Universal Periodic Review

All country summary and recommendations

related to the right to a nationality and the rights of stateless persons

45th Session, 4th Cycle 22 January – 02 February 2024



This document highlights the statelessness related challenges in States that will be reviewed during the 45th Session of the Universal Periodic Review (UPR): Belize, Central African Republic, Chad, China, Congo, Jordan, Malaysia, Malta, Mauritius, Mexico, Monaco, Nigeria, Saudi Arabia and Senegal. The issues raised in this summary include gender and racial discrimination in nationality laws, arbitrary deprivation of nationality and the child's right to a nationality. All recommending states are urged to draw on this document when formulating recommendations to States under review. In addition to this summary, the Institute on Statelessness and Inclusion (ISI) and its partners made joint submissions on human rights and statelessness issues in Malaysia and Malta.

Belize

Belize is a party to both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. No official data is available on stateless people in the country. Despite Belize's accession to both Statelessness Conventions, the adoption of comprehensive internal legislation establishing a statelessness determination procedure in order to identify and guarantee the rights and protection of stateless persons remains pending.¹ Access to birth registration and the issuance of birth certificates remains difficult for some communities. 2015 statistics noted that 4% of children below the age of five were not registered.²

Proposed Recommendations:

- 1. Conduct and make publicly available, mapping studies and data collection on statelessness in the country.
- 2. Establish a clear and predictable statelessness determination procedure that guarantees basic procedural rights and safeguards.
- 3. Provide free birth registration and issuance of birth certificates, especially in rural and remote areas, to reduce the risk of statelessness.

Central African Republic

Central African Republic is not a party to either the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. However, it signed the Declaration of International Conference on the Great Lakes Region (ICGLR) on the eradication of statelessness in 2017. No official data is available on stateless people in the country. However, it is estimated that around 1.1 million of the Central African Republic's individuals are at risk of statelessness.³ This is mainly due to significant forced displacement within and outside the country which has placed vulnerable groups - in particular the Muslim minority who faces targeted destruction of civil status registries and denial of nationality - at risk of statelessness.⁴ The Nationality Code does not allow women to transmit their nationality to their foreign spouses. The Committee on the Rights of the Child (CRC) has expressed concern over low levels of birth registration. Children born on the territory have the right to claim citizenship before reaching majority but, practically, this proves difficult when a child's birth has not been registered or the parents are not nationals of the Central African Republic.

Proposed Recommendations:

- 1. Address and prevent the arbitrary denial of nationality and destruction of documentation in order to ensure the right to a nationality of displaced people and minority communities.
- 2. Ensure that all necessary steps are taken to amend the Nationality Code to enable women to transfer nationality to their spouses, on an equal basis with men.
- 3. Provide free birth registration and issuance of birth certificates, especially in rural and remote areas, to reduce the risk of statelessness.
- 4. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

Chad

Chad is a party to both to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. No official data is available on stateless people in the country. Chad's Nationality Code provides for any child born in Chad to acquire nationality automatically at birth. However, its implementation is questionable. Despite progress in increasing birth registrations, Chad has one of the lowest rates of birth registration in Africa, especially for children of Sudanese parents. In 2022, it was reported that 74% of children under the age of five was not registered.⁵

¹ UNHCR, 'Submission by UNHCR on UPR31 Belize', available at: https://www.refworld.org/pdfid/5b56e1903.pdf.

² UNHCR, 'Results of the High-Level Segment on Statelessness', (October 2019), available at: https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/

³ UNHCR, 'Central African Republic', available at: https://reporting.unhcr.org/operational/operations/central-african-republic#:~:text=Currently%2C%20515%2C665%20individuals%20are%20internally,are%20at%20risk%20of%20statelessness.

⁵ UNICEF, 'A Statistical Update on Birth Registration in Africa', (October 2022), available at: https://data.unicef.org/wp-content/uploads/2022/10/Africa-Birth-Registration-Brochure-Oct-2022_Final-LR.pdf.

Chad is one of the main refugee host countries in Africa. In 2022, 592,800 refugees resided in Chad.⁶ However, numbers of stateless people or those at risk of statelessness among them are unclear.

Proposed Recommendations:

- 1. Conduct and make publicly available, mapping studies and data collection on statelessness in the country.
- 2. Provide free birth registration and issuance of birth certificates, especially in rural and remote areas, to reduce the risk of statelessness.
- 3. Pursue efforts to modernise the civil registry and ensure that all persons including refugees and migrants have equal access to identity documentation.

