

This document highlights the statelessness related challenges in the countries that will be reviewed at the Human Rights Council during the 33<sup>rd</sup> Session of the Universal Periodic Review (UPR): **Albania, Bhutan, Brunei Darussalam, Costa Rica, Congo (Dem Rep of), Côte d'Ivoire, Dominica, DPRK, Equatorial Guinea, Ethiopia, Nicaragua, Norway, Portugal and Qatar**. The issues raised in this summary include: gender discrimination, birth registration and reduction of statelessness. All recommending states are urged to draw on this document when formulating recommendations to states under review. In addition to this summary, the Institute also made joint submissions to the 33<sup>rd</sup> Session on human rights and statelessness issues in **Albania, Brunei Darussalam, Côte d'Ivoire and Qatar**.<sup>1</sup>

### Albania

Albania did not receive statelessness specific recommendations in the first two cycles, however it did receive three recommendations in the first cycle, and another nine in the second (of which it accepted four) on the treatment of the Roma and Egyptian communities. In January 2019, the CERD recommended Albania to develop a comprehensive strategy to register all births, particularly among those two groups, in order to prevent statelessness. Despite initiatives undertaken by the Albanian authorities to address birth- and civil registration, access to such registration is still unsatisfactory, including for children born to Albanian nationals abroad. While these challenges are not exclusive to Roma, they disproportionately affect Roma. Without birth registration, Roma face barriers in obtaining other documents from the civil registry office and identity documents when they become adults, putting them at risk of statelessness. According to a recent report, while members of Roma and Egyptian communities represent between 0.4% and 3.3% of the Albanian population, they represent over half of the at least 1,031 persons at risk of statelessness. Further, 97% of those recorded as being at risk of statelessness in Albania are children.<sup>2</sup>

#### *Proposed recommendations:*

1. Ensure that all international and regional obligations related to the right to nationality, prevention and reduction of statelessness, protection of stateless persons, non-discrimination, and birth registration are fully incorporated into domestic law and implemented in practice;
2. Address structural discrimination against Roma, including prejudicial attitudes and negative stereotypes, to ensure that Roma are not directly or indirectly discriminated against in their access to documentation, enjoyment of their right to a nationality, and all other human rights;
3. Ensure that all civil registration and documentation procedures, including birth registration, are universally accessible by simplifying complex procedures and eliminating barriers related to cost, time, distance and bureaucracy;
4. Strengthen cooperation with other States on the issue of birth registration for Albanian nationals whose children are born abroad;
5. Strengthen the collection and monitoring of disaggregated data (including by ethnicity, age, and gender) and conduct a comprehensive mapping on statelessness, the risk of statelessness, and Roma populations in Albania, with appropriate safeguards in place to ensure anonymity.

### Bhutan

Bhutan is not a party to the 1954 or 1961 Statelessness Conventions. During the last national census in 2005, 81,976 people in Bhutan, or 13% of the total population, were identified as non-national residents.<sup>3</sup> There is however, no up-to-date information available on stateless people. In the first two UPR cycles, Bhutan received two recommendations to accede to the *1961 Convention on the Reduction of Statelessness*, which it noted. During its 2017 review by the Committee on the Rights of the Child, it was recommended that Bhutan, in line with target 16.9 of the SDGs and articles 7 and 8 of the CRC, “*review the Citizenship Act of 1985 to dissociate birth registration from citizenship, simplify the birth registration procedure after the 12-month period, ensure that single mothers can register their children, and ensure that children born to either a Bhutanese mother or father, including in cases when the identity of the father cannot be ascertained, are granted Bhutanese citizenship*”. The Committee also recommended that Bhutan end discrimination of children of ethnic Nepalese origin with regard to the right to a nationality.<sup>4</sup> Furthermore, in 2015, the Special Rapporteur on education expressed concern that the children of those of Nepali or Indian ancestry who have been denied citizenship for generations, are denied education, despite the Constitution enshrining universal access to education.<sup>5</sup>

#### *Proposed recommendations:*

1. Conduct and make publicly available, mapping studies and data collection on birth registration, citizenship and statelessness;
2. Review the *1985 Citizenship Act* to ensure that single mothers can register their children and that children born to a Bhutanese mother or father, including in cases when the identity of the father cannot be ascertained, are granted Bhutanese citizenship;

<sup>1</sup> <http://www.institutesi.org/ourwork/humanrights.php>.

