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MAINSTREAMING STATELESSNESS AND THE RIGHT TO NATIONALITY IN THE UNIVERSAL PERIODIC REVIEW

UPR Third Cycle
Evaluation and
Lessons for the Future

Mainstreaming Statelessness and the Right to Nationality in the Universal Periodic Review

UPR Third Cycle Evaluation and Lessons for the Future



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Executive Summary

This evaluation confirms the vital importance of the Universal Periodic Review (UPR) to mainstream statelessness as a cross-cutting human rights issue and the only review mechanism whereby states themselves issue recommendations to other states on protecting the right to a nationality and the rights of stateless people. The UPR has proved to be an influential mechanism in raising awareness that state sovereignty in nationality matters is constrained by international law, and that ensuring the right to a nationality for all is a collective effort of the international community of states.

There has been increased attention to statelessness over time, both in level and depth of attention received, including that recommendations were made by and to many more states since the First Cycle. Recommendations increased from 150 in the First Cycle to 635 in the Third Cycle. During the Third Cycle, approximately 80% of states under review received at least one recommendation relating to nationality and statelessness. These recommendations were issued by 121 states.

It is encouraging to see the number and diversity of countries engaging on this once neglected topic, including the finding that almost half of all National Reports in the Third Cycle included references to statelessness or to the right to nationality (43%). Violations relating to nationality and statelessness are increasingly recognised to intersect with an array of other human rights, confirming the widespread recognition today of nationality and statelessness as critical human rights issues. Over the course of the Second and Third Cycles, the concerted efforts of civil society, UN bodies, and the states that participate in the Group of Friends of UNHCR's #Ibelong Campaign contributed to a significant global growth in awareness of statelessness, an increase in the overall number of recommendations as well as improvements in how recommendations are framed and formulated.

Promoting gender equality in nationality law has been the most successful example of nationality and statelessness related topics mainstreamed in the UPR, from which learnings can be drawn for other issues. With 143 recommendations, promoting gender equality comprises almost a quarter of all nationality and statelessness recommendations made in the Third Cycle and is widely understood to be a cross-cutting human rights issue affecting women's participation in society and the impact this can have on children. The UPR has also increasingly been used to spotlight statelessness related emergencies in states under review. These resulted in a clear increase in the number of recommendations, over and above the level that the issues raised receive in general, showing how the UPR as a review mechanism can prioritise making recommendations on current and urgent matters.

When reflecting on key findings from the Third Cycle, there are also several lessons to be learned for the Fourth Cycle. There is a critical opportunity – and an identified need – to enhance the role that the UPR plays in promoting both the right to a nationality and the rights of stateless people. With an established momentum of increased recommendations, the immediate urgency now lies in encouraging a greater uptake of acceptances, and in monitoring and reporting back on the implementation of measures – and to embed these systems within the UPR mechanism.

Nationality rights violations, particularly the child's right to nationality and the nationality rights of minorities (i.e. relating to racial/ethnic/religious discriminatory nationality systems) urgently require increased attention. Discrimination is the main root cause of statelessness and recommendations to states under review can play an important role in drawing attention to, and increasing international pressure to address discrimination. To gain more traction for nationality and statelessness on these and other critical areas, it is important to draw on key lessons learned from coordinated multi-level stakeholder efforts and their impact on gender equal nationality rights and where relevant apply these in other contexts (e.g. child's right to a nationality, statelessness of minorities, statelessness and migration). Increased awareness, capacity building and coordinated efforts on these issues is required. This could be achieved through efforts including stronger UN/civil society engagement to catalyse better recommendations, and the adoption of a Human Rights Council resolution providing authoritative guidance on these issues.

To contribute to the avoidance of further statelessness crises in future, states are urged not to hold off on making recommendations until a statelessness situation reaches crisis-point. Monitoring developments more closely, with input from stateless communities and civil society, can ensure that serious but 'slow-burning' situations also receive systematic attention. More generally, states can, through the UPR process, take steps to ensure more consistent attention to nationality and statelessness issues across all countries where these arise, including through increased coordination within fora such as the Group of Friends of UNHCR's #Ibelong Campaign.

Now that statelessness is becoming increasingly mainstreamed, in this next phase, it is crucial to pay more specific attention to the root causes, the hidden and systemic issues arising, and the different consequential human rights violations experienced by stateless people. The devastating impact of the COVID-19 pandemic on stateless communities, during which the global health and socio-economic crisis was layered over existing systemic exclusion and structural discrimination of the stateless, shows how vital it is to maintain a continuous spotlight on resolving nationality and statelessness issues. For solutions to be meaningful and sustainable, they must be based on the experiences, perspectives and needs of stateless communities. States and other stakeholders are therefore encouraged to draw from the 'Roadmap for Change' as a 3-step framework to address structural issues facing stateless people, which was developed by a global Consortium of NGOs and stateless-led groups.¹

In all of this work ahead, it is essential to truly centre and include affected communities in the UPR process. While the UPR process is a UN, State, and NGO driven process, it is crucial to structurally ensure direct engagement with stateless communities to make sure that the recommendations made can contribute to advocacy efforts to improve stateless people's lives at local level. UN stakeholders and civil society must prioritise the centring of stateless-leaders and their input into the UPR process. States are also invited to consider ways in which to improve accessibility of people affected by statelessness to the UPR process, including through online consultation opportunities in the lead up to a review.

This evaluation report concludes with recommendations to **actors involved in the UPR process. Two of the recommendations apply to all stakeholders involved:**

1. Recognise the deprivation of the right to nationality and the discrimination of stateless people that impacts their enjoyment of other human rights, as structural human rights challenges that must be prioritised and addressed through the UPR – and other mechanisms and tools – by all stakeholders.
2. Recognise that positive sustainable change will only be achieved through the meaningful participation of stateless communities in all parts of the process. Accordingly, reflect on and integrate the Roadmap for Change into institutional approaches to address statelessness and the right to nationality through the UPR.

1.

Introduction

The right to a nationality is a *fundamental* human right. It is set out in Article 15 of the Universal Declaration of Human Rights and is reaffirmed in seven core international human rights instruments.² Statelessness is the most extreme violation of this right. It is often the result of discrimination – against women, ethnic minorities, and other groups – in violation of human rights standards. Currently, there are an estimated 15 million stateless people worldwide, and many millions more whose nationality is under threat.

The rights of stateless people are *human* rights, and United Nations (UN) human rights standards must be applied to all stateless people. However, *nationality* acts as a gateway to other essential rights and services. Without it, stateless people often struggle to access quality education and health care; safe and dignified work; inheritance and ownership of property; and basic banking, mobile phone, and other services.

Protecting the right to a nationality and ensuring that stateless people are able to exercise their other human rights, are both critical, cross-cutting international human rights challenges. The persistence of statelessness continues to pose a challenge to the commitment made by states under Agenda 2030 to “Leave No-One Behind”. A lack of citizenship has a negative impact on the Sustainable Development Goals (SDG) target 16.9 on providing legal identity for all, as well as on other SDGs related to education, healthcare, equality and more.

During the COVID-19 pandemic which began in early 2020, the escalating human rights impact of statelessness became even more acute. Governments prioritised their own citizens in their responses, and often failed to account for – or to reach – stateless people at all. In response, civil society mobilised creating a COVID-19 Emergency Statelessness Fund (CESF), which embedded a roadmap to ‘Build Back Better’ in order to step up efforts to tackle statelessness.³

The Universal Periodic Review (UPR), under the UN Human Rights Council, assesses the human rights performance of each Member State every 4.5 years. It offers a unique opportunity to address the violations suffered by stateless people, and to further advocate for the right to a nationality for all. As it is universal both in its geographic and thematic scope, the UPR covers *all* human rights under international human rights law, rather than focusing on a particular treaty or topic. This makes it a highly suitable arena for addressing cross-cutting issues such as statelessness.

This report provides an evaluation of how nationality and statelessness issues have been dealt with under the UPR to date. It offers insight into the role that this mechanism can play in promoting the right to a nationality, and the rights of stateless people, as well as into how UPR engagement might be strengthened in the future.

The report primarily centres its analysis on the Third Cycle of the UPR, which concluded in February 2022. But it also

HOW DOES THE UPR WORK?

Each UN Member State is reviewed periodically in cycles of 4.5 years. The UPR is state-driven, whereby only UN Member States can make recommendations to other countries. However, civil society actors, UN organizations and other actors play a central role in providing input, in steering the discussions, and in strengthening the final recommendations and their implementation.

Recommending States have a total of just 140 minutes to intervene during the review – divided equally across all states that wish to take the floor. As such, States must decide which issues to prioritise in making recommendations. Upon receiving the recommendations, the State Under Review (SuR) can decide whether to accept or to note the recommendations. If it accepts, a State makes a commitment to implement it before the next cycle, thus within 4.5 years.

presents key data on the extent to which the right to nationality and statelessness issues were addressed in the previous two cycles. In evaluating the UPR’s performance, the report both reviews the recommendations made, and considers the state reports, UN Compilation Reports, UN Stakeholder Reports, and available Mid-Term Reports.

This report is divided into two sections. Section 2 starts with a statistical overview of the overall trends and bigger picture developments across all UPR Cycles to date. It then explores how state engagement on nationality and statelessness issues have developed (for both recommending states and states under review); how statelessness features in stakeholder reports; the way in which actual recommendations are framed (e.g. whether statelessness and nationality are categorised as human rights or protection issues); and how different states under review have responded, historically, to relevant recommendations received (e.g. acceptance rate).

Section 3 focuses on the content of the recommendations, looking in particular at how nationality and statelessness matters are linked to cross-cutting human rights issues. These issues include the rights of the child; gender equality; protection of minorities; migration; deprivation of nationality; and the protection and enjoyment of various other rights.

The report centres around how statelessness and nationality issues are addressed, and what form state engagement with these issues has taken. In doing so, it aims to identify strengths, structural weaknesses, gaps and opportunities for further mainstreaming.

The analysis presented in this report draws heavily from the Institute on Statelessness and Inclusion (ISI) [Database on Statelessness and Human Rights](#).⁴ Developed by ISI, the Database covers all available sessions of the UPR.⁵ Offering a number of customisable filters, the Database enables users to compare and analyse this data by ‘coding’ the recommendations. These filters range from region and country to themes related to citizenship such as (gender)-discrimination, birth registration, detention or accession to international instruments. The Database thereby facilitates analysis such as that which is presented in this report. This analysis can inform and strengthen the impact of the work of key stakeholders, such as members of the diplomatic community, UN mandate holders, civil society organisations, legal practitioners, academics and activists. And it is these key stakeholders who can, in turn, enhance the visibility of statelessness and promote every individual’s right to a nationality. Every UPR recommendation cited in this report can be readily accessed through the ISI Database, alongside a link to the original UN document in which that recommendation can be found.

2.

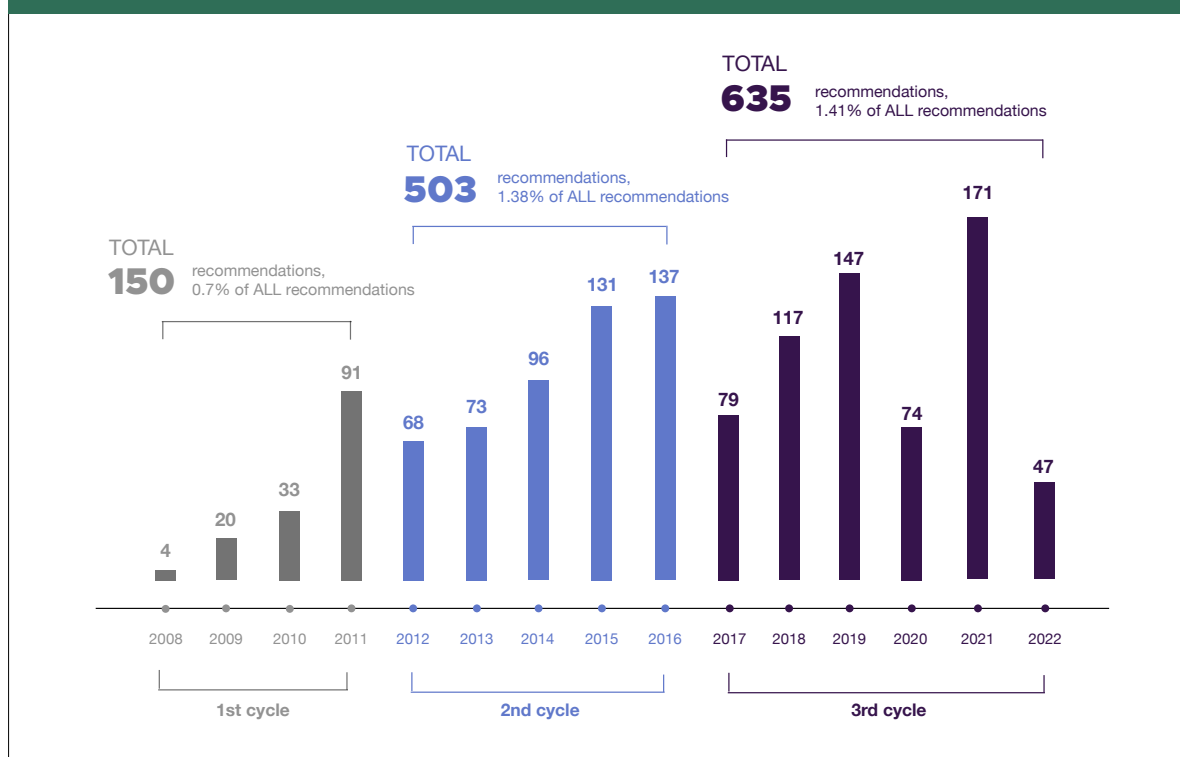
Mainstreaming
Statelessness
and the Right to
Nationality in the UPR

From the moment the UPR became operational, back in 2008, the right to a nationality and the rights of stateless people have featured among the issues it has addressed. In the very first session, in fact, Russia issued the following recommendation to Bahrain urging it to recognise gender equality in relation to the transmission of nationality: *“the draft law on the provision of citizenship to children where the father is not a Bahraini citizen would be considered a priority”*.

Over time, attention towards the right to nationality and the rights of stateless people has grown. As can be seen in Figure 1, the number of recommendations relating to these issues more than tripled between the First and the Second Cycles, rising from 150 to 503.⁶ In the Third Cycle, the number of recommendations increased further to 635. However, the *percentage share* of relevant recommendations in the Third Cycle – as compared to the Second Cycle – remained relatively steady at 1.41% (measured against the total volume of UPR recommendations in the Cycle). This demonstrates conclusively that the **mainstreaming efforts, which led to a greater uptake of these issues over the course of the Second Cycle, have been successfully sustained during the Third**.

This section of the report unpacks the various patterns and trends that can be seen within UPR engagement on nationality and statelessness. It looks at the progression of interest over time; geographic coverage (both in terms of states under review and recommending states); how nationality and statelessness issues have featured within the UPR mechanism, and within the primary sources which inform the state review processes; the language used to frame recommendations; and, finally, how states have responded to receiving recommendations on these issues. The final part of this Section (2.7) then draws together and proposes some key takeaways from this analysis.

FIG. 1 Number of recommendations relevant to nationality and statelessness



2.1

How has Engagement on Nationality and Statelessness Evolved Over Time?

A review of all the UPR recommendations, across the three Cycles completed to date, reveals an overall trend towards increased engagement on nationality and statelessness. The number of relevant recommendations issued in any given year will be swayed by two overriding influences. Firstly, how many states were the subject of review, and secondly, which of these states confronted pressing problems in respect of the right to nationality or the rights of stateless people. These factors aside, however – and as can be seen in Figure 1 the number of recommendations pertaining to these issues, across all three Cycles, rises in an upward curve.

The evolution of interest in matters of nationality and statelessness within the UPR aligns with wider efforts to

address them as cross-cutting human rights issues. The progressive development of statelessness as a ‘field’ has also contributed towards growing attention to the issue within the UPR.

When the **First UPR Cycle** took place, from 2008 to 2011, there was relatively little in the way of dedicated civil society initiatives on statelessness and the right to nationality. At the same time, the mandate of the United Nations High Commissioner for Refugees (UNHCR) – the lead UN agency on statelessness – was, in operational terms, still in its infancy. Indeed, in 2011, Antonio Guterres – then UN High Commissioner for Refugees – lamented that statelessness remained *“the most forgotten human-rights problem in today’s world”*.⁷

The turning point came in December 2011, when a Ministerial Intergovernmental Event on Refugees and Stateless Persons was convened by UNHCR. This delivered “an unprecedented commitment to take action to address statelessness” in the form of 62 statelessness-related pledges by states.⁸ This landmark Event became an important watershed in the visibility of the issue, both among individual states and within the wider UN arena.

During the **Second UPR Cycle**, from 2012 to 2016, the statelessness field underwent a dramatic transformation. UNHCR issued a series of key documents and tools on statelessness. These included essential guidance which clarified how to interpret and apply the definition of a ‘stateless person’ under international law.⁹

In November 2014, UNHCR also launched the #IBelong Campaign, whose aim was to end statelessness by 2024.¹⁰ This further galvanised attention towards the issue among a wide cross-section of stakeholders, including states. In Geneva, a number of countries came together to establish a ‘Group of Friends of the #IBelong Campaign’, committed to “helping the UNHCR advocate the importance of the issue among wider Member States as well as in other relevant fora, such as the Universal Periodic Review”.¹¹

Between 2012 and 2016, civil society initiatives dedicated to statelessness also mushroomed. Several regional networks were established, starting with the European Network on Statelessness in 2012. This was followed by The Americas Network on Nationality and Statelessness; Hawiati (which focused on the MENA region); Statelessness Network Asia Pacific (which later transitioned into Nationality for All); and The Central Asian Network on Statelessness. These new actors helped to link up stateless led groups, individual experts and NGOs working in-country, and to connect them to international advocacy arenas. At the same time, thematic collaborations such as the Global Campaign for Equal Nationality Rights and

the Coalition on Every Child’s Right to a Nationality were also being organised. These brought together both UN and civil society actors.

In 2014, the Institute on Statelessness and Inclusion was established as the first and only human rights NGO dedicated to promoting the right to a nationality and the rights of stateless people globally. It adopted mainstreaming statelessness across UN human rights mechanisms as an explicit objective. From 2015 onwards, it engaged systematically with the UPR process, collaborating with partners from around the world to make UPR submissions for 96 countries (of which 74 submissions were for countries under review in the Third Cycle), and contributing summaries for all countries under the UPR Cycles (from the 23rd to the 40th sessions).¹²

The **Third UPR Cycle**, in 2017, witnessed another critical milestone. A dedicated statelessness heading was added – in the section on rights of specific persons or groups – to the updated UPR reporting guidance issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹³ What this template established was that information on statelessness is no longer “squeezed in under the heading on migrants, refugees, asylum seekers and internally displaced person”,¹⁴ as it tended to be in the previous Cycles.

