

The 27<sup>th</sup> session of the Universal Periodic Review (UPR) took place from 1 – 12 May 2017 and marks the beginning of the third UPR cycle. The following countries were under review by the Human Rights Council during this session: **Bahrain, Ecuador, Tunisia, Morocco, Indonesia, Finland, United Kingdom, India, Brazil, Philippines, Algeria, Poland, Netherlands and South Africa.**

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 as part of the Institute’s engagement with the UPR process.<sup>1</sup> This document gives 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.<sup>2</sup>

## OVERVIEW

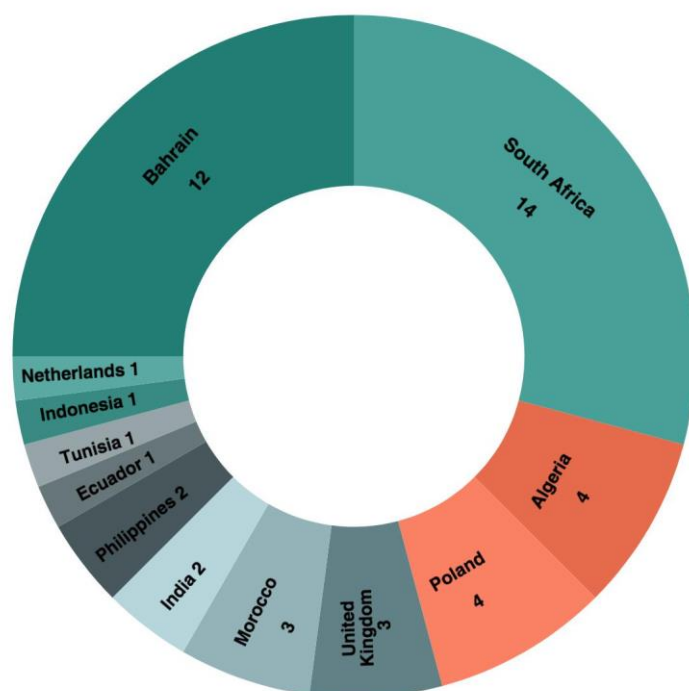
A total of **54 recommendations** relevant to issues of nationality and statelessness were made.

12 out of 14 countries received at least one relevant recommendation. Finland and Brazil did not receive any.

South Africa received the most recommendations (14), followed by Bahrain (12).

Kenya and Slovakia were most active in making recommendations relating to statelessness and nationality to countries under review.

