statelessness raised at this session were: Gender discrimination in nationality laws; ratification of the Statelessness Conventions; detention of stateless persons; and restoration of nationality lost as a result of discriminatory provisions in nationality law (see table 2, annex 1).

The list below summarises the recommendations made to each State under review, highlighting which States made recommendations, which topics were raised and any important statelessness related issues missed. The full text of the relevant recommendations can be found in annex 2.

### How does this compare to the previous UPR session?

During the 24<sup>th</sup> session of the UPR (Feb. 2016), a total of 46 recommendations on statelessness/nationality were received by 11 of the countries under review. The most prominent topics were taking steps to fulfil children's right to a nationality, facilitating solutions to existing cases of statelessness and acceding to the UN statelessness conventions. Latvia and Estonia received the greatest number of recommendations.

[Click here](#) for the summary document of the 24th UPR

### Recommendations to Antigua and Barbuda (1):

**Recommendation issued by Panama.** *To ratify the 1961 Convention on the Reduction of Statelessness.*

### Recommendations to Greece (3):

**Recommendations issued by three countries: Ghana, Norway and Turkey.** *One recommendation related to deprivations of nationality under Article 19 of the Greek citizenship code, one to ratification of the 1961 Convention on the Reduction of Statelessness and the third to detention of refugees, asylum-seekers and stateless persons.*

### Recommendations to Hungary (1):

**Recommendation issued by Honduras.** *The recommendation was to ratify the Statelessness Conventions, although Hungary is already a party to both the 1954 and 1961 Conventions. There were no recommendations on reforming the current restrictive rules relating to the acquisition of Hungarian nationality by otherwise stateless children, the treatment of persons recognised as stateless, access to the statelessness determination procedure or transparency in naturalisation procedures.*

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1 No relevant recommendations were made to Ireland, Papua New Guinea, Samoa, Sudan, Tajikistan, Thailand, Trinidad and Tobago or the United Republic of Tanzania.

2 No recommendations were made by States from the Eastern European Group.

### **Recommendations to Ireland (0):**

*No relevant recommendations were made to Ireland, although it maintains a reservation to the 1961 Convention and has not established a statelessness determination procedure or defined in law the rights of stateless persons, does not collect and publish data on the stateless population and is not a party to the 1997 European Convention on Nationality.*

### **Recommendations to Papua New Guinea (0):**

*Although Papua New Guinea did not receive any recommendations on statelessness/right to nationality, it received one recommendation from Turkey on birth registration. No recommendations were made on ensuring that no child is born stateless, Papua New Guinea's role as Australia's an offshore detention centre for refugees, stateless persons and migrants or ratification of the Statelessness Conventions.*

### **Recommendations to Saint Vincent and the Grenadines (1):**

**Recommendation issued by Panama.** *On the equal right of women to transmit citizenship to a foreign spouse.*

### **Recommendations to Sudan (0):**

*Sudan received no recommendations dealing directly with statelessness or the right to nationality, but did receive 35 recommendations to ratify CEDAW, several of which also referred to the need to address gender discrimination in national law and a further six recommendations asked Sudan to address discrimination against women. However none of these recommendations specifically mention the inability of women to acquire, change and transfer nationality on the same basis as men. There were also three recommendations on the subject of birth registration.*

### **Recommendations to Suriname (1):**

**Recommendation issued by Portugal.** *On ratification of the Statelessness Conventions.*

### **Recommendations to Swaziland (7):**

**Recommendations issued by Australia, Botswana, Djibouti, Ghana, Honduras, Republic of Korea and Sierra Leone.** *All the recommendations relate to the equal rights of men and women to acquire, retain and transmit nationality.*

### **Recommendations to Tajikistan (0):**

*No recommendations were made to Tajikistan despite its significant stateless population and the fact that Tajikistan is not a party to either the 1954 or 1961 Statelessness Conventions.*

### **Recommendations to Thailand (0):**

*No recommendations were made about the treatment of stateless persons in Thailand, despite the large number of stateless persons among the Hill Tribes and in the Rohingya refugee population. However two recommendations were made on promoting universal birth registration (by Namibia and Turkey) and seven on the treatment of refugees or ratification of the 1951 Refugee Convention.*

### **Recommendations to the United Republic of Tanzania (0):**

*Although no recommendations specifically relating to statelessness or the right to nationality, access to nationality for Burundian refugees or ratification of the Statelessness Conventions were made to Tanzania, Poland and Turkey made recommendations on the subject of birth registration.*

**For more on the Institute on Statelessness and Inclusion's human rights engagement on statelessness, please visit [www.institutesi.org/ourwork/humanrights](http://www.institutesi.org/ourwork/humanrights)**

**To receive a monthly email update on developments in the field of statelessness from around the world, sign up for our news bulletin [here](#).**

## 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
Antigua and Barbuda	1
Greece	3
Hungary	1
Ireland	None
Papua New Guinea	None
Saint Vincent and the Grenadines	1
Samoa	None
Sudan	None
Suriname	1
Swaziland	7
Tajikistan	None
Thailand	None
Trinidad and Tobago	None
United Republic of Tanzania	None

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

Topic of Recommendation	Number of Recommendations
Removing gender discrimination from nationality law	8
Acceding to statelessness conventions	4
Promoting enjoyment of rights by stateless persons	1
Solving existing cases of statelessness	1
<b>Total</b>	<b>14</b>

## **Annex 2: Text of statelessness/nationality-related recommendations**

### **Recommendations to Antigua and Barbuda:**

- Ratify ... the 1961 Convention on the Reduction of Statelessness (Panama);

### **Recommendations to Greece:**

- Ratify the 1961 Convention of the Reduction of Statelessness (Ghana);
- Limit the use of detention of asylum seekers, refugees and stateless persons (Norway);
- Reinstate the citizenship of about 60,000 Greek nationals under the repealed Article 19 of the Greek Citizenship Code (Turkey).

### **Recommendations to Hungary:**

- Become party to ... the Conventions on the refugees and stateless persons... (Honduras);

### **Recommendations to Saint Vincent and the Grenadines:**

- Amend national legislation to grant women equal rights to men, in regard to passing citizenship to their foreign spouse (Panama)

### **Recommendations to Suriname:**

- Sign and ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Portugal);

### **Recommendations to Swaziland:**

- Repeal discriminatory provisions in the Constitution and Citizenship Acts (Ghana);
- Align national laws in accordance with the principles outlined in CEDAW to address women's rights that include land acquisition, equality and citizenship of children (Botswana);
- Enact legislation to ensure the ability of all Swazi citizens, regardless of their sex, to confer citizenship upon their children (Australia);
- Consider amending its domestic laws to grant women equal rights with men with regard to transmission of their nationality to their children (Republic of Korea);
- Modify articles 43 and 44 of the Constitution so that Swazi women, in the same way as men, can transmit their nationality to their children and their foreign spouses (Djibouti);
- Modify its national laws to ensure that mothers can pass on nationality to their offspring regardless of the nationality of the father (Sierra Leone);
- Amend legislation that denies Swazi citizenship to children born of foreign fathers (Honduras);