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Nationality rights and equal opportunities

Report
Committee on Equal Opportunities for Women and Men
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Summary

In matters of nationality, account must be taken both of the legitimate interests of states and those of individuals. One of the most important legitimate interests of individuals is not to be discriminated against – in particular, on the grounds of gender. However, while this principle has been recognized by most states in theory, in practice discrimination has occurred in the past and may still occur in some cases.

In order to eliminate any remaining discrimination in Council of Europe member and observer states, the Assembly should recommend that the Committee of Ministers:

i. conduct an in-depth comparative study of the legislation on nationality in all Council of Europe member and observer states focusing on equal opportunities between women and men, which would uncover any distinctions being made on grounds of gender (be they intended or unintended, or due to the lack of retroactivity of legislation intended to eliminate discrimination), would highlight best practices and would make concrete proposals to remedy any shortcomings;

ii. call on the governments and parliaments of member and observer states to eliminate any possibility of discrimination on the grounds of gender in their legislation on nationality, if they have not done so already, and to ensure that such legislation is doted with full retroactive effect and is applied in a gender-neutral manner in practice.

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A. Draft recommendation

1. Traditionally, each state determines under its own law who are its nationals, although many states have accepted to be bound by international instruments relating to citizenship, multiple nationality and statelessness.

2. In matters of nationality, account must be taken both of the legitimate interests of states and those of individuals. One of the most important legitimate interests of individuals is not to be discriminated against – in particular, on the grounds of gender. However, while this principle has been recognized by most states in theory, in practice discrimination has occurred in the past and may still occur in some cases.

3. Unfortunately, no in-depth comparative study of legislation on nationality focusing on equal opportunities between women and men in Council of Europe member and observer states has so far been undertaken. The Assembly thus has to base its evaluation of the situation on a survey conducted by its Committee on Equal Opportunities for Women and Men, to which replies from 32 member and 3 observer states were received.

4. The Parliamentary Assembly congratulates those countries which have removed discrimination based on gender from their statute books. In particular, it welcomes the elimination of discrimination against women in several Council of Europe member states (where citizenship used to be passed down the male line, or women lost their citizenship upon marriage to a foreigner), as well as the elimination of discrimination against men (who were not always allowed to pass down their nationality to illegitimate children, especially those born abroad). Nearly all of the laws in question have full retroactive effect, which is of paramount importance in the area of nationality rights.

5. Some work remains to be carried out however. Thus, men continue to face obstacles in passing down their nationality to children born out of wedlock to a foreign mother in Denmark, Iceland, Malta and Switzerland. Some discrimination against women also subsists in Switzerland and Turkey, which are about to revise their legislation to eliminate it. Some provisions applied to the dependants of Vatican citizens could be revised to ensure equal treatment of men and women.

6. The Assembly also points out that the situation in the 13 member and two observer states which it could not study might give rise to legitimate concern. Some countries' provisions on naturalisation requirements may also lead to unintended discrimination against foreign women as regards, for example, income, societal integration or language knowledge requirements, although some countries have taken measures to counterbalance this effect.

7. The Assembly thus recommends that the Committee of Ministers:

i. conduct an in-depth comparative study of the legislation on nationality in all Council of Europe member and observer states focusing on equal opportunities between women and men, which would uncover any distinctions being made on grounds of gender (be they intended or unintended, or due to the lack of retroactivity of legislation intended to eliminate discrimination), would highlight best practices and would make concrete proposals to remedy any shortcomings;

ii. call on the governments and parliaments of member and observer states to eliminate any possibility of discrimination on the grounds of gender in their legislation on nationality, if they have not done so already, and to ensure that such legislation is doted with full retroactive effect and is applied in a gender-neutral manner in practice.

B. Explanatory memorandum by the Rapporteur, Mrs Aguiar

1. Introduction

1. Traditionally, each State determines under its own law who are its nationals[1]. This principle still holds true today, even though many States have accepted to be bound by international instruments relating to nationality, multiple nationality and statelessness – such as the new European Convention on Nationality (ETS 166), which entered into force on 1 March 2000, and has so far been ratified by ten Council of Europe member States[2], and signed by an additional fifteen.

2. In matters of nationality, account must be taken both of the legitimate interests of States and those of individuals. One of the most important legitimate interests of individuals is not to be discriminated against – in particular, not on the grounds of gender. But while this principle is – by now – recognized by most States in theory[3], the practice can sometimes deviate from it. For example, the right of women to retain the nationality of their country of origin following marriage to a foreigner might not be guaranteed under all circumstances; nor their right to acquire foreign or dual nationality; nor their right to pass on their nationality to their children and/or their spouse[4].

