



General Assembly

Distr.: Limited
19 March 2010

Original: English

Human Rights Council

Thirteenth session

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Belarus*, Bolivia (Plurinational State of), Cuba, Peru*, Russian Federation: draft resolution

13/...

Human rights and arbitrary deprivation of nationality

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

Reaffirming its resolutions 7/10 of 27 March 2008 and 10/13 of 26 March 2009, as well as all previous resolutions adopted by the Commission on Human Rights on the issue of human rights and the arbitrary deprivation of nationality,

Recognizing the authority of States to establish laws governing the acquisition, renunciation or loss of nationality in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

Noting the provisions of international human rights instruments and international instruments on statelessness and nationality recognizing the right to acquire, change or retain nationality or prohibiting arbitrary deprivation of nationality, inter alia, article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination; article 24, paragraph 3, of the International Covenant on Civil and Political Rights; articles 7 and 8 of the Convention on the Rights of the Child; articles 1 to 3 of the Convention on the Nationality of Married Women; article 9 of the Convention on the Elimination of All Forms of Discrimination against Women; article 18 of the Convention

* Non-Member State of the Human Rights Council.



on the Rights of Persons with Disabilities; the Convention on the Reduction of Statelessness; and the Convention relating to the Status of Stateless Persons,

Noting with interest general comment No. 30 (2004) of the Committee on the Elimination of Racial Discrimination,

Noting the attention that the above-mentioned Committee pays to the issues of statelessness and arbitrary deprivation of nationality in its work, including when examining the reports of States parties on the implementation of their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law as well as instruments on statelessness, including, with respect to States parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling General Assembly resolution 64/127 of 18 December 2009, in which, inter alia, the Assembly urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

Noting the important work of the Office of the United Nations High Commissioner for Refugees in seeking to address and prevent the problem of statelessness, as guided by, in particular, the conclusion of its Executive Committee on identification, prevention and reduction of statelessness and protection of stateless persons No. 106 (LVII) 2006,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying those to groups in their populations because of nationality, ethnicity, race, religion or language,

Recalling General Assembly resolutions 55/153 of 12 December 2000, 59/34 of 2 December 2004 and 63/118 of 11 December 2008 on the work of the International Law Commission on the nationality of natural persons in relation to the succession of States,

Recognizing that arbitrary deprivation of nationality disproportionately affects persons belonging to minorities, and recalling the work done by the independent expert on minority issues on the subject of the right to nationality,

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness and, in this regard, expressing concern at various forms of discrimination against stateless persons that may violate the obligations of States under international human rights law,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right;

2. *Recognizes* that arbitrary deprivation of nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status is a violation of human rights and fundamental freedoms;
3. *Calls upon* all States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, especially if such measures and legislation render a person stateless;
4. *Urges* all States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;
5. *Acknowledges* that 2011 will mark the fiftieth anniversary of the Convention on the Reduction of Statelessness, and encourages States that have not acceded to the Convention and to the Convention relating to the Status of Stateless Persons to consider doing so;
6. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality;
7. *Expresses its concern* that persons arbitrarily deprived of nationality may be affected by poverty, social exclusion and legal incapacity and, in this regard, calls upon States to remove obstacles that prevent the enjoyment by such persons of relevant civil, political, economic, social and cultural rights, in particular in the areas of education, housing, employment and health;
8. *Recalls* that every child has the right to acquire a nationality, and recognizes the special needs of children for protection against arbitrary deprivation of nationality;
9. *Calls upon* States to ensure that all children are registered at birth, and notes the importance of standardized and effective procedures for civil registration and identity documentation in order to help prevent arbitrary deprivation of nationality and statelessness;
10. *Also calls upon* States to observe minimum procedural standards in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness and are subject to review, in conformity with their international human rights obligations;
11. *Further calls upon* States to ensure access of persons arbitrarily deprived of their nationality to effective remedies, including, but not limited to, restoration of nationality;
12. *Takes note with appreciation* of the report of the Secretary-General submitted in accordance with Council resolution 10/13 (A/HRC/13/34);
13. *Looks forward* to the results of the consideration by the General Assembly of the item entitled "Nationality of natural persons in relation to the succession of States" at its sixty-sixth session, with the aim of examining the subject, including the question of the form that might be given to the relevant draft articles prepared by the International Law Commission and, in this regard, reminds States of the invitation to provide their views on the above-mentioned issue, in accordance with Assembly resolution 63/118;
14. *Urges* relevant United Nations human rights mechanisms and appropriate treaty bodies and encourages the Office of the United Nations High Commissioner for

Refugees to continue with the ongoing collection of information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

15. *Requests* the Secretary-General to prepare a report on the impact that arbitrary deprivation of nationality, including in cases of States succession, may have on the enjoyment by persons of their human rights, including civil, political, economic, social and cultural rights, and to present it to the Council at its nineteenth session;

16. *Decides* to remain seized of this matter.