<sup>2</sup> TLAS and UNHCR 2018 report Mapping the Population at Risk of Statelessness in Albania”, May 2018.

<sup>3</sup> World Bank: <https://data.worldbank.org/indicator/SP.POP.TOTL?end=2017&locations=BT&start=2005&view=chart>

<sup>4</sup> CRC/C/BTN/CO/3-5, paras 18 (a) and (b). See also: [http://www.institutesi.org/CRCanalysis\\_session75.pdf](http://www.institutesi.org/CRCanalysis_session75.pdf)

<sup>5</sup> A/HRC/29/30/Add.1, para. 52.

3. Harmonise the procedure for transmitting Bhutanese nationality to allow women to transmit Bhutanese nationality to their children on equal terms as men;
4. Take specific measures to end discrimination against children of ethnic Nepalese or Indian origin regarding the right to a nationality, and to ensure their access to citizenship;
5. Accede to the *1954 Convention relating to the Status of Stateless Persons* and *1961 Convention on Reduction of Statelessness*.

## Brunei Darussalam

Brunei Darussalam is not party to the 1954 or 1961 Statelessness Conventions. Under the second UPR Cycle, Mexico recommended that Brunei Darussalam adopt reforms allowing for the “*reduction of cases of statelessness*”. Further, Iran recommended the “*integration and naturalization of stateless persons who are permanent residents*”. Although Brunei Darussalam accepted both these recommendations, the State is yet to take meaningful steps towards implementing them. As at 2017, based on government data, there were 20,524 stateless persons in the country. This is a significant proportion of Brunei Darussalam’s recorded population of 421,300.<sup>6</sup> It should be noted that the accuracy of this information is unclear and that the number might in reality be much higher, which underlines the importance of accurate statistical information. One of the key causes of statelessness is the criteria in the *Brunei Nationality Act 1961* that the person who wants to acquire nationality is “*commonly accepted as belonging*” to one of the seven “*indigenous groups of the Malay race*”, excluding groups such as ethnic Chinese.<sup>7</sup> Ethnic Chinese are the largest non-Malay minority population in Brunei Darussalam and are likely to comprise a sizeable proportion of Brunei Darussalam’s stateless population. Half of the ethnic Chinese population is likely to be stateless.

The *Brunei Nationality Act 1961* does not allow female citizens to confer nationality on their foreign husbands. However, a foreign woman married to a citizen male can acquire Brunei Darussalam citizenship through naturalisation. Such gender discriminatory nationality provisions can perpetuate statelessness in circumstances when the husband is himself stateless or at risk of statelessness. In its review under the Second UPR Cycle in 2014, Brunei received and noted eight recommendations to review or withdraw its reservations to the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* – specifically its reservations to article 9 (which enshrines women’s equal nationality rights) and article 29.<sup>8</sup>

Stateless permanent residents can apply to become Brunei Darussalam citizens. However, the onerous application requirements such as rigorous language requirements in a specific dialect of Malay only taught at public schools, continue to be a barrier to stateless persons in obtaining either status. Birth registration is an important tool for the prevention of statelessness. However, indigenous populations in rural areas continue to experience significant barriers in accessing birth registration.

### *Proposed recommendations:*

1. Address the discriminatory denial of the right to a nationality and ensure that all persons denied the right to nationality and who are stateless have their right to a nationality restored;
2. Reform the *Brunei Nationality Act 1961* to remove provisions that discriminate on the basis of sex and race, and in particular, to allow women to enjoy equal rights as men in conferring citizenship to their children and spouses;
3. Remove discriminatory barriers to citizenship including the Malay language proficiency test, and ensure that those who lack documentation are not denied citizenship on that basis;
4. Facilitate universal birth registration by addressing barriers faced by indigenous populations in rural areas;
5. Withdraw its reservation to article 9 of the *Convention on the Elimination of All Forms of Discrimination Against Women*;
6. Accede to and fully implement the *1954 Convention relating to the Status of Stateless Persons*, the *1961 Convention on the Reduction of Stateless* and the *1951 Convention relating to the Status of Refugees* and its 1967 Protocol.