3. Unfortunately, equal opportunities between women and men is not a subject-matter that is much dealt with in the area of nationality rights. Thus, to my knowledge, no in-depth comparative study of legislation on nationality focusing on equal opportunities between women and men in Council of Europe member and observer States has so far been undertaken. As a first step, the Assembly´s Committee on Equal Opportunities for Women and Men sent out the appended questionnaire to national delegations of member States (and to permanent representations of observer States) on 12 June 2003, so as to gather the necessary information.

4. As of 12 December 2003, 32 (out of 45) member states had responded to the questionnaire, as well as three (out of five) observer states. A table of the states having replied to the questionnaire is appended as Appendix II. In Appendix III you will find a table summarizing the replies so far received, on which I base the following analysis. I would like to thank all those countries who have replied to the questionnaire for their clear and valuable answers. I would also appeal once more to the 13 member and two observer states who have not yet answered the questionnaire to do so before 15 January 2004, if they would like their countries' situation to be reflected in the report.

2. Analysis of replies received

5. The member and observer states which replied adhere to different principles regarding nationality rights: the majority apply *ius sanguinis*[5] (supplemented by *ius soli* in exceptional cases, in particular to avoid statelessness); some apply a mixed system[6]; Latvia applies specific principles related to its history, as do France, Portugal and Spain and Serbia and Montenegro to a certain extent; the Vatican essentially applies *ius officii.*

6. The position on double/multiple nationality is also varied, with the trend seeming to move away from the principle of one nationality, especially as far as those children are concerned whose parents are of two different nationalities. 23 states replied that they permitted double nationality; 10 did not (and two states did not specify their position). However, in the case of naturalisation, most countries insist that the prior citizenship be given up by the applicant.

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1. The term "nationality" is used in this report in the sense of "citizenship", meaning the legal bond between a person and a State, and not the person's ethnic origin.
2. In fact, the Convention is also open to the non-member States which participated in its elaboration, but none of them have so far acceded to it.
3. Thus, for example, Article 5.1. of the European Convention on Nationality reads: "The rules of a State Party on nationality shall not contain distinctions or include any practice which amount to discrimination on the grounds of sex, religion, race, colour or national or ethnic origin."
4. In fact, some countries have recently changed their legislation to eliminate this type of discrimination against women, but the changes are not always retroactive so that, for example, women cannot necessarily pass on their nationality to those children who were born before a certain date.
5. 21 of the 34 states which replied.
6. 9 of the 34 states which replied.

7. I would like to take this opportunity to break a lance for double nationality. For example, Portugal used to be an emigrant society, so the state allowed double nationality in order to help its emigrant citizens to keep their ties to their home country and also to make it easier for them to integrate in the new society through naturalisation. Now, Portugal's society is changing: it is moving towards an immigrant society. Studies have shown that immigrants integrate far better into the community of their host country if they are offered its citizenship (without having to give up the citizenship of their country of origin).

8. As regards nationality rights and the equality of the sexes, surprisingly few countries seem to make any distinctions on grounds of gender: Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Poland, Portugal, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Canada and Japan all currently make no distinctions whatsoever[7].

9. However, this was not always the case. Historically speaking, women were discriminated against in the area of nationality rights by many countries for decades. For example, children born of a Cypriot mother acquire Cypriot citizenship automatically only if born after 11.06.1999 (however, the new law has full retroactive effect). Denmark made it possible for mothers to pass down their nationality to their children only in 1978 (however, the new law also has full retroactive effect). In Greece, until 1984, any Greek woman married to a foreigner lost her Greek nationality as she obtained the nationality of her husband, unless she made a statement prior to her marriage indicating that she wished to keep Greek nationality (the changes to the law also have retroactive effect). In Malta, prior to 1 August 1989, Maltese citizenship could be acquired only through the father (the retroactive effect of the new law goes up to 1964). In Portugal, until 1981, the legislation on women married to a foreigner was similar to Greek legislation prior to 1984 and citizenship was passed from father to son (the new laws have complete retroactive effect). There were also cases of discrimination against women in Poland, Canada (remedied with full retroactive affect), and in Japan, where the principle of "paternal blood" applied until 1985 (the retroactive effect of the new law goes until 1965[8]).

10. Surprisingly, men seem to have been discriminated against in the past when it comes to passing down nationality to illegitimate children, especially those born abroad. These problems have been more or less resolved in Finland, Greece, Norway and Sweden, but subsist to a certain degree in Denmark, Iceland and Malta (where the Maltese father does not transmit Maltese citizenship to an illegitimate child at all) and Switzerland (this distinction is about to be revised). There are also some "historical wrongs" which have not yet been fully rectified with retroactive effect, namely concerning Switzerland and Canada.

