



STATELESSNESS & HUMAN RIGHTS

The Universal Periodic Review

“All human beings are born free and equal in dignity and rights” – so opens the Universal Declaration of Human Rights (UDHR). The contemporary human rights framework is premised on notions of equality, liberty and dignity, on the idea that we hold basic rights because we are human beings. Yet the universality of human rights also rests on the premise that everyone enjoys a nationality (as laid down, as a right in the UDHR and recognised under every other major human rights instrument). The human rights system recognises that states may reserve some rights for their citizens – such as the right to participate in government – placing these out of reach for stateless people. So until statelessness is eradicated, the fundamental aspiration of universal human rights remains just that, an aspiration. Moreover, in practice, statelessness is a proven barrier to the ability to exercise a wide range of other rights. Far greater effort is needed to ensure that these barriers are overcome and stateless people have access to the protection of national and international human rights law.

So, if human rights matter, statelessness matters.

Institute on Statelessness and Inclusion
The World's Stateless Report
Wolf Legal Publishers 2014

Cover photo © UN Photo/Elma Okic, 2017
The UN Human Rights Council at the Palais des Nations, Geneva

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Institute on Statelessness and Inclusion, 2017

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KEY MESSAGES

- **The right to a nationality is a fundamental human right.** Statelessness is the most extreme violation of this right. It is often the result of discrimination; against women, ethnic minorities and other groups – in violation of human rights standards.
- **Nationality is a gateway through which people can access rights and services.** Without it, the stateless often struggle to enjoy quality education and health care; safe, secure and dignified work; inheritance and ownership of property; and basic banking, mobile phone and other services.
- The rights of stateless persons are human rights. **UN human rights standards must apply to all stateless persons.**
- The Universal Periodic Review (UPR) provides a distinct opportunity to address the violations suffered by stateless persons and communities and to promote the realisation of the right to a nationality for all. It is a mechanism through which **all UN Member States** are subjected to a review of their performance across **all human rights**.
- **Statelessness issues are increasingly being raised within the UPR.** In total, 773 recommendations relevant to statelessness and nationality issues were issued to states over the course of the first and second UPR Cycles.
- **162 countries received at least one recommendation relevant to nationality and statelessness during the 1st and 2nd UPR Cycles.** These recommendations were **made by 107 different countries**. A diverse array of themes received attention, including recommendation addressing different **root causes** of statelessness and recommendations relating to the human rights **consequences** of statelessness.
- The UPR is a state-driven process: only states can make recommendations. However, engagement and advocacy by **civil society actors can make a real difference** to the outcomes of the UPR, by helping to strengthen both the relevance and utility of recommendations issued as well as the impact of the UPR on the ground.
- UPR advocacy by civil society actors should ideally complement – and be complemented by – **national advocacy and engagement with different regional and international mechanisms**, including the UN treaty bodies.

IN THIS BOOKLET

Key messages

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This Rohingya child, whose parents fled Myanmar, was born stateless in Malaysia. The Rohingya community in Myanmar are stateless due to the arbitrary denial and deprivation of nationality, on the basis of their ethnicity. Described as one of the world's most persecuted minority groups, their statelessness is both a symptom and a catalyst of the severe human rights violations they endure.

INTRODUCTION

International human rights law protects every person's right to a nationality. Yet, statelessness pervades all regions of the world. At least 15 million people face life without a nationality today! And, every ten minutes, another child is born stateless?

The stateless are among the most vulnerable and excluded. They struggle to enjoy quality education and healthcare; safe, secure and dignified work; inheritance and ownership of property; and basic banking, communication and other services. They struggle to obtain identification documents, without which, it is difficult to legally leave, re-enter and live in their countries. Perceived as outsiders, they are vulnerable to victimisation, discrimination, exploitation and exclusion from socio-political life. Stateless persons struggle to realise their capabilities and live with dignity, free from poverty. Their situation is worsened by inability to access justice. This vicious circle, often results in intergenerational statelessness.

Statelessness is a human rights issue, which requires a concerted, multi-disciplinary and multi-sectoral approach at national, regional and international levels. The Universal Periodic Review (UPR) provides a distinct opportunity to address the violations suffered by stateless communities and to promote the realisation of the right to a nationality for all. It is a mechanism through which **all UN Member States** are subjected to a review of their performance across **all human rights**.

This booklet discusses why the UPR is an important mechanism for raising the visibility of statelessness as a human rights issue and for helping to achieve stronger human rights protection for those who lack a nationality. It also provides an insight into the mechanics of the UPR process, offering key information and helpful tips for engagement by civil society actors.

If you are working to protect the human rights of marginalised groups, to promote enjoyment of the right to a nationality, to combat statelessness or improve the lives of stateless communities – or if you are simply interested in how nationality and statelessness issues have featured and can feature within the Universal Periodic Review – this booklet is for you. It is part of our **statelessness essentials** booklet series, which includes introductory booklets on statelessness and how it relates to human rights, development and other issues. To learn more about this series and other available or forthcoming titles, please visit our website:

www.institutesi.org

WHAT IS THE UNIVERSAL PERIODIC REVIEW (UPR)?

The Universal Periodic Review (UPR) is a mechanism of the United Nations Human Rights Council through which the human rights situation of each UN Member State is periodically reviewed. It is the first and only international mechanism which provides the framework to review **all human rights** issues **in all countries**.

