

This document highlights the statelessness related challenges in the countries that will be reviewed at the Human Rights Council during the 35th Session of the Universal Periodic Review (UPR): **Armenia, Grenada, Guinea, Guinea-Bissau, Guyana, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho (Kingdom of), Spain, Sweden and Turkey**. The issues raised in this summary include: Statelessness determination procedures, the child's right to a nationality and gender discrimination in nationality law. 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 35th Session on human rights and statelessness issues in **Kiribati, Kuwait (2x), Kyrgyzstan, Lao PDR, Lesotho, Spain and Turkey**.¹

Armenia

Armenia is party to the 1954 and 1961 Statelessness Conventions. According to the Armenian government, by April 2019 there were 848 stateless persons in the country, however the real number may be higher.² Armenia did not receive relevant recommendations during either UPR cycles. In 2017, the CRPD expressed its concern about structural barriers preventing persons with disabilities from accessing authorities to obtain passports and identity cards on an equal basis with others.³ During the UNHCR High Level Segment on Statelessness in October 2019, Armenia pledged to conduct a comprehensive study on statelessness, and "to review the national legislation on Nationalities ("Citizenship") to establish legal grounds for decreasing the number of stateless persons[,] ensure proper mechanisms for guaranteeing the exercise of their rights" and to "further amend [legislation] that may cause statelessness".⁴

Proposed Recommendations:

1. Further to its pledge at UNHCR's High Level Segment on Statelessness, amend the provisions of the national legislation on Nationalities ("Citizenship") that may cause statelessness, and implement a statelessness determination procedure and monitoring mechanism to identify stateless persons within the country.
2. Ensure the birth registration of children whose parents are undocumented and that persons with disabilities can obtain passports and identity cards, by *inter alia*, facilitating access to public offices and passport delivery procedures.
3. Accede to the 1997 European Convention on Nationality and the 2006 Convention on the Avoidance of Statelessness in Relation to State Succession.

Grenada

Grenada is not a party to the Statelessness Conventions. There are no statistics on statelessness in the country. During the second UPR cycle, it accepted Mexico's recommendation to adopt administrative measures to ensure birth registration for all children irrespective of whether they have a christening certificate. It is unclear how this recommendation has been implemented. The UNCHR highlighted in 2014 that provisions contained in Article 9 of Grenada's Citizenship Act, which refer to situations in which persons may be rendered stateless as a result of a deprivation decision, go well beyond the exceptions allowed for under Article 8 of the 1961 Convention.⁵ Such deprivation rules are also contrary to general principles of international and human rights law, which prohibit the arbitrary and discriminatory deprivation of nationality.

Proposed recommendations:

1. Amend Article 9 of the Citizenship Act in order to fully comply with the international standards that prohibit the arbitrary deprivation of nationality.
2. Take all the necessary measures to ensure that all children are registered at birth, regardless of the acquisition of a baptism certificate.
3. Accede to, and fully implement the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Guinea

Guinea is a State party to both the 1954 and 1961 Statelessness Conventions. There are no statistics on statelessness in the country. Guinea has received and accepted four recommendations regarding birth registration during the second UPR cycle.⁶ In 2019, the CRC expressed its concern regarding the absence of information on any measures taken to remove barriers to the birth

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

² <https://www.un.am/up/file/UNHCR%20Armenia%20Fact%20Sheet%20April%202019%20ENG.pdf>.

³ <https://undocs.org/en/CRPD/C/ARM/CO/1>.

⁴ <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

⁵ UN High Commissioner for Refugees (UNHCR), Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Grenada, June 2014, available at: <https://www.refworld.org/docid/55474dbf4.html>.