11. The Holy See is a special case, as it applies *ius officii*, that is of an office held or close family ties linking people to a Vatican citizen. The functional conception of this citizenship, as it emerges from the dispositions of the Lateran Treaty and Law No. III of 7 June 1929, corresponds, amongst other things, to the desire to restrict the number of Vatican citizens, granted the limited territory of the Vatican City. Thus, Vatican citizenship is granted on a temporary basis for a function or by concession, and then for a limited objective and time. In case of loss of Vatican citizenship, Italian citizenship is automatically acquired by all those who were originally Italian or who have no right to another citizenship.

12. Vatican legislation and practice as regards the rights of the citizen in general does not foresee distinctions on the basis of gender. However, citizenship is determined essentially, though not exclusively, by criteria of function. As regards spouses and children of a Vatican citizen (who are entitled to Vatican citizenship provided that they share the same residence and are authorised to live within the State), citizenship is lost *ope legis*:

13. by the spouse, if the marriage is annulled or dissolved, or if a conjugal separation is decreed;

14. by sons upon reaching the age of 25, unless they are incapable of working and must remain dependent on the Vatican citizen;

15. by daughters upon their marriage.

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7. One wonders whether the 13 member states and 2 observer states which have not replied are those continuing to make distinctions on the grounds of gender…

8. As a temporary measure, a person who was born during the period from 1 January 1965 to 31 December 1984 and whose mother was a Japanese national at the time of his/her birth was entitled to acquire Japanese nationality by notification, in principle during the period of three years after 1 January 1985.

16. Concerning cases b. and c., one wonders whether unmarried daughters may hold citizenship indefinitely, while unmarried sons loose their citizenship when they reach the age of 25. In the 21st century women should be able to earn their living regardless of whether they are married or single, just like men. Marriage, age and de facto dependence on a Vatican citizen (e.g. because of a physical or mental handicap) should have the same legal effects regardless of gender.

3. Conclusions

17. From the replies to the questionnaire I conclude that few if any overt distinctions continue to be made in the area of nationality rights by Council of Europe member and observer states on the grounds of gender. Some work remains to be done in some countries, especially concerning the retroactive effect of certain provisions, and the possibilities for men to pass their nationality to illegitimate children, especially those born abroad of a foreign mother.

18. To be exact, men continue to face obstacles in passing down their nationality to children born out of wedlock to a foreign mother in Denmark, Iceland, Malta and Switzerland. Some discrimination against women also subsists in Switzerland and Turkey, which are about to revise their legislation to eliminate it. Some provisions applied to the dependants of Vatican citizens, which are not entirely gender-neutral, also open grounds for criticism. All these states would be well advised to review their legislation with a view to eliminating all gender-based discrimination.

19. A few countries commented on possible disadvantages foreign women might face in naturalisation procedures. This question of hidden distinctions deserves to be looked into in greater detail. Macedonia’s solution of taking into account the secured regular source of income of the applicant’s spouse or his or her closest blood relatives (children, parents and others).as regards the requirement for naturalization seems very interesting in the regard. Switzerland has even made funds available to help foreign women reach the language requirement for naturalization since October 2000.

Appendix 1 - Questionnaire on equal opportunities and nationality rights sent to national delegations of Council of Europe member states and offices of Council of Europe observer states

General questions

1. Please specify the general principle that your country applies in the area of nationality rights (e.g. *ius soli* or *ius sanguinis*, and any country-specific rules).

2. Has your country signed or ratified any treaties in the area of nationality rights, or does it intend to do so soon? If yes, please enumerate the treaties.

3. What is your country's position on double/multiple nationality?

Equal treatment of women and men

1. Does your country's legislation or practice in the area of nationality rights contain any distinctions on the grounds of gender? Please specify.

2. In particular:

3. Do women and men have equal rights to pass their nationality to their spouse (in- or outside the country)?

4. Do women and men both have the right to retain their nationality following marriage to a foreigner (in- or outside the country)?

5. Do women and men have equal rights to acquire foreign or dual nationality (for example, following marriage to a foreigner, or a long period of residence in the foreign country)?

6. Do women and men have equal rights to pass their nationality to their children, born in or outside of wedlock, and in- or outside the country?

7. Are the rules governing the nationality of spouses whose marriage is subsequently dissolved the same for women and men?

8. Are there any requirements for the acquisition of nationality which, in practice, could disadvantage women, e.g. a requirement to have been in gainful employment for a certain number of years, or to have a minimum income?

9. Has the legislation and/or practice of your country as regards equal opportunities for women and men in the area of nationality rights recently been changed to eliminate possible discrimination? If so, are the changes in question retroactively applied (e.g. can a woman pass on her nationality to children born before a certain date)?