The period of the Second and Third UPR Cycles also saw some high-profile statelessness crises. These, in turn, led to a high number of recommendations in some sessions – such as to Myanmar and the Dominican Republic (see section 2.2) – as well as drawing more attention to the urgency of statelessness as a human rights issue.

Towards the end of the Third Cycle, between 2020 and 2022, new initiatives were established – such as the Interim Core Group of the Global Statelessness Movement, and UNHCR’s Global Alliance to End Statelessness – which can go on to play important roles engaging with the Fourth UPR Cycle.¹⁵

CASE STUDY: A CONCERTED PUSH FOR WOMEN’S EQUAL NATIONALITY RIGHTS

During the First UPR Cycle (2008 to 2011), a total of 17 recommendations on gender equal nationality rights were made. By the end of the Second Cycle (2012 to 2016), the number of recommendations on this same issue had risen more than five-fold to 97. The Third Cycle (2017 to 2022) saw this increase even further to 143 recommendations. As has been visualised in Figure 2 (which depicts the recommendations per year), there is a clear progression in recommendations relating to gender equal nationality rights over time, and this progression demonstrates that concerted attention from multi-level stakeholders can lead to an increased impact. An impact which is likely to, in turn, have a knock-on effect on the number of states issuing UPR recommendations on this matter.

In 2012, at the start of the Second UPR Cycle, the Human Rights Council adopted a Resolution on ‘the right to a nationality: women and children’. Within this Resolution, it requested “the UN High Commissioner for Human Rights to prepare, in consultation with UNHCR, the Working Group on the issue of discrimination against women in law and in practice, States and other relevant stakeholders, a report on discrimination against women in nationality-related matters [...]”.¹⁶

UNHCR has taken this requested reporting forwards since 2012, issuing an annual Background Note on Gender Equality, Nationality Laws, and Statelessness. The Background Note focuses on law reforms to date; on related developments; and on states which continue to discriminate against women in terms of their ability to confer their nationality on their children; as well as providing an updated overview of nationality laws.¹⁷

In 2014, UNHCR launched its #IBelong campaign to end statelessness by 2024. One of the actions specified by the campaign, is a call to “remove gender discrimination from nationality laws” (Action 3).¹⁸ 2014 also saw the launch of the Global Campaign for Equal Nationality Rights (GCENR), a joint UN-civil society initiative.¹⁹ By the end of 2014 (half-way through the Second UPR Cycle), 31 recommendations on gender equal nationality laws had been issued – this was already almost double the total number of recommendations on this issue made in the First Cycle.

From 2014 onwards, there was a concerted effort by UN and civil society actors to engage systematically with the UPR process on the issue of gender equal nationality rights. This was further bolstered by the publication of *The*

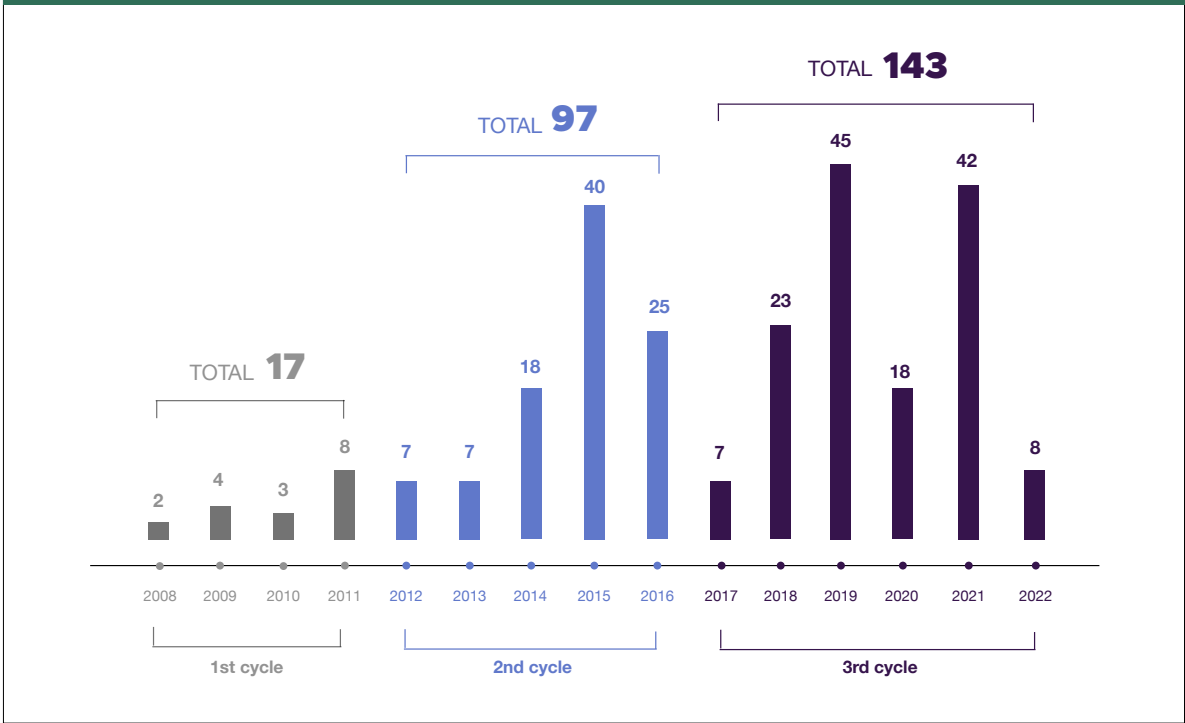
State We're In: Ending Sexism In Nationality Laws by Equality Now in 2016 (updated in 2022).²⁰ GCENR, ISI, Equality Now, and many national partners contributed UPR submissions on this issue, often in collaboration with each other. Further, ISI shared memos with the diplomatic community for all states under review where gender discrimination in the conferral of nationality to children and non-national spouses was identified.

By the end of the Third UPR Cycle (2022), 143 recommendations on ensuring gender equal nationality laws for children – and in many cases also for spouses – had been made. The impact of this increased attention can already be seen. Law reforms (or partial reforms) to eliminate gender discrimination have been passed in Senegal (2013), Suriname (2014), Madagascar (2017), Sierra Leone (2006, 2017), the United Arab Emirates (partial reforms in 2011 and 2017), Iran (partial reform in 2019) and Liberia (2022).

Although the implementation of amended laws requires further strengthening and monitoring, this series of legislative changes demonstrates how the UPR helps to generate real-world change by focusing attention on a specific issue – in this case, relating to nationality and statelessness – and by promoting human rights-based solutions.

In more recent years, various new campaigns and initiatives have sought to draw attention to other systemic nationality and statelessness problems. For instance, in 2016, UNHCR and the United Nations Children's Fund (UNICEF) launched a joint coalition on every child's right to nationality.²¹ In 2018, the UN Forum on Minority Issues convened a session dedicated to stateless minorities.²² To date, however, these efforts have not led to a similar uptake in engagement on children's nationality rights, or on the statelessness of minorities, within the UPR itself, as has been achieved on gender equal nationality rights.

FIG. 2 Progression in recommendations relating to gender equal nationality rights over time.



2.2

Which States Have Received Recommendations on Nationality and Statelessness?

During the Third Cycle (2017 to 2022), approximately 80% of states under review received at least one recommendation relating to nationality and statelessness (152 out of 193 states). This statistic reflects the fact that statelessness is a global phenomenon which affects individuals, or groups, in different contexts and across all regions of the world.

It should be understood that the lack of recommendations to 41 of the states under review in the Third Cycle is likely a gap in the coverage of this issue within the UPR mechanism, rather than evidence that there are no human rights challenges for stateless people, or in respect of the right to nationality, in those countries. For instance, despite being subject to in-depth

civil society submissions on violations to the right to nationality and statelessness during the Third Cycle, the USA, Ireland, Belgium, Australia, Croatia and Spain received no relevant recommendations when they came up for review. At the same time, all of these countries made recommendations on this matter to other states within the UPR (Spain made 18 recommendations, Australia 12, Belgium and the USA 10 each and Ireland 8).

Figure 3 records the number of recommendations made in relation to nationality and statelessness in the Second and Third UPR Cycles to **countries with large known stateless populations (10,000 stateless people or more)**.²³ As can be seen, **the number of recommendations across the two Cycles increased in most countries** (with the exception of Latvia, Estonia and Kuwait, where the number of recommendations slightly decreased). Also of note, Cote d'Ivoire, Iraq, Sweden, Kyrgyzstan, Germany, Viet Nam and Poland received relevant recommendations for the first time during the Third Cycle.

Figure 4 shows the breakdown of relevant Third Cycle UPR recommendations by region (following the regional definitions adopted in UNHCR's global statistical reporting on statelessness).²⁴ This reveals that **African states received the highest total number of recommendations relating to nationality and statelessness, followed by the Asia Pacific region**. This aligns with wider available information on how many people are reported to be stateless, which shows these two regions to have the highest total figures. It also exposes distinct data gaps for key countries affected by statelessness in both regions.

European states, those in the Middle East, and those in North Africa, have together attracted a similar total volume of recommendations – although in the case of European states, this equates to a much lower number of recommendations *per state*.

With a grand total of merely 70 recommendations relating to nationality and statelessness, this issue has received the least attention in the review of states in the Americas. Although statelessness is generally less prevalent in that region – as a result of the predominance of *jus soli* citizenship (i.e. by place of birth) – serious challenges do persist there, including the Dominican Republic, for instance, which alone received 21 recommendations in the Third Cycle.

As the example of the Dominican Republic demonstrates, some states have attracted a far greater number of recommendations on nationality and statelessness than others. In the Third Cycle, Myanmar (55) received the most recommendations. Crimes against humanity and acts of genocide committed against the Rohingya community (which culminated in the atrocities of 2017) drew the world's attention to their human rights situation and ongoing statelessness. Certain states in the Middle East and North Africa also received relatively high numbers of recommendations, namely, Kuwait (23), Lebanon (16), Jordan (16), Qatar (15), and Bahrain (14). Many of these related to women's unequal nationality rights, although other issues were also highlighted.

The level of attention given to this specific issue within the UPR is necessarily influenced by the severity of the problem within a country, as well as the extent to which there are 'competing' human rights challenges which also warrant attention. In addition, the visibility of the problem, and the availability of information, will also factor. These can lead to situations in which countries with significant statelessness issues receive few, or even no, related recommendations. The case studies below, which analyse four different countries with large stateless populations, offer further insights into how UPR engagement has evolved over time at the level of individual states.

FIG. 3 Recommendations for states with largest stateless populations (10,000 or higher)

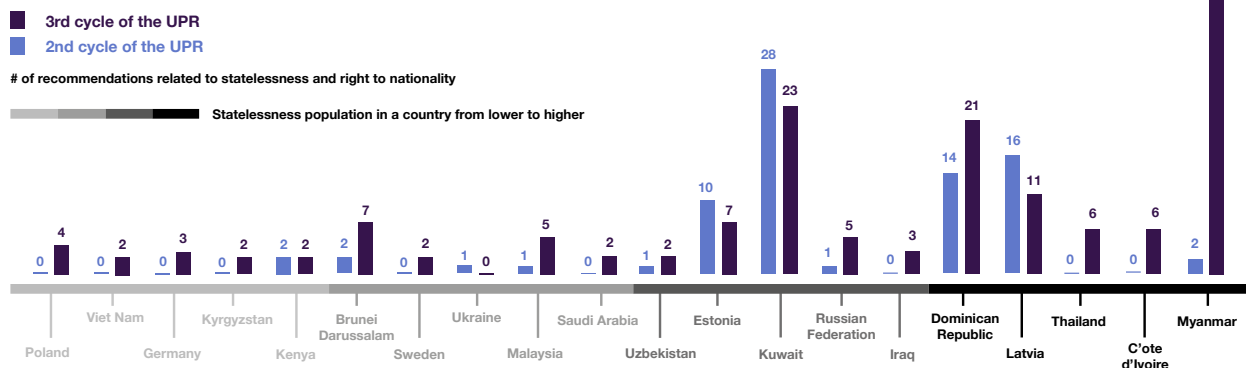
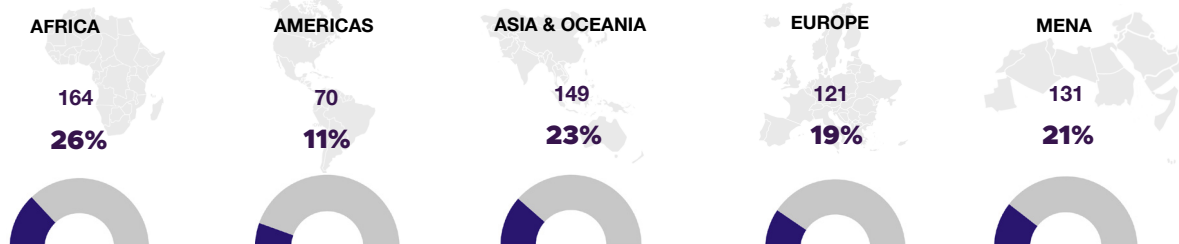


FIG. 4 States receiving recommendations in the 3rd UPR cycle by region.



CASE STUDY: MYANMAR

Myanmar is home to the Rohingya, one of the largest communities in the world which is affected by statelessness and arbitrary deprivation of nationality. Myanmar's 1982 Citizenship Law privileges recognised ethnic groups, disadvantages unrecognised groups, and racially discriminates when it comes to the acquisition of nationality. Despite this, Myanmar received just three recommendations in the First UPR Cycle in 2011: one on amending the citizenship law to end statelessness among Rohingya; one on birth registration and non-inclusion of ethnic or religious affiliation on ID cards; and one on ratifying relevant international conventions.

Rohingya have been subjected to structural discrimination, persecution and genocidal acts for many decades. In 2012, tens of thousands of Rohingya fell victim to targeted religious violence in Rakhine State. When the first official census in decades was carried out in 2014, the Rohingya were excluded. The following year, they were not permitted to participate in the first democratic elections held since the easing of military rule.²⁵

States issued 19 recommendations during the Second UPR Cycle in 2015, urging Myanmar to protect the nationality rights of the Rohingya, and to end discrimination against them and other minority communities. In 2017, however, the Rohingya were subjected to perhaps the most violent and widespread crimes against humanity and acts of genocide against the community, in the form of brutal so-called 'clearance operations' in Rakhine state. Hundreds of thousands of people were forced to flee the country in the space of just a few months.

When Myanmar underwent its Third UPR Cycle in 2021, the ongoing Rohingya 'crisis' prompted recommendations on nationality and statelessness to skyrocket to 55 – the highest number ever issued to a single state.



CASE STUDY: THE DOMINICAN REPUBLIC

The Dominican Republic is one of few countries in the Western hemisphere with a large stateless population. This situation is a result of the denial and deprivation of nationality to Dominicans of Haitian descent.

In 2005 – by which time structural discrimination against the community had already been well documented – the Inter-American Court of Human Rights found that the right to a nationality was being violated in the case of Dominicans of Haitian descent, due to discriminatory treatment. Despite this problematic history, in 2010, the Dominican Republic received just five relevant recommendations in the First UPR Cycle. In the same year, the Dominican Republic adopted a new Constitution which restricted access to Dominican nationality for children of irregular migrants. Three years later, the Dominican Constitutional Court issued judgement C168/13, which retroactively deprived hundreds of thousands of Dominicans of Haitian descent (born between 1929-2010) of their Dominican nationality, rendering them stateless.²⁶

In 2014, during the Second UPR Cycle, 20 recommendations were made to the Dominican Republic. Included amongst these, were recommendations on adopting measures to avoid the retroactive deprivation of nationality, and on taking all necessary measures to prevent statelessness. Only one relevant recommendation was accepted, however, on taking measures to provide effective birth registration.

By the time of its Third UPR Cycle in 2019, the situation for Dominicans of Haitian descent had yet to see any significant improvement, despite the adoption of a new law (C169-14) which was meant to offer a remedy for at least part of the population affected by the previous Constitutional court ruling. Nationality and statelessness issues were once again raised under the UPR, with 21 recommendations being made.

Recommendations also became more specific. For instance, Ireland recommended to "Restore the Dominican nationality of all persons affected by Constitutional Court judgment No. C168-13 and adopt all necessary legal and practical measures to prevent and reduce cases of statelessness, including by considering accession to the 1961 Convention on the Reduction of Statelessness".²⁷ Meanwhile, Canada recommended that they "Take steps to protect the fundamental rights of all individuals born in the Dominican Republic, including the offspring of undocumented foreigners who have not yet received their Dominican nationality as stipulated by Act No. 169-14 and who may be still at risk of becoming stateless as a consequence of Constitutional Court judgment No. C168-13".²⁸



CASE STUDY: CÔTE D'IVOIRE

Côte d'Ivoire has the highest reported number of stateless people on the African continent. Hundreds of thousands of descendants of pre-independence immigrants have been unable to establish their nationality. The question of access to national identity documents was, at one time, so highly charged that it became a central issue in the civil war which erupted in the early 2000s, under increasing anti-foreigner hostility. Côte d'Ivoire has also failed to provide a number of key safeguards in its Nationality Code, in particular to protect the child's right to a nationality. The lack of safeguards to ensure the right to Ivorian nationality for abandoned children ('foundlings'), left large numbers of children stateless or at risk of statelessness.

During the First UPR Cycle, in 2010, Côte d'Ivoire received four recommendations on nationality and statelessness. Three of these focused on ratifying relevant UN Conventions, and only one was on the right to nationality for children and the removal of discriminatory naturalisation criteria. In 2013, Côte d'Ivoire became a party to the 1954 and 1961 Statelessness Conventions, at which time it made commitments towards resolving statelessness in the territory.

When it underwent its second UPR Cycle review in the following year, however, there were still an estimated 700,000 stateless people in the country. Once again, only four relevant recommendations were issued. This time, all focused on birth registration, with no reference to statelessness or the right to a nationality.

By the time Côte d'Ivoire was reviewed for the Third UPR Cycle, in 2019, an extensive mapping exercise on statelessness was already underway (one which ultimately led to a greatly revised figure for the number of stateless people in the country exceeding 950,000), and the state had committed to the eradication of statelessness (in line with the Banjul Plan of Action).²⁹ Côte d'Ivoire received six recommendations, which addressed a range of issues including ensuring children's right to a nationality and implementing the UN Statelessness Conventions. The Third Cycle finally succeeded in drawing the focus of attention back towards the issue of the right to nationality in Côte d'Ivoire. Going one step further, the state has become one of the 'champions' of these issues within the UPR, itself making 29 recommendations in the Third Cycle.



CASE STUDY: THAILAND

Like Côte d'Ivoire and Myanmar, Thailand has long been home to a large stateless population – one consistently reported, since 2010, to be around half a million people. Ethnic and linguistic minority groups are the most significant communities affected here, and they have been excluded from nationality by restrictive laws and practices since the 1970s. Statelessness also occurs among migrants, and some of the refugee populations hosted by Thailand.

Despite the significant scale, and longstanding nature, of the problem of statelessness in the country, Thailand received just two relevant recommendations during the First UPR Cycle in 2011 (both focusing solely on accession to the UN Statelessness Conventions), and then again only two in the Second Cycle in 2016 (this time on birth registration).