⁶ Albania, Côte d'Ivoire, Turkey and Mexico recommended Guinea to intensify its efforts to ensure that all children are registered at birth, particularly refugee children, former refugees and migrants (Cote d'Ivoire) in rural areas (Turkey) and that the issuance of birth certificates is free of charge (Mexico).

registration of children whose parents do not have personal documentation or are stateless and urged Guinea to strengthen measures to promote mandatory, universal and timely birth registration, free of charge and accessible by rural and marginalised populations.⁷ In 2014, the CEDAW noted that certain provisions of the Civil Code contradict Article 9 of its Convention and discriminate against Guinean women, since only men transmit their nationality automatically to their children.⁸ There is no indication that Guinea has taken any steps towards amending the existing law.⁹ During the UNHCR High Level Segment on Statelessness in October 2019, Guinea pledged to establish a statelessness determination procedure by 2021.¹⁰

Proposed recommendations:

1. In accordance with its pledge at the UNHCR High Level Segment on Statelessness, establish, by 2021, a statelessness determination procedure to ensure the identification and protection of stateless persons.
2. Amend the Civil Code in conformity with Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women regarding nationality transmission by women to their children.
3. Take appropriate measures to ensure mandatory, universal and timely birth registration, free of charge and accessible by rural and marginalized populations.

Guinea-Bissau

Guinea-Bissau is a State party to both the 1954 and 1961 Statelessness Conventions. There are no statistics on statelessness in the country. During the second UPR cycle Guinea-Bissau received and accepted a recommendation from Turkey to improve the civil registration system in order to register all children at birth. The CRC in 2013 recommended the State party to adopt an administrative policy designed to prevent statelessness and protect stateless children.¹¹ During the UNHCR High Level Segment on Statelessness in October 2019, Guinea-Bissau pledged to improve birth registration procedures, adopt laws to protect stateless persons, and to establish a national statelessness commission".¹²

Proposed recommendations:

1. Further to its pledge at UNHCR's High Level Segment on Statelessness, adopt an administrative policy designed to prevent statelessness and protect stateless children and ensure a registration system that is accessible, free, simple and expeditious and operates without discrimination of any kind.

Guyana

Guyana is not a party to the Statelessness Conventions. There are no statistics on statelessness in the country and the State has not received relevant recommendations during either UPR cycles. In 2019, CEDAW expressed its concern that women in hinterland areas still face barriers in registering births and acquiring identity documentation for themselves and their children. It also noted that the high demand for registration and documentation of nationality, as a result of the arrival of Venezuelan women and girls of Guyanese descent, exceeds the capacities of the General Registrar's Office. This is particularly problematic because the absence of documentation restricts those persons in the exercise of their rights as Guyanese citizens, prevents them from gaining access to basic services and may result in statelessness. In this context, the CEDAW recommended Guyana to increase resources allocated to civil registration and citizenship documentation services, address the situation of women and girls of Guyanese descent arriving from the Bolivarian Republic of Venezuela, and to ratify the Statelessness Conventions.¹³ These concerns were also raised by the CMW in 2018, which recommended Guyana to "ensure that all children, including children of migrant workers, are registered at birth and issued personal identity documents".¹⁴ During the UNHCR High Level Segment on Statelessness in October 2019, Guyana pledged to improve birth registration procedures, and to take measures to improve nationality documentation services.¹⁵

Proposed recommendations:

1. Increase resources allocated to civil registration and citizenship documentation services, including mobile registration brigades in remote areas, and address the situation of women and girls of Guyanese descent arriving from the Bolivarian Republic of Venezuela, in order to prevent statelessness.
2. Ensure that all children, including children of migrant workers, are registered at birth and issued personal identity documents, and raise awareness of the importance of birth registration.
3. Accede to and fully implement the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Kenya

⁷ <https://undocs.org/CRC/C/GIN/CO/3-6>.

⁸ <https://undocs.org/CEDAW/C/GIN/CO/7-8>.

⁹ <https://www.equalnationalityrights.org/the-issue/the-problem>.

¹⁰ <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

¹¹ <https://undocs.org/en/CRC/C/GNB/CO/2-4>.

¹² <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

¹³ <https://undocs.org/CEDAW/C/GUY/CO/9>.

¹⁴ <https://undocs.org/en/CMW/C/GUY/CO/1>.

