

UPR 26th session & Statelessness: overview and analysis

The 26th session of the Universal Periodic Review (UPR) took place from 31 October – 9 November 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 **13 recommendations relating to statelessness and/or the right to nationality** were made. Six of the 11 countries reviewed at this session received at least one recommendation on these issues.¹ Haiti received the highest number of recommendations (five), followed by Lithuania, Syria and Uganda which received two relevant recommendations each (see table 1, annex 1). Recommendations were made by 11 States from four of the five regional groups.² Panama was the most active in making recommendations on statelessness/nationality during this session. The topics relating to statelessness raised at this session were: Ratification of the Statelessness Conventions; gender discrimination in nationality laws; measure to address the situation of those at risk of statelessness; resolving existing cases of statelessness; and nationality law reform (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 25th session of the UPR (May 2016), a total of 14 recommendations on statelessness/nationality were received by 6 of the countries under review. The most prominent topics were removing gender discrimination from nationality laws and acceding to the UN statelessness conventions. Swaziland and Greece received the greatest number of recommendations.

[Click here](#) for the summary document of the 25th UPR

Recommendations to Haiti (5):

Recommendation issued by Bahamas, Belgium, Nicaragua, Panama and Switzerland. *Three recommendations related to accession to the Statelessness Conventions, one to the protection of persons at risk of statelessness and one to adoption of the new Nationality law. Four further recommendations were made on the subject or birth registration and two on access to documentation, one of which specifically mentioned supplying documentation to Haitians living in the Dominican Republic.*

Recommendations to Iceland (1):

Recommendation issued by Mozambique. *To ratify the Statelessness Conventions. No recommendations touched on gaps in Iceland's law relating to the definition of a stateless person and the ability of an otherwise stateless child born in Iceland to acquire Icelandic nationality or the need to establish a statelessness determination procedure.*

Recommendations to Lithuania (2):

Recommendations issued by Hungary and Panama. *One recommendation related to access to identity documentation for those at risk of statelessness while the other was to reduce the number of cases of statelessness. No recommendations addressed the restrictions placed on access to Lithuanian nationality for stateless children born in Lithuania, based on the parents' citizenship and residence status.*

1 No relevant recommendations were made to the Republic of Moldova, South Sudan, Togo, Venezuela or Zimbabwe.

2 No recommendations were made by States from the Asia-Pacific Group.

Recommendations to South Sudan (0):

Two recommendations were made on improving access to birth registration, but none related to accession to the Statelessness Conventions or the need to prevent statelessness resulting from South Sudan's succession from Sudan.

Recommendations to Syrian Arab Republic (2):

Recommendations issued by Czech Republic and Namibia. *Both recommendations related to removing gender discrimination from the nationality law. No recommendations addressed improving civil registration, protection of stateless persons or ratification of the Statelessness Conventions.*

Recommendations to Timor-Leste (1):

Recommendation issued by Australia. *The recommendation related to ratification of the statelessness conventions. Two further recommendations were made on birth registration with one specifically mentioning access to birth registration for children of migrants and the issuing of birth certificates.*

Recommendations to Togo (0):

No recommendations were made to Togo on reform of the nationality law, despite the fact that it discriminates against women in the ability to transmit nationality to their children and foreign spouses. Ten recommendations did refer in general terms to promoting gender equality or tackling discrimination against women. No recommendations addressed the lack of safeguards against statelessness for foundlings or children of unknown parents born in Togo. However, five States made recommendation on birth registration and two made recommendations on access to education, healthcare and other social services for children without birth certificates.

Recommendations to Uganda (2):

Recommendations issued by Panama and Ukraine. *Both recommendations related to ratification of the 1961 Convention on the Reduction of Statelessness. Uganda also received two recommendations on birth registration, but no recommendations related to safeguards against statelessness for otherwise stateless children born in Uganda or discrimination against naturalised citizens in the transmission of nationality to children.*

Recommendations to Venezuela (0):

Venezuela received no recommendations on statelessness or the right to nationality, although it is not a party to either the 1954 Convention relating to the Status of Stateless persons or the 1961 Convention on the Reduction of Statelessness. It did receive two recommendations on ensuring universal birth registration.

Recommendations to Zimbabwe (0):

No recommendations were made to Zimbabwe on statelessness or the right to nationality although Zimbabwe does not include safeguards against statelessness for children born in the country, is not a party to the 1961 Convention on the Reduction of Statelessness and is reported to be home to 300,000 stateless persons. However, five recommendations were made on access to birth registration for all children.

For more on the Institute on Statelessness and Inclusion's human rights engagement on statelessness, please visit 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 26 at a glance

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

Country under Review	Number of Recommendations
Haiti	5
Iceland	1
Lithuania	2
Republic of Moldova	None
South Sudan	None
Syrian Arab Republic	2
Timor-Leste	1
Togo	None
Uganda	2
Venezuela	None
Zimbabwe	None

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

Topic of Recommendation	Number of Recommendations
Acceding to statelessness conventions	7
Removing gender discrimination from nationality law	2
Protect those at risk of statelessness	1
Promoting enjoyment of rights by stateless persons	1
Solving existing cases of statelessness	1
Reform nationality law	1
Total	12

Annex 2: Text of statelessness/nationality-related recommendations

Recommendations to Haiti:

- Adopt and fully implement the draft Nationality Law (Bahamas);
- Ratify the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Belgium);
- Complete ratification of [...] the 1954 and 1961 Statelessness Conventions (Nicaragua);
- Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Panama);
- Implement policies to guarantee the rights of displaced persons, particularly following natural disasters, as well as of those persons expelled from a third country risking statelessness (Switzerland).

Recommendations to Iceland:

- Ratify [...] the Convention relating to the status of Stateless Persons and the Convention on the Reduction of Statelessness (Mozambique).

Recommendations to Lithuania:

- Take measures to provide those at stake of statelessness with identity documents with particular regard to the Roma (Hungary);
- Adopt necessary measures to reduce statelessness (Panama).

Recommendations to Syrian Arab Republic:

- Conduct a review of the Personal Status Law and other relevant laws which will remove the provisions discriminatory towards women such as those [...] not allowing them transferring their citizenship to their children (Czech Republic);
- Amend the Citizenship Law of 1969, which prevents women from granting citizenship to their children, to ensure women's right to grant citizenship to their children (Namibia).

Recommendations to Timor-Leste:

- Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Australia).

Recommendations to Uganda:

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