

Universal Periodic Review

All country summary and recommendations

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

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This document highlights the statelessness related challenges in States that will be reviewed during the 48th Session of the Universal Periodic Review (UPR): **Angola, Bolivia, Bosnia and Herzegovina, Egypt, El Salvador, Fiji, Gambia, Iran, Iraq, Italy, Kazakhstan, Madagascar, San Marino and Slovenia**. 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.

Angola

Angola 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 free birth registration since 2007, only 53% of the population was registered as of 2014, with just 25% of children under four years old registered. Over three million children were still unregistered by 2018.¹ This lack of universal birth registration leaves children, especially those born to irregular migrants or displaced people, at significant risk of statelessness. Angola's 2016 Nationality Law permits deprivation of nationality for crimes against state security or fraudulent acquisition of citizenship, even if it results in statelessness.²

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. Amend nationality laws to ensure that nobody can be deprived of their nationality in Angola.

Bolivia

Bolivia 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. While applications by stateless people are processed on a provisional basis under the Protection of Refugees Act (Act No. 251), Bolivia lacks a specific law addressing statelessness. This results in inconsistent protection and leaves stateless individuals without comprehensive legal safeguards. Undocumented parents face barriers in registering their children's births, as foreign parents must be registered with the Civil Registration Service. This requirement is particularly challenging for individuals in irregular situations or those from countries with limited consular services, such as Venezuela. Migrants, including children and adolescents, face difficulties in regularizing their status due to high fees, rigid legislative requirements, and the need for documents like authenticated birth certificates and nationality certificates.³

Proposed recommendations:

1. Adopt a comprehensive law on statelessness, aligning it with international standards and ensuring the identification and protection of stateless people in the country;
2. Continue its efforts to facilitate universal birth registration regardless of parents' status;
3. Ensure protection from statelessness to refugees, asylum seekers and including their children.

Bosnia and Herzegovina

Bosnia and Herzegovina 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. As of April 2024, there were 20 identified cases of stateless individuals,⁴ with a significant proportion belonging to the Romani community. Children born to undocumented parents, asylum seekers, or those in irregular residence situations face significant administrative obstacles to birth registration. These include requirements for apostilled documents or reliance on costly and lengthy extrajudicial procedures. Further, it has no statelessness determination procedure. While some alternative processes exist, such as temporary stay for humanitarian reasons, they lack clear guidelines, accessibility, and procedural safeguards. Strict requirements for residence registration exclude vulnerable groups, including stateless individuals, the Roma population, and those living in informal settlements.

Proposed recommendations:

1. Establish a clear and predictable statelessness determination procedure that guarantees basic procedural rights and safeguards;

¹ Citizenship Rights in Africa Initiative, 'Angola', available at: <https://citizenshiprightsafrika.org/region/angola/>

² Michael Offermann, 'Study about statelessness and risk of statelessness in Angola and for Angolans abroad, 2022, available at: <https://www.refworld.org/reference/countryrep/unhcr/2022/en/124226>.

³ Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Concluding observations on the third periodic report of the Plurinational State of Bolivia, CMW/C/BOL/CO/3, 27 October 2022.

⁴ Vaša prava BiH and the European Network on Statelessness (ENS), 'Joint Submission to the UN Human Rights Council: Bosnia and Herzegovina', 2024, available at: <https://www.statelessness.eu/sites/default/files/2024-07/UPR%20BiH%202024.pdf>.

2. Continue its efforts to facilitate universal birth registration regardless of parents' status;
3. Conduct and make publicly available, mapping studies and data collection on statelessness in the country.