## Congo (Dem Rep of)

Congo (Dem Rep of) is not a party to the 1954 or 1961 Statelessness Conventions, despite accepting a recommendation to consider adhering to the 1954 Convention by Nicaragua during the second UPR Cycle in 2014. It also accepted a recommendation by Slovenia to “*take all measures necessary to ensure the implementation of the Plan of Action, including the provision on birth registration (also late birth registration) free of charge*”.<sup>9</sup> During its review in 2017, the Human Rights Committee noted its concern of the country’s low rate of birth registration and recommended efforts to facilitate birth registration in line with its obligations under articles 16 and 24 of the ICCPR.<sup>10</sup> The Committee on the Rights of the Child made a similar recommendation in 2017, in relation to articles 7 and 8 of the CRC, and target 16.9 of the Sustainable Development Goals, and stated that low birth registration renders children vulnerable to statelessness. It also urged the DRC to consider ratifying the 1954 and 1961 Statelessness Conventions.<sup>11</sup> There are no available estimates for the number of stateless people in DRC. Since 2005, UNHCR statistics have flagged the country as one where statelessness is a problem (though the problem is much older), but a mapping of the situation

<sup>6</sup> UNHCR, *Global Trends: Forced Displacement in 2017* (25 June 2018), Annex Table 1; Brunei Darussalam Department of Economic Planning and Devp (2017).

<sup>7</sup> U.S. Department of State, 2012 Country Report on Human Rights Practices: Brunei Darussalam (19 April 2013), 9. <https://www.state.gov/j/drl/rls/hrrpt/2012/eap/204188.htm>.

<sup>8</sup> Report of the Working Group on the Universal Periodic Review: Brunei Darussalam, UN GAOR, 27th session, Agenda Item 6, UN Doc A/HRC/27/11 (7 July 2014) [113.12], [113.14] and [113.22-7].

<sup>9</sup> A/HRC/27/5 133.7 and 134.48.

<sup>10</sup> CCPR/C/COD/CO/4, paras. 45-46.

<sup>11</sup> CRC/C/COD/CO/3-5, paras. 21-22.

in the country has not been possible due to the decades of civil conflict and the political sensitivity. Statelessness is understood to affect members of the Banyarwanda population. Several hundred thousand Banyarwanda who can trace their origins in Congo back to 1960 and should be nationals under the law adopted in 2004, continue to face systematic difficulties in gaining recognition as Congolese.<sup>12</sup>

*Proposed recommendations:*

1. Continue its efforts to facilitate universal birth registration, including by raising public awareness and facilitating and expediting access to civil registry offices;
2. Review the *2004 Law N.04/024 on Congolese nationality* to remove provisions that base nationality on membership of particular ethnicities, and instead create objective criteria for determining citizenship;
3. Accede to the *1954 Convention relating to the Status of Stateless Persons* and *1961 Convention on Reduction of Statelessness*.

## Costa Rica

Costa Rica has adopted a statelessness determination procedure by *Executive Decree N. 39620* in 2016.<sup>13</sup> In 2014, Costa Rica supported two recommendations in the second UPR Cycle to improve birth registration among indigenous peoples and other vulnerable groups.<sup>14</sup> During its review in 2017, the Human Rights Committee stated its concern that a significant number of members of the Ngöbe-Bugle indigenous and semi-nomadic community still do not have a birth certificate and face hurdles in obtaining one, and recommended that Costa Rica “continue its efforts to ensure that all children born in its territory are registered and receive an official birth certificate and it should conduct campaigns to register all adults not yet registered”.<sup>15</sup>

*Proposed recommendations:*

1. Continue its efforts to ensure that all children born in its territory are immediately registered and receive a birth certificate, and conduct campaigns to register all adults not yet registered, in particular those belonging to indigenous communities.

## Côte d’Ivoire

The Ministry of Justice of Côte d’Ivoire has disclosed that as many as 700,000 persons living in the country may be stateless or at risk of statelessness.<sup>16</sup> During the second UPR Cycle, Switzerland expressed concern about the number of people at risk of statelessness but did not make a formal recommendation on this issue. Ghana and Chad recommended that Côte d’Ivoire accede to the ICRMW, which states that each child of a migrant worker shall have to right to a nationality (Article 29). While Côte d’Ivoire can be commended for its efforts to reduce statelessness, and for hosting a *Ministerial Conference on Statelessness* for the ECOWAS region in 2015 which resulted in the *Abidjan Declaration on the Eradication of Statelessness*, and the adoption of the *2017 Banjul Action Plan on the Eradication of Statelessness*, there are a number of big issues to be resolved in the country. In the first place, historical migrants, mostly coming from neighbouring countries, have been stigmatized since the 1990s as a result of the turbulent politics at the time. Naturalisation procedures for this group, including those who have lived in Côte d’Ivoire since independence, are vague. Further, both the CEDAW and CRC Committees have provided recommendations on issues of discrimination, on gender, disability, religion, and national, ethnic or social origin, in nationality laws of Côte d’Ivoire.<sup>17</sup> Moreover, there are gaps in birth registration procedures, and legal safeguards are lacking for arbitrary deprivation of nationality.