Appendix 2 - By 12 December 2003, replies had been received from the following states:

Member states

Andorra
Austria
Belgium
Bosnia and Herzegovina
Bulgaria
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Latvia
Lithuania
Luxembourg
Malta
Norway
Poland
Portugal
Romania
Serbia and Montenegro
Slovakia
Slovenia
Spain
Sweden
Switzerland
Turkey
"the former Yugoslav Republic of Macedonia"

Observer States

Canada
Japan
Holy See

Appendix 3 - Analysis of replies to the questionnaire received by 4 December 2003:

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Albania					
Andorra	Mixed (*ius sanguinis* and *ius soli*)	In force : * United Nations Covenant on Civil and Political Rights of 1966 Signed : * its two optional protocols * United Nations Convention on the Elimination of All Forms of Racial Discrimination of 1965	Double nationality is prohibited by the Constitution.	No distinction.	Law on nationality is relatively recent; a bill modifying certain provisions (no incidence on gender issues) is pending before parliament.
Armenia					
Austria	Not specified	Signed: * United Nations Convention on the Nationality of Married Women of 1957 * United Nations Convention on the Reduction of Cases of Statelessness of 1961 * European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations, in Cases of Multiple Nationality of 1963 * European Convention on Nationality of 1997	Law on Nationality avoids double/ multiple nationality in principle, but allows for certain exceptions.	No distinction.	Not specified.
Azerbaijan					