China

China is not a party to either the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. No official data is available on stateless people in the country. In 2023, China's Government reformed *Hukou* (household registration) which is needed for residents to access social services such as education, healthcare and other benefits. *Hokou* increases the risk of statelessness in China as thousands of children, particularly those born to migrant parents, lack such registration, needed to receive Chinese nationality. Despite plans to lower the bar of obtaining *Hukou*, it is not clear whether such reforms will ensure that individuals at risk of statelessness have access to Chinese nationality. Further, the Uyghurs, a predominantly Muslim ethnic group in Xinjiang, have experienced difficulties in obtaining citizenship.⁸

Proposed Recommendations:

- 1. Conduct a mapping study on statelessness and make data on statelessness publicly available.
- 2. Ensure that every child born on territory has access to Chinese nationality if otherwise stateless. Delink access to Hukou from access to Chinese nationality.
- 3. Ensure ethnic communities, such as the Uyghurs, are provided with personal documents and their human rights are upheld.
- 4. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

Congo

Congo is a party to both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. According to UNHCR, approximately 200.000 individuals have been identified by the Government as being at risk of statelessness. Indigenous groups face disparagement, despite a national law adopted in February 2011 promoting and protecting the rights of indigenous people – including the right to citizenship and the right to civil status documentation. Indigenous communities continue to face marginalisation which inhibits children's birth registration while lengthy processes obstruct access to identity documentation.¹⁰

Proposed Recommendations:

- 1. Conduct and make publicly available, mapping studies and data collection on statelessness in the country.
- 2. Ensure indigenous groups are provided with citizenship, personal documents and access to human rights.
- Provide free birth registration and ensure issuance of birth certificates, especially in rural and remote areas, to reduce the risk of statelessness.

Jordan

Jordan is not a party to either the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. According to UNHCR, there were 64 stateless people in the country at the end of 2022.¹¹ Jordanian women can only confer nationality on children when the father is of unknown nationality, stateless or when filiation is not established. Jordanian men confer nationality on their children without exception. Jordanian women cannot

⁶ UNHCR, 'Global Trends 2022. Statelessness', available at: https://www.unhcr.org/global-trends.

⁷ Amy Hawkins, 'China to relax internal migration rules to kickstart economy', *The Guardian*, (4 August 2023), available at: https://www.theguardian.com/world/2023/aug/04/china-to-relax-internal-migration-rules-to-kickstart-economy

⁸ Işık Kuşçu Bonnenfant, *Stateless Diasporas and China's Uyghur Crisis in the 21st Century*, Oxford University Press, (21 December 2022), pages 1-23, available at: https://oxfordre.com/internationalstudies/display/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-751

⁹ UNHCR, 'UNCHR commends the Republic of the Congo's commitment to end statelessness', (20 October 2023), available at: https://www.unhcr.org/news/press-releases/unhcr-commends-republic-congo-s-commitment-end-statelessness.

¹⁰ UNHCR, 'Birth registration drive brings Congo's indigenous in from the shadows', (11 November 2021), available at: https://www.unhcr.org/news/stories/birth-registration-drive-brings-congos-indigenous-shadows.

¹¹ UNHCR, 'Global Trends 2022. Statelessness', Annex, Table 5, available at: https://www.unhcr.org/global-trends.

confer their nationality to their foreign spouses.¹² There are more than two million registered Palestinians in Jordan and many of them are only able to acquire two-year travel documents granting them freedom of movement but prohibiting access to many other rights, including access to Jordanian nationality.¹³ Additionally, nearly one million Syrian refugees live in Jordan. Due to gender discrimination in Syrian nationality law, a large stateless population originating from Syria and the complicated procedure of obtaining legal documents in Jordan there are likely to be a significant number of cases of statelessness and risk of statelessness among this population in Jordan.¹⁴

Proposed Recommendations:

- 1. Remove gender discrimination in Jordan's Nationality Law so that Jordanian women can enjoy equal rights with Jordanian men to pass their nationality to their children and spouses.
- 2. Ensure that all children born in the territory of Jordan who do not obtain any other nationality are guaranteed, without discrimination, the right to a Jordanian nationality.
- 3. Ensure that all stateless populations in Jordan, such as the Palestinians and Syrians, are ensured access to rights and services, including a secure and indefinite residency status.
- Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