*Proposed recommendations:*

1. Review the Nationality Code in order to: a. Ensure full implementation of the *1961 Statelessness Convention on Reduction of Statelessness* and Article 7 of the CRC, by establishing safeguards against statelessness for all children born in the territory, including otherwise stateless children born in the territory to foreign parents. b. Provide clarification on who is considered a “foreigner” as set out in Article 6 of the *1961 Nationality Code*; and c. Ensure that foundlings are guaranteed the right to a nationality, as required under international law;
2. Establish specific procedures to assess the nationality/statelessness status of historical migrants and of others at risk of statelessness, and to grant citizenship to persons who would otherwise be stateless;
3. Strengthen judicial capacity to adjudicate nationality cases so that individual cases of statelessness may be resolved;
4. Remove all discrimination in the nationality law, including on the basis of gender in relation to conferral of citizenship on children by naturalised women, and disability in relation to the standard naturalisation criteria;
5. Take all necessary steps to address barriers to accessing birth registration, particularly by simplifying procedures, reducing the cost of producing and accessing documents, cracking down on corruption, training administrative officers and harmonising administrative practices regarding birth registration;
6. Ensure that provisions for the withdrawal of nationality as set out in Article 52-55 of the *1961 Nationality Code* are clearly defined, not arbitrary or discriminatory, comply with international law standards and do not result into statelessness.

<sup>12</sup> Loi n°.04/024 du 12 novembre 2004 relative a la nationalité congolaise. See: <https://minorityrights.org/minorities/banyarwanda/>.

<sup>13</sup> <https://www.acnur.org/fileadmin/Documentos/BDL/2016/10405.pdf> (In Spanish).

<sup>14</sup> A/HRC/27/12 128.67 and 128.68.

<sup>15</sup> CCPR/C/CRI/CO/6, paras. 37 and 38.

<sup>16</sup> [http://www.institutesi.org/UPR33\\_Cote\\_dlvoire.pdf](http://www.institutesi.org/UPR33_Cote_dlvoire.pdf).

<sup>17</sup> CEDAW, C/CIV/CO/1-3 para 19(d); CRC/C/15/add.155, para. 23.

## Dominica

Dominica is not a party to either the 1954 or 1961 Statelessness Conventions.<sup>18</sup> Dominica does not have a statelessness determination procedure in place, and no provisions in its national law related to statelessness. Dominica was badly impacted by hurricane Maria in 2017, displacing a recorded 35,000 people, or 47.4% of its population. It is unclear how many of the displaced were able to take their identity documents with them. Depending on where they went and whether they have returned since, lack of documentation may affect any child born to Dominican mothers.

### *Proposed recommendations:*

1. Conduct and make publicly available, mapping studies and data collection on identity documentation, especially in relation to those displaced as a result of hurricane Maria in 2017.
2. Accede to the *1954 Convention relating to the Status of Stateless Persons* and *1961 Convention on Reduction of Statelessness*.

## Korea (Democratic Peoples Rep of)

Korea (Democratic Peoples Rep of) is not a party to the 1954 or 1961 Statelessness Conventions. However, it is party to some of the core UN Human Rights Treaties protecting the right to nationality, including the CEDAW and CRC. In particular, North Korea withdrew its reservation to article 9 (2) of the CEDAW on granting women equal rights with regard to the nationality of their children. However, the CEDAW Committee in 2017 stated its concern “*about the lack of information on the revision of national legislation in that regard and the remedial measures to retroactively grant nationality to stateless children of women who are nationals of the State party*”.<sup>19</sup> Many North Korean women who are residing in China choose not to register their children for fear of being forcibly repatriated to North Korea. As the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea noted in 2018, this often concerns women who had been trafficked from the DPRK.<sup>20</sup> An estimated 30,000-50,000 children born in the People’s Republic of China to North Korean women are left stateless because their existence has never been registered.<sup>21</sup> Both the CEDAW and CRC Committees therefore recommended in 2017 that North Korea “*review its bilateral agreements to ensure that children born to women who are nationals of the State party but residing outside its territory have access to birth registration and nationality without the children or their mothers being forcibly returned to the State party’s territory by third States*”.<sup>22</sup> Moreover, the CRC recommended “*the State Party to strengthen its efforts to collect data on stateless children*”, as well as to accede to the 1954 and 1961 Conventions.<sup>23</sup>