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Belgium	Mixed (*ius sanguinis* and *ius soli*)	In force: * Treaty of friendship and commerce concluded between Belgium and Bolivia of 1912 * League of Nations Convention on Certain Questions relating to the Conflict of Nationality Laws of 1930 and its Special Protocol relating to Statelessness of 1930, and its Protocol relating to Military Obligations in Certain Cases of Double Nationality of 1930 * United Nations Convention on the Status of Refugees of 1951 and its Protocol of 1967 * United Nations Convention relating to the Status of Stateless Persons of 1954 * Belgo-German Border Treaty of 1956 * Optional Protocol to the Vienna Conventions concerning Acquisition of Nationality of 1963 * European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations, in Cases of Multiple Nationality of 1963, and its Amending and Additional Protocols of 1977 * Paris Convention concerning the exchange of information on nationality acquisition of 1964	Multiple nationality avoided in principle, but allowed in certain situations.	No distinction.	No recent changes concerning equality.
Bosnia and Herzegovina	*Ius sanguinis* (in exceptional cases: *ius soli)*	In force: * United Nations Convention on the Status of Refugees of 1951 and its Protocol of 1967 * United Nations Convention on the Nationality of Married Women of 1957 * United Nations Convention on the Reduction of Cases of Statelessness of 1961 * Agreement on double nationality concluded between Bosnia and Herzegovina and the Federal Republic of Yugoslavia of 2002	BiH regulations do not provide for double/ multiple nationality. Exceptionally, double nationality can be recognized concerning persons whose countries have signed bilateral treaties with Bosnia and Herzegovina to this effect.	No distinction.	The first legislation governing nationality rights was imposed by the High Representative for BiH in 1997, and was adopted by the Parliamentary Assembly of Bosnia and Herzegovina (without change) in 1999.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Bulgaria	*Ius sanguinis* (in exceptional cases: *ius soli)*	In force: * Optional Protocol to the Vienna Conventions concerning Acquisition of Nationality of 1963	Bulgarian law allows for more than one citizenship.	No distinction.	Not specified.
Croatia	Not specified.	In force: * United Nations Convention relating to the Status of Stateless Persons of 1954 * United Nations Convention on the Status of Refugees of 1951 and its Protocol of 1967 * United Nations Convention on the Nationality of Married Women of 1957 * United Nations Convention on the Rights of the Child of 1989	Not specified.	No distinction.	Not specified.
Cyprus	*Ius sanguinis*	In force: * League of Nations Convention on Certain Questions relating to the Conflict of Nationality Laws of 1930 and its Special Protocol relating to Statelessness of 1930, and its Protocol relating to Military Obligations in Certain Cases of Double Nationality of 1930 * United Nations Convention on the Nationality of Married Women of 1957 Considering ratification/accession: * European Convention on Nationality of 1997 * United Nations Convention relating to the Status of Stateless Persons of 1954	Cyprus allows for multiple nationality.	Currently, no distinction. Children of a Cypriot mother acquire Cypriot citizenship automatically only if born after 11.06.1999. Children born prior to this date of a Cypriot mother acquire the Cypriot citizenship upon application unconditionally. Children born by a Cypriot mother out of wedlock acquire Cypriot citizenship automatically.	Legislation amended in 1998 as regards the acquisition of citizenship by spouses, and in 1999, 2001 and 2002 as regards the acquisition of citizenship by children of Cypriot parents. The amendments do not have retroactive effect.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Czech Republic **(Czech Republic contd.)**	*Ius sanguinis* (in exceptional cases: *ius soli)*	In force: * United Nations Convention on the Nationality of Married Women of 1957 * United Nations Convention on the Reduction of Cases of Statelessness of 1961 * United Nations Convention on the Elimination of All Forms of Racial Discrimination of 1965 * United Nations Covenant on Civil and Political Rights of 1966 * United Nations Convention on the Elimination of All Forms of Discrimination against Women of 1979 * United Nations Convention on the Rights of the Child of 1989 Signed: * European Convention on Nationality of 1997	Based on principle of single nationality, but dual nationality is not foreclosed.	No distinction.	No changes since 1993.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Denmark	*Ius sanguinis* (in exceptional cases: *ius soli)* Acquisition of Danish nationality by naturalisation requires a decision by the Danish Parliament.	In force: * United Nations Convention on the Status of Refugees of 1951 * United Nations Convention relating to the Status of Stateless Persons of 1954 * United Nations Convention on the Nationality of Married Women of 1957 * United Nations Convention on the Reduction of Statelessness of 1961 * European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations, in Cases of Multiple Nationality of 1963 * European Convention on Nationality of 1997 * Nordic Agreement on Implementation of Certain Provisions on Nationality of 2002 * United Nations Convention on the Rights of the Child of 1989	Danish legislation is based on the principle of reduction of the cases of multiple nationality.	No distinction in general. However, a child born out of wedlock of which only the father is a Danish national will only acquire Danish nationality if born within Denmark. A child born out of wedlock of an alien mother and a Danish father may be listed in a naturalisation bill irrespective of residence in Denmark if the father shares the parental authority.	The last significant change regarding equality issues was made in 1978. The changes, making it possible for mothers to pass down Danish nationality as well as for fathers, replied retroactively, provided a declaration was made by the end of 1981. In 2002, it was decided that applicants who were born to a Danish mother within the period from 1 January 1961 to 31 December 1978 and who could have acquired Danish nationality provided the mother had submitted a declaration to that effect within the period from 1 January 1979 to 31 December 1981, may be listed in a naturalisation bill irrespective of residence in Denmark.