¹⁵ <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

Kenya is not a party to the Statelessness Conventions. During the second UPR cycle Kenya accepted Finland's recommendation to safeguard the rights and safety of, *inter alia*, stateless persons, and noted Portugal's recommendation to accede to the Statelessness Conventions. The CERD has recommended in 2017 to cease discriminatory practices and accelerate its efforts to address statelessness, including through standardised registration procedures and issuance of official identification documents. In 2017, the CEDAW recommended to ensure that all refugee and stateless women married to Kenyan nationals may obtain citizenship and confer it on their children without administrative barriers; issue identity cards and title deeds to stateless persons in the State party; facilitate the provision of official documents and registration of marriages, especially in rural areas; and to ratify the Statelessness Conventions. Earlier, in 2016, the CRC has also noted difficulties in obtaining birth registration.¹⁶

According to UNHCR, by the end of 2018 there were 18,500 stateless persons in the country.¹⁷ Since 2015, Kenya has made big steps in resolving statelessness among certain groups. In 2016, the Kenyan Government recognised the Makonde, and extended the deadline by which stateless persons present in Kenya since independence and their descendants can register for nationality from 2016 to 2019. During the UNHCR High Level Segment on Statelessness in October 2019, Kenya pledged to, *inter alia*, improve birth registration procedures, to complete legal reforms to address and remedy statelessness in Kenya permanently by 2023, recognize and register eligible members of the Shona community as Kenya citizens by 2020, and to accede to the Statelessness Conventions by 2021.¹⁸ In line with this pledge, Kenya has issued birth certificates to the Shona community, among other steps to resolve statelessness.¹⁹ While these developments signal that the issue of statelessness has gained governmental attention, a significant number of people in Kenya remain stateless, particularly among, Pemba, Barundi, Nubian and Nyarwanda communities.

In January 2019, Kenya introduced a new digital identification system. Apart from the risk that unregistered individuals might be left out of the National Integrated Identity Management System (NIIMS), applicants are required to provide sensitive information to acquire IDs as well as a unique identification number known as *Huduma Namba*.²⁰ Requiring that extent of information not only is significantly burdensome but is also in violation with Article 31 of the Kenyan Constitution with regards to the right to privacy while raising concerns over data privacy and the risk of further entrenching discrimination of marginalised groups in Kenya.²¹

Proposed recommendations:

1. Cease discriminatory practices and accelerate efforts to address statelessness particularly regarding ethnic minorities, refugee and stateless women who marry Kenyan men, women in customary marriages and rural women as well as refugee children, children of stateless persons and migrants, children belonging to ethnic minorities, children with mothers in custody, children in rural and remote areas and intersex children facing difficulties in obtaining birth registration.
2. Ensure equal treatment of all Kenyans regarding access to documentation, and enact a strong data protection law prior to the introduction of the National Integrated Identity Management System (NIIMS).
3. Accede to and fully implement the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Kiribati

Kiribati is a party to the 1954 and 1961 Statelessness Conventions. There are no statistics on statelessness in the country. During the first UPR Cycle, Norway and France made recommendations to amend legislation, including the citizenship law, to uphold gender equality. Both recommendations were noted. During the second UPR cycle Kiribati accepted two recommendations, one from Argentina, to strengthen the measures aimed at guaranteeing gender equality in particular with regard to the transfer of Kiribati nationality to the children of Kiribati women born abroad, and one from Sierra Leone, to ensure birth registration is available to all its citizens.²² Although Kiribati has yet to complete its first CEDAW review, the government acknowledged the discriminatory nature of its Constitution and Citizenship Act *vis-à-vis* nationality rights in its most recent report to the CEDAW Committee where it highlighted the discrimination of Kiribati women since their non-Kiribati husbands are not allowed to become Kiribati citizens while their children are not considered of I-Kiribati descent and need to go through the procedures of the Citizenship Commission to gain Kiribati citizenship and passports. Moreover, for a child or wife to go through the naturalisation process, it is the father or husband respectively that is required to submit the application.²³

Proposed recommendations:

1. Reform gender-discriminatory provisions in the Constitution and Citizenship Act 1979 to enshrine citizen's equal ability to confer nationality on children and spouses without discrimination on the basis of sex.

Kuwait

¹⁶ <https://undocs.org/en/CERD/C/KEN/CO/5-7>; <https://undocs.org/CEDAW/C/KEN/CO/8>; <https://undocs.org/en/CRC/C/KEN/CO/3-5>.

¹⁷ <http://popstats.unhcr.org/en/overview>.