It was not until the Third Cycle, in 2021, that either the right to a nationality, or the other human rights violations faced by the country's stateless population, received attention. This time, Thailand was issued with six recommendations, some of which contained explicit language on the problems at hand. These included a recommendation from Kyrgyzstan to "Continue to promote the human rights of stateless persons, particularly in education, social protection, and access to birth registration"; and from Angola to "Take additional specific measures to ensure the effective implementation of the right to nationality of stateless children born in Thailand and ensure their inclusion in society".



2.3

Which States Have Made Recommendations on Nationality and Statelessness?

The UPR is a peer-to-peer mechanism under which states receive recommendations from – and make recommendations to – other states. This makes it distinct from other UN human rights monitoring frameworks (such as the Treaty Body system), where the review is conducted by a committee of international experts. The UPR mechanism is thus, on the one hand, *universal* in its scope. On the other hand, however, which human rights issues are raised in any given review is influenced in part by the (political) considerations, interests and priorities of UN member states in their role as 'reviewers'. How much attention is given to nationality and statelessness, which topics are raised, and which countries receive relevant recommendations, all therefore depend upon the decisions which are taken by states as they participate in the review of their peers.

The 635 recommendations relating to nationality and statelessness during the Third Cycle were made by 121 states. When these recommending states are disaggregated by region (following the UNHCR regions), it becomes evident that the issue has not been prioritised to an equal degree by all states. As shown in Figure 5, over a third of recommendations were made by European states. States in both Africa and the Americas have also generated a significant number of the recommendations. In contrast, states in Asia and the Pacific, and in the Middle East and North Africa, together account for just 11% of all relevant recommendations made during this Cycle (and it should be noted here that states in these two regions *received* 44% of recommendations on nationality and statelessness). However, statistical data across all three UPR Cycles reveals a shifting picture in relation to recommendations on nationality and statelessness; with African states in particular becoming more strongly engaged on these issues, and states in Asia and the MENA region demonstrating increased levels of attention. This aligns with a growing engagement from states in different regions in the UPR process more generally.³⁰

As shown in Figure 6, states in Africa are the most active in making recommendations on nationality and statelessness *within* their own region (82 recommendations). In fact, half of

the recommendations that African states issued in the Third Cycle were directed towards other African states. Of these intra-regional recommendations, 72% were accepted (59 out of the 82 recommendations). States in the Asia and Pacific region also made a significant proportion of their recommendations (38%) to peers within the same region (19 recommendations). These intra-regional recommendations were accepted at a higher rate by the receiving state than those addressed by peers from outside the region. It appears therefore that intra-regional recommendations are more likely to be accepted.³¹ Conversely, however, countries in Europe and the Americas demonstrated a countertrend, in accepting recommendations from states outside the region at a higher rate than acceptance of intra-regional recommendations.

Several individual states have emerged as key promoters of the right to nationality and/or the rights of stateless people, with **almost a third of all recommendations delivered by just nine countries.** Mexico has continued to champion birth registration – as it did in the Second Cycle – and has made 18 recommendations in the Third Cycle. In addition, it has also taken up other nationality and statelessness issues, and has engaged with an array of different topics across a further 19 recommendations. As can be seen in Figure 7, other countries which have been particularly active on these issues include Côte d'Ivoire, Brazil, Uruguay, Sierra Leone, and Kenya.

Other specific subjects have also garnered new champions. Gender equal nationality rights, for instance, has been actively promoted by Uruguay, Iceland, Cyprus, Spain and France. Nevertheless, even in such cases engagement is not always systematic (see also section .2), and there is ample scope to further strengthen the consistency with which states 'champion' particular human rights issues relating to nationality and statelessness. Likewise, expanding the circle of states that are actively engaging on these issues – for example, to bring in more countries from Asia and the Middle East – could prove an effective way to bolster the performance of the UPR on nationality and statelessness in the Fourth Cycle and beyond.

FIG. 5 Recommending states across UPR cycles 1 - 3 by region

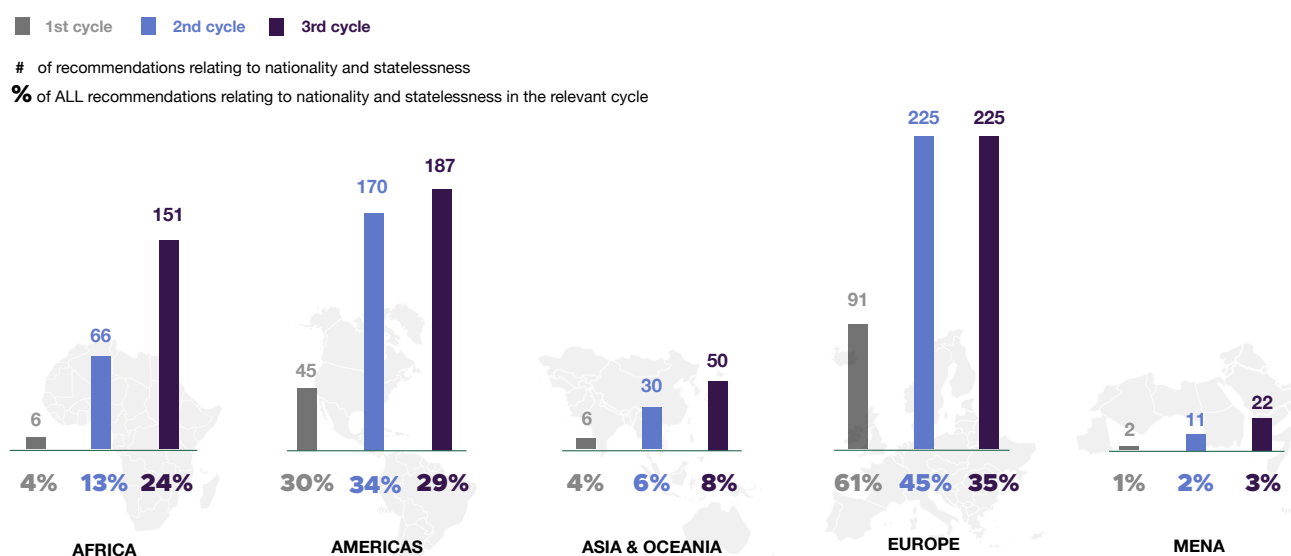


FIG. 6 Comparative regional data for the 3rd cycle of the UPR

of recommendations relating to nationality and statelessness

■ Recommending states by region, 3rd cycle

■ States receiving recommendations by region, 3rd cycle

■ States that received recommendations from other states in the same region, 3rd cycle

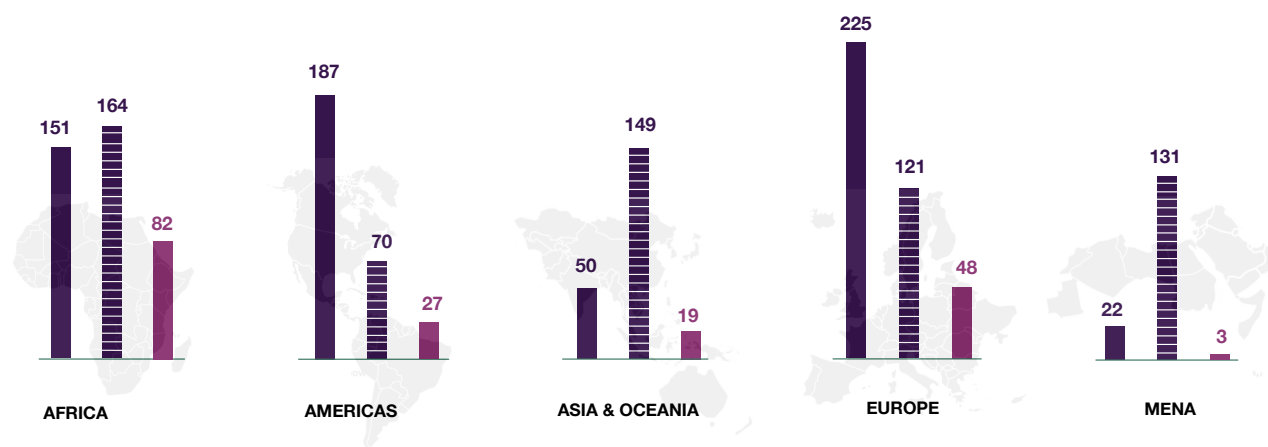


FIG. 7 States that made the most recommendations

| | | | | | | | |
|---------------|----|--------------|----|-----------|----|-------|-----|
| MEXICO | 37 | URUGUAY | 23 | SPAIN | 17 | | |
| CÔTE D'IVOIRE | 29 | SIERRA LEONE | 18 | ARGENTINA | 16 | | |
| BRAZIL | 25 | KENYA | 18 | HONDURAS | 16 | OTHER | 436 |

2.4

Which States Have Made Recommendations on Nationality and Statelessness?

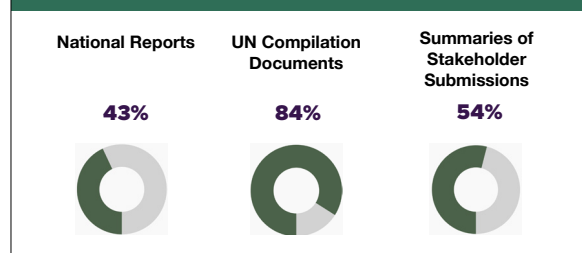
In the UPR, the review of a state's human rights record is based on three main sources of information:

1. **The State under Review**, which submits a *National Report* in which it presents information on the human rights situation in its own country.
2. **Other parts of the UN system** – including UN Agencies, special procedures, and treaty bodies – whose submissions are summarised by OHCHR in the *UN Compilation Document*.
3. **Civil society** – including NGOs, National Human Rights Institutions, and regional organisations – whose submissions are compiled by OHCHR into a *Summary of Stakeholder Submissions*.

These documents are made available through the OHCHR website in advance of the review. In determining what recommendations to make, states will also consider information which reaches them through other channels. These might come, for example, from their own bilateral contacts, or through direct advocacy by civil society organisations (including by way of the widely attended 'Pre-Sessions' convened by UPR Info).³² The extent to which states will be aware of nationality and statelessness issues in a particular state under review – and will have sufficient knowledge of the problems to be motivated and able to make recommendations – is therefore influenced by the degree of attention these topics receive across all different information channels. With this in mind, evaluating the in-flow of information on nationality and statelessness can provide a

valuable additional lens through which to assess how the UPR mechanism is performing across all relevant stakeholder groups.

FIG. 8 Overview of frequency of nationality/statelessness mentions in state vs. UN vs. stakeholder reports



1. NATIONAL REPORTS

Each UPR starts with the submission of a National Report by the state under review (guidance on how to structure this report is provided by OHCHR). During the First and Second Cycles, no space was allocated within the guide template for reporting on the right to nationality or the human rights violations experienced by stateless people. At the time, information on statelessness "was typically squeezed under the heading of migrants, refugees, asylum seekers and internally displaced persons".³³

As of the start of the Third Cycle, the OHCHR guidance was updated, and “Stateless” was added as a separate group under the heading of “Rights of Specific Groups”. This new group has been carried over into the Guidance Note for the fourth Cycle.³⁴ It is important to note, however, that the right to nationality is not specified separately as an issue area for the state to report on – neither in the civil and political rights section of the template, nor as a note or instruction where the template refers to stateless people as a specific group.

In the Third Cycle, almost half of all National Reports included references to statelessness or the right to nationality (43%), but only 27 states (14%) included statelessness as a separate heading or category. Moreover, a number of countries with sizable stateless populations, and who were already facing serious human rights violations, did not even mention statelessness (or only briefly so) in their National Reports. Myanmar, for example, did not include nationality or statelessness in its report, while the Dominican Republic and Kuwait made only very sparse references to citizenship questions.

Where nationality and statelessness issues were addressed in National Reports, what information was provided varied considerably. Some addressed (steps towards) ratification of the statelessness conventions; some a description of citizenship legislation; and some the announcement of new acts related to the right to a nationality. Some countries also referred to previous recommendations received on these issues through the UPR or other human rights mechanisms, and presented information on (intended) steps towards implementation. For instance, Lebanon received 16 recommendations in the Second Cycle, most of which addressed the country’s gender discriminatory nationality laws. In response to recommendations by Czechia, Denmark, Kenya, and France, Lebanon’s subsequent National Report made mention of *“a number of bills and proposals to amend the Nationality Act so as to allow Lebanese women married to foreigners to transmit their nationality to their children”* (it should be noted, however, that at the time of writing, in November 2022, these initiatives have yet to progress any further).

2. UN COMPILATION DOCUMENTS

Other UN mechanisms also inform, reinforce, and complement the UPR process. UN Agencies can prepare submissions on the state under review, while the work of UN Treaty Bodies and Special Procedures is brought in through the canvassing of any concluding observations and recommendations that they have issued. OHCHR is responsible for compiling this information into a UN ‘Compilation Document’, which can then be used during the UPR process. **During the Third Cycle, nationality and statelessness issues were included in 162 of the 193 UN Compilation Documents (84%). Statelessness in particular was afforded increased visibility, being included as a separate category or heading in 134 of the aforementioned UN Compilation Documents.**

It has been established by the UN Secretary General that “all UN entities system-wide” have an important role to play in addressing statelessness.³⁵ Among these, UNHCR has a distinct role to play, having been entrusted by the UN General Assembly with a mandate relating to the identification, prevention, and reduction of statelessness, and the protection of stateless people. Information concerning nationality and statelessness issues which was submitted specifically by UNHCR was included in 114 of the UN Compilation Documents – over two thirds of the ones which addressed these topics – clearly establishing the value of the agency’s engagement with the submission process. Out of the 45 states that received five or more recommendations on nationality and statelessness within this Third Cycle, 44 of them had UN Compilation Documents mentioning these issues, showing that such information also has a substantial impact on UPR outcomes.

3. STAKEHOLDER SUBMISSIONS AND CIVIL SOCIETY ENGAGEMENT

There are a number of ways in which civil society can engage with the UPR. These include making written submissions, which are then compiled by OHCHR into a Summary of Stakeholder Submissions. As with the revision of the OHCHR Guidance Note for National Reports, certain changes in the civil society landscape have also helped efforts to highlight the right to a nationality, and the rights of stateless people, as human rights issues that warrant attention within the UPR.

Ahead of the Third Cycle, UPR Info adjusted its database to allow the user to easily access UPR recommendations on these specific issues. In December 2020, ISI launched its own, more detailed, analytical database. This enables not only ready-access to, but also in depth comparison of, recommendations on nationality and statelessness across *all* UN human rights mechanisms, providing another significant tool to inform ongoing engagement into the fourth Cycle.

During the Third Cycle, 104 of the Summaries of Stakeholder Submissions (54%) included references to nationality and statelessness issues – 82 of which included this as a separate category. ISI has played an influential role in mobilising attention towards these topics. In collaboration with various partner organisations, it has made (joint) submissions for over a third of all states under review in the Third Cycle (74 in total from the 27th until the 40th session). For 63 of these states (for which ISI made a joint submission), statelessness was included as a separate category in the Summary of Stakeholder Submissions. There is also a discernible correlation between stakeholder information and recommendations. Of the 45 countries that received five or more recommendations on statelessness, 36 had statelessness included in the Summary of Stakeholder Submissions (80%). And in 27 of these cases, statelessness was included as a separate category (60%).

2.5

How Have Recommendations on Nationality and Statelessness Been Framed?

In order to maximise the effectiveness of the UPR mechanism, recommending states are encouraged to make *concrete* and *action-oriented* recommendations with an aim to lead, when implemented, to an improvement of the human rights situation on the ground.³⁶ OHCHR’s technical guidance for submissions by UN entities, as well as by other stakeholders, urges the formulation of S.M.A.R.T. recommendations, namely ones which are Specific, Measurable, Achievable, Results-Oriented,

and Timebound. Follow up on – and reiteration of – previous recommendations is also encouraged wherever applicable.³⁷ OHCHR further suggests that states should consider linking relevant human rights topics and recommendations with their corresponding 17 Sustainable Development Goals of the 2030 Agenda for Sustainable Development.³⁸ The aim is to stimulate not only cross-fertilisation within the UN human rights system, but also complementarity with the UN’s development agenda.

Looking at those UPR recommendations which relate to nationality and statelessness from the perspective of *framing* and *language* reveals a **growing tendency towards direct references to statelessness, and an increase in recommendations that contain concrete actions to be implemented**. Across all three Cycles, recommendations directed towards accession to one or both of the UN statelessness conventions account for a significant portion of those that are both specific about, and that explicitly mention, “stateless” or “statelessness” (59 in the First Cycle, 83 in the Second and 163 in the Third). As shown in Figure 9, when these are removed from the equation the clear picture which emerges is that direct references to statelessness have increased from 11% of relevant recommendations in the First Cycle, to 25% in the Third. Recommendations on nationality and statelessness that propose specific implementing measures have similarly increased, in this case from 23% in the First Cycle to 35% in the Third (this is discussed further in Section 3.7).³⁹

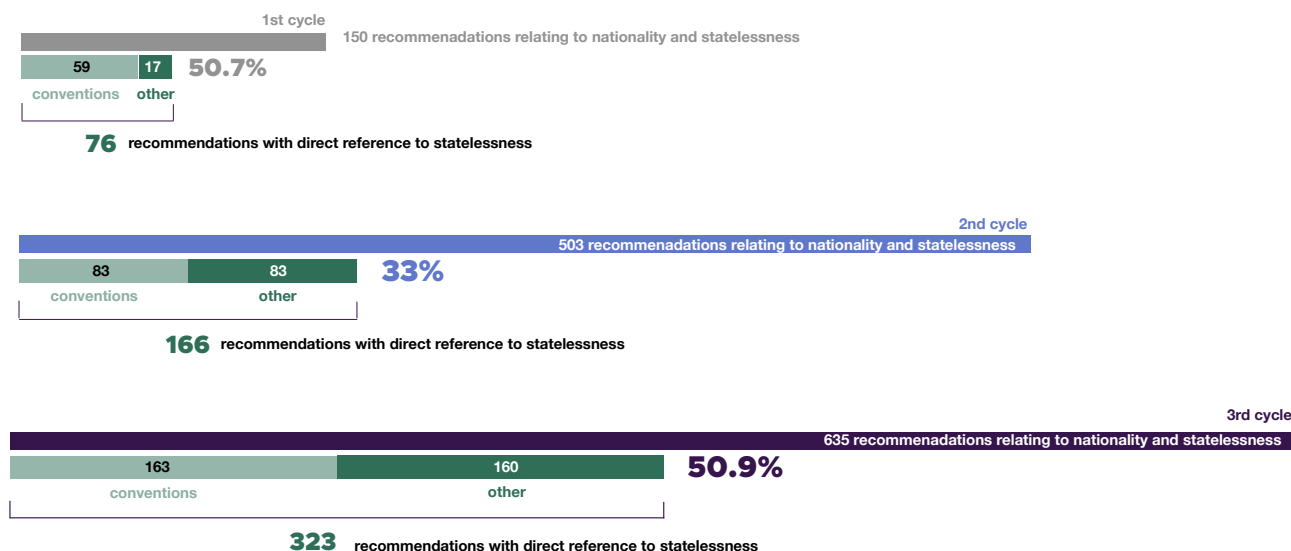
Not all of these recommendations adequately reach S.M.A.R.T. standards. Even where the language is action-oriented, or it suggests the implementation of a concrete measure, it can still remain vague or superficial. Consider for example, the recommendation by Angola to Sudan in the Third Cycle to “*Take legislative and administrative measures to combat statelessness*”. And, in contrast, the recommendation by Togo to Armenia in the same Cycle, to “*Design and adopt legislation with regard to stateless persons to register them and to provide them with identity documents*”. This latter recommendation is both more specific in its goals, and more measurable in its implementation.