The UPR is cyclical, with each country coming up for review every 4-5 years. During each UPR “Session”, 14 countries are reviewed. Since the first Session in April 2008, the UPR has completed two full “Cycles”, so all states have been reviewed twice. **The Third Cycle of the UPR started in 2017.**

The UPR is a **peer-to-peer** review, under which states receive recommendations from – and make recommendations to – other states. This is distinct from the UN human rights treaty body frameworks, such as the Committee on the Rights of the Child, which oversee the treaties they are mandated to, where the review is conducted by a committee of international experts. The UPR can therefore be a more political process, where states’ foreign policy interests may influence which issues are raised or what recommendations are issued.

After its review, the **State under Review (SuR)** can decide whether to “**accept**” or “**note**” the received recommendations. If the SuR accepts a recommendation, it makes a strong political commitment to implement it before the next Cycle. While UPR recommendations are not legally binding, they can be highly influential because they are made by states and create a public record of a human rights problem. Furthermore, UPR recommendations can complement and reinforce treaty body recommendations, thereby further strengthening the human rights framework. States usually send high-level delegations to their review, demonstrating their commitment to the UPR process. In fact, the political nature of the UPR can be an advantage, as States may feel a strong incentive to follow through and make changes to domestic law, policy or practice.

By the mid-term stage of the first UPR cycle, 55% of accepted recommendations and 19% of noted recommendations were either partly or fully implemented.

UPR Info, Beyond Promises (2014)

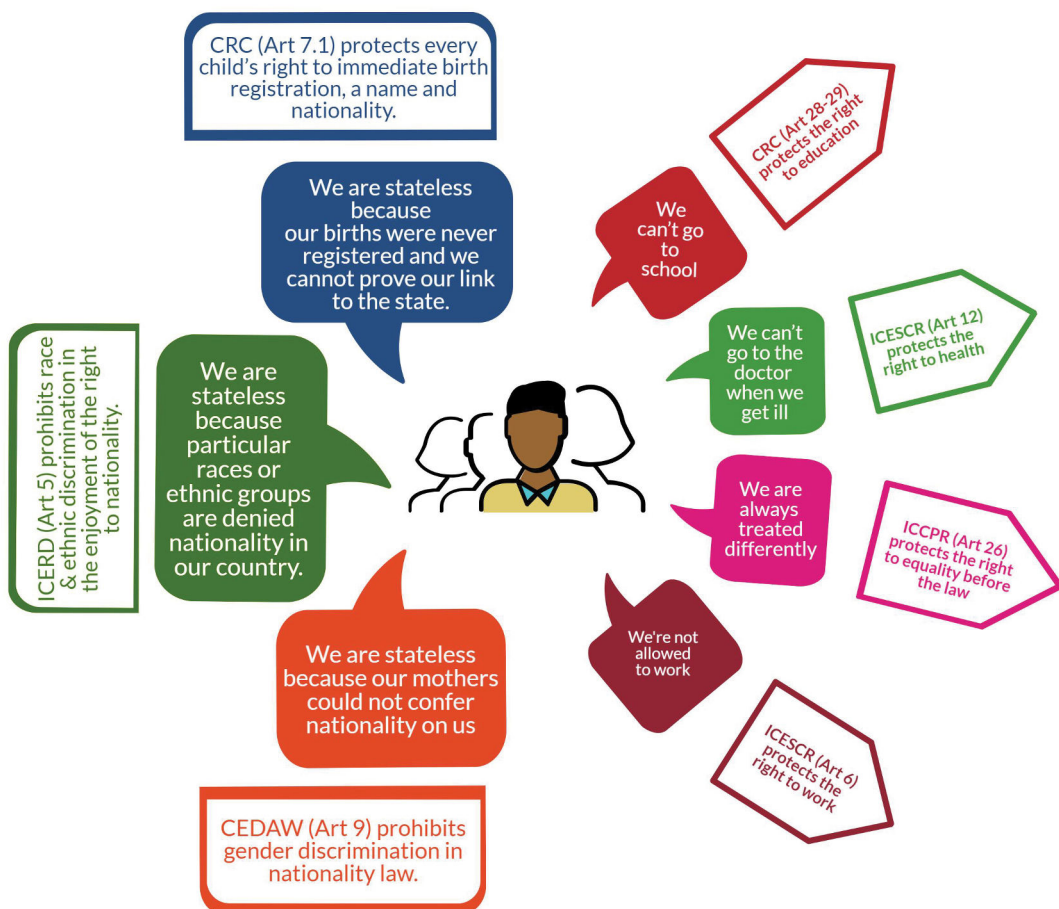
UNIVERSAL All UN Member States & all human rights

PERIODIC Cyclical, every 4 - 5 years

REVIEW Peer-to-peer, recommendations by states

WHY IS THE UPR RELEVANT TO STATELESSNESS?

In accordance with the UN Human Rights Council Resolution which established the UPR, states shall be assessed on their promotion, protection and fulfilment of human rights obligations under the Charter of the United Nations, the Universal Declaration of Human Rights, ratified human rights treaties, voluntary pledges and commitments made and applicable international humanitarian law.³ This broad scope of the review allows for the consideration of issues relating to nationality and statelessness. Indeed, not only is statelessness the most extreme violation of the right to a nationality, but both the causes and consequences of statelessness can be understood in human rights terms and addressed through human rights norms. The below image offers some examples of the interplay between statelessness and human rights (see glossary for full treaty names).



HOW DOES THE UPR WORK?

