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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 26 October 1951 which he has received from the Polish Delegation to the United Nations:

"In connexion with the note of the Secretariat of 5 April 1951, #SOA 325/04, the Polish Delegation has the honour to give the following information concerning the solution of the problem of statelessness in the Polish Legislation.

1. On 8 January 1951, a new Polish law concerning citizenship was issued. This law solved the problem of statelessness in a progressive and democratic spirit.
2. The new Polish law expressed the belief that statelessness constitutes a harmful element in the life of a state. For this reason the law empowered the state authorities to consider as Polish citizens, persons who arrived in Poland as foreigners without a specified citizenship. Such action on the part of state authorities can take place ex officio without the application of the interested person.

The provisions of Article 3 of the law empower the state authorities to decrease the number of persons belonging to the category of stateless to the minimum. The authorities are limited in their decision only by the provision which requires the residence of stateless persons in Poland at least from 9 May 1945.

Based on the opinion that statelessness is harmful, the new Polish law consequently solves the problem of children born, or found, in Poland from unknown parents, or from parents whose citizenship is unknown (Article 7). These children receive ex jure Polish citizenship. The application in such cases of jus soli

excludes the possibility of the existence of the category of stateless persons from children of stateless and unknown parents. The tendency to eliminate statelessness was best expressed in Article 6, point 2 of the Polish law which stated that if one of the parents is a Polish citizen and the other's citizenship is unknown, or unspecified, the child will receive ex jure, a Polish citizenship independently, whether it was born in Poland or in another country.

Expressed by this article, as well as by the new law itself, the principle of equality of sexes consequently decided about the extension of jus sanguinis, which applies equally to sexes both on the mother's or father's side. According to the old Polish law, based on the privileged position of man, a child born in a foreign country from a stateless father and Polish mother, was stateless. Under the new law, however, such a child will automatically receive a Polish citizenship.

A negative position to the problem of statelessness is found in the exclusion from the law, the action to relieve a person of their Polish citizenship (Article 11). The new Polish law, however, introduces as a basic condition in the change of Polish citizenship to receive permission for a change of citizenship. This permission does not automatically result in the loss of Polish citizenship. The loss of Polish citizenship is not realized until the receipt of a foreign citizenship.

The negative attitude to statelessness is also shown by the impossibility to surrender a Polish citizenship automatically by the one-sided move of a person. Consequently, the new Polish law, as well as the old Polish regulations, does not include any provision which would condition the loss of a Polish citizenship by the one-sided move of the interested person.

3. The most characteristic expression of the spread of progress represented by the new Polish law is shown in the full establishment of the principle of equality of the sexes.

In the light of the old regulations the dependency of woman on man and the inferior position of woman concerning the decision about their citizenship, as well as the citizenship of their children, was fully expressed.

The new law, however, solves this question according to the principle of equality of sexes. Consequently, Article 5 states - (a) the marriage by a Polish citizen to a non-Polish citizen does not result in a change of the citizenship of

both, and (b), the change of citizenship either by husband or wife does not result in the change of citizenship of the other. The application of this general provision gives the following effect. The wife with a foreign citizenship does not receive a Polish citizenship because of marriage with a Polish citizen. The Polish wife does not lose her citizenship in the case of marriage to a foreigner, even if her husband's country's legislation automatically offers her his citizenship.

According to the principle of equality of sexes, Articles 8 and 9 decides about the citizenship of children born of parents with mixed citizenships, one parent being a Polish citizen.

In the light of these articles, the child born of parents, of which only one, father or mother, is Polish, the eventual change of the child's citizenship to the citizenship of the other parent is conditioned by the agreement of the parents. In the case of a conflict, the matter is solved by a court. The new Polish law gives the woman equal rights with man concerning the citizenship of their child.

The principle of equality of sexes on which the new Polish law about citizenship of 8 January 1951 is based, expresses the spirit of progress and social justice.

The Polish legislation concerning citizenship in a progressive and democratic way tries to liquidate the problem of statelessness."

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