Malaysia

Malaysia is not a party to either the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. According to UNHCR, there were 115,169 stateless people in the country at the end of 2022.15 This figure comprises 103,380 stateless Rohingya in Malaysia along with 9,040 non-displaced stateless persons in West Malaysia 'who may be entitled to Malaysian nationality under the law.' Gender discrimination persists in Malaysia's citizenship laws. Malaysian women cannot pass their citizenship automatically onto their children born outside the country and onto their spouses. Children born outside a legally recognised marriage to Malaysian fathers and non-Malaysian mothers do not have the right to inherit Malaysian citizenship. 16 Several groups are at risk of or affected by statelessness in Malaysia. Persons who have resided in Malaysia since pre-independence as well as their descendants (including individuals of Tamil ethnicity), indigenous persons (including mobile maritime populations and Orang Asli communities), refugees and irregular migrants (and their children), the Bajau Laut in Sabah East Malaysia are obstructed from accessing identity documentation and birth registration, due to discriminatory application of laws and policies. Malaysia is also home to a significant number of stateless refugees such as the Rohingya who have very limited access to basic services. As part of recent developments concerning childhood statelessness, the Malaysian Government announced its intention to remove Section 1(e) of Part II of the Second Schedule of the Federal Constitution which will deprive stateless children of their pathway to citizenship and fundamental rights and liberties. Similarly, Section 19(B) is set to be amended, replacing the existing provision which grants automatic citizenship to foundlings with a discretionary application process that places the burden of proving statelessness on the child.¹⁷

Proposed Recommendations:

- Reform Malaysia's gender-discriminatory citizenship laws and policies to ensure access to automatic citizenship to children born to either parent Malaysian, irrespective of the gender of the Malaysian parent, marital status of the parents and the place of birth of the child. Ensure Malaysian women have equal rights as Malaysian men to confer citizenship on their foreign spouses.
- 2. Ensure access to birth registration, documentation and a legal status to groups at risk or affected by statelessness, including pre-independence residents of Malaysia, indigenous persons and refugee communities, the Bajau Laut and the Rohingyas and create national policies that focus on inclusivity.
- 3. Ensure that all children, including those who are stateless or at risk of statelessness, such as foundlings and adopted children, are granted citizenship without any form of discrimination.
- 4. Re-evaluate and scrutinise the implications of the proposed amendments to Malaysian citizenship provisions, especially the removal of Section 1(e) of Part II of the Second Schedule and the amendment to Section 19(B) of Part III of the Second Schedule.
- 5. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

¹² Global Campaign on Equal Nationality Rights (GCENR), 'Middle East & North Africa', available at: https://equalnationalityrights.org/countries/middle-east-north-africa.

¹³ Amnesty International, 'Seventy+ Years of Suffocation', available at: https://nakba.amnesty.org/en/chapters/jordan/.

¹⁴ Norwegian Refugee Council and the Institute on Statelessness and Inclusion, 'Refugees from Syria in Jordan', available at: https://www.syrianationality.org/index.php?id=37.

¹⁵ UNHCR, 'Global Trends 2022. Statelessness', Annex, Table 5, available at: https://www.unhcr.org/global-trends.

¹⁶ Section 17 of Part III of the Second Schedule of the Federal Constitution states that the term "parent" in the case of children born out of wedlock is to be interpreted as the mother.

¹⁷ All the above information can be found in the UPR45 Joint Submission on Malaysia, available at: https://files.institutesi.org/UPR45_Malaysia.pdf.

Malta

Malta is a party to the 1954 Convention relating to the Status of Stateless Persons. However, it retains significant reservations to Article 11, Article 14, and Article 32. Malta is not a party to the 1961 Convention on the Reduction of Statelessness. No official data is available on stateless people in the country. Malta does not have a statelessness determination procedure (SDP) in place. This results in limited population data on statelessness. In addition, stateless people face a heightened risk of arbitrary detention particularly where procedural safeguards to identify and determine statelessness and related barriers to removal are lacking. Maltese law contains limitations in the registration of birth distinguishing between children born in and out of wedlock and between children born to an unmarried Maltese mother and an unmarried Maltese father. These barriers to birth registration can result in challenges for children to either acquire or evidence their nationality, contributing to the risk of children growing up stateless in Malta.¹⁸

Proposed Recommendations:

- 1. Establish a clear and predictable statelessness determination procedure that guarantees basic procedural rights and safeguards.
- 2. Ensure that stateless people and those at risk of statelessness are not subject to arbitrary detention because of their status.
- 3. Ensure that all children born in the territory of Malta, or to a Maltese parent, are guaranteed without discrimination their right to a nationality as enshrined in Article 7 of the Convention on the Rights of the Child.
- 4. Accede to and implement the 1961 Convention on the Reduction of Statelessness and remove the reservations to the 1954 Convention relating to the Status of Stateless Persons.