The UPR is a cyclical process which is repeated every 4-5 years. The process consists of three main stages:

1. Review

Recommendations are made to the SuR

2. Implementation

SuR implements recommendations received and voluntary pledges (between two Cycles)

3. Reporting

SuR reports ahead of next review, on implementation of recommendations & human rights situation in the country since previous review

The review of a state's human rights record is **based on three main sources of information**. The SuR submits a **National Report**, in which it presents information on the human rights situation in the country. OHCHR provides guidance to states on how to structure their National Report and suggests they include a specific thematic section on statelessness (a change introduced at the start of the 3rd UPR Cycle). Information from UN Agencies, special procedures and treaty bodies is summarised by OHCHR in the **UN Compilation Document**. Information provided by civil society actors, including NGOs and National Human Rights Institutions, is also compiled by OHCHR into a **Summary of Stakeholder Submissions**. These three documents are usually made available through the OHCHR website six weeks before the review takes place. In determining what recommendations to make, states will also take into account other information that reaches them through, for example, their own bilateral contacts or direct advocacy by civil society organisations.



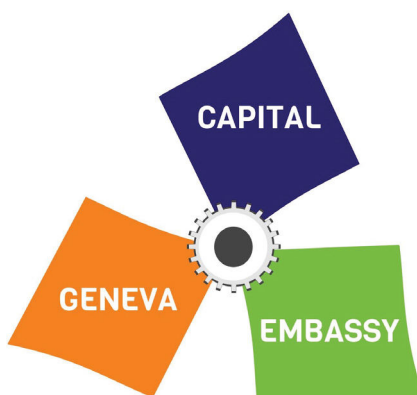
The review takes place in the form of a **Working Group**, convened in Geneva, Switzerland. The Working Group is composed of all UN Member States. Other relevant stakeholders, such as NGOs, national institutions and UN agencies, can attend the Working Group but they are not entitled to make interventions. Each review of a State lasts 3½ hours. The review starts with the SuR presenting its National Report and responding to any advance questions, submitted by other states in writing ten days before the review. After this, the “interactive dialogue” commences: other states take the floor to ask questions and make recommendations on the human rights situation in the SuR. A final outcome document, containing the report of the Working Group (including all recommendations made) and the position of the SuR on the recommendations received, is adopted during the next plenary session of the Human Rights Council, a few months after the review.

Recommendations are made to the SuR to improve the human rights situation in the country. All UN Member States can make recommendations at the UPR. But, there is only a limited time available for each **Recommending State (RS)** to intervene during the review – a total of 140 minutes is reserved for this, to be divided equally across all states that wish to take the floor. As such, states must decide which issues to prioritise.

Since on average, Recommending States have only approximately 70 seconds to speak, it is uncommon for states to make more than three recommendations to a State under Review.

The process of deciding what recommendations to make differs from country to country. Generally speaking, three state actors are involved: the central government apparatus in the RS's **Capital**, its **Embassy** in the state under review, and its Permanent Mission to the United Nations in **Geneva**. In most bureaucratic systems, Capital operates like the spider in the web, with the Ministry in charge of UPR (usually Foreign Affairs) holding final responsibility for the recommendations. Embassies are often the first to provide input for the drafting process - they are the rooted in the State under Review and have access to information on the ground. The role of the Permanent Mission in Geneva varies depending on the state. Ultimately, it will deliver the recommendations during the review, but it also commonly helps to feed information received in Geneva into the drafting process.

Permanent Missions often send representatives to the **"Pre-Sessions"** convened by UPR Info, an NGO dedicated to ensuring that all stakeholders can access the UPR. The Pre-Sessions are an important channel through which the RS can gain information from civil society actors on the implementation of recommendations from the previous Cycle, as well as the broader human rights context in the SuR. During the 2nd UPR Cycle, an average of 25 different Permanent Missions attended each Pre-Session in Geneva.⁴



WHAT ATTENTION HAVE NATIONALITY & STATELESSNESS ISSUES RECEIVED IN THE UPR?

With two full Cycles of the UPR completed, it is possible to assess the extent to which nationality and statelessness issues have received attention in the recommendations made. The analysis presented below relates to Cycles 1 and 2.

Statelessness issues are increasingly being raised within the UPR.

In total, over 57,000 recommendations were issued to states over the course of the first and second UPR Cycles. Of these, 773 were relevant to statelessness and nationality issues. This equates to 1.3% of all recommendations made. By comparison, just over 2,000 recommendations related to human trafficking and 2,600 to minority rights.⁵ 479 of the 773 relevant recommendations identified specifically address the realisation of the right to a nationality or the human rights of stateless persons. The remaining 294 were indirectly relevant, in that their implementation would contribute to preventing cases of statelessness. These include recommendations on the realisation of gender equality in all areas of law, made to a country which discriminates against women in its nationality law, or recommendations on improving birth registration coverage.

The number of recommendations made has increased over time: from a total of 21,355 in the 1st Cycle to 36,331 in the 2nd (a factor x 1.7 increase). Recommendations relevant to statelessness have grown at a higher rate: by a factor of 3.1, from 187 in the 1st Cycle to 586 in the 2nd. As a result, the percentage share of relevant recommendations also grew: from 0.9% in Cycle 1 to 1.6% in Cycle 2, reflecting a wider awareness and recognition of statelessness as a human rights issue to be addressed under the UPR.

57,686

total number of
recommendations made under
the UPR

773

recommendations
relevant to statelessness

+ Factor 3.1

+ Factor 1.7



All recommendations



Statelessness relevant
recommendations

WHICH STATES HAVE RECEIVED MOST RECOMMENDATIONS?

162 countries received at least one recommendation relevant to nationality and statelessness during the 1st and 2nd UPR Cycles. Of the 38 countries which have been flagged in UN statistics as having a significant stateless population, 34 have received relevant recommendations relating to these issues (Eritrea, Indonesia, Sri Lanka and Sweden have not). Many countries received multiple recommendations over the two Cycles, with Kuwait (42), the Dominican Republic (31), Latvia (27), Slovenia (24), Lebanon (21), Myanmar (20) and Jordan (20) receiving the most.