Egypt

Egypt 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. While reforms to Egypt's nationality law in 2004 allowed women to transmit nationality to their children regardless of the father's nationality, this change is not retroactive. Children born before the reforms face difficulties in acquiring nationality. Moreover, discriminatory practices against individuals belonging to marginalized communities (e.g. Baha'is and Bedouins in the Hala'ib Triangle) prevent them from obtaining documentation needed to confirm nationality. Palestinians in Egypt face significant barriers due to gaps in nationality laws and inconsistent application of reforms. While some children of Egyptian mothers and Palestinian fathers have been granted Egyptian nationality since 2011, many still lack protections due to ambiguities in law.⁵ In 2017, the Egyptian Parliament amended Law No. 26 of 1975 concerning Egyptian Nationality. The amendment permits the revocation of citizenship from individuals convicted of membership in groups aiming to harm the country's government or undermine the social, political, or economic order by force or illegal means, as well as those convicted of crimes related to state security. Individuals stripped of nationality may become stateless, particularly if they do not hold another nationality.⁶

Proposed recommendations:

1. Continue its efforts to reform Egypt's gender-discriminatory citizenship laws to ensure access to automatic citizenship to children, irrespective of the gender of the parent, before the new law passed in 2004;
2. Strengthen protection for Baha'is, Bedouins in the Hala'ib Triangle, Palestinians and other communities by granting them documentation and pathways to Egyptian nationality;
3. Amend nationality laws to ensure that nobody can be deprived of their nationality in Egypt;
4. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

El Salvador

El Salvador is a party to the 1954 Convention relating to the Status of Stateless Persons but has not acceded to the 1961 Convention on the Reduction of Statelessness. There is no official data on the number of stateless people in the country. Under the Salvadoran Constitution, nationality acquired by naturalization may be lost if a person resides for two consecutive years in their country of origin or for five consecutive years outside El Salvador.⁷

Proposed recommendations:

1. Conduct and make publicly available, mapping studies and data collection on statelessness in the country;
2. Amend nationality laws to ensure that nobody can lose their nationality if they live abroad for multiple years.

Fiji

Fiji is a party to the 1954 Convention relating to the Status of Stateless Persons but has not acceded to the 1961 Convention on the Reduction of Statelessness. There is no official data on the number of stateless people in the country. However, UNHCR reports indicate that the Pacific Islands host more than 11,800 people of concern for statelessness, with a significant number residing in Fiji and Papua New Guinea. Fiji reported no stateless people to UNHCR in 2020 and 2021 and did not report data in 2019 or 2022.⁸ Fiji's birth registration process involves fees, including penalties for late registration, creating barriers for low-income families, especially in rural and remote areas. As of 2021, the 86% birth registration rate highlights some gaps, with disparities reported among rural populations, i-Taukei-speaking households, and children of young or vulnerable mothers. Fiji's citizenship laws provide citizenship to abandoned children presumed to be born in Fiji. However, this protection excludes children proven to be born outside Fiji but whose nationality cannot be established.

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. 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;

⁵ Boston University, 'The campaign to end statelessness in Egypt, 2022, available at: https://www.bu.edu/law/files/2022/07/Egypt-Report_Eng_final.pdf.

⁶ Ibid.

⁷ UNHCR, 'Submission to the UN Human Rights Council: El Salvador, 2019, available at: <https://www.refworld.org/policy/upr/unhcr/2019/en/123083>.

⁸ Nationality For All, 'Statelessness Encyclopaedia Asia Pacific', available at: <https://nationalityforall.org/seap/>.

3. Conduct and make publicly available, mapping studies and data collection on statelessness in the country.

The Gambia

The Gambia is a party to both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. There is no official data on the number of stateless people in the country. As part of its 2015 Action Plan against Statelessness, the Government pledged to conduct a baseline survey to identify individuals at risk of statelessness or who are stateless by the end of 2015. However, this survey has not yet been carried out. In 2022, CEDAW noted that a significant number of children in the country are not registered at birth, leaving them vulnerable to statelessness.⁹ While progress has been made in improving birth registration systems, delays in registration hinder access to legal identity and associated rights. A 2001 constitutional amendment removed the presumption of Gambian citizenship for abandoned children found in the country. Without this safeguard, abandoned children remain at risk of statelessness. The Gambian law also states that citizenship is transmitted for only one generation if the child is born outside the country, creating a risk of statelessness for descendants of Gambian nationals residing abroad.¹⁰

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. 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;
3. Conduct and make publicly available, mapping studies and data collection on statelessness in the country.