Number of recommendations on nationality and statelessness

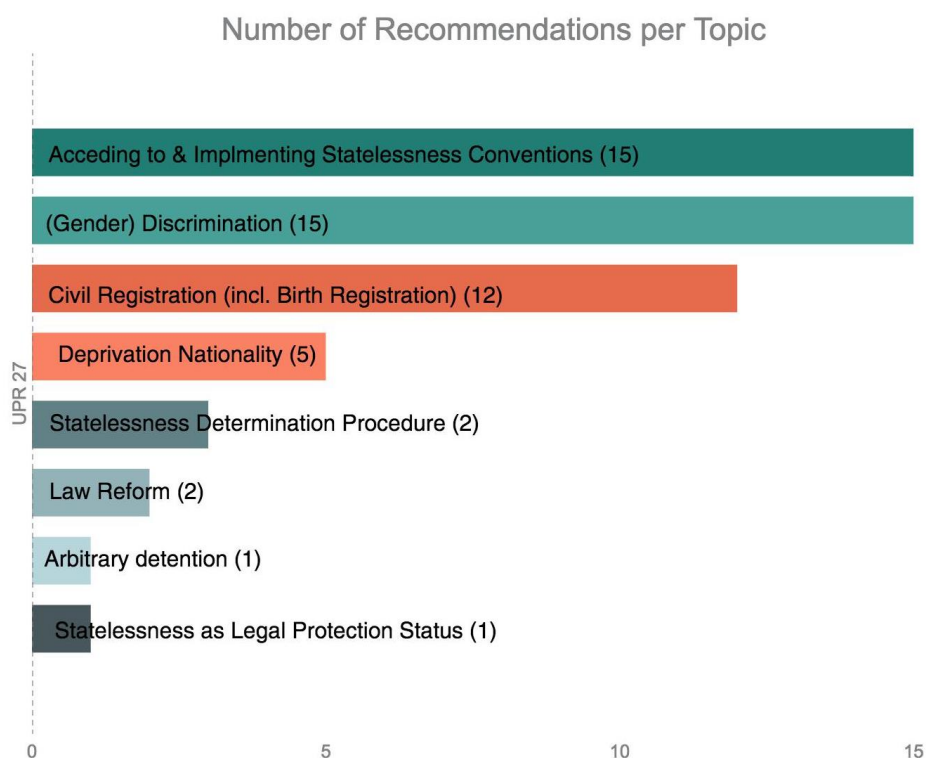


<sup>1</sup> The Institute has worked with civil society partners to prepare country submissions on nationality and statelessness issues in **Bahrain** (with Americans for Democracy and Human Rights in Bahrain); **the Netherlands** (with ASKV Refugee Support, Defense for Children - the Netherlands, and the European Network on Statelessness); **South Africa** (with Lawyers for Human Rights); and **the United Kingdom** (with the Migrants Resource Centre, the University of Liverpool Law Clinic and the European Network on Statelessness). [Click here](#) for a full overview of when countries will be reviewed under the 3rd cycle and to see what the deadlines are for stakeholder submissions.

<sup>2</sup> See: [www.institutesi.org/UPR27.pdf](http://www.institutesi.org/UPR27.pdf)

## TOPICS ADDRESSED

The nationality and statelessness-related recommendations focused on the following topics: accession to and implementing the 1954 and/or 1961 Statelessness Conventions; civil registration, including birth registration (an important tool to prevent statelessness); establishing a statelessness determination procedure; avoiding arbitrary detention for stateless persons; categorizing statelessness as a protection status; refraining from deprivation of nationality; and addressing gender discrimination in nationality laws.



## SUMMARY OF RECOMMENDATIONS BY COUNTRY

The list below summarizes the recommendations made to each State under review, highlighting which States made recommendations and on what topics (full text of relevant recommendations in annex). The analysis also notes any important statelessness related issues that were not covered.

### Recommendations to Algeria (4)

#### Recommendations made by Côte d'Ivoire, Uganda, Paraguay, Mexico

2 recommendations on ratifying/acceding the Convention on the Reduction of Statelessness and incorporating its provisions in national law. 1 recommendation links to guaranteeing civil registration for children born out of wedlock, including stateless children. 1 general recommendation focuses on adopting national legislation to allow for compliance and implementation of international obligations for stateless persons. No recommendations specifically link to ensuring that that naturalization provisions are not discriminatory towards people with disabilities. Also, no recommendations focuses on ensuring that all children born on the territory who would otherwise be stateless, are granted Algerian nationality, in accordance with the provisions of the Convention on the Rights of the Child.

### Recommendations to Bahrain (12)

#### Recommendations made by Slovenia, Botswana, Sierra Leone, Philippines, Uruguay, Argentina, Uganda and Belgium

8 recommendations focus on gender discriminatory nationality law, particularly barriers for women to transmit their nationality onto their child and their foreign husband. 4 recommendations relate to the practice of deprivation of nationality of individuals but also (religious) minority groups. No recommendations were made

to identify and determine the number and profiles of stateless individuals in Bahrain, particularly the Bidoon and Ajam communities.

## **Recommendations to Brazil (0)**

### **No recommendations made to Brazil**

No recommendations are made to Brazil. It remains, nevertheless, important for Brazil to redouble efforts to ensure that proposed draft legislation introducing a statelessness determination procedure is effectively adopted. Also, birth registration services should be continuously strengthened and ensure that it is free and easily accessible for everyone.

## **Recommendations to Ecuador (2)**

### **Recommendations made by Slovakia**

1 recommendation relates to expediting the introduction of a statelessness determination procedure. Further, 1 recommendation relates to strengthening universal birth registration, ensuring that it is free and accessible for all. No recommendation has been issued to ensure that persons who would benefit from protection under the new Organic Law (which grants residence status to stateless persons) are empowered to approach the authorities with guarantees they will not be subject to removal proceedings.