The Third Cycle has also seen some instances of recommendations from the previous Cycle(s) being repeated, or reinforced, where they have not been implemented. This demonstrates that a number of states have committed

themselves to ensuring follow-through on these human rights issues. For example, during the review of Brunei Darussalam, in the Second Cycle, France issued the recommendations to: “*Respect the fundamental principle of equality between men and women, in particular by allowing women from Brunei Darussalam to transmit their nationality to their children*”, and to “*withdraw reservations to CEDAW*”. In the Third Cycle review, France repeated these recommendations to Brunei Darussalam almost verbatim.

Looking ahead to the 2030 Agenda for Sustainable Development, numerous Goals and Targets are directly relevant to ensuring the right to nationality and protecting the human rights of stateless people. Despite this, only two of the Third Cycle recommendations on these issues made explicit reference to the Sustainable Development Goals (SDGs). Switzerland recommended to Côte d'Ivoire that it “*continue the work on the continental and subregional initiatives in the area of statelessness through the adoption and implementation of the national action plan on statelessness, in accordance with the commitment made in the Abidjan Declaration and target 16.9 of the Sustainable Development Goals*”. And the Netherlands similarly recommended Qatar to “*withdraw its reservations to the Convention on the Elimination of All Forms of Discrimination against Women, such as those concerning the right of a child to obtain Qatari nationality from a Qatari woman married to a foreign man, in line with Sustainable Development Goals 5 and 10*”. While cross-references to the SDGs have not (yet) become common practice, these examples demonstrate how they could readily be brought into the UPR mechanism. It should be noted that the entire Third Cycle produced just 171 recommendations with explicit reference to the SDGs, so this is a practice that has yet to be fully embraced.

FIG. 9 Direct reference to statelessness



2.6

How Have States Responded to Receiving Recommendations on Nationality and Statelessness?

A key indication of how recommendations on a particular human rights issue are received, is the level of support that they achieve, measured by way of whether they are 'accepted', or merely 'noted'. In cases where UPR recommendations are *accepted* by a state – publicly in front of its peers and other stakeholders – this presents an important entry point for positive engagement on implementation. Recommendations that are only *noted*, meanwhile, carry forward with less weight, and may require the development of further strategies on actions “that could be taken to move forward on these more sensitive issues”.⁴⁰

Across the UPR mechanism as a whole, the acceptance rate for recommendations has remained relatively stable over time at around 75% (according to a study that considered the first 3 Cycles).⁴¹ But the acceptance rate for recommendations specifically relating to nationality and statelessness has been lower, averaging only 53% across the three Cycles. Even more concerningly, as shown in Figure 10, that **acceptance rate has decreased over time, from around two thirds of recommendations in the First and Second Cycle, to just 43% of the 182 states whose responses are known in the Third Cycle**. And the acceptance rate is slightly lower still for recommendations that make direct reference to statelessness – only 37% of these were accepted in the Third Cycle.⁴²

Existing analysis of the Second Cycle revealed that recommendations on certain issue areas within the broader field of nationality and statelessness were particularly prone to being rejected. This occurred in instances where the recommendations were “perceived as ‘political’, or interfering with matters of State sovereignty or matters where the state has an established position [... including] recommendations on specific situations, which by their nature tend to be sensitive and often relate to the situation of minorities”.⁴³ This behaviour was also evident in the Third Cycle, in which the acceptance rate for recommendations related to discrimination in nationality rights on the grounds of race and ethnicity was 0%.

In contrast, topics that have traditionally been regarded as less controversial – such as birth registration, or the provision of identity documentation – have continued to benefit from a relatively high rate of acceptance during the Third Cycle (77% and 69% respectively).

Crucially, though, recommendations are still valuable even if they are not accepted by the state under review. This is because they “indicate interest in an issue and assert the appropriateness of addressing it through human rights mechanisms [and] serve to raise awareness among other actors, put pressure on the State under Review and be tools for advocacy both at the national level and with regard to the need for follow up in subsequent cycles”.⁴⁴ Continuing and expanding engagement through the UPR on issues such as, for instance, the nationality rights of minorities or citizenship deprivation practices, will be critical in the longer term towards promoting a human rights based understanding of such situations.

One final noteworthy measure of how states have responded to recommendations on these issues within the UPR system, is the attention that they have received in Mid-term reporting. States can choose to submit Mid-term reports on a voluntary basis. As of the time of writing, 32 have provided such a report regarding plans to implement recommendations from the Third Cycle. Some of these Mid-term reports include references to statelessness and nationality issues. As yet, however, there is not enough consistent evidence to identify trends across Mid-term reporting. For instance, Montenegro received two recommendations on statelessness, and took the opportunity to elaborate on a new Law on Foreigners. Meanwhile, Botswana, Poland, and Malaysia each received several recommendations related to nationality and statelessness in the Third Cycle, but none mentioned them at all in their Mid-term reporting. Finally, Brazil, despite not having received any such recommendations, made mention of new legislation on statelessness determination, pro-actively bringing the issue into its Mid-term reporting.

FIG. 10.A Acceptance rate of recommendations relevant to nationality and statelessness

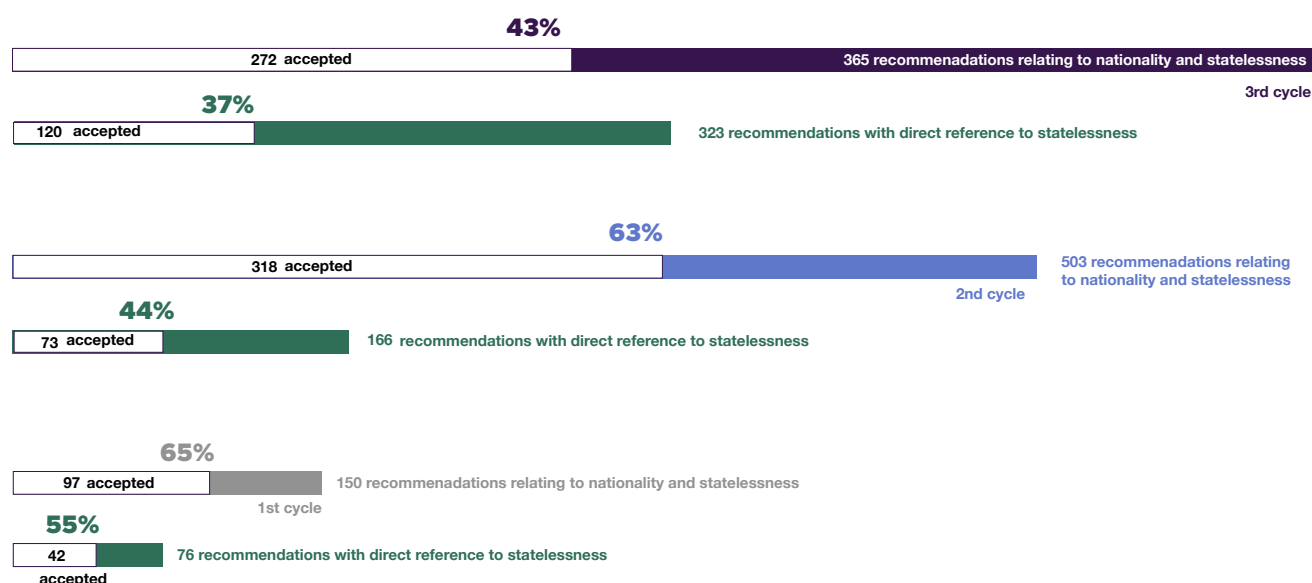
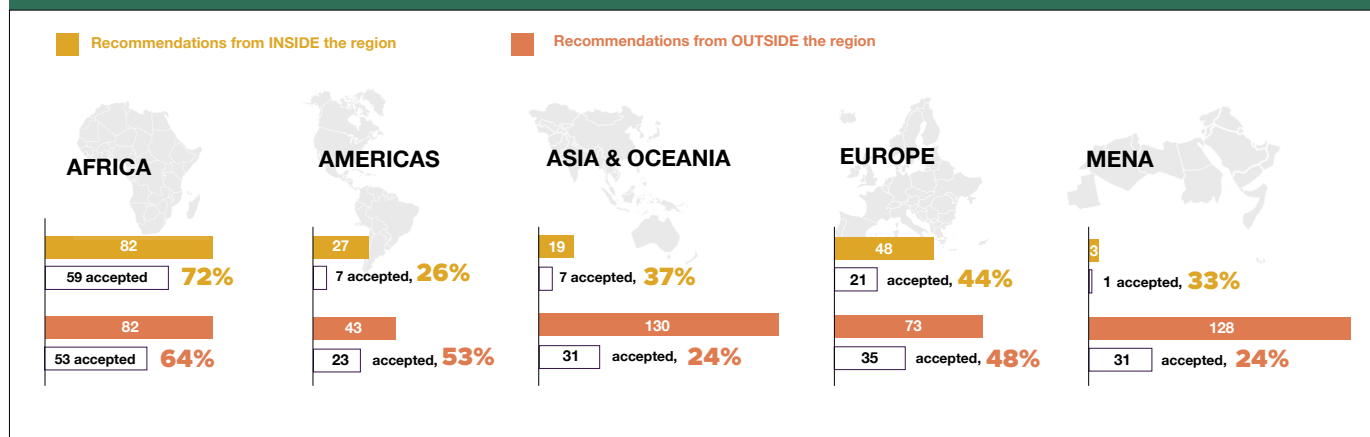


FIG. 10.B Acceptance rates of in-region vs outside region recommendations



2.7

Key Takeaways

Ever since the Universal Periodic Review (UPR) first became operational in 2008, the right to a nationality and the rights of stateless people have featured amongst the stated issues it has addressed. Over the ensuing three UPR Cycles, the number of recommendations on these issues has exponentially grown – from 105 recommendations in the First Cycle, to 635 in the Third. Observable trends on the input and engagement of UPR stakeholders – as well as the outputs of the process across all three UPR Cycles – confirm that the right to a nationality and the rights of stateless people are increasingly becoming mainstream, cross-cutting human rights issues.

In a broader context, the increase in recommendations is a result of an increase in information inputted into the UPR process by different stakeholders. The evolution of interest in – and engagement with – matters of nationality and statelessness within the UPR, correlates with wider efforts on these same issues. Unlike the First UPR Cycle (2008 to 2011), the Second and Third Cycles (2012 to 2016, and 2017 to 2022, respectively) brought increased engagement on statelessness and nationality from UN agencies and bodies, as well as from civil society. In 2011, in fact, the UNHCR declared statelessness, and violations to the right to a nationality, to be the most forgotten human rights problem in today's world. Shortly after this, these issues began to garner more attention.

Over the course of the Second UPR Cycle (2012 to 2016), UNHCR developed specific guidelines on nationality and statelessness. The #Ibelong Campaign to End Statelessness by 2024 was also launched. This further encouraged UN agencies, along with the #Ibelong Group of Friends (states), to engage in the UPR process. Several individual states have since emerged as key promoters of the right to nationality and/or the rights of stateless people through the UPR, with almost a third of all recommendations delivered by just nine countries (Mexico, Côte d'Ivoire, Brazil, Uruguay, Sierra Leone, Kenya, Spain, Argentina, and Honduras). It should be noted, however, that engagement on nationality and statelessness matters has not always been systematic, and there is yet ample scope to further strengthen the consistency with which states 'champion' particular human rights issues relating to nationality and statelessness.

At the same time, more civil society organisations have focused on statelessness. In a bid to bolster international attention towards issues of statelessness in countries across the globe, these organisations increasingly began to collaborate in drafting and submitting joint alternative reports for states under review. During the Second and Third Cycles, for instance,

ISI made 96 joint UPR submissions in collaboration with other civil society organisations and people with lived experience of statelessness. Of these, 74 submissions were made during the Third Cycle, and formed part of civil society's efforts to systematically include critical language on nationality and statelessness and suggest recommendations on these matters for states undergoing the UPR process. During the Third Cycle (2017 to 2022), approximately 80% of states under review received at least one recommendation relating to nationality and statelessness (152 out of 193 states). This statistic reflects the fact that statelessness is a global phenomenon, which affects individuals or groups in different contexts and across all regions of the world.

Revisiting the overall output of the UPR process, most recommendations were issued to states under review which were facing big statelessness crises at the time of the UPR Cycles. These included Myanmar (55 recommendations) and the Dominican Republic (21 recommendations). The Second and Third Cycles saw many states with more than 10,000 stateless people mapped, receive at least two recommendations. However, 41 states under review have yet to receive any recommendations relating to nationality or statelessness, meaning that in more than 20% of countries under review, statelessness has not been addressed.

Focusing upon states that received the highest number of recommendations on nationality and statelessness, African states have been consistently positioned at the forefront, followed by the Asia Pacific region. Several factors influence the level of attention accorded to nationality and statelessness within the UPR. These include the severity of the problem within the country in question; the extent to which there are 'competing' human rights challenges in that country which also warrant attention; the visibility of the problem; and simply the availability of information. These factors, and others, can lead to situations in which countries with significant statelessness issues receive few, or even no, recommendations on these issues.

Over the course of the Third Cycle, the 635 recommendations relating to nationality and statelessness were issued by 121 states. The statistical data presented in Section 2 (See Figure 5) reveals a shifting picture of relevant recommendations made across all three UPR Cycles, with African states in particular becoming more strongly engaged over time, and states in Asia and the MENA region also demonstrating increased levels of engagement.

Turning to look at stakeholder engagement with the states under review in the Third UPR Cycle, almost half of all the National Reports included references to statelessness or the right to nationality (43%), but only 27 states (14%) included statelessness as a *separate* heading or category. In UN Compilation reports – in contrast to state engagement – nationality and statelessness issues were included in 162 of the 193 documents (84%). Statelessness in particular was afforded increased visibility, being included as a separate category or heading in 134 of the aforementioned UN Compilation Documents. Moreover, 104 of the Summaries of Stakeholder Submissions (54%) included references to nationality and statelessness issues.

Analysing UPR recommendations which relate to nationality and statelessness from the perspective of *framing* and *language* reveals a growing tendency towards direct reference to statelessness, and an increase in recommendations that contain concrete actions to be implemented. However, not all these recommendations adequately reach the suggested S.M.A.R.T standards (see page 19). Despite the evident relevance of numerous Sustainable Development Goal (SDG) targets, in the context of nationality and statelessness, only two of the

Third Cycle recommendations on these issues made explicit reference to the SDGs.

The acceptance rate of recommendations relating to nationality and statelessness by states under review has decreased over time from around two-thirds in the First and Second cycles, down to just 43% of the 182 states whose responses are known in the Third Cycle. It should be noted however that at the time of writing the report, data on the status of recommendations, i.e. accepted or noted, is not available for the 40th UPR sessions, and thus the final percentage will be amended once that information has been released. Recommendations on certain issue areas within the broader field of nationality and statelessness were particularly prone to being rejected. These instances have been identified as ones where the recommendations were “*perceived as ‘political’, or interfering with matters of State sovereignty or matters where the state has an established position.*” On the other hand, topics which have traditionally been regarded as less controversial – such as birth registration, or the provision of identity documentation – have continued to benefit from a relatively high rate of acceptance during the Third Cycle (77% and 69% respectively).

3.

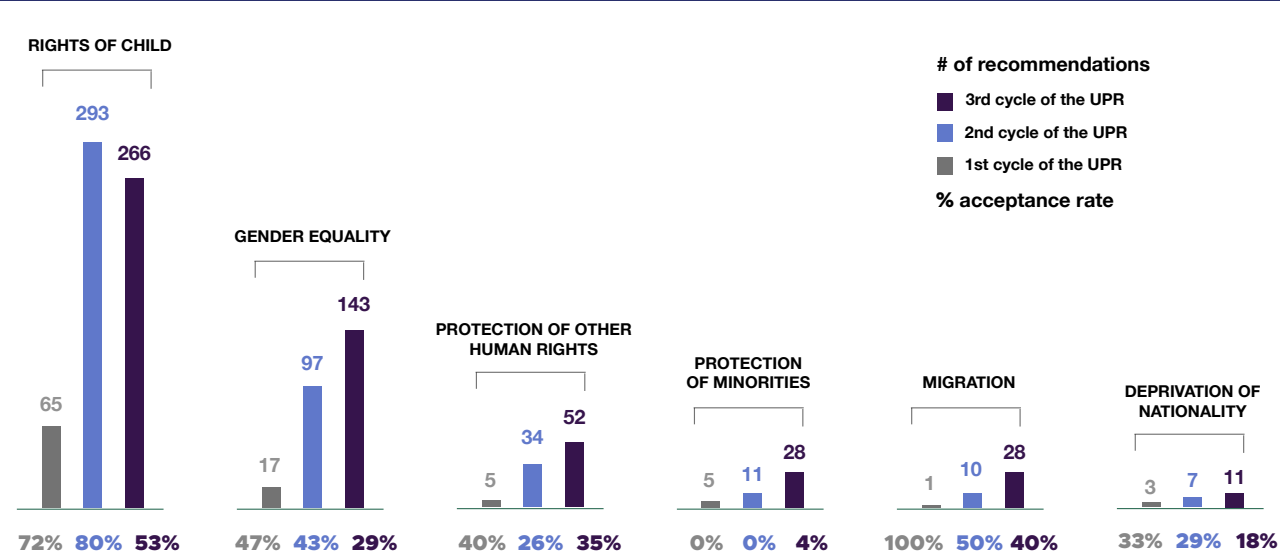
A Closer Look at
Nationality and
Statelessness as
Cross-cutting Issues
in the UPR

Statelessness is the most extreme violation of the right to a nationality. It is often the result of discrimination – against women, ethnic minorities, and other groups – in violation of human rights standards. Protecting the right to a nationality and ensuring that stateless people can exercise their human rights (in the absence of nationality), are both critical, cross-cutting issues international human rights issues which have been, and should continue to be, addressed through the UPR process.