Islamic Republic of Iran

Iran 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. There is no official data on the number of stateless people in the country. In October 2019, Iran reformed its nationality law, allowing Iranian women married to foreign men to apply for Iranian citizenship for their children. However, the reform remains discriminatory. While children of Iranian fathers and foreign mothers automatically acquire citizenship, Iranian mothers must apply for their children, who must also pass a security check. If the mother does not apply, the child can apply for themselves upon turning 19 but is still subject to the same security check, the parameters of which are undefined. The 2019 law is no longer in effect following the passage of the National Migration Organization Law in November 2022. Article 41 of this law effectively repealed the 2019 reform, except for cases that had already been registered.¹¹ In early 2023, the Civil Registration Organization launched a platform for individuals claiming Iranian nationality but lacking documentation. As of the most recent update, nearly 200,000 people have submitted applications through this system. This initiative, though promising, requires extensive coordination among government agencies and faces administrative and procedural challenges.¹² The Sistan and Baluchistan provinces host a significant population without proof of citizenship, predominantly among the Baluch ethnic and religious minorities. Mixed marriages between Iranian women and undocumented Afghan men are common, resulting in stateless children. Despite Article 12 of the Personal Status Registration Act mandating birth registration for all children born in Iran, administrative, cultural, and economic barriers prevent many from registering their births. Stateless individuals in these provinces face generations of exclusion from nationality and its associated rights.

Proposed recommendations:

1. Ensure that all children who are born to Iranian mothers are entitled to automatic Iranian citizenship on the same conditions as children born to Iranian fathers;
2. Expand access to the civil registration platform to ensure timely processing of applications on the national platform and provide clear pathways for individuals to obtain citizenship;
3. Ensure every child's right to a nationality and implement safeguards against statelessness, particularly ensuring the right to a nationality of children of Afghan or stateless status and children born in the Sistan and Baluchistan provinces;
4. Continue its efforts to facilitate universal birth registration, including by raising public awareness and facilitating and expediting access to civil registry offices;
5. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

⁹ Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of the Gambia, CEDAW/C/GMB/CO/6, 1 November 2022.

¹⁰ Citizenship Rights in Africa Initiative, 'Gambia', available at: <https://citizenshiprightsafrika.org/region/gambia/>.

¹¹ More information available at: <https://diaran.ir/10427/%d9%88%d8%a7%da%a9%d9%86%d8%b4%d9%87%d8%a7-%d8%a8%d9%87-%d9%84%d8%ba%d9%88-%d9%82%d8%a7%d9%86%d9%88%d9%86-%d8%aa%d8%a7%d8%a8%d8%b9%db%8c%d8%aa-%d9%81%d8%b1%d8%b2%d9%86%d8%af%d8%a7%d9%86/>.

¹² More information available at: <https://diaran.ir/12049/%d8%b5%d9%81%d8%b1-%d8%aa%d8%a7-%d8%b5%d8%af-%d8%b5%d8%af%d9%88%d8%b1-%d8%b4%d9%86%d8%a7%d8%b3%d9%86%d8%a7%d9%85%d9%87-%d8%a8%d8%b1%d8%a7%db%8c-%d8%a8%db%8c-%d8%b4%d9%86%d8%a7%d8%b3%d9%86%d8%a7%d9%85/>.

Iraq

Iraq 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 some data, there are 47,515 stateless people in Iraq.¹³ Iraqi nationality laws do not grant automatic nationality to children born in Iraq who would otherwise be stateless, except in cases of foundlings or children of unknown parents. The Iraqi Nationality Law also discriminates against women in conferring nationality to their children born abroad. Children born to Iraqi mothers and unknown or stateless fathers face complex administrative procedures to acquire Iraqi nationality, unlike children of Iraqi fathers. The Nationality Law allows for the withdrawal of nationality from naturalized citizens for vague reasons such as providing "wrong information" or for offenses against state security. Minor children of individuals who lose their nationality also lose their Iraqi citizenship unless they apply for reinstatement under restrictive conditions.¹⁴

Proposed recommendations:

1. Ensure every child's right to a nationality and implement safeguards against statelessness;
2. Ensure that all children who are born to Iraqi mothers are entitled to automatic Iraqi citizenship on the same conditions as children born to Iraqi fathers;
3. Amend provisions in the Nationality Law to prohibit withdrawal of nationality if it results in statelessness and provide safeguards against deprivation for minors;
4. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

Italy

Italy is a party to both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. However, it has not acceded to the European Convention on Nationality and retains a reservation to the 1954 Convention. While Italy maintains some data on stateless individuals, comprehensive mapping of the stateless population is lacking. The Istituto Nazionale di Statistica (ISTAT) recorded 609 stateless people as of January 2022, but other estimates suggest around 3,000 stateless people or people at risk of statelessness live in Italy, with approximately 2,250 belonging to Roma communities.¹⁵ Italy has both administrative and judicial procedures for determining statelessness. However, the administrative procedure is inaccessible to those without a residence permit and a birth certificate. The judicial procedure mitigates the burden of proof for applicants but remains complex, requiring a lawyer and incurring significant costs. There are gaps in safeguards against the arbitrary detention of stateless people, including no requirement for a country of removal to be identified prior to detention and no formal mechanism to refer detainees to a procedure to determine statelessness. Italian law allows for deprivation of nationality on national security grounds for naturalized citizens, even if it results into statelessness.¹⁶

Proposed recommendations:

1. Improve the statelessness determination procedure by amending the law that is accessible to all individuals regardless of their residence status and ensures fair and efficient procedures;
2. Take further steps to protect stateless people from arbitrary detention;
3. Amend the Italian law to eradicate discrimination between citizens by birth and naturalised citizens and ensure that nobody is deprived of their nationality.

Kazakhstan

Kazakhstan is not a state party to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. While the introduction of the statelessness determination procedure in 2020 was a positive step, several deficiencies remain. These include lack of access to the procedure for individuals without documents proving permanent residence, and the absence of rights such as free legal aid, interviews, and the ability to appeal negative decisions.¹⁷ Article 10(2) of the Constitution of Kazakhstan states that a citizen may be stripped of citizenship by an order of the Court only on the grounds of commission of terrorist crimes or acting against the interests of the Republic of Kazakhstan. There are currently no laws in Kazakhstan preventing those who are stripped of their citizenship from becoming stateless. Although, individuals are able to file appeals to reinstate their citizenship.¹⁸ Due to gaps in Kazakhstan's birth registration system, children born to undocumented parents face significant risk of statelessness. The law stipulates that

¹³ UNHCR, 'Fact Sheet: Iran 2019', available at: <https://reporting.unhcr.org/sites/default/files/UNHCR%20Iraq%20Factsheet%20-%20April%202019.pdf>.

¹⁴ European Network on Statelessness and the Institute on Statelessness and Inclusion, 'Stateless Journeys: Statelessness in Iraq 2019', available at: <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Iraq-final.pdf>.

¹⁵ European Network on Statelessness, 'Statelessness Index: Italy', available at: <https://index.statelessness.eu/country/italy>.

¹⁶ Ibid.

¹⁷ UNHCR: STATELESSNESS IN KAZAKHSTAN: ANALYSIS OF NATIONAL LEGISLATION

¹⁸ Nationality For All, 'Statelessness Encyclopaedia Asia Pacific', available at: <https://nationalityforall.org/seap/>.

children born to two stateless parents in Kazakhstan acquire citizenship only if the parents are permanent residents. While the Code on Marriage (Matrimony) and Family provides for birth registration based on a medical certificate or a court decision, implementation challenges often result in incomplete or non-compliant documentation, particularly for children of mothers lacking proof of identity.