¹⁸ <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

¹⁹ <https://www.theeastafrican.co.ke/news/ea/Shona-near-end-of-statelessness-as-Kenya-birth-certificates/4552908-5303614-8clua9z/index.html>.

²⁰ <http://kenyalaw.org/kl/fileadmin/pdfdownloads/AmendmentActs/2018/StatuteLawMiscellaneousNo18of2018.pdf>.

²¹ <https://blog.mozilla.org/netpolicy/2019/02/08/kenya-government-mandates-dna-linked-national-id-without-data-protection-law/>, See also:

<https://www.justiceinitiative.org/uploads/8f3b665c-93b9-4118-ad68-25ef390170c3/briefing-kenya-nims-20190923.pdf>.

²² https://files.institutetsi.org/UPR35_Kiribati.pdf.

²³ <https://undocs.org/en/CEDAW/C/KIR/O/1-3>.

Kuwait is not a party to the 1954 or 1961 Statelessness Convention. According to UNHCR, by the end of 2018 there were 92,000 stateless persons in the country.²⁴ A large part of this group belong to the Bidoon community. During the second UPR cycle, Kuwait received and noted a large number of recommendations on nationality legislation as it pertains to the situation of stateless individuals, including to accede to the Statelessness Conventions, to grant nationality to those who have been left stateless and children of foreign or stateless fathers born in the territory of Kuwait, to address gender and ethnic discrimination in nationality laws and the arbitrary deprivation of citizenship, and to end discrimination against Bidoons by affording all Bidoons equal protection under law, and in particular by conferring Kuwaiti nationality on a non-discriminatory basis.²⁵ The CERD and the CEDAW have both noted in 2017 that the Nationality Act does not allow Kuwaiti women who marry foreigners to pass on their nationality to their children and spouses on an equal footing with Kuwaiti men.²⁶ In 2019, the CRPD noted the lack of information on the nationality status of Bidoons with disabilities, among others.²⁷ In addition, ISI has received reports of arbitrary detention and other human rights abuses of at least 15 human rights defenders and (Bidoon) activists currently in detention.²⁸

The Kuwaiti Nationality Act does not allow Kuwaiti women who marry foreigners to pass on their nationality to their children and spouses on an equal footing with Kuwaiti men.²⁹ More specifically, Kuwaiti women are not entitled to pass on their nationality to their spouses or children, except in cases of divorce from or the death of the father of their children, and even in such instances the decision to grant nationality to the child is not automatic. Kuwaiti women cannot pass their nationality to a foreign spouse, a right reserved for Kuwaiti men. In addition, revocation of nationality has increasingly been used on politically motivated grounds against human rights defenders and dissidents, without any consideration for the risk of statelessness and on the basis of overly broad and vague grounds for the revocation of nationality.³⁰

Proposed recommendations:

1. Abrogate *de jure* and *de facto* discrimination against women, Bidoons and non-Kuwaiti nationals and stateless persons with disabilities regarding acquisition and transmission of Kuwaiti nationality.
2. Amend the Kuwaiti Nationality Act to ensure the prohibition and prevention of arbitrary deprivation of nationality and reinstate the nationality of all persons who may have been arbitrarily stripped of their nationality.
3. Release all (Bidoon) human rights defenders currently detained for demonstrations, and ensure their right to protest.
4. Accede to and fully implement the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Kyrgyzstan

Kyrgyzstan is not a party to the 1954 and 1961 Statelessness Conventions. During the second UPR cycle, Albania and Mexico made recommendations related to legal identity and birth or civil registration. Both were accepted. In 2018 the CERD, while noting that Kyrgyzstan made great efforts to reduce the number of stateless persons, recommended the establishment of a statelessness determination procedure.³¹ Following a “door-to-door” campaign on registration and documentation of stateless persons, the UNHCR announced in 2019 that Kyrgyzstan brought its stateless population down from over 13,000 in 2014 to zero.³² Although this is a welcoming development, it is worth mentioning that there are likely to be individuals that have not been identified as stateless. Further, UNICEF estimated in 2019 that over 18,000 children in Kyrgyzstan under the age of five lack birth registration, which could put them at risk of statelessness.³³ During the UNHCR High Level Segment on Statelessness in October 2019, Kyrgyzstan pledged to, *inter alia*, improve birth registration procedures and implement a statelessness determination procedure.³⁴