84% of UN Member States received one or more recommendations relevant to nationality / statelessness during UPR Cycles 1 & 2

CASE STUDY: KUWAIT



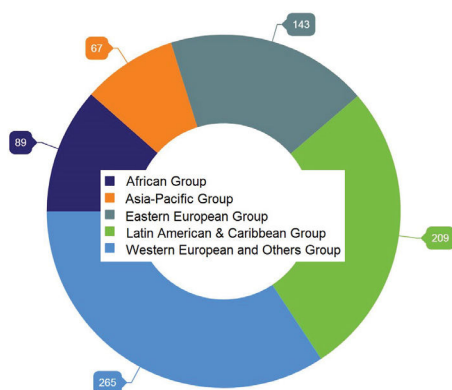
Kuwait is home to over 90,000 stateless persons. They are known as the 'Bidoon' - which literally translates to 'without', referring to their lack of nationality. The Bidoon missed out on nationality as they did not, or were unable to register when the country first undertook efforts to register its population after independence. Their resultant lack of recognition as Kuwaiti citizens was inherited by subsequent generations! Kuwait also has a discriminatory

nationality law which prevents women from passing citizenship to their children, aggravating the statelessness problem. Over the decades, the human rights situation of the Bidoon became progressively worse, eventually leading to them making headlines in 2011, when many Bidoon took to the streets to demand access to rights, including the right to nationality. When Kuwait came before the UPR in 2010 and again in 2015, nationality and statelessness issues received significant attention, with 10 and then 32 related recommendations being made. These included the following by France in 2015: "Implement the principle of non-discrimination guaranteed by the Constitution, and guarantee the rights of Bidoon to their nationality".

WHICH STATES HAVE MADE MOST RECOMMENDATIONS?

Since the UPR is a peer-review mechanism, the recommendations a state makes are influenced not only by the information that they have about the human rights situation on the ground, but often also by their own foreign policy priorities and their diplomatic relationship with the SuR. As a result, different states may focus on different issues: choosing to pay particular attention to women's rights issues or children's rights issues or human rights defenders, etc., and targeting their recommendations accordingly.

Recommendations made, by region: Cycles 1 and 2



Recommendations relevant to nationality and statelessness were made by 107 different countries across the 1st and 2nd UPR Cycles. This includes countries across all regions of the world. Approximately 20% of these recommendations were made by a RS to a country in the same regional group (80% were directed to a SuR in a different region).

The individual countries making the most recommendations relevant to statelessness were: Mexico (68), Slovakia (44), Uruguay (31), Turkey (30) and Brazil (29).

CASE STUDY: MEXICO

Mexico has a strong commitment to raising child rights issues at the UN and regularly makes recommendations on the right to birth registration: 43 in total, accounting for one in five of all recommendations on this issue. On several occasions, Mexico's recommendations explicitly relate birth registration to the protection of the right to a nationality. For example, Mexico made the following recommendation to Latvia under the 2nd Cycle in 2016: "Ensure the registration of all newly born children so as to continue reducing the number of adult non-citizens". Mexico has also made 25 recommendations across a range of other statelessness-related issues, including on addressing discriminatory nationality laws, acceding to the UN statelessness conventions and respecting the rights of stateless persons.

WHICH STATELESSNESS ISSUES HAVE GAINED MOST ATTENTION?

Human rights relate to statelessness in two fundamental ways: first, all people have the right to a nationality and statelessness is the result of the denial of this right; second, having been denied the right to a nationality, stateless persons are more vulnerable to other human rights abuses. Exploring the 1st and 2nd UPR Cycles through the lens of statelessness, it is evident that this duality is reflected in the recommendations issued. Indeed, overall, a diverse array of themes relevant to nationality and statelessness have received attention (see chart overleaf).

CAUSES OF STATELESSNESS

75% of the UPR recommendations relevant to statelessness issued in the 1st and 2nd Cycles addressed the **root causes** of statelessness. These have addressed the problems of: nationality laws that discriminate, for instance, on the grounds of race, ethnicity, gender, religion or disability; failure to ensure birth registration or civil documentation for all; lack of provision for stateless children to acquire a nationality; and statelessness resulting from state succession.

Adopt a legal framework to grant citizenship to all children born in Denmark that otherwise would be stateless and thus more vulnerable to exploitation.

Recommendation to Denmark by Mexico, 2nd Cycle (2016)

CONSEQUENCES OF STATELESSNESS

States have also paid attention to the human rights impact of statelessness within the UPR. In Cycles 1 and 2, a total of 56 recommendations asked states to improve the enjoyment of **human rights by stateless persons** and a further 6 asked states to establish or improve Statelessness Determination Procedures – a key mechanism for ensuring the identification and protection of stateless persons, especially in a migratory context.