Proposed recommendations:

1. Improve and strengthen the existing statelessness determination procedure by guaranteeing basic procedural rights and safeguards;
2. Amend nationality laws to ensure that nobody can lose their nationality;
3. Ensure every child's right to a nationality and implement safeguards against statelessness;
4. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

Madagascar

Madagascar is not a party to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. There is no official data on the number of stateless people in the country. While women and men now have equal rights to transmit nationality to their children, Article 16 restricts nationality transmission for children of Malagasy mothers married to foreign fathers. Adopted children face discrimination under Article 20, as they may only acquire nationality if both adoptive parents are Malagasy. Additionally, Article 11 applies discriminatory criteria based on ethnicity for children of unknown parents, requiring a presumed Malagasy identity based on name and physical appearance. Madagascar has experienced a downward trend in birth registration rates, particularly in regions like Atsimo Andrefana. The Karana, a community of Indian and Pakistani descent, have faced statelessness since Madagascar's independence. Denied citizenship make them remain marginalized and unable to participate fully in society.¹⁹

Proposed recommendations:

1. Ensure that all children who are born to Malagasy mothers and foreign fathers are entitled to automatic citizenship;
2. Ensure every child's right to a nationality and implement safeguards against statelessness, including for adopted children and regardless of their parents' status;
3. Amend national laws to end the discriminatory denial of nationality to populations of Indo-Pakistani descent and other minority groups in Madagascar, and take all necessary steps to ensure their right to a nationality;
4. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

San Marino

San Marino is not a party to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. There is no official data on the number of stateless people in the country. According to San Marino's national report submitted to the Human Rights Council in October 2024, accession to these conventions has been assessed but is not currently considered a priority.²⁰ San Marino does not have a formal procedure to identify and protect stateless individuals. San Marino's Law No. 35/2012 has softened some citizenship requirements, reducing the general period of residence needed to apply for citizenship from 30 to 25 years and to 18 years for individuals born and raised in the country. However, these requirements remain stringent, particularly for children with one non-Sammarinese parent, potentially leading to difficulties in acquiring citizenship.

Proposed recommendations:

1. Establish a clear and predictable statelessness determination procedure that guarantees basic procedural rights and safeguards;
2. Reduce further the length of residence necessary to apply for naturalisation;
3. Accede to both the 1954 and 1961 Conventions and take all steps necessary to implement them.

Slovenia

Slovenia is a party to the 1954 Convention relating to the Status of Stateless Persons but has not acceded to the 1961 Convention on the Reduction of Statelessness or the Council of Europe Statelessness Instruments. There is no official data on the number of stateless people in the country. Slovenia does not have a statelessness determination procedure, nor is there an obligation to consider a claim of statelessness in law. Statelessness can only be identified through other administrative procedures, such as residence permits or naturalization. Slovenian nationality laws rely on the parents' status for children born in Slovenia to acquire nationality. While Slovenia generally performs well in birth registration, gaps remain. Reports indicate that officials have refused to register paternity when foreign parents cannot provide a marriage certificate. Although guidance was issued in 2021 to address this, some children may still face delays or barriers in acquiring their legal identity. Slovenia does not grant rights solely based on statelessness. Stateless individuals may only access limited rights depending on their permit status. For example, those with "permission to stay" only have access to emergency

¹⁹ Citizenship Rights in Africa Initiative, 'Madagascar', available at: <https://citizenshiprightsafrika.org/region/madagascar/>.

²⁰ UN Human Rights Council, 'Universal Periodic Review: San Marino', available at: <https://www.ohchr.org/en/hr-bodies/upr/sm-index>.

healthcare, primary education, and basic financial assistance. Individuals who lost legal status after Slovenia's independence (referred to as "erased persons") continue to face challenges in acquiring nationality or legal residence. Many lack documentation and are unable to prove their status.²¹

Proposed recommendations:

1. Establish a clear and predictable statelessness determination procedure that guarantees basic procedural rights and safeguards;
2. Continue its efforts to facilitate universal birth registration and amend the law to ensure that all children born on Slovenian territory who would otherwise be stateless acquire a nationality at birth, regardless of the status of their parents;
3. Take all necessary steps to resolve the 'Erased Persons' issue, including by facilitating access to citizenship without any further delay, to all erased persons who have been left stateless;
4. Accede to the 1961 Convention and the Council of Europe Statelessness Instruments, and take all steps necessary to implement them.

²¹ European Network on Statelessness, 'Statelessness Index: Slovenia', available at: <https://index.statelessness.eu/country/slovenia>.