Proposed recommendations:

1. Establish a statelessness determination procedure to enable all stateless persons, without discrimination, to have their status ascertained and protected, and ensure safeguards against statelessness in the event of deprivation of citizenship.
2. Ensure that all children born in the territory are registered by, *inter alia*, simplifying birth registration and establish safeguards to prevent children from becoming stateless.
3. Accede to and fully implement the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Lao People’s Democratic Republic

²⁴ <http://popstats.unhcr.org/en/overview>.

²⁵ Noted: 157.30 (Honduras); 157.31 (Slovakia); 157.32 (Australia); 157.34 (Germany); 157.33 (Canada); 157.113. (Canada); 157.114. (Togo); 157.115 (Austria); 157.117. (Germany); 157.118. (Norway); 157.119. (Poland); 157.241 (Netherlands); 157.246 (Slovakia); 157.247 (Czech Republic); 157.248 (Spain); 157.249 (United Kingdom); 157.250 (Argentina); 157.252. (Republic of Korea); 157.254 (Switzerland); Noted/supported: 157.116. (Czech Republic).

²⁶ <https://undocs.org/en/CERD/C/KWT/CO/21-24>; <https://undocs.org/CEDAW/C/KWT/CO/5>.

²⁷ <https://undocs.org/CRPD/C/KWT/CO/1>.

²⁸ https://observatoryihr.org/news_item/15-stateless-bidoon-activists-arrested-in-kuwait/.

²⁹ https://files.institutesi.org/UPR35_Kuwait_with_Equality_Now.pdf.

³⁰ https://files.institutesi.org/UPR35_Kuwait.pdf.

³¹ <https://undocs.org/en/CERD/C/KGZ/CO/8-10>.

³² UNHCR, Kyrgyzstan ends statelessness in historic first (2019): <https://www.unhcr.org/news/press/2019/7/5d1da90d4/kyrgyzstan-ends-statelessness-historic-first.html>.

³³ <https://www.unicef.org/kyrgyzstan/press-releases/kyrgyzstan-much-18000-children-are-invisible>.

³⁴ <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

Lao is not a party to the 1954 Convention and 1961 Statelessness Conventions. There are no reliable statistics on statelessness in the country. During the previous UPR cycle, Lao received and accepted three recommendations by Brazil, Namibia and Mexico to modernise its birth registration system. The CEDAW and the CRC both in 2018 recommended Laos to ensure universal and timely birth registration, especially in rural and remote areas, by conducting awareness-raising campaigns, removing language barriers and deploying mobile civil registration units.³⁵ The Law on Lao Nationality contains a number of elements to prevent a person from becoming stateless by virtue of circumstances outside of the person's control.³⁶ However, there are still considerable gaps in this law that might render a person stateless. For example, stateless or foreign individuals must satisfy 11 separate criteria in applying for Lao citizenship, some of which are unnecessary and difficult to satisfy, and a child born to stateless parents will only acquire Lao citizenship if the parents are "integrated into the Lao society and culture". There have also been concerning reports in relation to the treatment of certain religions and ethnic groups such as the Hmong people and Christians claiming that authorities have restricted their freedom of movement or refused to issue passports.³⁷

Proposed recommendations:

1. Identify and close possible gaps in the Nationality Law Framework to ensure no person is rendered stateless, no child born stateless and that the criteria for a stateless person to apply for Lao citizenship are reasonable.
2. Ensure free universal birth registration in Lao PDR, as a tool for protecting the right to a nationality and preventing statelessness, including implementing mobile or postal birth registration services to assist those populations in remote or regional areas, in particular those belonging to the Hmong Ethnic Group.
3. Accede to and fully implement the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Lesotho (Kingdom of)

