

# Extracts relating to nationality and statelessness from selected universal and regional human rights instruments

## **Universal Declaration of Human Rights** (10 December 1948)

- Read the Declaration in full-text in [English](#) in Refworld.

### *Article 15*

Everyone has the right to a nationality.

No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

## **International Covenant on Civil and Political Rights** (16 December 1966)

- Read the Covenant in full-text in [English](#) in Refworld.

### *Article 2*

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant. [...]

### *Article 3*

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

### *Article 24*

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

#### *Article 26*

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

#### **Convention on the Rights of Persons with Disabilities** (13 December 2006)

- Read the Convention in full-text in [English](#) in Refworld.

#### *Article 18 - Liberty of movement and nationality*

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

- (a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
- (b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;
- (c) Are free to leave any country, including their own;
- (d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

#### **International Convention for the Protection of All Persons from Enforced Disappearance** (20 December 2006)

- Read the Convention in full-text in [English](#) in Refworld.

### *Article 25*

1. Each State Party shall take the necessary measures to prevent and punish under its criminal law:

(a) The wrongful removal of children who are subjected to enforced disappearance, children whose father, mother or legal guardian is subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance; ...

4. Given the need to protect the best interests of the children referred to in paragraph 1 (a) and their right to preserve, or to have re-established, their identity, including their nationality, name and family relations as recognized by law, States Parties which recognize a system of adoption or other form of placement of children shall have legal procedures in place to review the adoption or placement procedure, and, where appropriate, to annul any adoption or placement of children that originated in an enforced disappearance.

[1] Adopted by the Human Rights Council on 23 June 2006. In its resolution adopting the Convention, the Human Rights Council recommended that it also be adopted by the UN General Assembly.

### **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (18 December 1990)

- Read the Convention in full-text in [English](#) in Refworld.

### *Article 29*

Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.

### **Convention on the Rights of the Child** (20 November 1989)

- Read the Convention in full-text in [English](#) in Refworld.

### *Article 7*

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

### *Article 8*

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

### **Convention on the Elimination of All Forms of Discrimination Against Women (18 December 1979)**

- Read the Convention in full-text in [English](#) in Refworld.

### *Article 9*

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

### *Article 16*

1. [...]

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

### **International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965)**

- Read the Convention in full-text in [English](#) in Refworld.

### *Article 1*

1. In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

#### *Article 5*

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(c) Political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular: (...)

(iii) The right to nationality;

[2] These provisions should be interpreted taking into account the General Recommendations of the Committee on the Elimination of Racial Discrimination and in particular General Recommendation 30 on Discrimination Against Non-Citizens.

#### **Convention on the Nationality of Married Women** (29 January 1957)

- Read the Convention in full-text in [English](#) in Refworld.

#### *Article 1*

Each Contracting State agrees that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife.

#### *Article 2*

Each Contracting State agrees that neither the voluntary acquisition of the nationality of another State nor the renunciation of its nationality by one of its nationals shall prevent the retention of its nationality by the wife of such national.

#### *Article 3*

1. Each Contracting State agrees that the alien wife of one of its nationals may, at her request, acquire the nationality of her husband through specially privileged

naturalization procedures; the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy.

2. Each Contracting State agrees that the present Convention shall not be construed as affecting any legislation or judicial practice by which the alien wife of one of its nationals may, at her request, acquire her husband's nationality as a matter of right.

### **African Charter on the Rights and Welfare of the Child** (11 July 1990)

- Read the Charter in full-text in [English](#) in Refworld.

#### *Article 6: Name and Nationality*

1. Every child shall have the right from his birth to a name.
2. Every child shall be registered immediately after birth.
3. Every child has the right to acquire a nationality.
4. States Parties to the present Charter shall undertake to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws.

### **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa** (11 July 2003)

- Read the Convention in full-text in [English](#) in Refworld.

#### *Article 6: Marriage*

States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

[...]

d) every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised;

[...]

g) a woman shall have the right to retain her nationality or to acquire the nationality of her husband;

h) a woman and a man shall have equal rights, with respect to the nationality of their children except where this is contrary to a provision in national legislation or is contrary to national security interests;

### **Covenant on the Rights of the Child in Islam** (June 2005)

- Read the Covenant in full-text in [English](#) in Refworld.

#### *Article 7: Identity*

A child shall, from birth, have right to a good name, to be registered with authorities concerned, to have his nationality determined and to know his/her parents, all his/her relatives and foster mother.

States Parties to the Covenant shall safeguard the elements of the child's identity, including his/her name, nationality, and family relations in accordance with their domestic laws and shall make every effort to resolve the issue of statelessness for any child born on their territories or to any of their citizens outside their territory.

The child of unknown descent or who is legally assimilated to this status shall have the right to guardianship and care but without adoption. He shall have a right to a name, title and nationality.

### **American Declaration of the Rights and Duties of Man** (2 May 1948)

- Read the Declaration in full-text in [English](#) in Refworld.

#### *Article XIX*

Every person has the right to the nationality to which he is entitled by law and to change it, if he so wishes, for the nationality of any other country that is willing to grant it to him.

### **American Convention on Human Rights** (22 November 1969)

- Read the Convention in full-text in [English](#) in Refworld.

#### *Article 1: Obligation to Respect Rights*

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition. [...]

#### *Article 20: Right to Nationality*

1. Every person has the right to a nationality.
2. Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.

3. No one shall be arbitrarily deprived of his nationality or of the right to change it.

**Arab Charter on Human Rights** (22 May 2004)

- Read the Convention in full-text in [English](#) in Refworld.

*Article 29*

1. Everyone has the right to nationality. No one shall be arbitrarily or unlawfully deprived of his nationality.

2. States parties shall take such measures as they deem appropriate, in accordance with their domestic laws on nationality, to allow a child to acquire the mother's nationality, having due regard, in all cases, to the best interests of the child.

3. No one shall be denied the right to acquire another nationality, having due regard for the domestic legal procedures in his country.

**Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms** (26 May 1995)

- Read the Convention in full-text in [English](#) in Refworld.

*Article 24*

1. Everyone shall have the right to citizenship.

2. No one shall be arbitrarily deprived of his citizenship or of the right to change it.

**Resolution of the Asian African Legal Consultative Organization on "Legal Identity and Statelessness"** (8 April 2006)

- Read the Resolution in full-text in [English](#) in Refworld.

3. Encourages the Member States to review nationality legislation with a view to reducing and avoiding statelessness, consistent with fundamental principles of international law;

4. Also encourages the Member States to raise awareness about the problem of statelessness and to actively cooperate in the identification of problems of statelessness paying particular regard to establishing identity and acquiring relevant documentation for women, children and families in instances of displacement, migration or trafficking;

5. Urges Member States in general and those Member States, which have the presence of stateless persons in particular, to take the necessary legal and institutional measures to ameliorate the precarious situation of stateless persons;



6. Invites Member States to consider the possibility of acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to address the plight of stateless persons in an effective way;

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