Figure 11 identifies the cross-cutting human rights themes for which recommendations on nationality and statelessness were made during the Third UPR Cycle. **In this Third Cycle, statelessness and the right to a nationality have predominantly been addressed as a ‘child rights’ issue; as a ‘gender equality’ issue; or as a ‘protection’ issue.** Many of these recommendations have pointed to specific and/or practical measures the receiving state should implement to better protect the right to a nationality or the rights of stateless people. **To a far lesser extent, statelessness and the right to a nationality have been raised as a ‘minority’ issue; a ‘migration issue’; or in the context of the ‘loss (or deprivation) of’ nationality.** In reality, these are all key contexts in which violations of the right to a nationality and the rights of stateless people occur.

This section of the report delves in more detail into the broader human rights categories for which UPR recommendations have been issued across all three Cycles. It explains which specific human rights challenges may emerge at the intersection between another, ‘broader’ human rights problem, and nationality and statelessness. It unpacks the various patterns and trends that can be observed from UPR engagement on nationality and statelessness across the three Cycles. It then breaks down these patterns by looking at the progression over time, in recommendations and acceptance rates, per topic; the language used to frame recommendations; geographic coverage; and how states have responded to the various thematic recommendations. The concluding part of this Section (3.8) outlines the key takeaways from this analysis.

FIG. 11 Cross-cutting recommendations on nationality and statelessness, per theme



3.1

Rights of the Child

The rights of the child have received significant attention within the UPR: 19% of all First UPR Cycle recommendations addressed children's rights; increasing to 22% in the Second Cycle; and 23% in the Third (up until the 37th session).⁴⁵ In line with this broader trend, **recommendations on childhood statelessness, and on the child's right to a nationality, more than quadrupled overall – from 65 in the First Cycle to 266 in the Third** (see Figure 12). In the Third Cycle, 42% of all recommendations relating to nationality and statelessness centred around this nexus of the rights of the child.

Across all three Cycles, states have shown a predominant interest in issuing recommendations aimed at ensuring access to birth registration.⁴⁶ Birth registration is critical because it provides official evidence of key facts relating to a child's birth – including birthplace and parentage – without which a child may face difficulties in proving their entitlement to nationality under the law.

Promoting birth registration can have a positive knock-on impact on protecting the child's right to nationality, and of

the 266 Third Cycle recommendations relevant to childhood statelessness, 122 were focused on birth registration. It is important to note, however, that lack of birth registration is neither synonymous to – nor a main cause of – childhood statelessness. Thus, while birth registration is often a crucial factor in establishing nationality and preventing statelessness, other pressing issues relating to childhood statelessness also require attention.

In light of this, it is encouraging to note that **54% of Third Cycle recommendations relevant to nationality and statelessness issues for children focused on other topics than birth registration (144 out of 266 recommendations).** Although many of these were framed in rather general language, there were also – and increasingly – examples of concrete and actionable recommendations which engaged with *specific* nationality and statelessness problems faced by children, as set out below.

Central to their obligation to fulfil every child's right to acquire a nationality, states bear a responsibility to provide for the conferral of nationality to all children born in their territory if

they would otherwise be stateless. This responsibility is not affected by the children and their parents' legal status; or by their parents' past opinions or activities. **20 recommendations issued over the course of the Third Cycle were focused on ensuring the right to nationality among otherwise stateless children born in the territory (as compared to 18 in the Second Cycle, and only two in the First).**⁴⁷ For the most part, these focused on amending laws in ways which would introduce (or improve) safeguards towards ensuring a nationality for all children born in the territory who would otherwise be stateless. Some recommendations combined promoting (or improving) safeguards with other related measures. The recommendation to Iceland, for example, to *establish a formal statelessness identification and determination procedure, in accordance with human rights obligations and standards, and encourage revision of the nationality law so that stateless children born in the State may have the right to acquire Icelandic nationality. Or that to Lesotho, to amend legislation to ensure universal, free and accessible birth registration, and adequate safeguards against statelessness for children born in the territory.*

The above are important examples of recommendations geared specifically towards ensuring every child's right to nationality. **However, only a very small proportion of the 60 states (globally) which have no safeguards have received a relevant recommendation on this issue; and many existing safeguards are either inadequate or poorly implemented.**⁴⁸ This is an area in which there is significant room for improvement in the degree and consistency of UPR engagement.

Other contexts in which children face the risk of statelessness include where they have been abandoned ('foundlings'), and in some cases of international adoption or surrogacy arrangements. More than 50 countries have no safeguards to prevent statelessness among foundlings. Despite this, **only two recommendations issued in the Third Cycle related to ensuring the right to nationality among foundlings** (Nauru and Botswana). In the same Cycle, Barbados was alone in receiving a recommendation in relation to access for nationality in situations of adoption, and this was primarily focused on removing gender discrimination. It urged Barbados to *"amend national legislation to ensure equality in nationality law, facilitating the acquisition, changing and retention of nationality and allowing mothers to transfer their nationality to their offspring regardless of whether or not they are adopted"*. Further known gaps in nationality laws and practices that might expose children to statelessness in the context of adoption or surrogacy – such as limitations for same-sex couples to transfer their nationality – have yet to receive any attention within the UPR.

Three recommendations issued in the Third Cycle focused explicitly on ensuring the right to nationality for children who are born abroad to a parent who is a national. These were issued to Syria, Liberia and Barbados, and were focused on the lack of access to a nationality of the citizen mother due to gender discriminatory nationality laws. They sit alongside a larger body of recommendations focused on aligning the right of women to transfer their nationality to their children on equal terms with men (see section 3.2). Meanwhile, other conditions remain in which access to nationality for children born abroad is restricted – such as where there are registration or residence requirements – which have not been raised under the UPR, despite the potential impact of such policies on the child's right to nationality and exposure to statelessness.⁴⁹

The emerging overall picture is that while children's rights issues (in a broad sense) are always placed high on the human rights calendar, **the UPR has so far addressed children's rights issues in relation to nationality and statelessness (specifically) in only a limited way.** Although the scope of recommendations issued has extended beyond promoting the right to birth registration, it has yet to deliver systematic or comprehensive engagement with the different contexts in which the child's right to a nationality is violated.

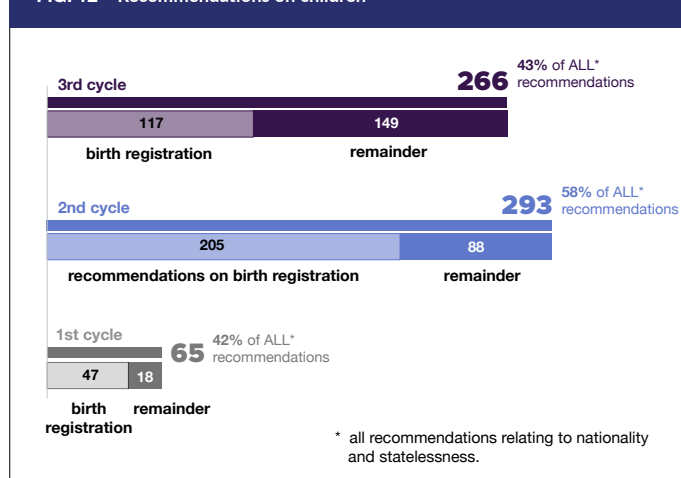
CHILDREN, NATIONALITY, AND STATELESSNESS

Nationality plays an often unseen, but fundamentally important, part in the life of a child. Without a nationality, children can have difficulty exercising their rights; they can become outcasts in their own country; and they can struggle to feel like they belong, and thus grow up to be disenfranchised and excluded adults. International human rights law clearly articulates the right to a nationality of every child, most notably in Article 7 of the UN Convention on the Rights of the Child. Among others, SDG 16.9 complements this with the target of achieving a legal identity for all, including birth registration. Yet, children are still being denied the right to a nationality in a wide range of contexts across the world, affecting their sense of identity and enjoyment of other rights – including the right to education, health and freedom of movement.

The main causes include a lack of proper documentation at birth, and situations of discrimination or displacement. Moreover, when there are no proper legal safeguards in place to provide for citizenship if the child would otherwise be stateless, this can lead to inter-generational statelessness. It is estimated that a child is born stateless somewhere in the world every ten minutes. With statelessness spreading faster than it is being solved, it is crucial to hold states accountable within the UPR process for failing to protect and fulfil every child's right to a nationality.



FIG. 12 Recommendations on children



3.2

Gender Equality

The violation of women's equal nationality rights has gained increasing attention throughout all three UPR Cycles. In total, 143 recommendations on gender discrimination in nationality laws were issued to 35 countries across the Third Cycle – more than eight times the number of recommendations issued during the First.

As can be seen in Figure 13, the steepest rise in recommendations occurred between the First and Second Cycles (from 17 to 97). This increase correlates with concerted advocacy on gender equal rights over the past ten years (see also in Section 2.1 'Case Study: A concerted push for women's equal nationality rights'). It also aligns, within the UPR process, with an overall trend of increasing attention towards women's rights (from 3,500 recommendations issued on gender equality during the First Cycle, to 7,200 recommendations issued in the Third). It is noteworthy that rises occurred in both the number of states engaging with the issue of gender equality in nationality matters, and the number of recommendations made by each state.

Even though the number of recommendations issued in the Third Cycle was significantly higher than in previous ones, less than a third (29%) of these were *accepted* – constituting a reduction from the previous cycle. The acceptance rate for statelessness is already considered low, and the decline to 29% for gender discrimination is particularly concerning. It is clear that reiterating these recommendations will be crucial during the Fourth Cycle.

Moreover, **attention towards this issue has been inconsistent.** Nationality laws in 25 countries worldwide continue to raise barriers to women passing on their nationality to their children on an equal basis with men. And more than 50 countries have limitations for women to confer nationality to spouses in an equal manner to men. But despite this, only 34 countries received relevant recommendations in the Third Cycle. Taking an overall view of this issue, there has been more consistent engagement with the transfer of nationality to children than to spouses. A closer look at the language used also reveals that most countries (21 out of 30) received recommendations that were framed in rather general terms. Recommendations, for example, which propose a need to amend national legislation, but which provide no further specification. Take, for instance, the following recommendation issued from Czechia to Kuwait: *"Remove all gender-discriminatory provisions from the Nationality Law"*. While the reference to *"all gender-discriminatory provisions"* can be read as ensuring equality in both the transfer of nationality to children and to non-national spouses, it is simply not made explicit, and this may very well impede an effective implementation of the recommendations.

With the exception of Iran and Somalia, all countries with gender discriminatory nationality laws that affect the right of women to transfer their nationality to children on equal terms with men have received at least one recommendation on this issue, making it the issue that received the most comprehensive attention over the course of the Third UPR Cycle. In the great majority of cases, states were urged to amend their nationality laws towards ensuring equal rights between men and women to confer their nationality to children. The language of these recommendations sometimes also highlighted the importance of implementing such reforms, as can be seen in this example issued by the USA to Kuwait: *"Strengthen women's rights by amending the Nationality Law to ensure Kuwaiti women have equal rights with men to transmit citizenship"*. However, the number of recommendations which were issued to any particular state varied, as did the acceptance rate. During the Third Cycle, Lebanon, Kuwait, and Qatar received a combined total of 34 recommendations to amend their laws with a view to ensure both women and men can equally transfer nationality to their

GENDER EQUALITY IN NATIONALITY LAWS AND PRACTICE

Nationality laws in 25 countries worldwide impose barriers for women to passing on their nationality to their children on an equal basis with men. About 50 countries deny women equal rights with men to acquire, change, or retain their nationality, or to confer nationality on their non-national spouses. Today, countries with gender discriminatory nationality laws can be found in the Middle East and North Africa region, Africa, Asia, and the Americas.

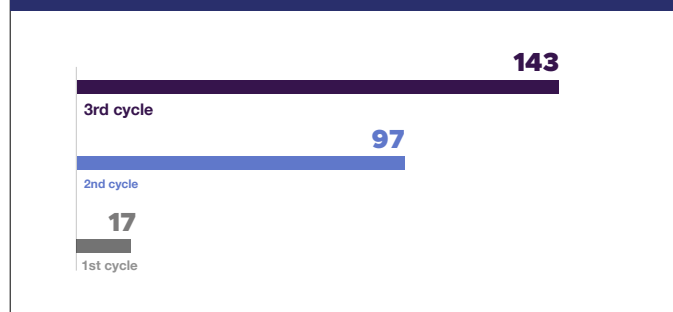
When a woman is prevented from passing her nationality to her children, they are reliant on the father for acquiring a nationality. If the father cannot pass on his nationality, has no nationality to confer, is unknown or simply unwilling to do so, the child can become stateless. Gender discriminatory nationality laws generate and perpetuate statelessness.

Article 9 of the UN Convention on the Elimination of All Forms of Discrimination against Women explicitly protects women's equal nationality rights. The Committee on the Elimination of Discrimination Against Women (CEDAW) has recognised this article to be among those provisions that are "central to the object and purpose of the Convention."

Stateless women and girls are often marginalised, deprived of the right to vote or stand for public office, may be denied access to public benefits, choice of residence and free movement, education, health care, property or employment. At the same time, gender discrimination in nationality laws reflects – and contributes to – wider inequality in society, and constitutes an obstacle to preventing violence against women.



FIG. 13 Recommendations on gender equality



children. None of these recommendations were accepted, and the three countries continue to deny women the right to confer nationality to their children under *any* circumstances.

Overall attention to gender discrimination in citizenship laws has increased in correlation with concerted global efforts to raise awareness on this issue. Despite this trend, however, **discrimination in the conferral of citizenship to spouses has not proven to be an issue consistently raised across any of the three UPR Cycles to date.** Bangladesh, the Central African Republic and Pakistan are among the 50 countries that discriminate in the conferral of citizenship to spouses, and yet not one of them received recommendations on this issue.

Engagement on states' reservations to Article 9 or Article 9(2) of The Committee on the Elimination of Discrimination against Women (CEDAW) has also been inconsistent. Of the fifteen states that currently maintain reservations, only

seven received recommendations to lift them.⁵⁰ Syria, the UAE, Kuwait and Bahrain are among the countries that have reservations in place, yet did not receive recommendations to withdraw them. And even in the cases where recommendations were issued, they did not necessarily yield results. Germany, for instance, recommended that Jordan should *"withdraw its reservation to Article 9 (2) of the [CEDAW] and amend the Law on Nationality so that Jordanian women may pass on their citizenship to their children on an equal basis with Jordanian men, and end the discrimination against all non-citizen children of Jordanian women"*.⁵¹ None of these recommendations were accepted.

Concerns about the consistency, the language, and the acceptance rate of recommendations persist. Despite these, however, it is evident that efforts to push the issue of gender discrimination on nationality rights onto the international stage – and within the broader women's right agenda – have already secured significant advances within the UPR mechanism.

3.3

Protection of Minorities

During the Third Cycle, 28 recommendations were issued relating to discrimination in the enjoyment of the right to a nationality on the basis of race, ethnicity, religion, disability or otherwise (note that both gender discrimination – which is discussed separately in Section 3.2 – and recommendations on the enjoyment of other rights by stateless people – as discussed in Section 3.6 – may also include recommendations directed towards the situation of stateless *minorities*).

As shown in Figure 14, violations of the principle of non-discrimination in access to nationality have gained increasing attention during the Third UPR Cycle (as compared to the previous two). However, almost two-thirds of those related recommendations issued in the Third Cycle were addressed to Myanmar (18 out of 28), where atrocity crimes against the Rohingya population have drawn attention to the discriminatory nationality system as an underlying driver. Furthermore, despite the significantly higher number of recommendations, *only one of these was accepted by the receiving state.*⁵²

The attention given to nationality rights represents only a tiny fraction of the total recommendations given to minority rights (1371), to racial discrimination (1480), or to freedom of religion and belief (672). **The meagre number of recommendations on this issue stands in contrast to the reality that discrimination against minorities is the principal cause of statelessness globally** (more so than gender discriminatory nationality laws, which received five times more recommendations during the Third Cycle).

Over the course of the Third UPR Cycle, 22 recommendations were issued which explicitly addressed discrimination on the basis of race or ethnicity in the enjoyment of nationality rights. Of these, 18 were directed towards Myanmar, calling for its policies that deny citizenship to ethnic minorities to be repealed. Many of these recommendations to Myanmar made reference to the country's 1982 Citizenship Law, such as in this one issued by Switzerland: *"reform the 1982 Citizenship Act to eliminate citizenship requirements that discriminate on the basis of race, religion and ethnic origin"*. Elsewhere, two recommendations on discriminatory access to nationality were made to the Dominican Republic; while Cyprus and Madagascar received one each. The recommendation to Madagascar – which was also made by Switzerland – makes direct reference to the link between discrimination and statelessness: *"take all measures likely to reduce the rate of stateless persons among the population, regardless of their ethnic or religious origin"*. However, it does not explicitly mention the Karana community, the minority group most affected by this issue in the country.

PROTECTION OF MINORITY GROUPS AND STATELESSNESS

Statelessness is a minority rights issue, with UNHCR estimating that more than 75% of the world's known stateless populations belong to minorities. According to the UN Independent Expert on Minority Issues, these stateless minorities are *"often doubly vulnerable. The discriminatory denial or removal of citizenship may have long-lasting and extreme consequences for the enjoyment of other rights and/or access to services"*.

Among others, Article 5 (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination prohibits discrimination in the enjoyment of the right to a nationality. Yet discrimination on the basis of race, ethnicity or other arbitrary distinctions, continues to be one of the main drivers of the denial or deprivation of nationality. As the UN Special Rapporteur on racism noted, statelessness is often *"the foreseeable product of discriminatory laws, policies and practices that aim to exclude or have the effect of excluding people who are considered as foreign, often on the basis of their race, colour, descent, ethnicity, national origin or religion"*.

The legacy of decolonisation – and more recent incidences of state succession – have led to the (re)drawing of borders; to the (re)definition of national belonging; and in some cases, to the exclusion of minority groups and those with migrant heritage whose ancestors migrated before independence. Elsewhere, nationalism has resulted in individuals who were born and raised in one place being recast as foreigners and excluded from citizenship.

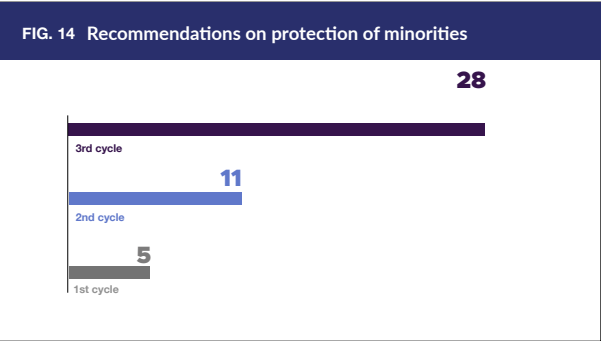


Discriminatory access to nationality on the basis of religion was raised in 15 recommendations – often appearing in conjunction with racial or ethnic discrimination. Once again, Myanmar dominated the picture, with 11 of the recommendations it received also explicitly mentioning religious discrimination. The Maldives was also issued with one recommendation from Portugal to “*remove from Maldivian law all provisions that discriminate on the basis of religion, namely those regarding citizenship, and accede to the United Nations conventions on statelessness*”. Mauritania was issued with two recommendations (from the Holy See and Australia) addressing freedom of religion and the protection from denationalisation in the context of religious conversion.