## **Recommendations to Finland (0)**

### **No recommendations made to Finland**

No recommendations are made to Finland. Finland's Nationality Act contains several provisions that aim to prevent and reduce statelessness and it is party to both the 1954 and 1961 Conventions. However, Finland still does not have a dedicated statelessness determination procedure in place. It is important to introduce a statelessness determination procedure and ensure that it is in line with international standards and UNHCR guidance. Ensure that officials working on the procedure receive adequate training.

## **Recommendations to India (2)**

### **Recommendations made by Kenya and Slovakia**

2 recommendations have been made on acceding and implementing the statelessness conventions, including 1 recommendation to implement article 7 CRC to end statelessness and guarantee nationality for affected children. No recommendation has been made to strengthen statistical information on statelessness in India, including through conducting a mapping study.

## **Recommendation to Indonesia (1)**

### **Recommendation made by Slovakia**

1 recommendation focuses on preventing statelessness through ensuring proper, affordable and accessible birth registration of all children born in the country.

## **Recommendations to Morocco (8)**

### **Recommendations made by Kenya, Congo, Brazil, Argentina, Peru, Togo and Turkey**

1 recommendation focuses on acceding to and implementing the Statelessness Conventions to grant otherwise stateless children a nationality. Two recommendations relate to eradicating discrimination against women which prevent them to transfer their nationality to their foreign husband or child. 5 recommendations are made in relation to discrimination against children born out of wedlock, however, it was not specifically recommended to ensure that children born out of wedlock are not discriminated against in accessing birth certificates and citizenship documents.

## **Recommendation to the Netherlands (1)**

### **Recommendation made by Haiti**

This recommendation focuses on expediting efforts to introduce a statelessness determination procedure and providing stateless persons with a legal status and access to basic human rights.

## **Recommendations to Philippines (2)**

### **Recommendations made by Slovakia and Egypt**

1 recommendation on accession to and full implementation of the 1961 Convention, as well as ensuring that all otherwise stateless persons in the country have access to a procedure that would facilitate the acquisition of a nationality. Another recommendation is made for continued efforts to end statelessness, especially for those living in areas that have experienced armed conflict before peace.

## **Recommendations to Poland (4)**

### **Recommendations made by Bulgaria, Australia, Côte d'Ivoire and Hungary**

*4 recommendations are made on accession to the Statelessness Conventions, including one also to implement the convention and introduce a Statelessness Determination Procedure. No recommendations are made to the State authorities to collect accurate data regarding stateless persons. Also, no recommendations are made to ensure every child's right to acquire a nationality and to universal and free birth registration. Further, no recommendations are made to ensure that stateless persons are not arbitrarily detained.*

## **Recommendations to South Africa (14)**

### **Recommendations made by Kenya, Belgium, Germany, Australia, Albania, Liechtenstein, Czechia, Serbia, Portugal, Mexico, Turkey and Hungary.**

*4 recommendations relate to acceding to and implementing the Statelessness Conventions. Further, 9 recommendations focus on ensuring birth registration to comply with the Convention on the Rights of the Child (including late birth registration and birth registration regardless of the parent's legal status). 1 recommendation relates to refraining from deprivation of nationality through blocking identity documents and establishing a procedure to identify stateless persons.*

## **Recommendation to Tunisia (1)**

### **Recommendation made by Kenya**

*Kenya recommends Tunisia to continue to reform her laws to ensure that no one, especially children, will be left stateless. No recommendations have been issued specifically relating to risks of statelessness due to the gendered triple jus soli requirement (i.e. a person's father and paternal grandfather must both have been born in the country). No recommendation is made to eradicate provisions in national law on deprivation of nationality in response to a serious non-political crime, even if this would result in statelessness. Also no recommendation focuses on ensuring that naturalization provisions are not discriminatory towards people with disabilities.*