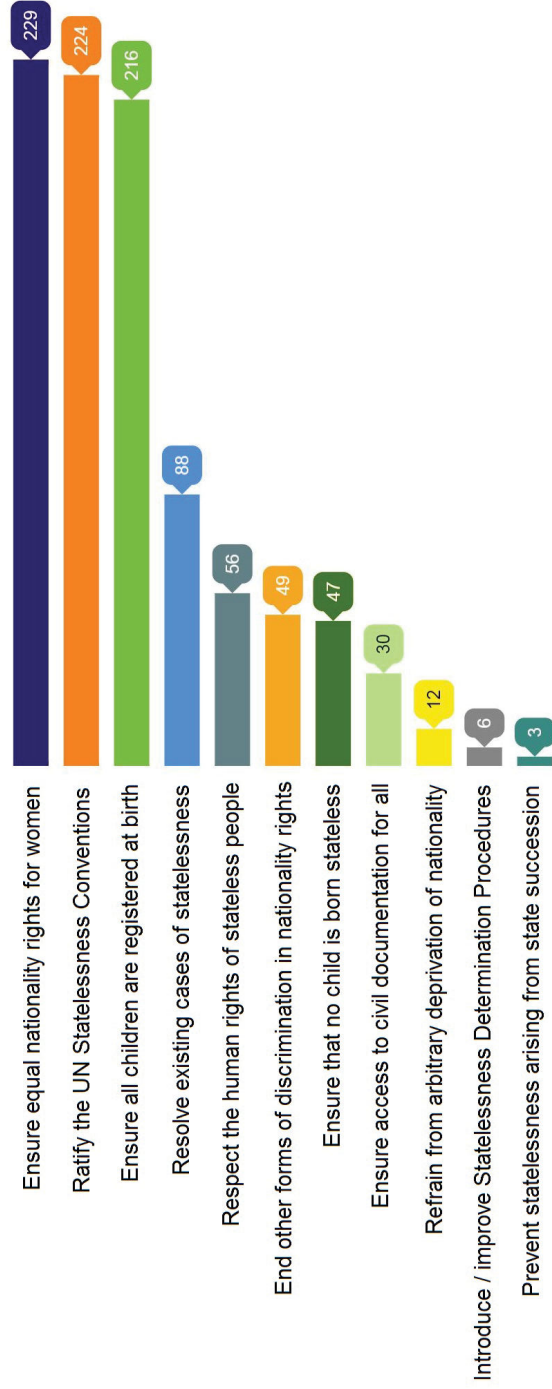
Take concrete measures to prevent children from becoming stateless and guarantee universal access to free primary education, irrespective of citizenship and immigration status.

Recommendation to Malaysia by Norway, 2nd Cycle (2013)

THE UN STATELESSNESS CONVENTIONS

Two UN statelessness conventions bolster the human rights framework by providing an international legal status and minimum standard of treatment of stateless persons (1954 Convention relating to the Status of Stateless Persons) and setting out detailed safeguards for the avoidance of statelessness (1961 Convention on the Reduction of Statelessness). 224 UPR recommendations have encompassed calls for accession to one or both of these instruments.

Number of UPR recommendations issued across different themes relevant to statelessness



ARBITRARY DEPRIVATION OF NATIONALITY

In September 2013, the Constitutional Court of the **Dominican Republic** ruled that a restrictive interpretation of the country's nationality rules would be applied retroactively, back to 1929. This led to the arbitrary deprivation of nationality from tens of thousands of Dominicans of Haitian descent and resulting in large-scale statelessness. In response to this serious human rights violation, when the Dominican Republic came up for review under the 2nd Cycle of the UPR in early 2014, it **received 25 recommendations** on nationality and statelessness issues in the country. These included the following recommendation from Uruguay: "Maximize its efforts to resolve the cases of statelessness, in coordination with UNHCR and with the support, among others, of the United Nations and Inter-American multilateral systems, strengthening a national civil registration system, so as to ensure that all the inhabitants of the Dominican Republic enjoy their rights".



Photo credit: Allison Petrozziello, OBMICA

GENDER DISCRIMINATION



In 25 countries, women cannot pass on their nationality to their children on the same terms as men
this can lead to statelessness among children

Over the past decade, over a dozen countries have amended their nationality laws to allow mothers to pass nationality to their children on equal terms as fathers. Increased attention by human rights bodies including the UPR has contributed to increased momentum in this regard. Many countries with discriminatory laws received UPR recommendations relating to the issue. In its 2nd Cycle review in 2014, **Madagascar** received three recommendations to address gender discrimination in its nationality law, including a recommendation from the U.S.A to: "Reform its nationality law to ensure that all citizens have equal right to confer nationality to their children and the children born to citizen mothers are no longer at risk of statelessness". Madagascar's UPR contributed to mounting domestic and international pressure to reform the law. In January 2017, a new citizenship act was passed, guaranteeing the equal right of citizens, regardless of their sex, to pass their nationality to their children.

HOW CAN CIVIL SOCIETY ENGAGE WITH THE UPR?

The UPR is a state-driven process: only states can make recommendations. However, civil society has an important role to play in informing the focus and content of these recommendations by sharing information about the human rights situation in the SuR and drawing attention to key concerns. Civil society actors can participate at different stages of the Cycle (see infographic opposite).

REPORTING

A key point of entry is the written submission stage, 6-8 months before the review. Specific deadlines, word counts and procedures for these “Stakeholder Submissions” are published on OHCHR’s website. NGO submissions do not have to cover all rights. On the contrary, prioritisation of key human rights issues is recommended and making a thematic submission focused on statelessness has proven a useful advocacy strategy. Developing a joint submission with civil society partners increases the visibility and credibility of an NGO submission and the chances of having the information included in the OHCHR summary report. It is also recommended to include a reference to statelessness in the general national coalition submission (if there is one), to complement the additional thematic submission on statelessness. Note that all UPR submissions are public.

