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GENERAL

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THE PROBLEM OF STATELESSNESS

Information transmitted by States in pursuance of
Economic and Social Council resolution 352 (XII)
relating to the problem of statelessness

The Secretary-General has the honour to circulate the following communication dated 6 November 1951 which he has received from the Permanent Delegation of Czechoslovakia to the United Nations:

"The Permanent Delegation of Czechoslovakia to the United Nations presents its compliments to the Secretariat of the United Nations and in reference to its note SOA 325/04 of 5 April 1951 has the honour to submit the following information as instructed:

The Government of Czechoslovakia solved the question of reducing statelessness by Law No. 194 of the Collection of Laws of 13 July 1949 relating to obtaining and loss of Czechoslovak citizenship.

The following is the application of the above law:

1. A child born in the territory of the Czechoslovak Republic is a Czechoslovak citizen even if one parent only is a Czechoslovak citizen and the other parent is a foreigner.
2. A small child found in the territory of the Czechoslovak Republic is a Czechoslovak citizen unless sufficient evidence is adduced that he or she is a citizen of another state.
3. The Ministry of the Interior of Czechoslovakia is empowered to grant Czechoslovak citizenship to applicants provided **that they have** not committed any act which is **harmful** to the Czechoslovak Republic or its People's democratic regime and have resided in Czechoslovak territory at least five years and that they do not retain their old citizenship if they are not stateless persons. In special cases the condition of a five year residence may be waived.

4. A woman who is a Czechoslovak citizen loses her citizenship by marriage to a foreigner provided that she acquires her husband's citizenship in accordance with the law of his country. Women of Czechoslovak citizenship are not deprived of their citizenship by marriage to a foreigner provided that they do not acquire their husbands' citizenship by marriage. If a Czechoslovak citizen enters into matrimony with a stateless person or with a citizen of a country, according to the laws of which the wife does not automatically acquire her husband's citizenship, she remains a Czechoslovak citizen. Thus a Czechoslovak woman loses her citizenship by marriage to a foreigner whose citizenship she acquires by this marriage, or if she does not wish to retain her Czechoslovak citizenship, or if her application to this effect is rejected. Thus the law enables a Czechoslovak woman to retain, even after marriage to a foreigner, her Czechoslovak citizenship and protects her from becoming stateless.

5. Loss of citizenship of one spouse does not effect the citizenship of the second spouse or of the children.

The Ministry of the Interior has in addition issued a number of provisions to facilitate proof of citizenship of all persons born, residing and working in the territory of the Czechoslovak Republic if there is no doubt that they are Czechoslovak citizens.

These regulations which are strictly adhered to ensure a substantial reduction in the number of stateless persons.

Stateless persons in Czechoslovakia are entitled to all civil and personal rights, the granting of which is not bound by reciprocity. This applies also to rights arising out of the Czechoslovak Great Codices, i.e. Law No. 265/1950 relating to family law, Law No. 141/1950 of the Civil Code Collection, Law No. 142/1950 of the Collection of Laws relating to legal civil matters, and finally Law No. 41/1948 of the Collection of Laws relating to international civil law.

In principle, a stateless person in Czechoslovakia enjoys equal rights as a Czechoslovak citizen; he or she is entitled to enter into matrimony and to obtain its annulment, settle his or her personal and family matters with the assistance of courts, has right of personal

/property, and

property, and of admission to Czechoslovak courts. In general, the entire status of a stateless person residing and working in Czechoslovakia is more favourable than, for example, was the position of refugees according to agreement of 1928, Law No. 179/1935 of the Collection of Laws."