## **Recommendations to United Kingdom (3)**

### **Recommendations made by Kenya, Islamic Republic of Iran and Hungary**

*1 recommendation relates to implementing the 1954 Convention to ensure that stateless persons in Britain can access British nationality. 1 recommendation focuses on avoiding stateless people to be subject to prolonged and/or repeat unlawful detention. Further, a recommendation has been made on categorizing statelessness as a protection status and provide stateless persons expedited and affordable access to British nationality. No recommendation has been made to ensure that stateless persons have adequate procedural safeguards during the statelessness determination procedure on a non-discriminatory basis.*

## **ANNEX: Full text of recommendations relevant to nationality and statelessness**

### **Algeria UPR – 3<sup>rd</sup> cycle (11 May)**

From the [draft report](#) of the Working Group on the UPR

#### **2 recommendations on ratifying/acceding the Convention on the Reduction of Statelessness and implement it into national law**

129.23. Ratify the Convention on the Reduction of Statelessness and incorporate its provisions into national law (**Côte d'Ivoire**);

129.24. Accede to the Convention on the Reduction of Statelessness and adopt its safeguards into the domestic legislation (**Uganda**);

#### **1 recommendation on guaranteeing civil registration for children born out of wedlock, including stateless children:**

129.207. Guarantee the civil registration of children born out of marriage as well as refugee and stateless children (**Paraguay**);

#### **1 recommendation on adopting national legislation to allow for compliance and implementation of international obligations for stateless persons:**

129.225. Adopt a comprehensive national legislation that allows for compliance and implementation of its international obligations concerning migrants, asylum seekers, refugees and stateless persons (**Mexico**);

#### **Other remarks:**

105. Portugal appreciated the adoption a law criminalizing domestic violence against women and welcomed efforts on education and health. The absence of a legislative framework and administrative institutions regarding the protection of refugees, asylum seekers and Stateless persons was regretted.

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### **BAHRAIN UPR – 3<sup>rd</sup> Cycle (3 May 2017)**

From the [draft report](#) of the Working Group on the UPR

#### **Eight recommendations on gender discriminatory nationality law:**

6.149. Amend the Citizenship Law to enable women to transfer nationality to their children without restrictions and on equal basis to men (**Slovenia**);

6.150. Finalise the draft law amending certain provisions of the 1963 Citizenship Act to enable Bahraini women married to non-Bahraini men to confer their nationality on their children without any conditions (**Botswana**) / Expedite the legal procedures relating to the Bahraini Nationality Act of 1963, thus, allowing citizenship to be granted-without restrictions- to children of Bahraini women married to foreigners (**Sierra Leone**);

6.151. Step up efforts in amending the law to allow the grant of Bahraini citizenship to children whose mothers are married to foreigners (**Philippines**);

6.152. Deploy all necessary measures to ensure a quick pass and implementation of the Law on Nationality to give nationality to children of Bahraini women married to foreigners (**Uruguay**);

6.153. Make necessary efforts to reform all discriminatory legislation towards women in particular the nationality act and the family affairs laws (**Argentina**);

6.173. Speed up the legislative process to operationalize the draft law amending the Nationality Act so as to address the problem of statelessness in the country (**Uganda**) / Amend article 10 (c) of the 1963 Citizenship Act to bring it into line with international standards (**Belgium**);

#### **Four recommendations on the practice of deprivation of nationality:**

6.174. End the practice of revoking citizenship from individuals (**Denmark**);

6.175. End the practice of revocation of citizenship and adopt legal and institutional safeguard to prevent discrimination against members of religious minorities and provide effective remedy for victims of arbitrary arrests, detention, summons or travel bans (**Czechia**);

6.176. Abolish the practice of revoking nationality as a punishment on any grounds (**Mexico**) / End the practice of arbitrarily revoking citizenship, especially where this renders individuals stateless and forces them into exile (**Belgium**).

#### **Relevant “Voluntary pledges and commitments”:**

*10. Consider amending the Bahraini Citizenship Act to grant citizenship to the children of Bahraini women married to foreigners in accordance with the rules regulating the granting of citizenship.*

*11. The application of policies and programmes on comprehensive and sustainable development continues. Bahrain will submit its first report on achieving the Sustainable Development Goals 2030 to the High-Level Political Forum on Sustainable Development to be held in New York in July 2018.*

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#### **Brazil UPR – 3<sup>rd</sup> Cycle**

From the [draft report](#) of the Working Group on the UPR – no relevant recommendations.