Estonia	*Ius sanguinis*	Ratified: * United Nations Convention on the Elimination of All Forms of Racial Discrimination of 1965 * United Nations Covenant on Economic, Social and Cultural Rights of 1966 * United Nations Covenant on Civil and Political Rights of 1966 and its Optional Protocol of 1966 * European Framework Convention for the Protection of National Minorities of 1995 * United Nations Convention on the Status of Refugees of 1951 and its Protocol of 1967	An Estonian citizen may not simultaneously hold the citizenship of another state.	No distinction.	No recent changes.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Finland	Mixed (*ius sanguinis* – more weight – and *ius soli*)	Signed and ratified: * Convention between Denmark, Finland, Iceland, Norway and Sweden on the execution of certain provisions on nationality of 1998 * United Nations Convention relating to the Status of Stateless Persons of 1954 * United Nations Convention on the Nationality of Married Women of 1957 Signed: * European Convention on Nationality of 1997	Accepts dual/ multiple nationality.	No distinction in general. However, a child born to a Finnish man out of wedlock will automatically acquire Finnish citizenship if paternity is established and the child is born in Finland; if the child is born outside of Finland, the child may acquire Finnish citizenship by declaration.	The new Finnish Nationality Act, which enhances equality between women and men, came into force on 1 July 2003. The new law ensures that a male Finnish citizen can pass his nationality to his children.
France **(France contd)**	Mixed (*ius sanguinis* – more weight – and *ius soli*)	In force: * European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations, in Cases of Multiple Nationality of 1963 (with a reservation concerning the loss of French citizenship upon marriage to a foreigner) and its Second Amending Protocol * European Convention on Nationality of 1997 * United Nations Convention on the Elimination of All Forms of Discrimination against Women of 1979 and a number of other multilateral and bilateral treaties (full list available from the Secretariat – *in French only*)	Accepts dual/ multiple nationality.	No distinction.	No recent change in this area.
Georgia					
Germany	Mixed (*ius sanguinis* – more weight – and *ius soli*)	Signed: * European Convention on Nationality of 1997	Multiple nationality avoided in principle, but allowed in certain exceptional situations.	No distinction in principle. However, if only the father is a German national, it may be necessary to establish paternity before the child reaches the age of 23.	On 1 January 2000, the Act reforming the Nationality Law entered into force in Germany. The changes did not affect equality between women and men, but added the *ius soli* principle to the German system for certain cases.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Greece	Mixed (*ius sanguinis* – more weight – and *ius soli*)	Not specified.	Not specified.	No distinction.	The laws of the Codex of Greek Nationality, which contained discrimination between the sexes, were amended by the law 1438/84. The amendments are applied retroactively, so that, for example, a Greek woman can re-obtain the Greek nationality which she had lost due to marriage to a foreigner, and a foreign child (under 18) born out of wedlock to a Greek father or mother becomes Greek when the Greek parent acknowledges it.
Hungary	*Ius sanguinis* (in exceptional cases: *ius soli)*	Respects and applies: * United Nations Convention on the Status of Refugees of 1951 and its Protocol of 1967 * United Nations Convention relating to the Status of Stateless Persons of 1954 * United Nations Convention on the Nationality of Married Women of 1957 * United Nations Convention on the Elimination of All Forms of Racial Discrimination of 1965 * United Nations Covenant on Civil and Political Rights of 1966 and its second Optional Protocol of 1989 * United Nations Convention on the Elimination of All Forms of Discrimination against Women of 1979 and its Additional Protocol of 1999 * United Nations Convention on the Rights of the Child of 1989 * European Convention on Nationality of 1997	The Hungarian legislation generally recognizes dual and multiple nationality.	No distinction.	According to a recent amendment of the Nationality Act entering into force on 1 September 2003, a child of a Hungarian mother and a foreign father born before 1 October 1957 has the right to acquire Hungarian nationality by submission of a declaration if he/ she has not acquired Hungarian nationality by birth.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Iceland	*Ius sanguinis*	Signed and ratified: * United Nations Convention on the Nationality of Married Women of 1957 * Convention between Denmark, Finland, Iceland, Norway and Sweden on the execution of certain provisions on nationality of 1998 * European Convention on Nationality of 1997	Double nationality was introduced into the Icelandic legislation with Act. No. 9 of 24 February 2003 which amended the Icelandic Nationality Act No. 100/1952 and entered into force on 1 July 2003. The amendment enables Icelandic citizens to retain their Icelandic citizenship even if they apply for citizenship of a foreign state.	A child acquires Icelandic Citizenship at birth if his/her mother is an Icelandic citizen, or if his/ her father is an Icelandic citizen and is married to the mother (unless the couple had obtained a judicial separation at the time when the child was conceived). Thus, if the Icelandic father is not married to the (foreign) mother, the father cannot pass his nationality to the child. He can, however, apply to the Ministry of Justice for the child to receive Icelandic citizenship before the age of 18.	The legislation has not been changed recently as regards equal opportunities for women and men.
Ireland					
Italy					