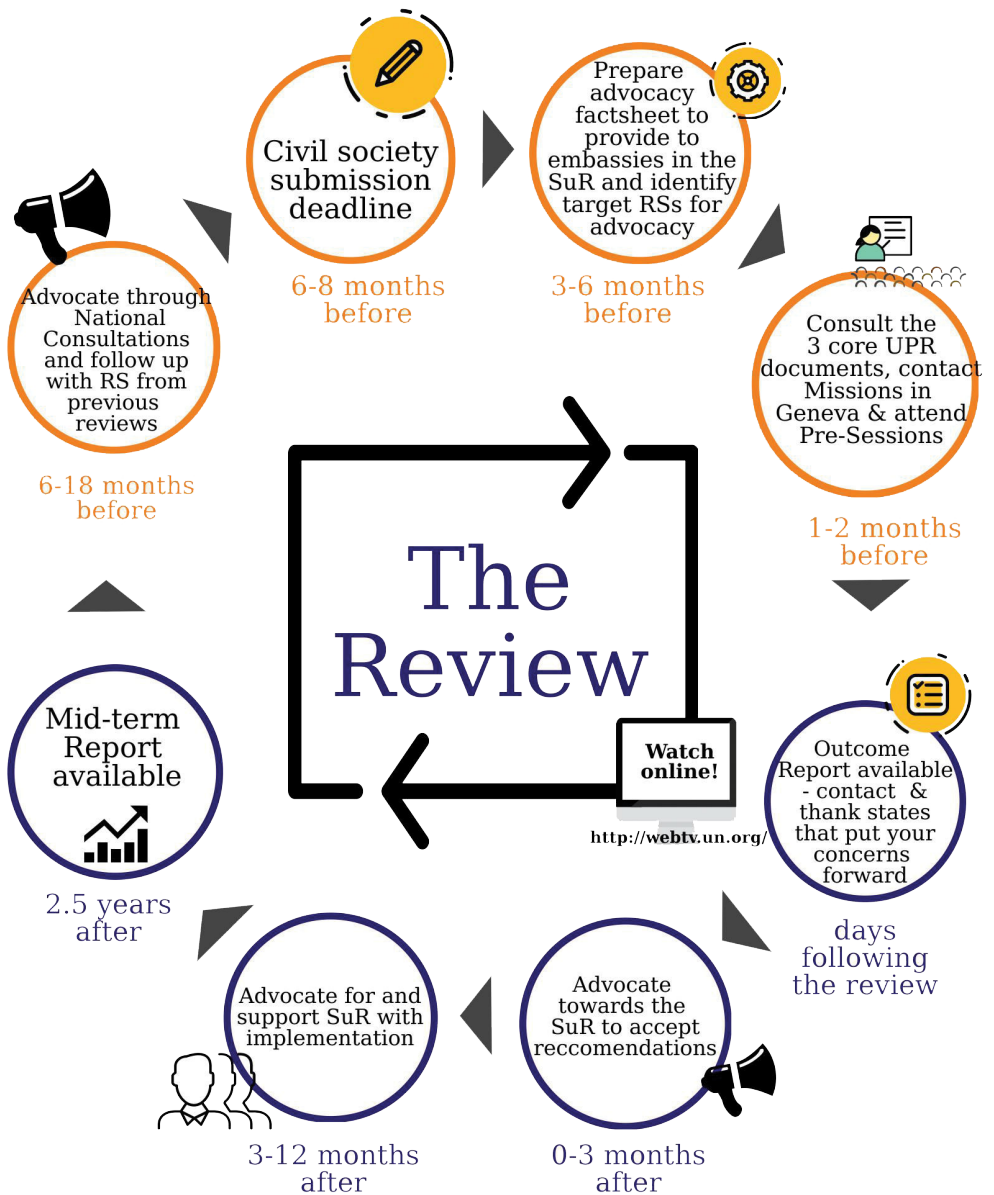
ADVOCACY

Written submissions are one of many various in which civil society can influence the outcome of the UPR. It is important to directly engage in advocacy with relevant RS’s, on the basis of written submissions. Even if no submission has been made, it is still possible to conduct advocacy with RS’s. Advocacy efforts may target the recommending state’s ministry in its Capital, its Embassy in the SuR, its Permanent Mission in Geneva – or, ideally, all three. An effective advocacy strategy is **focused** (prioritising key issues), **targeted** (addressing states that more likely to be interested in making recommendations on the topic), **coordinated** (with partners at national and international level) and **timely** (conducted before recommending states draft their questions and recommendations to the SuR).⁸

FOLLOW-UP

Ultimately, the purpose of the UPR is to achieve positive change for people who suffer human rights violations and/or to address structural issues which perpetuate discrimination and human rights violations in the SuR. Civil society can help by systematically following up on progress. The mid-term point of each Cycle provides an important opportunity for civil society monitoring on the situation.

“Getting the recommendation is, of course, only the first step as the real work is then back in the SuR to ensure that they implement accepted recommendations or change their mind about ones they did not accept. It is worth following up with the Embassies of those States who made useful recommendations both to thank them and to ask for their support - advocacy and possibly financial or technical support - in getting implementation”.⁹



CASE STUDY: UNITED KINGDOM

In September 2016, a coalition of NGOs with statelessness expertise – Asylum Aid and the Project for the Registration of Children as British Citizens (part of Migrants Resource Centre (MRC)), University of Liverpool Law Clinic (ULLC), Institute on Statelessness and Inclusion and European Network on Statelessness – submitted a report on statelessness in the United Kingdom ahead of the country's 2nd Cycle review in May 2017. The submission highlighted problems relating to: implementation of the 1954 Convention, procedural safeguards in the statelessness determination procedure, indefinite and arbitrary detention of stateless persons, socio-economic rights for persons granted leave to remain on the basis of their statelessness and the avoidance of statelessness through acquisition of British nationality.

ULLC and MRC, as the national organisations most familiar with the UK statelessness situation, took the lead in advocacy efforts on these issues: collaborating and co-ordinating with other organisations, including NHRIs and other civil society actors in the UK, in an effort to ensure sharing of information and greater complementarity between the statelessness presentation and recommendations and those made under the more general human rights submissions of these other actors. Their own statelessness-specific submission was also shared directly with selected foreign embassies in the UK, with the aim of feeding into the drafting of recommendations by those states.