### *Proposed recommendations:*

1. Ensure that national legislation is in line with article 9 (2) of the CEDAW, and that women and men are granted equal rights with regard to the nationality of their children.
2. Review its bilateral agreements to ensure that children born to women who are nationals of the Democratic People’s Republic of Korea but residing outside its territory have access to birth registration and nationality without the children or their mothers being forcibly returned to the DPRK’s territory;
3. Conduct and make publicly available, mapping studies and data collection on access to citizenship of returnee children and birth registration of children of North Korean mothers born abroad;
4. Accede to the *1954 Convention relating to the Status of Stateless Persons* and *1961 Convention on Reduction of Statelessness*.

## Equatorial Guinea

Equatorial Guinea is not a party to the 1954 or 1961 Statelessness Conventions. In December 2018, Equatorial Guinea supported the *N’Djamena Initiative on the Eradication of Statelessness in Central Africa*. Its nationality legislation is regulated by its *Ley No.3/2011*<sup>24</sup>, which removed gender discrimination and simplified existing provisions surrounding acquisition of nationality. However, it increased the period of residence necessary for naturalisation from 10 to 40 years, and does not mention statelessness. There are no reliable statistics on statelessness or birth registration in the country.

### *Proposed recommendations:*

1. Conduct and make publicly available, mapping studies and data collection on nationality, statelessness and birth registration;
2. Ensure that every child is registered immediately at birth and that every child possesses a birth certificate;
3. Create pathways to nationality and facilitated naturalisation for stateless persons on the territory of Equatorial Guinea;
4. Accede to the *1954 Convention relating to the Status of Stateless Persons* and *1961 Convention on Reduction of Statelessness*.

<sup>18</sup> However, as a non-metropolitan territory of the United Kingdom of Great Britain and Northern Ireland, it is bound by the 1961 Convention on the Reduction of Statelessness since 1966. See: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=V-4&chapter=5&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=en).

<sup>19</sup> CEDAW/C/PRK/CO/2-4, paras 31-32.

<sup>20</sup> A/73/386, para 37.

<sup>21</sup> <https://www.independent.co.uk/voices/kim-jong-un-birthday-north-korea-china-children-refugees-a8146466.html>.

<sup>22</sup> CRC/C/PRK/CO/5, paras 9, 10, 19 and 52; CEDAW/C/PRK/CO/2-4, paras 31-32.

<sup>23</sup> CRC/C/PRK/CO/5, paras 9, 10, 19 and 52.

<sup>24</sup> *Ley No.3/2011 reguladora de la Nacionalidad Ecuatoguineana*.

## Ethiopia

Ethiopia is not party to the 1954 or 1961 Statelessness Conventions. It accepted three recommendations during the second UPR cycle to adopt measures to ensure birth registration for all persons.<sup>25</sup> In 2015, the CRC Committee recommended Ethiopia ratify the 1954 and 1961 Statelessness Conventions, as well as ensure comprehensive birth registration.<sup>26</sup> In 2016, the CRPD recommended that the State party strengthen the birth registration system to ensure that every new-born child with disabilities in all areas, in particular those living in remote and rural areas and those living in refugee camps, are registered immediately upon birth.<sup>27</sup> Since then, Ethiopia has made progress on this issue, and in October 2017 UNHCR began civil registration for refugees.<sup>28</sup> The Ethiopian constitution provides for the right to nationality. However, the nationality law fails to provide a right to nationality for a child born in the country who would otherwise be stateless. Ethiopia is one of the two African countries with constitutional prohibitions from withdrawing nationality, however acquired, against a person's will. Under nationality law, however, acquisition of another nationality results in the automatic loss of Ethiopian nationality. The implementation of this provision has caused problems for Ethiopians of Eritrean descent, who failed to prove that they were not Eritrean citizens.