Mauritius

Mauritius is not a party to either the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. No official data is available on stateless people in the country. Mauritius' Citizenship Act does not grant nationality at birth to children born in the country who would otherwise be stateless. It provides a right to nationality for children born on the territory whose parents are unknown, but it is unclear whether this provision is applied in practice. Universal birth registration remains a concern in the country due to lengthy procedures. ¹⁹ A citizen by birth born in the country can pass their citizenship to a foreign-born child but that child cannot pass his or her citizenship on in turn. Mauritius nationals that are born abroad may be unaware of their inability to pass on citizenship to their children, creating a risk of statelessness.

Proposed Recommendations:

- 1. Introduce legal safeguards for foundlings and children born in the country who would otherwise be stateless.
- 2. Provide free birth registration and issuance of birth certificates, especially in rural and remote areas, to reduce the risk of statelessness.
- 3. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

Mexico

Mexico is a party to the 1954 Convention relating to the Status of Stateless Persons but not to the 1961 Convention on the Reduction of Statelessness. Mexico maintains two reservations to the 1954 Convention, regarding: 1) Labour rights of stateless people, and 2) Naturalisation facilities for stateless people. According to UNHCR, there were 13 stateless people in the country at the end of 2022.²⁰ However, there is no official data from the Mexican authorities. In 2011, Mexico introduced processes to identify and address statelessness but it is unclear how these procedures have been implemented in practice.²¹ In 2020, Mexico approved a reform that ends the distinction on access to Mexican nationality between children born on the territory and those born abroad.²²

Proposed Recommendations:

1. Ensure that the current statelessness determination procedure is monitored and improved, to ensure fair decision making and strong protection for all recognised stateless persons.

¹⁸ All the above information can be found in the UPR45 Joint Submission on Malta, available at: https://files.institutesi.org/UPR45_Malta.pdf.

¹⁹ UNHCR, 'Birth Registration and Statelessness in the Member States of the Southern Africa Development Community,' (23 December 2022), available at: https://data.unhcr.org/en/documents/details/97772.

²⁰ UNHCR, 'Global Trends 2022. Statelessness', Annex, Table 5, available at: https://www.unhcr.org/global-trends.

²¹ Universidad Iberoamericana and Red Ana, 'Apatridia en México. El uso de la protección internacional como instrumento de la política migratoria', (2 November 2018), available at: https://programadh.ibero.mx/assets/documents/lbero-2018_Informe-apatridia_V4.pdf.

²² UNHCR, 'Reforma constitucional en materia de nacionalidad en México garantiza derecho a la nacionalidad y previene la apatridia', (16 December 2020), available at: https://www.acnur.org/noticias/comunicados-de-prensa/reforma-constitucional-en-materia-de-nacionalidad-en-mexico.

- 2. Ensure the full implementation of the 1954 Convention, including the removal of all remaining reservations.
- 3. Accede to the 1961 Convention on the Reduction of Statelessness and take all steps necessary to implement it.

Monaco

Monaco is not a party to either the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. No official data is available on stateless people in the country. In 2011, Monaco reformed its nationality law removing gender discrimination that previously prohibited women from transferring their nationality on an equal basis as men.

Proposed Recommendations:

- 1. Conduct and make publicly available, mapping studies and data collection on statelessness in the country.
- 2. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

Nigeria

Nigeria is a party to both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. As an ECOWAS member state, Nigeria signed both the Abidjan Declaration on Statelessness and the Banjul Action. No official data is available on stateless people in the country. Despite efforts to eradicate statelessness in Nigeria, the issue still persists in the country.²³ Belonging to an 'indigenous community' plays a crucial role in relation to accessing human rights within different states in the country.²⁴ Nigeria's population is divided into indigenes and non-indigenes. Local government has the authority to issue 'certificates of indigeneity' to people considered indigenes of their jurisdictions. With a lack of formal procedures and guidelines, local government officials have unfettered discretion to determine who the certificates are issued to. Those who are unable to attain a certificate find themselves trapped in the category of stateless non-indigenes or settlers, are unable to exercise their human rights and are widely discriminated against.²⁵ Moreover, according to Nigeria's Constitution, women cannot confer their nationality to their spouses.²⁶ Registration of children in Nigeria is subject to administrative, physical and other barriers, as a result of which birth registration rates are low.

Proposed Recommendations:

- 1. Increase the protection of the rights of ethnic and other minorities, including so-called 'settlers', in particular their rights to citizenship, and to ensure their equal and non-discriminatory treatment in the country.
- Amend discriminatory provisions in the Constitution to enable women to pass on their nationality to their spouses.
- 3. Redouble efforts to realise universal, immediate and free birth registration of all children born in Nigeria.