5.33. Accede to and fully implement the 1954 and 1961 Statelessness Conventions and the 1951 Refugee Convention (**Slovakia**);

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#### **Ecuador – 3<sup>rd</sup> cycle (5 May)**

From the [draft report](#) of the Working Group on the UPR

##### **1 recommendation on expediting establishment of a statelessness determination procedure**

7.1578 Expedite the introduction of a statelessness determination procedure and ensure that it is in line with international standards and UNHCR guidance (**Slovakia**).

##### **1 recommendation on birth registration**

7.136 Continue strengthening universal birth registration services in the country, ensuring that it is free and accessible to all (**Slovakia**).

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#### **Finland UPR- 3<sup>rd</sup> cycle**

From the [draft report](#) of the Working Group on the UPR – no relevant recommendations.

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#### **India UPR- 3<sup>rd</sup> Cycle**

From the [draft report](#) of the Working Group on the UPR

**2 recommendations on acceding and implementing the statelessness conventions, including 1 recommendation to implement article 7 CRC to end statelessness**

5.32. Accede and implement the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the 1951 Refugee Convention and Article 7 of the Convention on the Rights of the Child to end statelessness and guarantee nationality for affected children (**Kenya**);

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## **Indonesia UPR – 3<sup>rd</sup> cycle (5 May)**

From the [draft report](#) of the Working Group on the UPR

### **1 recommendation on prevention of statelessness through ensuring Birth Registration**

5.148. Intensify efforts to prevent statelessness, including through ensuring proper, affordable and accessible birth registration of all children born in Indonesia (**Slovakia**);

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## **Morocco UPR- 3<sup>rd</sup> cycle (5 May)**

From the [draft report](#) of the Working Group on the UPR

### **1 recommendation on accession to the Statelessness Conventions**

6.242. Accede to and domesticate the conventions relating to the status of stateless persons and the reduction of statelessness in order to grant nationality to children who would otherwise remain stateless (**Kenya**);

### **2 recommendations relating to gender discrimination in conferring nationality; of which one specifically refers to the inability for Moroccan women to transfer their nationality to their foreign husband.**

6.132. Repeal the provision preventing Moroccan women to transmit nationality to their foreign husband (**Congo**);

6.196. Continue its efforts to improve legislation concerning violence against women, in line with international standards, addressing the dimensions of prevention, protection and assistance, and repealing discriminatory provisions related to custody, marriage, inheritance and transfer of nationality (**Brazil**);

### **5 Recommendations relating to discrimination against children born out of wedlock**

6.129. Take the necessary measures to repeal all legal provisions that establish differences between children born in wedlock and children born out of wedlock, in particular those contained in the Family Code, which were discriminatory against those children (**Argentina**);

6.131. Repeal all discriminatory provisions in relation to children born out of wedlock (**Congo**);

6.135. Consider eliminating in identity documents all data that could lead to discrimination against children born out of wedlock (**Peru**);

6.137. Repeal the provisions in the Family Code which discriminate against children born outside of wedlock. (**Togo**);

6.138. Any reference be withdrawn from identity documents which would allow for the identification of children born outside of wedlock and repeal all discriminatory provisions regarding such children, in particular in the Family Code (**Turkey**);

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## **NETHERLANDS UPR- 3<sup>rd</sup> cycle (12 May 2017)**

From the [draft report](#) of the Working Group on the UPR

**1 recommendation on statelessness determination procedure and providing stateless persons with a legal status:**

5.197. Expedite efforts to introduce a statelessness determination procedure and provide persons recognised as stateless with a legal status and access to basic human rights, in full consultation with key stakeholders (**Haiti**);

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**Philippines UPR- 3<sup>rd</sup> Cycle 11 May**

From the [draft report](#) of the Working Group on the UPR

**1 recommendation on accession to 1961 Convention and facilitate acquisition of nationality for otherwise stateless persons in the country**

133.256. Accede to and fully implement the 1961 Statelessness Convention and ensure that all otherwise stateless persons in the country have an access to a procedure that would facilitate the acquisition of a nationality (**Slovakia**);

**1 recommendation on ending statelessness**

133.257. Continue to guarantee the necessary to end statelessness, especially for those living in areas that have experienced armed conflict before peace (**Egypt**).