Taken together, these examples of recommendations issued within the UPR on the elimination of ethnic, racial or religious discrimination offer a clear and powerful insight into the different manifestations of discrimination against minorities in their enjoyment of the right to a nationality, and into how such violations might be raised. And yet, despite the fact that at least 20 states globally maintain nationality laws that allow nationality to be denied or deprived in a discriminatory manner, only a handful of states have received recommendations on these forms of discrimination.⁵³ In many more countries, there remain minority groups that face statelessness due to direct or indirect discrimination that severely impedes access to nationality (such as in Thailand and Kenya, for example, as well as for Roma populations across numerous countries). The mass deprivation of nationality on ethnic, racial, or religious grounds is at the very root of many situations of large-scale statelessness

that endure today (such as for Kurds in Syria, or for Dominicans of Haitian descent in the Dominican Republic).

Since 2017, several prominent initiatives have been undertaken to place the issue of minority statelessness on the global human rights agenda. These have included dedicated work by the UN Independent Expert on Minority Issues; the convening of a UN Minorities Forum on statelessness; and the publication of key resources by UNHCR and others. However, **these endeavours have yet to significantly impact the level of attention given to the topic within the UPR process.** Further efforts will be vital to ensuring that this issue has the attention of both the Human Rights Council, and of states participating in the UPR.



3.4

Migration

A range of different human rights violations can arise where statelessness and migration intersect – making it a greater challenge to map the full extent to which nationality and statelessness issues are raised in relation to migration under the UPR. This section draws together recommendations made on three key issues: Statelessness Determination Procedures (SDPs), the detention of stateless people, and protection of the right to nationality in a migratory or forced displacement context.⁵⁴

As shown in Figure 15, the Third UPR Cycle yielded only 28 recommendations across these topics combined (even though this was a major increase as compared to the First and Second Cycles, it remains a very low number). To put this in context with other figures, during the Third Cycle the rights of migrants and the rights of refugees attracted a total of 1,633 and 666 recommendations respectively. **The specific human rights problems that emerge at the intersection of migration, or forced displacement, and statelessness have yet to receive significant dedicated attention.**

12 of the 28 abovementioned recommendations that fell within these categories were accepted by receiving states, equating to 43%. Thus, although the number of recommendations remained low, the *acceptance rate* was, in fact, relatively high as compared to other nationality and statelessness related topics. This percentage perhaps demonstrates a greater willingness on the part of states to work to address violations of human rights in the area of statelessness and migration, though the overall numbers are too low to confidently draw any conclusions. Moreover, since statelessness arises in a migration context in countries all over the world, the recommendations were also spread across a wide array of receiving states, rather than being heavily weighted to a small number (as is the case of recommendations on the right to nationality for minorities – see Section 3.3).

MIGRATION, NATIONALITY AND STATELESSNESS

Most stateless people have never migrated or been displaced, but live as ‘non-citizens’ in the country of their birth and ancestry. However, migration and statelessness also commonly intersect: statelessness can be a cause or consequence of migration or displacement. For instance, the denial or deprivation of nationality may be one component of a larger policy of oppression or persecution, that forces stateless people to flee their country.

Protecting the right to nationality in a migratory setting also brings distinct challenges. Challenges in relation to preventing statelessness among children of refugees and migrants; to protecting against loss of nationality of the state of origin; and to removing unreasonable obstacles to access to nationality in the destination country. According to Article 29 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), “*each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality*”. Other UN instruments promote access to facilitated naturalisation for stateless people, including stateless refugees.

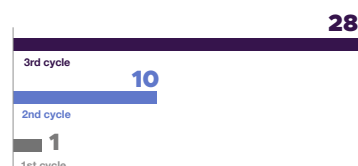
Where statelessness and migration intersect, stateless migrants, refugees and asylum seekers commonly face further discrimination on account of their lack of nationality. They may be prevented from accessing lawful residence and naturalisation in another country; be at

23 recommendations made in the Third UPR Cycle called for the establishment or improvement of SDPs. Eleven of these were accepted by the receiving state (48%). The capacity to identify stateless individuals among mixed populations in a migratory setting is vital to providing adequate rights protection – and yet, few states have dedicated procedures in place. UNHCR guidance sets out that SDPs are needed to uphold the 1954 Convention Relating to the Status of Stateless Persons. Even among states which are party to this instrument, however, the prevalence of SDPs remains low. Fundamentally, the lack of an SDP equates to a failure to uphold the rights of stateless people. This can lead many to face years of uncertainty, social exclusion, risks of arbitrary immigration detention and other human rights violations. It has therefore been encouraging to witness an increase in the uptake of recommendations on this issue (from one recommendation only in the First Cycle, to six in the Second, and 23 in the Third). A handful of states that have, themselves, established SDPs, are primarily responsible for the increase in attention towards this topic (Brazil and Uruguay made four recommendations each in the Third Cycle, and Mexico and Hungary three each). However, the promotion of SDPs remains an issue addressed only inconsistently, with just a small proportion of those countries that have yet to introduce a dedicated procedure to identify and protect stateless people receiving recommendations to do so.

Only one recommendation drew explicit attention to the problem of arbitrary detention of stateless people. Here, Iran made the following recommendation to the United Kingdom: *to “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”*. Two other recommendations directly addressing the vulnerability of stateless people to detention were made previously under the UPR. These were issued to Greece and to Australia under the Second Cycle, and yet neither recommendation was followed up on in the Third Cycle. As set out above, the failure to identify stateless people in a migratory context, and to ensure access to protection (including pathways for regularisation of status), places them at high risk of prolonged or indefinite detention. Many of the recommendations made under the UPR on detention more generally (1,500 in total over the Third Cycle) will also be relevant to preventing the arbitrary detention of stateless people. Nevertheless, the use of more explicit language on the connection to statelessness would greatly help towards ensuring that the specific challenges faced by stateless people are better known and addressed.

increased risk of prolonged detention; face limitations in their freedom of movement and other basic rights and may not be able to return to their country of origin. SDPs – designed to help identify, and provide access to protection status and documentation for, stateless people in a migratory context – are absent in most states.

FIG. 15 Recommendations on migration



Four recommendations were made on protecting the right to nationality in a migration or forced displacement context. Two of these (to Georgia and Guyana) asked the state to ensure the right to nationality for returnees; whilst the other two (to Bhutan and the Dominican Republic) addressed the enjoyment of the right to nationality by children born to refugee or migrant parents in the host country. In addition to these four, a further three recommendations – relating to removing barriers to access to nationality for children born abroad – were also relevant to the protection of the right to nationality in a migratory context (see also Section 3.1 Rights of the child). The overall level of interest paid to these particular issues has been, and remains, low – and there are evident gaps. For example, no recommendations addressed the problem of loss or deprivation of nationality from a citizen who resides outside the country for an extended period of time, even though 58 countries retain such provisions in their legislation, and a number of these allow statelessness to result.⁵⁵ Overall – and given the growing global challenges in relation to these concerns – there is an evident need for greater attention to nationality and statelessness issues arising from migratory and forced displacement circumstances.

3.5

Deprivation of Nationality

As can be seen in Figure 16, the rate of UPR recommendations on the issue of loss or deprivation of nationality has gradually risen across the three Cycles, but still remains extremely low (with just ten recommendations in the Third Cycle). And only two of these were accepted by the receiving state (one by Nauru, the other by Bahrain), indicating a very low level of willingness to implement such recommendations.

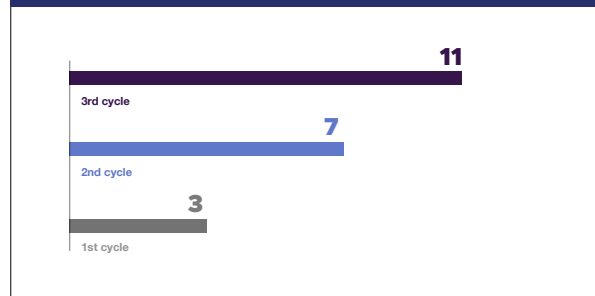
Half of these ten recommendations were directed towards Bahrain, urging an end to the practice of arbitrarily revoking citizenship. Since 2012, the Bahraini government has raised significant concern within the international human rights community as a result of the indiscriminate arbitrary revocations of nationality targeting political opposition leaders, human rights activists, journalists, academics, religious scholars and even individuals who have no religious or political affiliation.⁵⁶ The five recommendations received by Bahrain all addressed

ARBITRARY DEPRIVATION OF NATIONALITY

Recent years have seen an increase in citizenship stripping as a national security measure, despite its deeply negative impact on fundamental rights, as well as warnings from security experts that it is counterproductive to the fight against international terrorism. Since 9/11, one in five countries globally have introduced or expanded the power to deprive citizens of their nationality on the grounds of disloyalty, national security or terrorism –

this issue through variations of language – such as this one from Belgium: to “*end the practice of arbitrarily revoking citizenship, especially where this renders individuals stateless and forces them into exile*”.

FIG. 16 Recommendations on deprivation of nationality



All these recommendations made to Bahrain were issued by European states – this despite the present trend towards expanding nationality deprivation powers in Europe. Between 2000 and 2022, 18 European countries expanded their security-based nationality deprivation powers (including Denmark and Belgium, who themselves issued recommendations on this topic).⁵⁷ However, no European state received recommendations on loss or deprivation of nationality under the UPR (the other countries to receive such recommendations being Myanmar, Nauru, Mauritania and Qatar). Nor did any of the Third Cycle recommendations specifically address the use of deprivation of nationality as a counter-terrorism measure. This aligns with the broader trend of counter-terrorism measures and human rights being a relatively underrepresented topic in the UPR (with just 220 recommendations in total in the Third Cycle). **An evident mismatch exists between the alarming increase of instrumentalisation of citizenship stripping – which naturally raises significant human rights concerns – and the neglect of this issue within the UPR mechanism.** This is an area which would undoubtedly benefit from greater engagement over the course of the Fourth Cycle.

and more than half of these have been European states. These deprivation measures disproportionately target those of minority and migrant heritage and are likely to be discriminatory. They are also often arbitrary (e.g. for failing to meet standards of due process and necessity) and can cause statelessness. The UN Special Rapporteur on counterterrorism and human rights has urged a moratorium on the use of citizenship stripping in this context.

These developments stand against a broader backdrop of rising authoritarianism, increasing populism, xenophobia and racism – placing citizenship under threat in ways not seen for generations. As more states instrumentalise nationality – and treat it as a privilege that can be taken away – human rights defenders and dissidents also come to be targeted. Mass denationalisation of minority communities continues into the 21st century.

Article 15(2) of the Universal Declaration of Human Rights prohibits the arbitrary deprivation of nationality. The deprivation of nationality can entail or facilitate other violations, impairing access to a wide range of civil, cultural, economic, political and social rights – including denial of the right to enter and remain in one's own country; discrimination; *refoulement*; torture or cruel, inhuman or degrading treatment; deprivation of liberty and security of the person; denial of legal personhood, private and family life and denial of the right to an effective remedy.

3.6

Protection and Enjoyment of Other Human Rights

For the purposes of this section, the term ‘human rights’ refers to basic fundamental rights such as the right to education, healthcare, freedom of movement etc.⁵⁸ **Over 30,000 recommendations relating to human rights protection measures were issued during the Third Cycle.⁵⁹ And yet, only 52 recommendations focused specifically on stateless people and their enjoyment of other human rights (see Figure 17).** A mere 35% of these 52 recommendations (18 recommendations) were accepted by states under review. These numbers expose the lack of input in the UPR process on the consequential human rights violations resulting from statelessness, as well as a limited political will to address and resolve the human rights challenges stateless people face. While it is evident just how marginalised the issue is, the three UPR Cycles to date have seen an increase in engagement. Previous to the Third Cycle’s 52 recommendations, 34 had been issued on the topic in the Second Cycle (26% of which were accepted), and only five during the First (40% of which were accepted).

In the Third Cycle, Brazil (4), Mexico (3), and Canada (3), were the most active States in issuing recommendations specific to the consequential human rights violations experienced by stateless people. Myanmar received 19 recommendations – the

HUMAN RIGHTS PROTECTION FOR STATELESS PEOPLE

Most human rights are not contingent on the person holding a nationality. In practice, however, nationality has evolved into a gateway right, and often serves as a prerequisite to access other basic rights. Those denied their right to a nationality face greater barriers and challenges related to their enjoyment of civil and political rights such as the right to vote and to political participation, freedom of movement, freedom from detention, freedom of expression, freedom of assembly, equality before the law and access to justice. They also face similar barriers and challenges accessing socioeconomic rights such as the right to education, healthcare, work and social security. During the COVID-19 pandemic, the human

highest number of all states – to protect stateless people and their human rights, with particular emphasis on the situation of the Rohingya. Kuwait received nine recommendations – also a significant number – here, relating to the Bidoon community.

There are notable variations in both the framing and content of these recommendations. Two-thirds of those issued in this category (36 out of 52) refer only in *generalised* terms to strengthening stateless people's enjoyment of human rights. For example, in 2020, Norway recommended that Kuwait “provide full citizenship and rights for the Bidoon population”. In contrast, 16 recommendations make specific reference to precisely which human right(s) need to be better protected or fulfilled (with some targeting more than one issue). Figure 18 shows the array of different civil, political, economic and social rights, which have been addressed by these more targeted recommendations.



Most often addressed, as can be seen above, are the rights to education and healthcare (ten recommendations). Kuwait, for example, was recommended to “ensure equal access to education, health care and employment for the Bidoon population is enshrined in legislation”. Meanwhile, Myanmar was urged to “provide appropriate medical care, including mental health support for sexual violence survivors who remain in, or are repatriated to Myanmar, including the Rohingya”. The right to work, to peaceful assembly, to vote and to access to justice and humanitarian assistance, were each only raised once throughout the entire Third Cycle. Germany, for instance, recommended that Kuwait should “accelerate the legislative process to resolve the Bidoon issue, by granting Kuwaiti citizenship to Bidoon people, ensuring non-discriminatory access to social services, and guaranteeing that they can exercise their rights to freedom of movement, peaceful assembly, opinion and expression”.

Of the 33,245 general recommendations issued across the Third Cycle on a wide range of human rights protection measures for states to fulfill, a number of these will naturally also be relevant to the treatment of stateless people (for instance, when they are issued in general terms to countries where large stateless populations exist). The real challenge remains the relative dearth of attention towards specific violations that stateless people are exposed to. It is of vital importance that

rights impact of statelessness became even more acute and visible, as governments prioritised their citizens in their responses, and often failed to account for – or to reach – stateless people.



stateless people's human rights are *explicitly* addressed. This establishes a pathway to ensuring that consequential violations can likewise be addressed. It is especially critical because any moves towards remedying violation of the right to nationality often prove slow and lengthy. It will be important for the UPR to engage more strongly with issues around enjoyment of other human rights for stateless people in the upcoming Fourth Cycle, and to address these alongside recommendations relating to access to nationality.

FIG. 18 Recommendations on protection of minorities

| | |
|--|----------|
| EDUCATION | 6 |
| HEALTHCARE | 4 |
| SOCIAL SERVICES | 3 |
| FREEDOM OF MOVEMENT | 2 |
| TO VOTE | 1 |
| HUMANITARIAN ASSISTANCE | 1 |
| DEVELOPMENT AND PEACE | 1 |
| EMPLOYMENT | 1 |
| PEACEFUL ASSEMBLY | 1 |
| FREEDOM OF OPINION AND EXPRESSION | 1 |
| JUSTICE, INTERPRETATION AND LEGAL AID | 1 |

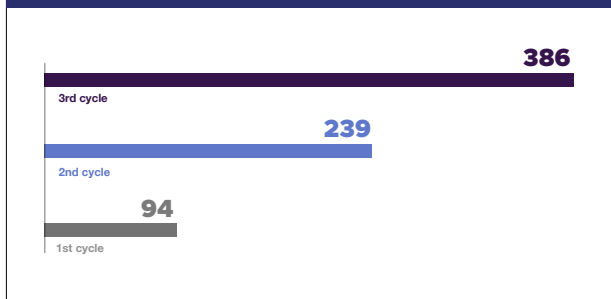
3.7

Promotion of International Norms and Other Measures of Implementation

The preceding sections have established that UPR recommendations have addressed a diverse array of human rights violations at the nexus point where nationality and statelessness issues intersect with child rights, gender equality, migration and other areas. Alongside – and often in combination with – these, many recommendations have also outlined specific

and practical measures for the receiving state to implement in order to better protect the right to a nationality or the rights of stateless people. A total of 386 recommendations issued during the Third Cycle included such implementing measures – an increase from 239 recommendations in the Second Cycle, and just 94 in the First (see Figure 19).

FIG. 19 Recommendations on implementing measures



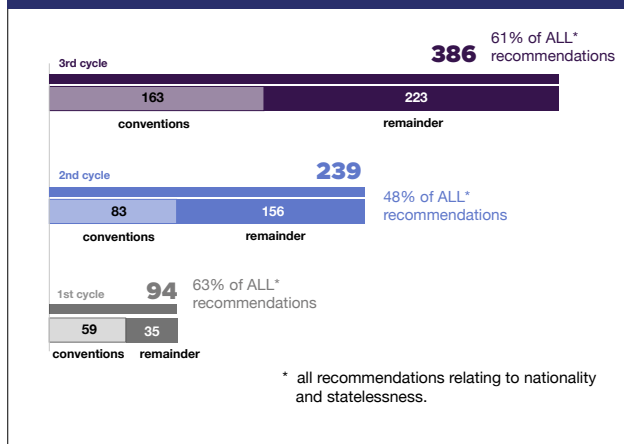
The promotion of international norms received attention in 187 of these recommendations. In 163 recommendations, states were specifically encouraged to accede to one or both of the UN statelessness conventions – namely, the 1954 Convention Relating to the Status of Stateless Persons and/or the 1961 Convention on the Reduction of Statelessness. Nevertheless, many states which were (and are) not yet a party to one or both instruments did not receive such a recommendation. There remains considerable room for greater and more systematic engagement on this issue.⁶⁰ Other recommendations that focused on promoting international standards addressed the removal of reservations (such as to article 9 of CEDAW), or the ratification of other relevant treaties (including regional instruments such as the European Convention on Nationality). Once again, however, engagement was not systematic. In some cases, recommendations on international instruments were combined with other suggested measures, such as enacting or reforming laws. For instance, Germany recommended that Singapore should: “Accede to the 1951 Convention relating to the Status of Refugees, enact national legislation on asylum in cooperation with the United Nations High Commissioner for Refugees, accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness”. In total, 190 recommendations issued in the Third Cycle addressed some form of legislative, judicial, or administrative action on nationality or statelessness. In fact, alongside the promotion of international instruments, these were the most common form of implementing measures to be addressed by recommendations (See Figure 20).