The UPR Info Pre-Session in Geneva was held approximately a month prior to the UK review. At the Pre-Session, Judith Carter of ULLC presented on behalf of the statelessness coalition. Staff of the Permanent Missions in Geneva who are involved with the UPR are short on time and so Judith's intervention – setting out the statelessness issues in the UK in just a few minutes to a room filled with Missions' representatives – proved an efficient way of inviting RSs to take up these concerns in their recommendations. Judith's approach, which was to talk about real-life stories of people impacted by the deficiencies of the statelessness policy, drew attention and made the issues she presented more memorable. In addition to participating in the Pre-Session, Judith and Cynthia Orchard of Asylum Aid/MRC used their time at the pre-session to approach representatives of the Permanent Missions to advocate for recommendations to be directed towards statelessness and followed up with several of them afterwards.

During its review on 4 May 2017, **the UK received 3 recommendations relevant to statelessness:** Hungary made a recommendation relating to categorising statelessness as a protection status and providing expedited acquisition of nationality for stateless persons; Iran made a recommendation on the avoidance of subjecting stateless persons to prolonged and/or repeat unlawful detention; and Kenya made a recommendation on the implementation of the 1954 Convention on statelessness to ensure that stateless persons in Britain access British nationality. Following this outcome of the review, further engagement by the statelessness coalition has focused on monitoring and supporting the UK's efforts to implement the recommendations it received on statelessness and related issues of immigration detention and legal aid.

Judith Carter, University of Liverpool Law Clinic, reflects on her UPR experience:



"I think the role of the UPR is necessarily one of a number of strategies which will increase the rights of my clients and other people at risk of statelessness in an incremental way. It's really important to get some advice from someone who's done it already and we went to the Institute on Statelessness and Inclusion and European Network on Statelessness for this. We also worked jointly so that we were confident about the content of the materials. The submission's key elements were made into a Factsheet that was used for advocacy with other UK stakeholders such as NHRIs and embassies present in the UK.

"Organisations that have sent in written submissions to OHCHR may be asked about three months before the UPR Session whether they want to attend the UPR Info pre-session. I

only had 6 minutes to talk, which is not enough! It was very important to focus on the recommendations, and to give real examples of why they were important. I stood up to deliver the talk, because on the previous day I sat at the back of the room and noticed that it was difficult to see, and very easy to ignore, those who were sitting during their intervention".

Tips from the UK experience:

Work together: Other domestic organisations may cover your concerns in their submission when it is relevant to their field of work. Think for example of children's rights organisations. Contact with other organisations also strengthens advocacy prospects in Geneva, as they may be able to help set up meetings or organise briefings for several embassies at once.

Time is limited: Country delegates usually have busy schedules, with 10-15 countries coming up for review and multiple organisations and potential recommendations competing for their attention. Prepare a factsheet that highlights your key issues of concern. Share online, in a simple format such as Word, so that it is easily accessible. Meetings at the margins of the UPR Pre-Sessions are an effective way of getting your concerns across.

TIPS FOR UPR ADVOCACY AND NEXT STEPS

Advocacy by civil society actors makes a real difference to the outcomes of the UPR. The state representatives who draft recommendations to a SuR are not always human rights experts or in possession of in depth knowledge on that country, so civil society can help them to understand which human right issues to prioritise. Civil society also plays an important part in achieving impact on the ground: through their often close and ongoing relationship with affected communities, they can advocate for, monitor and support real change. Here are some tips and next steps for how civil society actors can make the most out of the UPR (see “Further Reading” for additional resources):

- **Familiarise yourself with the timeframe.** Download the timetable for the 3rd Cycle and note when the country or countries you have an interest in are up for review. Begin collecting information for your submission well in advance of the deadline.
- **Remember, the Review period is 4-5 years.** Include information that is reflective of the entire period of review. Do not restrict yourself to the most recent updates alone. The UPR also serves as an important historical record of the human rights situation in the SuR.
- **Work with the national coalition.** Try to get language on nationality and statelessness issues into the general national NGO submission, cross-referencing to the statelessness-specific submission, as relevant. This helps to not only mainstream the issue but secure broader support for follow-up.
- **Work with international, regional and thematic partners.** This enhances the quality of the submission, but also strengthens the advocacy position, increasing capacity to follow up with RS's at Embassy, Capital & Geneva.

NGOs considering making a statelessness-specific submission to the UPR are invited to contact ISI for advice and possible partnership via info@institutesi.org

- **Put forward specific language for recommendations.** This increases the likelihood that the UPR outcomes will be useful and effective. Where appropriate, suggest SMART language for recommendations: Specific, Measurable, Achievable, Relevant and Time-bound.
- **Make time for advocacy with potential Recommending States.** This may be by applying to speak at the Pre-Session, direct advocacy with states at Embassy, Geneva and Capital level, or - ideally - a combination of these strategies. Research in advance which states might be interested in making a recommendation on the issues concerned and when sharing information, include the most important recommendations in the cover email.