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**POLAND UPR – 3<sup>rd</sup> cycle (11 May)**

From the [draft report](#) of the Working Group on the UPR

**4 recommendations on Accession to the Statelessness Conventions, including one also to implement the convention and introduce a Statelessness Determination Procedure.**

120.20. Consider acceding to the Convention relating to the Status of Stateless Persons (**Bulgaria**);

120.21. Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (**Australia**) (**Côte d'Ivoire**);

120.22. Accede to and fully implement the 1954 and 1961 Statelessness Conventions in order to secure the basic rights of stateless persons and introduce a formal statelessness determination procedure (**Hungary**);

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**SOUTH AFRICA UPR – 3<sup>rd</sup> Cycle (10 May 2017)**

From the [draft report](#) of the Working Group on the UPR

**4 recommendations on accession to the statelessness conventions, including one to also implement:**

6.22. Accede to and implement the 1954 and 1961 Statelessness Conventions (**Kenya**);

6.21. Ratify the 1954 Convention relating to the Status of Stateless persons and the 1961 Convention on the Reduction of Statelessness (**Belgium**); (**Germany**);

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

**9 recommendations on birth registration, including two on right to nationality under the CRC:**

6.237. Review and amend all legislation and regulations relevant to birth registration and nationality to ensure their full conformity with the Convention on the Rights of the Child (**Albania**);



- 6.238. Review and amend all legislation and regulations relevant to birth registration and nationality to ensure their full conformity with the Convention on the Rights of the Child (**Liechtenstein**);
- 6.222. Implement the Convention on the Rights of the Child through the harmonization of its national laws to ensure that the minimum age for marriage is established at 18 years for both girls and boys and remove barriers to birth registration (**Kenya**);
- 6.235. Ensure registration of all children at birth as well as delayed registration of children that have not been registered at birth (**Czechia**);
- 6.236. Further engage in facilitating administrative procedures for birth registration, especially for disadvantaged children coming from rural and poor areas (**Serbia**);
- 6.239. Review its relevant legislation and regulations on birth registration to ensure their full conformity with the Convention on the Rights of the Child (**Portugal**);
- 6.240. Ensure birth registration of all children born on South African territory, regardless of the immigration status or nationality of the parents (**Mexico**);
- 6.241. Amend legislation and regulations in order to ensure universal birth registration for children born in its territory (**Turkey**);

**1 recommendation on deprivation of nationality / blocking of ID documents:**

- 6.243. Refrain from deprivation of citizenship through blocking of identity documents and establish a dedicated procedure to identify stateless persons (**Hungary**).

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**Tunisia UPR- 3<sup>rd</sup> cycle (5 May)**

From the [draft report](#) of the Working Group on the UPR

**1 recommendation on law reform to ensure no one is left stateless**

- 6.174. Continue to reform her laws to ensure that no one especially children will be left stateless (**Kenya**).

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**United Kingdom of Great Britain and Northern Ireland UPR – 3<sup>rd</sup> Cycle (9 May)**

From the [draft report](#) of the Working Group on the UPR

**1 recommendation to implement 1954 Convention:**

- 6.53. Implement the 1954 Convention on statelessness to ensure that stateless persons in Britain access British nationality (**Kenya**);

**1 recommendation relating to prolonged and repeat unlawful detention stateless persons:**

- 6.82. Exert all its efforts, in law and practice, to combat racism, xenophobia and Islamophobia, and to eliminate all forms of discrimination against migrants, and to avoid subjecting asylum seekers and stateless persons to prolonged and/or repeat unlawful detention (**Iran (Islamic Republic of)**);

**1 recommendation relating to statelessness as protection status and expedite acquisition of nationality**

- 6.225. Categorise statelessness as a protection status and provide stateless persons expedited and affordable access to British nationality (**Hungary**);