In contrast, there was very little engagement on the global data gap – despite it being widely acknowledged that “the true

scale of the world’s stateless population is unknown, and the data quality challenges are significant”.⁶¹ The UN has identified the task of improving the collection and reporting of statistics on statelessness as an important objective – both for UNHCR’s #Ibelong Campaign, and in the work of the UN Statistical Commission.⁶² Despite this, only one recommendation was issued in the Third UPR Cycle on the collection of data, monitoring and reporting. Here, Vanuatu was recommended to: “Conduct and make publicly available mapping studies and data collection on statelessness, access to legal identity, and birth registration in the country”.

Around this issue, the Third Cycle also delivered one recommendation – by Argentina to Somalia – on strengthening “cooperation with OHCHR and the Office of the United Nations High Commissioner for Refugees to achieve a comprehensive approach to the human rights situation of internally displaced persons, refugees and stateless persons”. And, likewise, one recommendation – from Kenya to the Democratic Republic of Congo – calling for the establishment of “an inter-institutional national committee mandated to address issues of statelessness”. The Third Cycle saw no further implementing measures being issued which might prove crucial to achieving positive change – such as towards raising awareness and capacity building (which had been the subject of five recommendations in the Second Cycle).

FIG. 20 Recommendations on children



3.8

Key Takeaways

The UPR has been proven to be an important mechanism in addressing critical human rights issues, as well as an avenue to addressing statelessness and protecting the right to a nationality. The UPR enjoys a unique geographic and thematic scope across all human rights issues under international human rights law, as well as the participation of NGOs, UN agencies, States and other stakeholders. With principles of cooperative and interactive dialogue, and universal coverage, the UPR is uniquely placed as a valuable and essential mechanism in raising awareness of – and addressing – cross-cutting human rights issues such as statelessness.

Section 3 has highlighted that – despite an overall increase in the number of recommendations relating to nationality and statelessness – there is a need to enforce the UPR process, and the engagement of stakeholders, to strengthen the human rights of stateless people (and those at risk of statelessness),

and to uphold and protect the right to a nationality for all in a number of critical areas. Over the course of the Third Cycle, in excess of 30,000 recommendations were issued on human rights protection measures in general. And yet, only 52 recommendations were issued specifically on the enjoyment of other human rights by stateless people (e.g., on education, healthcare, social services, and freedom of movement). More broadly speaking, recommendations on ensuring the right to a nationality have been made in the context of women’s equal nationality rights; children’s rights; and – to a lesser extent – as a minority right, a migration right, and on deprivation of nationality.

Throughout all three UPR Cycles to date, the violation of women’s equal nationality rights is an issue which has garnered increasing attention. With a steep rise from 17 recommendations in the First Cycle, to 143 in the Third,

addressing gender-equality in nationality matters has been trending in line with an overall increase in attention towards women's rights. Crucially, however, the *acceptance* rate of recommendations made on this cross-cutting issue has, over the same period of time, *decreased*.⁶³ In addition to this, the recommendations have failed to comprehensively cover all aspects in relation to a gender-equal approach in the conferral of nationality. With the exception of Iran and Somalia, all countries with gender discriminatory provisions in nationality laws that affect the right of women to transfer their nationality to children on equal terms with men have received *at least one recommendation*. However, discrimination in the conferral of citizenship to spouses has not been consistently raised in the UPR Cycles.

Across those same three UPR Cycles, the **rights of the child** have consistently received significant attention. The number of recommendations on children's right to a nationality and childhood statelessness quadrupled – from 65 in the First Cycle to 266 in the Third. However, the predominant interest has thus far been focused on birth registration, rather than on other pressing issues relating to childhood statelessness which are equally in need of attention. In the Third Cycle, 46% of recommendations focused on birth registration. Although this can be an important first step towards avoiding statelessness, it is *not a main cause* of statelessness. The remaining 54% of recommendations focused on other topics – many of which were framed in quite general language – around ensuring children's right to a nationality. The UPR process has yet to deliver systematic engagement with the different contexts in which the right to a nationality is violated. Thus far, it is only in a limited way that states have made recommendations on ensuring the right to nationality among otherwise stateless children (born on the territory and/or abroad) on foundlings and on the actual impact statelessness and lack of nationality can have for children.

Analysis reveals that states have *barely* framed **statelessness as a minority rights issue** in their recommendations to states under review. The meagre number of recommendations on this issue does not reflect the stark reality that *discrimination against minorities is the principal cause of statelessness globally*. During the Third Cycle, 28 recommendations were issued relating to discrimination in the enjoyment of the right to a nationality on the basis of race, ethnicity, religion, disability or otherwise. Since 2017, there have been several important initiatives towards placing the issue of minority statelessness on the global human

rights agenda, but these have yet to significantly impact the level of attention given to the topic within the UPR mechanism.

Where **statelessness and migration** intersect, a range of different human rights violations can often arise. This makes it a challenge to map the full extent to which nationality and statelessness issues have been raised in relation to migration under the UPR. During the Third Cycle, just 28 recommendations were made to states under review covering three key topics: establishing SDPs, the (prolonged and arbitrary) detention of stateless people and the protection of the right to nationality in a migratory or forced displacement context. It is clear that the unique human rights problems that emerge at the intersection of migration (or forced displacement) and statelessness have yet to receive sufficient or dedicated attention.

The rate of UPR recommendations on the **loss or deprivation of nationality** has slowly climbed across the three cycles. However, engagement remains extremely low, and only ten recommendations were made on this issue in the Third Cycle. Half of these were directed towards Bahrain, and were aimed at ending the practice of arbitrarily revoking citizenship. At the same time, there is an *increasing* trend towards expanding nationality deprivation powers as a security measure globally, particularly in Europe. The alarming increase of instrumentalisation of citizenship stripping has raised significant human rights concerns – despite which, this issue has consistently been neglected within the UPR.

Alongside – and often in combination with – thematic recommendations, many recommendations issued have also pointed to **specific, practical measures of implementation** for the receiving state to take in order to better protect the right to a nationality or the rights of stateless people. A total of 386 recommendations issued in the Third Cycle included such implementation measures (an increase from 239 in the Second Cycle, and just 94 in the First). In 163 of these, states were encouraged to accede to one or both of the existing UN statelessness conventions. Overall, a total of 190 recommendations issued across the Third Cycle addressed some form of legislative, judicial, or administrative action on nationality or statelessness. Remarkably, only *one* recommendation was issued in this Cycle on the collection, monitoring, and reporting of data. These data processes are, in fact, *crucial* to achieving a better understanding of the scale of the problem of statelessness – and of the challenges involved in ensuring the right to nationality in states under review.

4.

Conclusion

POSITIVE DEVELOPMENTS

This evaluation confirms the vital importance of the UPR to mainstream statelessness as a cross-cutting human rights issue and the only review mechanism whereby states themselves issue recommendations to other states on protecting the right to a nationality and the rights of stateless people. The UPR has proved to be an influential mechanism in raising awareness that state sovereignty in nationality matters is constrained by international law, and that ensuring the right to a nationality for all is a collective effort of the international community of states. There has been increased attention to statelessness over time, both in level and depth of attention received, including that recommendations were made by and to many more states since the First Cycle. Recommendations increased from 150 in the First Cycle to 635 in the Third Cycle. During the Third Cycle, approximately 80% of states under review received at least one recommendation relating to nationality and statelessness. These recommendations were issued by 121 states.

It is encouraging to see the number and diversity of countries engaging on this once neglected topic, including the finding that almost half of all National Reports in the Third Cycle included references to statelessness or to the right to nationality (43%). Several 'champion' states have also emerged, showing consistent involvement in making statelessness and nationality related recommendations, with Mexico, Côte d'Ivoire and Brazil being the most active recommending states in the Third Cycle. Similarly, the increased attention paid to nationality and statelessness in UN and civil society stakeholder reporting has contributed to an increase in the overall number of recommendations as well as improvements in how recommendations are framed and formulated. Violations relating to nationality and statelessness are increasingly recognised to intersect with an array of other human rights, confirming the widespread recognition today of nationality and statelessness as critical human rights issues.

The UPR mechanism has proven to be an effective avenue to promote international standards and law reform, with more action-oriented recommendations touching on more cross-cutting issues. Promoting gender equality in nationality law has been the most successful example of nationality and statelessness related topics mainstreamed in the UPR, from which learnings can be drawn for other issues. With 143 recommendations, promoting gender equality comprises almost a quarter of all nationality and statelessness recommendations made in the Third Cycle and is widely understood to be a cross-cutting human rights issue affecting women's participation in society and the impact this can have on children.

The UPR has also increasingly been used to spotlight statelessness related emergencies in states under review. These resulted in a clear increase in the number of recommendations, over and above the level that the issues raised receive in general, showing how the UPR as a review mechanism can prioritise making recommendations on current and urgent matters.

Finally, the consistent and impactful engagement on the issue by UN and civil society stakeholders is to be recognised and applauded. Together, over the course of the Second and Third Cycles, the concerted efforts of civil society, UN bodies, and the states that participate in the Group of Friends of UNHCR's #Ibelong Campaign, have contributed to a significant global growth in awareness of statelessness.

AREAS TO FURTHER DEVELOP

When reflecting on key findings from the Third Cycle, there are also several lessons to be learned for the Fourth Cycle. There is a critical opportunity – and an identified need – to enhance the role that the UPR plays in promoting both the right to a nationality and the rights of stateless people. With an established momentum of increased recommendations, the immediate urgency now lies in encouraging a greater uptake of acceptances, and in monitoring and reporting back on the implementation of measures – and to embed these systems within the UPR mechanism.

Nationality rights violations, particularly the child's right to nationality and the nationality rights of minorities (i.e. relating to racial/ethnic/religious discriminatory nationality systems) urgently require increased attention. Discrimination is the main root cause of statelessness and recommendations to states under review can play an important role in drawing attention to, and increasing international pressure to address discrimination. Further, statelessness is often an inherited status, whereby UPR recommendations can contribute to breaking the cycle of intergenerational statelessness. To help break the cycle and secure every child's right to a nationality, more focus should be placed on how to address and resolve the causes of childhood statelessness, beyond merely promoting universal birth registration.

To gain more traction for nationality and statelessness on these and other critical areas, it is important to draw on key lessons learned from coordinated multi-level stakeholder efforts and their impact on gender equal nationality rights and where relevant apply these in other contexts (e.g. child's right to a nationality, statelessness of minorities, statelessness and migration). Increased awareness, capacity building and coordinated efforts on these issues is required. This could be achieved through efforts including stronger UN/civil society engagement to catalyse better recommendations, and the adoption of a Human Rights Council resolution providing authoritative guidance on these issues.

To contribute to the avoidance of further statelessness crises in future, recommending states are urged not to hold off on making recommendations until a statelessness situation reaches crisis-point. Monitoring developments more closely, with input from stateless communities and civil society, can ensure that serious but 'slow-burning' situations also receive systematic attention. More generally, states can through the UPR process take steps to ensure more consistent attention to nationality and statelessness issues across all countries where these arise, including through increased coordination within fora such as the Group of Friends of UNHCR's #Ibelong Campaign.

Now that statelessness is becoming increasingly mainstreamed, in this next phase, it is crucial to pay more specific attention to the root causes, the hidden and systemic issues arising, and the different consequential human rights violations experienced by stateless people. The devastating impact of the COVID-19 pandemic on stateless communities, during which the global health and socio-economic crisis was layered over existing systemic exclusion and structural discrimination of the stateless, shows how vital it is to maintain a continuous spotlight on resolving nationality and statelessness issues. For solutions to be meaningful and sustainable, they must be based on the experiences, perspectives and needs of stateless communities. States and other stakeholders are therefore encouraged to draw from the Roadmap for Change as a 3-step framework to address structural issues facing stateless people. This Roadmap was developed by a global Consortium of NGOs and stateless-led groups which came together to respond to the structural exclusion of stateless people in the context of COVID-19. According to the Roadmap, stakeholders should:

| ROADMAP FOR CHANGE | |
|---|---------------------------------------|
| 1. | Check for Institutional Blind-Spots |
| <p>We invite states, UN actors, humanitarian groups and other stakeholders to engage in careful introspection, check for institutional blind-spots, and review and reform policies and practices to ensure that stateless people are prioritised, their particular contexts and needs are understood and addressed and they are not excluded or left behind through:</p> <ul style="list-style-type: none"> • Strengthening awareness of the issue at all levels; • Acknowledging historical failures; • Collecting and sharing information on statelessness and nationality rights deprivations; and • Resourcing the enhancement of capacities, collaborations and funding. | |
| 2. | Include, Consult & Engage in Dialogue |
| <p>We invite activists and NGOs to make their expertise available and those in positions of power to have open consultation and meaningful and constructive dialogue with affected communities, and commit to including stateless people on equal terms by:</p> <ul style="list-style-type: none"> • Consulting with activists and affected communities; • Building trust and strengthening solidarity with stateless communities; • Meeting the needs and priorities of affected communities and ensuring their meaningful participation; and • Facilitating wider discourse within society and institutions on equality, inclusion and the right to nationality. | |
| 3. | Build Back Better |
| <p>We invite all actors to learn the hard lessons that the pandemic has taught us and invest in future-proofing, ensuring a lasting commitment to breaking down the pervasive injustice, indignity, inequality, deprivation and exclusion that stateless people face, focusing on:</p> <ul style="list-style-type: none"> • Implementing reforms to address discriminatory laws, policies and practices; • Redressing the intergenerational disadvantage and legacy of statelessness; • Being accountable to stateless communities and activists; • Monitoring the performance and progress of states; • Ensuring access to justice and reparations for stateless people; and • Sustainably investing in inclusive societies. | |

States must also do more to move beyond promoting international norms and law/policy reform, to also recommending other forms of concrete actions, such as data collection, awareness raising, capacity building and technical cooperation. Lessons can be drawn from the work of other UN human rights monitoring mechanisms, such as the Treaty Bodies, to inform this shift. For instance, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women made a total of 49 recommendations on data collection, monitoring and reporting in relation to statelessness and the right to nationality, which can also feed into the UPR Fourth Cycle process.

The increased number of recommendations on statelessness and nationality has come with a relatively low acceptance rate from states under review, indicating another area that warrants attention. Recommending states should not be discouraged from making recommendations: nationality and statelessness are oftentimes politically sensitive issues and low acceptance rates are expected. Nevertheless, this trend does signal that the issuance of UPR recommendations should not be understood as a fix-all step to resolving violations. It is necessary to invest more in raising the issue in different platforms (including in the wider work of the UN Human Rights Council) and through bilateral diplomatic relations, and strengthening engagement with states outside and beyond the formal review moment at the UPR.

This report acknowledges the role champion states have played in increasing awareness on statelessness and the right to a

nationality over the Third Cycle, as well as the uptake of the issue by a greater diversity of states. More states are encouraged to prioritise these issues and to support the newly emerging [Global Alliance to End Statelessness to be launched in 2024](#).⁶⁴

The role of states is of vital importance to widen engagement and increase attention for nationality and statelessness matters and contribute to monitoring the implementation of accepted recommendations. In the Fourth Cycle, one concrete approach to enhance information sharing and raise awareness of issues or situations that remain under the radar, would be to coordinate online briefings and convenings specifically focused on nationality and statelessness, ahead of each UPR session. By (co)hosting or participating in such convenings, UN, civil society stakeholders and states that belong to the group of friends of UNHCR's #Ibelong Campaign can engage in conversation about the gaps to be addressed and be better equipped to coordinate engagement where relevant. It is essential that stateless communities from the countries under review are able to directly share their perspectives and recommendations at such convenings. Other states could also be invited to join and to provide a stronger baseline of information on these issues. This can also result in stronger coordination between UN, civil society stakeholders and states more generally, that can for instance facilitate more effective monitoring of implementation.

Ensuring the availability and effective flow of information in the UPR process is critical, more generally, to promoting and monitoring implementation. One tool that can inform the necessary benchmarking is the ISI Database on Statelessness and Human Rights, which tracks all recommendations made on nationality and statelessness in the UPR process, but also

by Treaty Bodies and Special Rapporteurs. An overview of how the database can help to inform the engagement of different stakeholders with the UPR is provided in the annex. Activities that promote the uptake of information and analysis from the database, as well as to identify and address other evidence-building or benchmarking needs, will help to facilitate more consistent and effective engagement on nationality and statelessness issues in the Fourth Cycle of the UPR.

In all of this work ahead, it is essential to truly centre and include affected communities in the UPR process. While the UPR process is a UN, State and NGO driven process, it is crucial to structurally ensure direct engagement with stateless communities to make sure that the recommendations made can contribute to advocacy efforts to improve stateless people's lives at local level. UN stakeholders and civil society must prioritise

the centring of stateless-leaders and their input into the UPR process. States are also invited to consider ways in which to improve accessibility of people affected by statelessness to the UPR process, including through online consultation opportunities in the lead up to a review. Ensuring a continued and expanded hybrid system of engaging in the UPR system, including online forms of engagement will increase participation from more/diverse civil society groups, in particular, those who cannot travel due to their stateless status or due to the associated costs. Further, simultaneous interpretation in local languages can help overcome language barriers that hinder participation of affected community representatives. This way, under-served and complex issues will be more likely to come to the surface, and states can ensure that their recommendations are meaningfully informed by lived experience.

RECOMMENDATIONS

People with lived experience of statelessness and other civil society actors hold vital information, perspectives and solutions to human rights challenges faced by stateless communities and in relation to the right to nationality. It is thus vital to introduce and support enhanced avenues for their inclusion, input and engagement in UPR processes – processes which, themselves, can enable constructive dialogue between governments, NHRIs, CSOs, parliaments, affected communities and other stakeholders on critical human rights issues affecting stateless people. These recommendations to different stakeholders within the UPR process, focus on proposed improvements to engagement, which will enhance the relevance and effectiveness of the UPR as a mechanism to protect the right to nationality and the rights of stateless people. As such, they focus on process and approach, as opposed to substantive human rights issues.

To all actors

1. Recognise the deprivation of the right to nationality and the discrimination of stateless people that impacts their enjoyment of other human rights as structural human rights challenges that must be prioritised and addressed through the UPR – and other mechanisms and tools – by all stakeholders.
2. Recognise that positive sustainable change will only be achieved through the meaningful participation of stateless communities in all parts of the process. Accordingly, reflect on and integrate the **Roadmap for Change** into institutional approaches to address statelessness and the right to nationality through the UPR.

To actors involved in implementing and supporting with the UPR (OHCHR, the HRC and UPR Info):

3. Take practical measures to expand access to hybrid on-line input for those unable to travel to Geneva, and increase allocation of space for their contribution to pre-sessions.
4. Offer direct training and support to stateless led groups to strengthen their capacity to meaningfully participate in the UPR process.
5. Provide support to stateless led groups and other stakeholders to better monitor, report on and respond to the implementation of UPR recommendations by states under review.
6. Support stakeholders to make stronger connections between the UPR and other UN and regional human rights and development mechanisms and processes.