Lesotho is a party to the 1954 and 1961 Statelessness Conventions. During the second UPR cycle, Lesotho received and accepted two recommendations on birth registration, by Latvia and Mexico. The CMW has stated its concern in 2016 that, children born to Basotho migrant workers are at risk of statelessness as there is no mechanism to ensure systematic consular birth registration. The CRC, in 2018, raised similar issues.³⁸ During the UNHCR High Level Segment on Statelessness in October 2019, Lesotho pledged to, *inter alia*, improve birth registration procedures and implement a statelessness determination procedure.³⁹ Furthermore, Lesotho women, contrary to Lesotho men, are unable to transmit their citizenship to their husband.⁴⁰ This can lead to other issues. For example, when women are unable to confer nationality on their spouses, their husbands may be denied work permits and must often pay expensive residency permits.⁴¹ On naturalisation of stateless persons, section 10 (1)(a) and (b) of the Citizenship Order requires that a stateless person resided lawfully in Lesotho prior to his application. However, due to a lack of a statelessness determination procedure, stateless persons often are not in a position to acquire legal status in the country.⁴²

Proposed recommendations:

1. Amend its nationality legislation and remove discriminatory provisions which allow Lesotho men to pass on their nationality to their spouses while Lesotho women cannot.
2. Establish a statelessness determination procedure, and amend section 10 of the Citizenship Order which requires a stateless person be 18 years old and have legal status in Lesotho before making an application for nationality, and ensure that all stateless children, regardless of legal status, can apply for citizenship without discrimination.
3. Take all necessary steps to break down barriers in accessing birth registration, including by allocating sufficient human and financial resources, ensuring mobile birth registration, non-discriminatory regulations and free birth registration.

Spain

Spain is a party to the 1954 Convention since 1984 and the 1961 Convention since 2018, to which it acceded following four recommendations it received during the second UPR cycle. According to UNHCR, by the end of 2018 there were 2,455 stateless persons in the country.⁴³ Spain has established a dedicated statelessness determination procedure (SDP). However, applications require basic computer and internet access, the form is available only in Spanish, legal aid is only available at appeals stage while the *ex officio* initiation of the procedure is scarce. Regarding detention, statelessness is not considered during vulnerability assessment and there are no procedural safeguards in place to prevent stateless persons from being detained for the purpose of removal, leading to a number of cases of stateless people being detained.⁴⁴

Proposed recommendations:

³⁵ <https://undocs.org/CEDAW/C/LAO/CO/8-9>; <https://undocs.org/en/CRC/C/LAO/CO/3-6>.

³⁶ Decree On the Promulgation of the Law on Lao Nationality, No. 35/PO (25 May 2004), accessed at

[http://www.vientianetimes.org.la/Laws%20in%20English/10.%20Law%20on%20Lao%20Nationality%20\(2004\)%20Eng.pdf](http://www.vientianetimes.org.la/Laws%20in%20English/10.%20Law%20on%20Lao%20Nationality%20(2004)%20Eng.pdf).

³⁷ https://files.institutesi.org/UPR35_Lao_PDR.pdf.

³⁸ <https://undocs.org/en/CMW/C/LSO/CO/1>; <https://undocs.org/CRC/C/LSO/CO/2>.

³⁹ <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

⁴⁰ https://files.institutesi.org/UPR35_Lesotho.pdf.

⁴¹ For more on the effects of gender discrimination in nationality laws: <https://equalnationalityrights.org/the-issue/the-problem?highlight=WyjsZXNvdGh0llo=>.

⁴² https://files.institutesi.org/UPR35_Lesotho.pdf.

⁴³ <http://popstats.unhcr.org/en/overview>.

⁴⁴ https://files.institutesi.org/UPR35_Spain.pdf.

1. Strengthen legal and policy measures, including alternatives to detention, to protect stateless persons or those at risk of statelessness from arbitrary detention, and ensure that all persons in immigration detention have access to the statelessness determination procedure.
2. Remove all possible barriers, such as language, computer literacy, absence of legal aid and lack of information, and encourage the *ex officio* initiation of the statelessness determination procedure, including an effective referral mechanism from the asylum procedure, to ensure that this procedure is easily accessible for every person.
3. Publish data on the statelessness determination procedure and on the stateless population in the country on a regular basis.