### *Proposed recommendations:*

1. Continue efforts to ensure the issuance of birth certificates and other civil registration to all persons born in Ethiopia, including those living in remote and rural areas, and new-born refugees;
2. Ensure that the nationality law complies with the constitution in providing for the right to nationality for all and ensuring that no person is born stateless or rendered at risk of statelessness as a result of revocation of nationality;
3. Accede to the *1954 Convention relating to the Status of Stateless Persons* and *1961 Convention on Reduction of Statelessness*.

## Nicaragua

Nicaragua supported five recommendations during the second UPR cycle to facilitate birth registration through legislation and awareness-raising campaigns.<sup>29</sup> In particular, those recommendations emphasised that some groups, such as those in the rural, indigenous and Afro-descendant areas remain vulnerable. Moreover, in 2016 the Committee on Migrant Workers noted the lack of data on migrant workers abroad and the situation of returnees.<sup>30</sup> It is of grave concern that the Special Rapporteur on Human Rights Defenders reported that Nicaragua stripped Ana Quirós, a feminist human rights defender and director of *NGO Centro de Información y Servicios de Asesoría en Salud*, of her citizenship of over 20 years and deported her to Costa Rica in 2018.<sup>31</sup>

### *Proposed recommendations:*

1. Continue efforts to enact legislation that guarantees that all children are registered at birth and are provided with appropriate birth certificates;
2. Conduct and make publicly available, mapping studies and data collection on birth registration, and on the situation of nationals abroad and returnees;
3. Immediately reinstate the nationality of Ana Quirós and ensure that nationality is not arbitrarily deprived of human rights defenders or any other persons.

## Norway

In 2017, the CEDAW Committee recommended that Norway allow dual citizenship to reduce the risk for foreign spouses, upon dissolution of a marriage to a Norwegian citizen, becoming stateless.<sup>32</sup> In February 2019, the Norwegian parliament voted in favour of Dual Citizenship.<sup>33</sup> The Committee also recommended that Norway ensure birth registration of children born to refugee and asylum seeking women.<sup>34</sup> The Human Rights Committee expressed concern in 2018 at the lack of a clear legal definition of stateless persons in legislation and the lack of sufficient safeguards to prevent statelessness among all children born in the State party. Furthermore, it recommended that Norway "*provide for a specific procedure to determine statelessness, in line with international standards*".<sup>35</sup> The CRC also reiterated both of these recommendations in 2018.<sup>36</sup>

### *Proposed recommendations:*

1. Ensure birth registration of all children, including those born to refugee and asylum seeking women;
2. Provide in the law a specific definition of statelessness, in line with international standards;
3. Establish all necessary safeguards to ensure that all children born in Norway are entitled to a nationality at birth if otherwise stateless.

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<sup>25</sup> A/HRC/27/14 155.154, 155.98, 155.99.

<sup>26</sup> CRC/C/ETH/CO/4-5, paras 33-34 and 67-68.

<sup>27</sup> CRPD/C/ETH/CO/1, paras 41-42.

<sup>28</sup> <https://www.unhcr.org/news/briefing/2017/10/59f2f4757/historic-first-ethiopia-begins-civil-registration-refugees.html>.

<sup>29</sup> A/HRC/27/16 114.70, 114.71, 114.72, 114.73, 114.74.

<sup>30</sup> CMW/C/NIC/CO/1, paras 25-26.

<sup>31</sup> A/HRC/40/60, para 52 (report of Michael Frost, Special Rapporteur on Human Rights Defenders).

<sup>32</sup> CEDAW/C/NOR/CO/9.

<sup>33</sup> <https://www.loc.gov/law/foreign-news/article/norway-parliament-votes-in-favor-of-dual-citizenship/>.

<sup>34</sup> CEDAW/C/NOR/CO/9.

<sup>35</sup> CCPR/C/NOR/CO/7, paras 34-35.

<sup>36</sup> CRC/C/NOR/CO/5-6, para 15.