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Latvia	Specific principles (full description available from the Secretariat – *in English only*)	In force: * United Nations Covenant on Civil and Political Rights of 1966 * United Nations Convention on the Reduction of Statelessness of 1961 * United Nations Convention on the Nationality of Married Women of 1957 * United Nations Convention on the Elimination of All Forms of Racial Discrimination of 1965 * United Nations Convention on the Elimination of All Forms of Discrimination against Women of 1979 * United Nations Convention on the Rights of the Child of 1989 * United Nations Convention relating to the Status of Stateless Persons of 1954 Signed: * European Convention on Nationality of 1997	Granting the citizenship of Latvia must not lead to dual citizenship. Persons who are already dual citizens (of Latvia and another state) are recognized only as citizens of Latvia in accordance with the Law on Citizenship. Citizens of other states seeking to apply for the citizenship of Latvia must officially renounce any other citizenship. Some exceptions are provided for. There are also transitional provisions related to Latvian refugees (of the period 17 June 1940 – 4 May 1990).	No distinction.	The Law on Citizenship took effect on 25 August 1994. Since then, women and men in Latvia have equal rights in the area of nationality.
Liechtenstein					

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Lithuania	Not specified.	In force: * United Nations Convention on the Rights of the Child of 1989 * United Nations Convention on the Elimination of All Forms of Discrimination against Women of 1979 * European Convention on the Legal Status of Children Born out of Wedlock of 1975 * Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption of 1993 * United Nations Convention on the Status of Refugees of 1951 and its Protocol of 1967 * United Nations Convention on the Elimination of All Forms of Racial Discrimination of 1965 * United Nations Convention relating to the Status of Stateless Persons of 1954	The Lithuanian Law on Citizenship is based on the principle of single nationality. Persons who held citizenship of the Republic of Lithuania prior to 15 June 1940, their children, grandchildren and great-grandchildren (provided they did not repatriate), may hold dual citizenship.	No distinction.	No recent changes.
Luxembourg	*Ius sanguinis*	In force: * United Nations Convention on the Nationality of Married Women of 1957 * European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations, in Cases of Multiple Nationality of 1963 and its additional Protocol of 1977 and a number of other treaties (full list available from the Secretariat – *in French only*)	Dual nationality is not yet foreseen in Luxembourg legislation, but it is tolerated when the dual nationality is conferred upon a child by its parents. The position on dual nationality in general is currently being reevaluated.	No distinction.	Recent changes in the law have simplified the procedures.
"the former Yugoslav Republic of Macedonia"	*Ius sanguinis* (in exceptional cases: *ius soli)*	Signed and ratified: * European Convention on Nationality of 1997	Accepts the principle of double nationality (a citizen may also hold the citizenship of another state), but not in the absolute sense (acquisition of citizenship by naturalisation).	No distinction. As regards the requirement for naturalisation of a secured regular source of income, the source can be obtained also by the applicant's spouse or his or her closest blood relatives (children, parents and others).	No changes in this area.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Malta	*Ius sanguinis*	In the process of signing: * European Convention on Nationality of 1997	Act No. IV of 2000 introduced amendments to the Maltese Citizenship Act to give effect to new provisions governing dual or multiple citizenship. Section 7 introduces the principle: It shall be lawful for any person to be a citizen of Malta and at the same time a citizen of another country.	No distinction in general. However, in the case of children born out of wedlock, the child will acquire Maltese citizenship only if the mother is a citizen of Malta (that is, the Maltese father does not transmit Maltese citizenship to an illegitimate child).	Prior to 1 August 1989 Maltese citizenship could be acquired only through the father. As from that date, citizenship is transmitted by both the father and the mother. In the case of children born outside Malta between 21 September 1964 and 31 July 1989 of a Maltese mother, these can acquire Maltese citizenship by registration (irrespective of their residence).
Moldova					
Netherlands					