Saudi Arabia

Saudi Arabia is not a party to either the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. According to UNHCR, there were 70,000 stateless people in the country at the end of 2022.27 However, numbers are likely higher. According to the Saudi Arabian Citizenship System, women married to foreign nationals cannot pass their nationality onto their children. Women may confer nationality to children only if the fathers are unknown, stateless, or do not establish filiation. Further, women cannot confer nationality to their spouses.²⁸ Saudi Arabia is home to three of the largest stateless populations in the world: Bidoons, Rohingyas and Palestinians. Estimated at around 250,000, the Bidoons are descendants of nomadic tribes who could not register for Saudi nationality when the nation state was being formed. Despite the fact that Saudi Arabia is their home, Bidoons are considered 'illegal residents' by the Saudi government and are not eligible for Saudi citizenship.²⁹ There are at least 250,000 registered and 150,000 unregistered Rohingyas in Saudi Arabia. According to different data, numbers reach up to one million of Rohingyas who have fled Myanmar and have lived in the country for decades and over generations.³⁰ UNHCR has estimated at least 240,000

²³ Citizenship Rights in Africa Initiative, 'National Plan to Eradicate Statelessness in Nigeria', (2 September 2022), available at: https://citizenshiprightsafrica.org/national-action-plan-to-eradicate-statelessness-in-nigeria/.

²⁴ Citizenship Rights in Africa Initiative, 'Nigeria', available at https://citizenshiprightsafrica.org/region/nigeria/.

²⁵ Human Rights Watch, "They Do Not Own This Place": Government Discrimination Against "Non-Indigenes" in Nigeria', (25 April 2006),

available at: https://www.hrw.org/report/2006/04/25/they-do-not-own-place/government-discrimination-against-non-indigenes-nigeria.

26 Global Campaign on Equal Nationality Rights (GCENR), 'Sub-Saharan Africa', available at: https://equalnationalityrights.org/countries/subsaharan-africa.

²⁷ UNHCR, 'Global Trends 2022. Statelessness', Annex, Table 5, available at: https://www.unhcr.org/global-trends.

²⁸ Global Campaign on Equal Nationality Rights (GCENR), 'Middle East & North Africa', available at: https://equalnationalityrights.org/countries/middle-east-north-africa.

²⁹ Global Campaign on Equal Nationality Rights (GCENR), 'Oral Statement to the UN Human Rights Council: Saudi Arabia, available at: https://equalnationalityrights.org/news/91-oral-statement-to-the-un-human-rights-council-saudi-arabia

Ocharlotte Lysa, Governing Refugees in Saudi Arabia (1948-2022), Refugee Survey Quarterly, Volume 42, Issue 1, (March 2023), pages 1-28, available at: https://academic.oup.com/rsq/article/42/1/1/6820992.

Palestinians living in Saudi Arabia. Other sources suggest that up to one million Palestinians live in the country.³¹ All three populations have faced significant challenges in the enjoyment of their human rights in Saudi Arabia which is connected to lack of access to the right to a nationality.

Proposed Recommendations:

- 1. Amend the Citizenship Law to enable Saudi women to transfer nationality to their children and spouses, on an equal basis with men.
- 2. Facilitate a pathway to citizenship and human rights for the Bidoons and ensure that no children of this community are born stateless in the territory of Saudi Arabia.
- 3. Ensure that all stateless populations in Saudi Arabia with a refugee and migration background, such as the Palestinians and Rohingya, are ensured full access to rights and services and a secure and indefinite residency status. Ensure that all children born to these communities in Saudi Arabia, are granted Saudi nationality.
- 4. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

Senegal

Senegal is a party to both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. As an ECOWAS member state, Senegal signed both the Abidjan Declaration on Statelessness and the Banjul Action. Despite efforts to record births in the country, birth registration remains an issue and places a large part of the population at risk of statelessness as birth certificates are required to obtain Senegalese nationality.³² According to UNICEF, at least one child out of five (22,3%) below the age of five is not registered at birth.³³

Proposed Recommendations:

1. Provide universal, immediate and free birth registration and issuance of birth certificates, especially in rural and remote areas, to reduce the risk of statelessness.

³¹ Ibid

³² Citizenship Rights in Africa Initiative, 'Senegal', available at: https://citizenshiprightsafrica.org/region/senegal/.

³³ UNICEF, 'Pourquoi l'enregistrement des naissances est vital pour les enfants?', (23 August 2023), available at : https://www.unicef.org/senegal/recits/pourquoi-lenregistrement-des-naissances-est-vital-pour-les-enfants.