## Portugal

Portugal acceded to both the 1954 and 1961 Conventions in 2012. The Portuguese nationality law does not include a definition of statelessness, but being a monist legal system, the 1954 Convention definition has force of law. In 2012, the Working Group of Experts on People of African Descent noted the difficulties many people of African descent have in acquiring Portuguese citizenship.<sup>37</sup> While there are certain safeguards to prevent and reduce statelessness, there is no statelessness determination procedure in place. It is unclear how many stateless persons there are in Portugal. A recent UNHCR report identified a number of barriers in access to Portuguese nationality by stateless persons, including the high standard of proof, procedural obstacles and the lack of awareness with regard to statelessness among the various government institutions.<sup>38</sup>

### *Proposed recommendations:*

1. Set up an accessible and efficient Statelessness Determination Procedure, based on UNHCR guidance and international best practice;
2. Take all necessary steps to facilitate access to nationality for all stateless people in Portugal.

## Qatar

Qatar is not a party to the 1954 or 1961 Statelessness Conventions. Qatar does not allow women to confer nationality to their children or spouses under any circumstances, while Qatari men automatically confer nationality to their children. This absolute denial of the right to confer nationality places Qatar among the worst offenders of the twenty-five countries that still deny women the right to confer nationality on their children on an equal basis with men. Qatar also has in force, a reservation to CEDAW Article 9, which protects women's equal nationality rights. During its second UPR cycle, Qatar received recommendations from five Member States to amend its nationality law to remove gender-based discrimination. It only accepted Argentina's recommendation to "*Strengthen measures to ensure gender equality, particularly in the transmission of nationality to the children of women married to non-citizens*,"<sup>39</sup> and rejected the other four.<sup>40</sup>

The Bidoon are mostly descendants of nomadic groups in the Arabian Peninsula, who are stateless as they were not registered as citizens at the time of Qatar's state-formation, and children born to the community have systematically been denied the right to a nationality. Qatar has made no attempts to resolve their statelessness or ensure that their access to rights in the country are protected. The Bidoon remain discriminated, excluded and denied basic human rights. Members of the al-Murra tribe also face statelessness in the country.

On 1 October 2004, Qatar's Ministry of Interior deprived 927 male "heads of households" of citizenship, asserting that they hid a second nationality, which is prohibited under Qatari law. All of those involved were from the al-Ghufran clan. Later, government officials demanded or induced thousands to leave Qatar. On 5 August 2008, the head of Qatar's Human Rights Commission claimed that 95% of the clan had their citizenship restored. In practice members of the tribe still face obstacles in regaining their nationality. An indeterminate number have regained rights in Qatar, but many others may continue to be stateless. Moreover, Qatar continues to arbitrarily deprive Qatari nationality of citizens.

### *Proposed recommendations:*

1. Amend the *Citizenship Law* to enable Qatari women to transfer nationality to their children and spouses, on an equal basis to men, in accordance with international standards and the principles of equality and non-discrimination on the basis of sex enshrined in the Constitution of Qatar;
2. Withdraw its reservation to and take action to implement CEDAW Article 9;
3. Facilitate independent research of, and then initiate clear procedures to identify and determine the number and profiles of all stateless individuals in Qatar, particularly the Bidoon and al-Ghufran communities;
4. Take all necessary steps to protect the human rights, including the right to nationality for all stateless people in Qatar;
5. Amend the 2005 Citizenship Law to prevent arbitrary deprivation of nationality and to ensure redress and the right of appeal for all persons who have been deprived of their nationality, and in particular, prohibit the deprivation of nationality that results in statelessness.

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<sup>37</sup> A/HRC/21/60/Add.1.

<sup>38</sup> <https://www.refworld.org/pdfid/5bc602314.pdf>.

<sup>39</sup> Paragraph 122.36, Report of the Working Group on the Universal Periodic Review - Qatar, A/HRC/27/15, 27 June 2014.

<sup>40</sup> See: Report of the Working Group on the Universal Periodic Review - State of Qatar: Addendum - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under Review, A/HRC/27/15/Add.1, 15 August 2015. The recommendations were, specifically: 124.35 Continue to strengthen protective measures and legal rights for women, and give full citizenship rights to the children of Qatari mothers and non-Qatari fathers (Norway); 124.36 Consider granting Qatari nationality to the children of Qatari women married to foreign nationals (Greece); 124.37 Achieve real progress with regard to women's rights by reforming the Nationality Act, to ensure gender equality and to give Qatari women the right to transmit their nationality to their children, and by withdrawing reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto (France) and 124.38 Amend the legislation to eliminate discrimination against women with respect to the transmission of nationality to their children and the registration of civil acts (Mexico).