- **Target states that made recommendations under the first two Cycles.** The success of the 3rd Cycle will be largely measured on the basis of its ability to deliver sustainable implementation of the recommendations made under the previous two Cycles. This means that it is important to study the previous recommendations issued to a state when making a submission and to reiterate or build on these (where relevant), as well as reach out to states that made recommendations previously, to follow up under the 3rd Cycle.
- **Follow up at the national level.** Engage in advocacy and monitoring on implementation of recommendations on an ongoing basis to maximise the impact on the ground of what is “achieved” at the UPR in Geneva.
- **Use the UPR as a complement to other human rights mechanisms.** Reiterating treaty body recommendations at the UPR and feeding UPR recommendations (and progress on implementation) into treaty body submissions helps to reinforce the body of international recommendations on human rights and promote progress towards change.
- **Use the UPR to strengthen the visibility and implementation of other international initiatives.** This can include references to the Sustainable Development Goals, UNHCR’s #ibelong Campaign to End Statelessness and regional commitments to address statelessness – all of which are important tools for tackling statelessness that draw on and complement human rights.
- **Build on momentum into the third Cycle.** The third Cycle of the UPR started in April 2017, with the 27th Session of the UPR. Statelessness received significant attention at this session, with a total of 54 relevant recommendations being made to 12 of the 14 States under Review.
- **Capitalise on developments under the 3rd Cycle.** Entering the 3rd Cycle, the reporting template that OHCHR provides to states was amended and now includes a sub-section on statelessness. Therefore, states are expected to look at statelessness and the right to a nationality in their National Reports. The new civil society report template includes a matrix of all recommendations under the previous Cycle, with space for NGOs to update on implementation. These developments can be capitalised on to push for better recommendations and monitoring of implementation under the 3rd Cycle.

Mona M'Bikay, Director of UPR Info explains:

“The Universal Periodic Review provides a critical forum to raise awareness about Stateless persons and to invite States to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the reduction of Statelessness. It has been used incrementally over the second Cycle and has proven an effective vehicle to raise awareness on this issue. States should be encouraged to identify Stateless persons, prevent, reduce and protect statelessness by taking appropriate measures such as improving birth registration, ensuring that women can pass on their nationality to their children and promoting social and economic inclusion to avoid discrimination and marginalization of a group of population”



FURTHER READING

REPORTS & TOOLS:

- UPR Info, Civil Society Compendium - A comprehensive guide for Civil Society Organisations engaging in the Universal Periodic Review, 2017.
- UPR Info, Online tutorials on the UPR, available at www.upr-info.org/en/tutorials
- OHCHR, The Universal Periodic Review - A practical guide for civil society, 2014.
- UPR Info, The Butterfly Effect - Spreading good practices of UPR implementation, 2016.
- Institute on Statelessness and Inclusion, The World's Stateless: Children, 2017.
- Institute on Statelessness and Inclusion, various (joint) UPR country submissions focused on statelessness, for instance on Bahrain, South Africa and Switzerland.

WEBSITES:

www.ohchr.org/EN/HRBodies/UPR
www.upr-info.org
www.institutesi.org/humanrights

END NOTES

1. Institute on Statelessness and Inclusion, The World's Stateless, 2014.
2. UNHCR, I am here, I belong, 2015.
3. UN Human Rights Council, Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1.
4. UPR Info, UPR Info Pre-sessions. Empowering human rights voices from the ground, 2017.
5. UPR Info, Statistics of Recommendations, available at:
<https://www.upr-info.org/database/statistics/> (accessed 5 September 2017).
6. UNHCR, Global Trends, Forced Displacement in 2015, 2016.
7. See, for instance, Human Rights Watch, Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, 2011.
8. UPR Info and Child Rights Connect, NGO Advocacy in the Universal Periodic Review - Information for NGOs (Fact Sheet 3), 2013.
9. Rachel Brett, Using the UPR to address statelessness, Blogpost for the European Network on Statelessness, 14 May 2015.

GLOSSARY OF ABBREVIATIONS

1954 Convention	1954 Convention relating to the Status of Stateless Persons
1961 Convention	1961 Convention on the Reduction of Statelessness
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
NHRI	National Human Rights Institution
OHCHR	Office of the UN High Commissioner for Human Rights
Pre-Session	Meeting prior ahead of UPR where civil society presents info on human rights in SuR (organised by UPR Info)
RS	Recommending State at the UPR
SuR	State under Review at the UPR
UNHCR	Office of the UN High Commissioner for Refugees
UPR	Universal Periodic Review
UPR Info	NGO dedicated to helping actors utilise the UPR process



This booklet is one of several in the Institute's statelessness essentials series which are dedicated to Statelessness & Human Rights. Other booklets look, for instance, at the role in addressing statelessness of the **Convention on the Rights of the Child (CRC)** and the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**.

This is number 5 in the Institute's statelessness essentials Series. For more information about this series, visit

STATELESSNESS & HUMAN RIGHTS
The Convention on the Rights of the Child



statelessness
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Statelessness is a human rights issue, which requires a concerted, multi-disciplinary and multi-sectoral approach at national, regional and international levels. The Universal Periodic Review (UPR) provides a distinct opportunity to address human rights violations inflicted on stateless persons and to promote the realisation of the right to a nationality for all. It is a forum in which **all UN Member States** are subjected to a review of their performance across **all human rights**.

This booklet discusses why the UPR is an important mechanism for raising the visibility of statelessness as a human rights issue and for helping to achieve positive change for people who lack a nationality. It also provides an insight into the mechanics of the UPR process, offering key information and helpful tips for effective engagement by civil society actors.

If you are working to protect the human rights of marginalised groups, to promote enjoyment of the right to a nationality, to combat statelessness or improve the lives of stateless communities – or if you are simply interested in how nationality and statelessness issues have featured and can feature within the Universal Periodic Review – this booklet is for you.

To learn more about this series and other available or forthcoming titles, please visit:

www.institutesi.org

The Institute on Statelessness and Inclusion is an independent non-profit organisation committed to realising the right to a nationality for all, through our role as expert, knowledge partner, catalyst for action and advocate for change.