To states under review

7. Consistently include reporting on statelessness and the right to nationality in all national reports, including through meeting with and engaging stateless communities and civil society groups to identify challenges to include in them.
8. Make efforts to increase the acceptance rates of recommendations by carefully considering each recommendation in light of the state's human rights obligations, avoiding argumentation such as 'national sovereignty' to shield from scrutiny and necessary action.
9. Make stronger efforts to implement accepted recommendations, in consultation with stateless communities, civil society groups and other stakeholders.
10. In all circumstances, desist from reprisals or any form of pressure being exerted on stateless communities and civil society groups for participating in the UPR process.

To reviewing states

11. Further prioritise statelessness and the right to nationality as key issues to be addressed through the UPR, by increasing the quantity and quality of recommendations.
12. Systematically engage with and consult stateless communities, civil society groups and other stakeholders in the country under review and at regional and global levels, to ensure that recommendations made are well informed and grounded in the realities faced by stateless communities.
13. Ensure that recommendations made are more targeted and action oriented, following the guidance of OHCHR to provide SMART recommendations, and focusing on sustainable and structural solutions to laws, policies and practices that undermine the right to nationality and the rights of stateless people.
14. Be more strategic – including by collaborating with other states – to ensure that pressure is maintained on issues such as gender discrimination and child rights, with more targeted and strategic follow up recommendations and to equally ensure that under-addressed issues such as minority rights, detention and the deprivation of nationality are more consistently addressed in the Fourth Cycle.
15. Urge states that decide to ‘champion’ issues relating to statelessness and the right to a nationality to be as consistent and comprehensive as possible in making recommendations on these issues to all relevant countries.
16. Strategically utilise diplomatic leverage to follow up on recommendations, monitor implementation, raise questions through other multilateral and bilateral fora and maintain a spotlight on these issues. In this regard, tracking and enhancing recommendations made by Treaty Bodies and in other fora (such as the SDGs and the UN General Assembly) is an essential role for recommending states to play.
17. Strategically collaborate with other states to use the Human Rights Council to draw attention to and promote the right to a nationality in other ways, (including for example, through targeted resolutions on matters such as the child’s right to a nationality, statelessness and minorities, and the arbitrary deprivation of nationality) and ensure cross-fertilisation with the UPR.
18. Make greater strategic use of the ‘Group of Friends’ of the UNHCR #Ibelong Campaign and the emerging Global Alliance to End Statelessness. These are important mechanisms through which states can plan and coordinate efforts into the Fourth Cycle, as well as enhance their engagement with civil society partners, both in Geneva and further afield.
19. Reflect on the right to nationality and the rights of stateless people in-country, and promote greater alignment between domestic and foreign policy by committing to protect the right to nationality and strengthen the rights of stateless people in their own countries.

To other stakeholders (Stateless led groups, other NGOs, UN agencies, NHRIs etc.)

20. Consistently raise the right to nationality and the rights of stateless people in stakeholder submissions on all countries under review. Engage in systematic, meaningful consultation and partnership with other stakeholders and centre stateless people in these efforts, in order to ensure that the problem analysis and proposed recommendations are rooted in the lived experience of stateless people.
21. Actively engage in all stages of the UPR process (including the Pre-sessions, mid-term reviews and monitoring implementation) and where necessary, do so in collaboration with other stakeholders to coordinate and manage workloads on any one group, to ensure that issues of statelessness and the right to nationality are prioritised throughout the UPR.
22. Ensure that core cross-cutting rights issues (child rights, discrimination, citizenship deprivation, detention etc.) are raised in a way which highlights the unique impact on stateless communities while also connecting to the wider human rights challenges, and make use of other human rights, development and other fora (both at UN and regional level) to reinforce messaging.
23. Work to strengthen capacities and utilise all relevant resources at hand, including the ISI Database on Statelessness and Human Rights, to increase the efficiency of engagement and the quality of outputs.
24. Ensure alignment between UPR (and other international) advocacy and the national advocacy priorities of stateless-led groups and NGOs. In particular, ensure that UPR advocacy messaging does not undermine or run counter to the national advocacy goals of stateless communities.
25. Be vigilant about possible reprisals and other forms of intimidation and pressure that national groups may face for participating in the UPR process, and be ready to step in to support such groups through human rights and diplomatic channels.

ANNEX

In December 2020, the Institute on Statelessness and Inclusion (ISI) launched the [ISI Database on Statelessness and Human Rights](#). This tool is carefully designed to be user-friendly, and to offer easy access to relevant recommendations issued to states within the UN human rights system. With over 2,000 recommendations (issued under the Universal Periodic Review (UPR), Treaty Bodies, and Special Procedures), the ISI Database enables the user to compare and analyse this data by 'coding' the recommendations (using different filters such as country, body, theme, etc.).

The ISI Database is an ideal tool through which to inform and strengthen the impact of the work of numerous key stakeholders engaged with the UN human rights system (such as states, members of the UN Bodies, and civil society organisations); to enhance the visibility of statelessness; and to ensure every individual's right to a nationality.

RECOMMENDING STATES:

- Check relevant recommendations issued to the country under review across all UN human rights mechanisms;
- Draw on existing UPR recommendations to inform engagement on the issues identified in the country under review (e.g. on the child's right to nationality);
- Ensure that recommendations expedite a strong and consistent engagement with statelessness, including through more action-oriented language.

RECEIVING STATES:

- Review relevant recommendations received, across all UN human rights bodies;
- Identify the technical assistance needed to implement these recommendations and uphold human rights obligations.

UN BODIES:

- Review relevant recommendations issued under (other) UN human rights mechanisms to identify both gaps and good practices;
- Inform stronger and more targeted recommendations to ensure that statelessness issues are addressed in dialogue with states;
- Guide monitoring efforts and ensure better use of existing UN human rights recommendations in complementary UN campaigns and processes;

CSOS:

- Utilise relevant recommendations issued within the UN human rights system to enhance monitoring work on statelessness issues, and to hold states accountable.
- Identify trends within a country or a region to better target awareness-raising, advocacy and litigation efforts.
- Address the lack of visibility of certain statelessness issues in relevant recommendations through more concerted advocacy and education efforts.

END NOTES

- ¹ Institute on Statelessness and Inclusion (ISI), Together We Can. The COVID-19 Impact on Stateless People & a Roadmap For Change, (2021), available at: https://files.institutesi.org/together_we_can_report_2021.pdf.
- ² Article 24 (3) of the International Covenant on Civil and Political Rights (ICCPR); Article 7 of the Convention on the Rights of the Child (CRC); Article 5(d)(iii) of the Convention on the Elimination of All Forms of Racial Discrimination (CERD); Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Article 18 of the Convention on the Rights of Persons with Disabilities (CRPD); Article 29 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW). Further standards relating to nationality and statelessness are set out in the 1954 UN Convention relating to the Status of Stateless Persons, the 1961 UN Convention on the Reduction of Statelessness and a wide array of regional instruments.
- ³ ISI, Together We Can. The COVID-19 Impact on Stateless People & a Roadmap For Change, (2021), available at: https://files.institutesi.org/together_we_can_report_2021.pdf.
- ⁴ ISI, ISI Database on Statelessness and Human Rights, available at: <https://database.institutesi.org/>
- ⁵ As of July 2022, the database also covers all recommendations the Committee on Migrant Workers (CMW); recommendations issued by the Committee on the Rights of the Child (CRC), the Committee on the Elimination of Discrimination against Women (CEDAW), the Human Rights Committee (CCPR), the Committee on the Elimination of Racial Discrimination (CERD) and the Committee Against Torture (CAT) since 2010; recommendations issued by the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Rights of Persons with Disabilities (CRPD) since 2015; and recommendations issued by a number of UN Special Mandate Holders.
- ⁶ Recommendations are counted as relevant to nationality and statelessness issues where they contain either direct language relating to the right to a nationality or the rights of stateless people, or where they promote specific policies that play an important part in reducing the incidence of statelessness (such as access to birth registration).
- ⁷ Time, Q&A: Antonia Guterres, UNHCR High Commissioner for Refugees, 2011, available at: <http://content.time.com/time/world/article/0,8599,2090561,00.html>.
- ⁸ United Nations High Commissioner for Refugees (UNHCR), Pledges 2011, Ministerial Intergovernmental Event on Refugees and Stateless Persons, Geneva, Palais des Nations, 7-8-December 2011, available at: <https://www.refworld.org/pdfid/50aca6112.pdf>, from p. 32.
- ⁹ This guidance is now drawn together in the 'Handbook on the protection of stateless persons' (2014), available at: https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/04/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf.
- ¹⁰ UNHCR, Global Action Plan to End Statelessness: 2014-2024, available at <https://www.unhcr.org/ibelong/global-action-plan-2014-2024/>.
- ¹¹ UNHCR Executive Committee, High-level segment on statelessness at the 70th plenary session of the Executive Committee. Statement from members of the Group of Friends of the #IBelong Campaign to End Statelessness, 2019, available at: <https://www.unhcr.org/5d9c44047.pdf>.
- ¹² ISI, Universal Periodic Review, available at <https://www.institutesi.org/pages/universal-periodic-review>.
- ¹³ The separate statelessness heading is retained in the Guidance Note issued ahead of the 4th UPR cycle. See OHCHR, 4th Cycle Universal Periodic Review National Report- Guidance Note, available at: <https://www.ohchr.org/sites/default/files/2022-01/4thCycle-Guidance-Note-National-Report-EN.pdf>.
- ¹⁴ Khanna and Brett, Making effective use of UN human rights mechanisms to solve statelessness in Solving Statelessness (eds. Van Waas and Khanna), 2017, p. 34.
- ¹⁵ UNHCR, The New Global Alliance to End Statelessness, Convene, Catalyse, Change, available at: <https://www.unhcr.org/ibelong/the-new-global-alliance-to-end-statelessness/>.
- ¹⁶ Resolution on The Right to a nationality: women and children, A/HRC/20/L.8, 2012, para 15.
- ¹⁷ Ibid. para 15. Also, see the first UNHCR background note on Gender Equality, Nationality Laws and Statelessness here: <https://www.refworld.org/docid/513a0b582.html>.
- ¹⁸ UNHCR, #IBelong Campaign, available at: <https://www.unhcr.org/ibelong/>.
- ¹⁹ Global Campaign for Equal Nationality Rights, available at www.equalnationalityrights.org.
- ²⁰ Equality Now, The State We're in: Ending Sexism In Nationality Laws, 2016, available at: www.equalitynow.org/resource/the-state-were-in-ending-sexism-in-nationality-laws/ and The State We're in: Ending Sexism In Nationality Laws- 2022 Edition- Update For A Disrupted World, 2022, available at: www.equalitynow.org/resource/state/.
- ²¹ UNHCR, IBELONG: Coalition on Every Child's Right to a Nationality, available at <https://www.unhcr.org/ibelong/unicef-unhcr-coalition-child-right-nationality/>.
- ²² UN Forum on Minority Issues, Eleventh Session of the Forum on Minority Issues, 29-30 November 2018, available at: <https://www.ohchr.org/en/events/forums/2018/eleventh-session-forum-minority-issues>.
- ²³ These are Myanmar, Cote d' Ivoire, Thailand, Latvia, Dominican Republic, Iraq, Russian Federation, Kuwait, Estonia, Uzbekistan, Saudi Arabia, Malaysia, Ukraine, Sweden, Brunei Darussalam, Kenya, Kyrgyzstan, Germany, Viet Nam, Poland. See Khanna & Brett, Making effective use of UN human rights mechanisms to solve statelessness in Solving Statelessness (eds. Van Waas & Khanna), 2017, p. 29 for an overview of states which have a stateless population of more than 10,000 persons, and the number of recommendations issued (if any) for these states.
- ²⁴ UNHCR, Global Trends 2021, available at: <https://www.unhcr.org/2021-global-trends-annex>. Please note that these regions are distinct to the Regional Groups of the UN Human Rights Council.
- ²⁵ Mercy Corps, The facts: Rohingya refugee crisis, 2019, available at www.mercycorps.org/blog/rohingya-refugee-crisis-facts#rohingya-refugee-crisis-timeline.
- ²⁶ Minority Rights Group International, Minority Stories, Timeline, available at: www.stories.minorityrights.org/dominican-republic/timeline/timeline/.
- ²⁷ A/HRC/41/16. Para 94.188.
- ²⁸ Ibid., para 94.186.
- ²⁹ UNHCR, Global Trends, Forced Displacement in 2021, June 2022, available at: www.unhcr.org/62a9d1494/global-trends-report-2021, p. 46.
- ³⁰ UPR Info, Database of UPR Recommendations and voluntary pledges, available at: www.upr-info-database.uwazi.io.
- ³¹ Khanna & Brett, 2017, p.34.
- ³² For more information on UPR Info, please see www.upr-info.org/en.
- ³³ Khanna & Brett, 2017, p.34.
- ³⁴ OHCHR, 4th Cycle Universal Periodic Review National Report- Guidance Note (N. 13)

³⁵ UN Secretary General, Guidance note of the Secretary-General: The United Nations and Statelessness, November 2018, available at: <https://www.refworld.org/docid/5c580e507.html>.

³⁶ UPR Info, The butterfly effect. Spreading good practices of UPR implementation, 2016, available at: https://www.upr-info.org/sites/default/files/documents/2016-11/2016_the_butterfly_effect.pdf.

³⁷ OHCHR, Universal Periodic Review (Fourth Cycle), Information and guidelines for UN Resident Coordinators, UN Country Teams and UN entities' written submissions to the UPR Compilation, available at https://www.ohchr.org/sites/default/files/2022-03/TechnicalGuidelines4thCycleUNEntities_final.pdf; and Universal Periodic Review (Fourth Cycle): Information and guidelines for relevant stakeholders' written submissions, available at: https://www.ohchr.org/sites/default/files/2022-03/StakeholdersTechnicalGuidelines4thCycle_EN.pdf.

³⁸ OHCHR, UNDP, DCO, The Human Rights Mainstreaming Multi-Donor Trust Fund, UN Good Practices, How the universal periodic review process supports sustainable development, 2022, available at: https://www.ohchr.org/sites/default/files/2022-02/UPR_good_practices_2022.pdf.

³⁹ This figure refers to recommendations tagged as addressing 'Implementing Measures' in the ISI Database on Statelessness and Human Rights. See for information on the coding system: https://files.institutesi.org/Database_User_Guide.pdf.

⁴⁰ OHCHR, Maximizing the use of the Universal Periodic Review at country level, 2019, available at: https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/UPR_Practical_Guidance.pdf.

⁴¹ McMahon, Framing the Picture: UPR Info Database Action Category, 2020, available at: <https://upr-info.org/en/news/framing-picture-upr-info-database-action-category>.

⁴² Please note that 36 recommendations issued to Myanmar during the 37th UPR session are yet to be processed by the state.

⁴³ Khanna and Brett, 2017, p.31.

⁴⁴ Khanna and Brett, 2017, p.30.

⁴⁵ UPR Info, Database, available at: <https://upr-info-database.uwazi.io/library>. In the first cycle 4070 recommendations out of 21355 recommendations focused on children's rights (19%). This was 7904 out of 36338 recommendations in the second cycle (22%). At the time of writing, data is not complete for the Third cycle, yet, until the 37th session 7640 out of 33245 recommendations focused on children's rights (23%).

⁴⁶ In the first cycle 47 out of a total of 65 recommendations focused on birth registration (72%), in the second cycle 205 out of 293 recommendations focused on birth registration (70%).

⁴⁷ Recommendations were issued to Lithuania, Iceland, Zimbabwe, Thailand, Latvia, Denmark, Estonia, Georgia, Lesotho, Cote d'Ivoire, Cambodia Dominican Republic, Mauritius, Botswana, and Liechtenstein.

⁴⁸ 60 states have no safeguard for otherwise stateless children born in the territory, nor a more generally applied jus soli-based provision for children born in the country. Many more have inadequate provisions in their nationality laws, with safeguards that cover only certain children (like the Netherlands where there are additional criteria to meet), or a safeguard that is not (Syria) or not well (South Africa) implemented in practice. See: <https://globalcit.eu/modes-acquisition-citizenship/>.

⁴⁹ Global Citizenship Observatory (GLOBALCIT), GLOBALCIT Citizenship Law Dataset- Modes of Acquisition of Citizenship, available at: <https://globalcit.eu/modes-acquisition-citizenship/>.

⁵⁰ The Bahamas, Brunei, Jordan, Lebanon, Malaysia, Oman and Qatar.

⁵¹ A/HRC/40/10, para. 137.60.

⁵² At the time of writing, Myanmar still have to make its decision on a number of recommendations.

⁵³ UNHCR, "This is our home". Stateless minorities and their search for citizenship, 2017, available at: https://www.unhcr.org/ibelong/wp-content/uploads/UNHCR_EN2_2017IBELONG_Report_ePub.pdf.

⁵⁴ Some recommendations on access to nationality documents may also be relevant to reducing the risk of statelessness for migrant or displaced stateless populations and recommendations made on access to identity documents for stateless people can help to bolster the enjoyment of other rights by stateless migrants and refugees. Only a small number of recommendations in these two categories have been issued under the UPR and these are not included in the analysis.

⁵⁵ GLOBALCIT, GLOBALCIT Citizenship Law Dataset- Modes of Loss of Citizenship, Mode L02, available at: <https://globalcit.eu/modes-loss-citizenship/>.

⁵⁶ Salam Democracy for Human Rights, Hawiati, Institute on Statelessness and Inclusion, Arbitrary Revocation of Nationality in Bahrain - A Tool of Oppression, 2021, available at: https://files.institutesi.org/Arbitrary_Revocation_of_Nationality_in_Bahrain.pdf.

⁵⁷ Bosnia and Herzegovina, Albania, Austria, Azerbaijan, Belarus, Belgium, Denmark, Estonia, Finland, Germany, Italy, Kazakhstan, Latvia, Liechtenstein, the Netherlands, Norway, Romania and the United Kingdom.

⁵⁸ Other human rights and prohibitions such as the prohibition of arbitrary detention are analysed under different sections throughout this evaluation.

⁵⁹ See: UPR Info Database, available at: <https://upr-info-database.uwazi.io/library>.

⁶⁰ At the time of writing, the 1954 Convention relating to the status of stateless persons had 96 states parties; the 1961 Convention on the reduction of statelessness had 78 states parties.

⁶¹ UN Statistical Commission, Report of the Expert Group on Refugee, Internally Displaced Persons and Statelessness Statistics on statelessness statistics, 2021, available at: <https://unstats.un.org/unsd/statcom/53rd-session/documents/2022-10-StatelessnessStats-EE.pdf>.

⁶² See further Expert Group on Refugee, IDP and Statelessness Statistics (EGRIS), International recommendations on Statelessness Statistics (IROSS), 2021, available at: <https://egrisstats.org/recommendations/international-recommendations-on-statelessness-statistics-iross/>.

⁶³ During the First Cycle, 8 out of a total of 17 recommendations were accepted, in the Second Cycle 42 out of 97 recommendations were accepted, in the Third Cycle, 42 out of 143 recommendations were accepted.

⁶⁴ UNHCR, The New Global Alliance to End Statelessness, Convene, Catalyse, Change, available at: <https://www.unhcr.org/ibelong/the-new-global-alliance-to-end-statelessness/>.