Sweden

Sweden is a party to the 1954 and 1961 Statelessness Conventions. According to UNHCR, by the end of 2018 there were 31,819 stateless persons in the country.⁴⁵ During both previous UPR cycles, Sweden did not receive any recommendations relating to the right to a nationality and statelessness. In July 2016, Sweden introduced a new temporary asylum law - recently extended up to July 2021⁴⁶ - on the withdrawal of permanent residence from refugees. This eliminates the opportunity for stateless refugees to acquire Swedish citizenship for which a permanent residence is a prerequisite, thus creating a new group of 'unreturnable' people.⁴⁷ UNHCR has also highlighted that Sweden lacks a statelessness determination procedure. Moreover, it has noted that there are no adequate safeguards to prevent childhood statelessness, as one of the criteria for nationality application is a permanent residence.⁴⁸ During the UNHCR High Level Segment on Statelessness in October 2019, Sweden pledged to take measures to improve in its efforts to address statelessness.⁴⁹

Proposed Recommendations:

1. Develop and implement an effective statelessness determination procedure, and revoke or amend the temporary asylum law to reintroduce permanent residence for refugees, thus ensuring a pathway towards citizenship.
2. Take all necessary measures to prevent childhood statelessness, and develop and implement a special protection mechanism for stateless refugees as well as stateless non-refugees.
3. Issue work visas to stateless persons living in Sweden, and ensure equal access to healthcare (including for non-emergencies) and access to medicine for all stateless persons, including for those above the age of 18.

Turkey

Turkey is a party to the 1954 Convention but not the 1961 Convention. During the second UPR cycle, Turkey received a recommendation from Equatorial Guinea to "pursue the process already undertaken of children's civil registration", which it accepted. In 2016, the CMW recommended Turkey to "ensure that all children of migrant workers are registered at birth and issued with personal identity documents[,] in order to ensure their rights to nationality and citizenship".⁵⁰

Approximately 3.6 million Syrian refugees currently live in Turkey, many of whom are at high risk of becoming stateless.⁵¹ According to the Turkish Parliament's Refugee Subcommittee, there were around 311,000 children of Syrian origin who had been born stateless in Turkey by 2018.⁵² As Turkey does not currently provide these children unconditional birth-right citizenship, these children face denial of their right to acquire a nationality and risk being made stateless. Furthermore, on 20 July 2016, the Turkish Government declared a state of emergency and passed a number of emergency regulations in response to the failed military coup earlier that month. Article 75 of Decree 680 establishes procedures for the deprivation of nationality for Turkish citizens living abroad, in cases where investigation or prosecution has been carried out on the grounds of national security. This Decree is arbitrary, does not take into account the risk of statelessness and contains no provision of any safeguard to ensure that deprivation of citizenship will not result in statelessness.⁵³

Proposed Recommendations:

1. Protect every child's right to a nationality by ensuring that existing provisions in the Citizenship Law providing for automatic acquisition of Turkish nationality at birth by children born on the territory to stateless or unknown parents, or parents who cannot pass on their nationality, are comprehensively implemented in practice without discrimination.
2. Repeal Decree 680, which provides for the arbitrary deprivation of nationality of Turkish citizens living abroad and immediately cease from using deprivation of nationality as a penal measure and comply with all obligations under international law.
3. Accede to the 1961 Convention on the Reduction of Statelessness.

⁴⁵ <http://popstats.unhcr.org/en/overview>.

⁴⁶ <https://www.asylumineurope.org/news/19-06-2019/sweden-parliament-extends-temporary-law>.

⁴⁷ <https://www.statelessness.eu/blog/sweden-s-temporary-asylum-laws-impending-problems-stateless-refugee>.

⁴⁸ UN High Commissioner for Refugees (UNHCR), *Mapping Statelessness in Sweden*, December 2016, Available at: <https://www.refworld.org/docid/58526c577.html>.

⁴⁹ <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

⁵⁰ <https://undocs.org/CMW/C/TUR/CO/1>.

⁵¹ <https://data2.unhcr.org/en/situations/syria/location/113>.

⁵² See for example: <http://www.hurriyetdailynews.com/minister-suggests-syrian-children-born-in-turkey-should-be-granted-citizenship-139784>.

⁵³ On 10 September 2017, a notice was issued by the Turkish Government, threatening 99 Turkish citizens in exile with the stripping of their citizenship.