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Norway **(Norway contd)**	*Ius sanguinis*	Ratified: * League of Nations Convention on Certain Questions relating to the Conflict of Nationality Laws of 1930 * United Nations Convention on the Status of Refugees of 1951 * United Nations Convention on the Reduction of Statelessness of 1961 * European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations, in Cases of Multiple Nationality of 1963 and its Additional Protocol of 1977 * Convention between Denmark, Finland, Iceland, Norway and Sweden on the execution of certain provisions on nationality of 1998 * United Nations Convention on the Nationality of Married Women of 1957 * United Nations Convention on the Elimination of All Forms of Discrimination against Women of 1979 * United Nations Covenant on Civil and Political Rights of 1966 * United Nations Convention on the Rights of the Child of 1989 * Optional Protocol to the Vienna Conventions concerning Acquisition of Nationality of 1963 Signed: * European Convention on Nationality of 1997	The Norwegian Nationality Act is based on the principle of single citizenship. However, multiple citizenship is accepted under several circumstances (for example, when dual nationality is conferred upon a child by its parents). Norway is presently working on a new Nationality Act. Multiple citizenship is one of the themes discussed.	No distinction in principle. However, a child acquires Norwegian citizenship *ex lege* if the mother is Norwegian, or if the father is Norwegian and married to the mother. A child born out of wedlock to a Norwegian father acquires Norwegian citizenship if the father was a Norwegian citizen at the time of the child´s birth and he recognises the child as his. This must be notified to the Norwegian authorities.	The law was amended in 1999 regarding children born out of wedlock, in order to eliminate discrimination due to the parents' choice of civil status (married/ not married). The amendment is replied retroactively to children under 18.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Poland	*Ius sanguinis* (in exceptional cases: *ius soli)*	Signed: Majority of United Nations and European Conventions relating to the protection of human rights, including questions of citizenship. Signed (ratification pending): * European Convention on Nationality of 1997	In accordance with Polish law, a Polish citizen shall not be recognized as a citizen of a another country at the same time. However, Poland tolerates dual nationality in practice.	No distinction.	The 1998 amendment to the Citizenship Act concerned the ruling out of any possibility of discrimination on the grounds of sex. The Act provided for the acquirement of Polish citizenship by a foreign woman who was married to a Polish citizen, and also recognized the possibility of the recovery of Polish citizenship by a woman who had lost it due to a marriage to a foreign man. Following the amendment, the Act now speaks of foreigners and persons without indicating the sex.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Portugal	*Ius sanguinis* (in exceptional cases: *ius soli)* plus some specific principles (full description available from the Secretariat – *in French only*)	Ratified: * European Convention on Nationality of 1997	Portugal recognizes double/ multiple nationality, as only those can lose their Portuguese citizenship who hold the citizenship of another state and declare that they do not want to be Portuguese.	No distinction.	The current law on nationality, which dates from 1981, corrects a situation of discrimination against women resulting from the prior law of 1959. According to that law, citizenship was passed from father to son, and women automatically lost their Portuguese citizenship when they acquired a different citizenship upon marriage to a foreigner, if they did not make a declaration prior to the marriage on their intention to keep their Portuguese citizenship. The law of 1981 establishes that a woman who lost her citizenship through marriage may recover it by declaration. The Portuguese Government presented a new bill to Parliament in June 2003 enforcing the strict retroactivity of such a declaration and eliminating the possibility for the competent authority to oppose it. The bill was passed by a final vote in November 2003.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Romania	Mixed (*ius sanguinis* and *ius soli*)	Adheres to the Convention concerning multiple nationality and the Convention on combatting statelessness.	In general, Romania accepts the principle of multiple citizenship. The Romanian law does not contain explicit provisions regarding double citizenship. It refers only to former Romanian citizens who request it again, retaining the right to keep their foreign citizenship.	No distinction.	No recent changes in this area.
Russian Federation					
San Marino					
Serbia and Montenegro	*Ius sanguinis* (in exceptional cases: *ius soli)* plus specific rules for emigrants	Signed: *Agreement on double nationality concluded between Bosnia and Herzegovina and the Federal Republic of Yugoslavia in 2002	Dual nationality is possible under certain circumstances (for example, under international treaties on condition of reciprocity, or when dual nationality is conferred by its parents upon a child born abroad).	No distinction.	No recent changes in this area.
Slovakia	*Ius sanguinis* (in exceptional cases: *ius soli)*	In force: * United Nations Covenant on Civil and Political Rights of 1966 * United Nations Convention on the Elimination of All Forms of Discrimination against Women of 1979 * United Nations Convention on the Rights of the Child of 1989 * European Framework Convention for the Protection of National Minorities of 1995	Double citizenship is possible.	No distinction.	No recent changes in this area.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Slovenia **(Slovenia contd)**	*Ius sanguinis* (in exceptional cases: *ius soli)*	Signed and ratified: * United Nations Convention on the Rights of the Child of 1989 * United Nations Convention on the Elimination of All Forms of Racial Discrimination of 1965 * United Nations Convention relating to the Status of Stateless Persons of 1954 * United Nations Convention on the Status of Refugees of 1951 * United Nations Convention on the Elimination of All Forms of Discrimination against Women of 1979 * United Nations Convention on the Nationality of Married Women of 1957 Procedure to sign underway: * European Convention on Nationality of 1997	The Citizenship of the Republic of Slovenia Act rests on the principle of preventing double nationality, although it provides for certain categories of persons to retain (or acquire), upon acquisition of Slovene citizenship, the citizenship of another country. Special rules applied for citizens of other successor states to former Yugoslavia premanently residing in the Republic of Slovenia on 23 December 1990.	No distinction. However, all applicants for Slovene citizenship by naturalisation must fulfil the condition of a guaranteed permanent source of income. Each case is considered separately. If the applicant is unemployed, the income of his/her spouse is taken into account in the procedure.	Not specified.
Spain	Mixed (*ius sanguinis* – more weight – and *ius soli*)	In force: A number of bilateral treaties, in particular with Latin American countries (full list available from the Secretariat – *in English only*)	There is no obstacle to dual nationality, neither for multiple nationality in the case of a Spanish citizen holding at the same time the nationality of two or more Latin American countries.	No distinction.	No recent changes in this area.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Sweden **Sweden (contd)**	*Ius sanguinis*	Signed and ratified: * League of Nations Convention on Certain Questions relating to the Conflict of Nationality Laws of 1930, and its Protocol relating to Military Obligations in Certain Cases of Double Nationality of 1930 * United Nations Convention on the Nationality of Married Women of 1957 * Optional Protocol to the Vienna Conventions concerning Acquisition of Nationality of 1963 * European Convention on Nationality of 1997 (with a declaration) Signed and ratified, renounced, again ratified with a declaration: * European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations, in Cases of Multiple Nationality of 1963 and its Amending Protocol of 1977	One of the fundamental concepts of the Swedish law on citizenship has been to avoid dual citizenship. However, Sweden abandoned that principle when the 2001 Citizenship Act was adopted.	No distinction in general. The child of a woman who is a Swedish citizen automatically becomes a Swedish citizen at birth. A child born in Sweden whose father is a Swedish citizen also becomes a Swedish citizen at birth. If the child's father is married to the child's mother and she is a citizen of a foreign country, the child also becomes a Swedish citizen. However, A child under twenty can become a Swedish citizen by notification if he/she was born outside Sweden and has a father with Swedish citizenship who is not married to the child's mother, who in turn is the citizen of a foreign country (the father must have been a Swedish citizen since the child was born).	Under the previous Citizenship Act of 1950 a child automatically acquired Swedish citizenship if its mother was a Swedish citizen. If only the father was a citizen, he had to be married to the child's mother at the time of its birth if the child was to acquire Swedish citizenship. In order to achieve greater parity between children of married and unmarried parents, and between women and men, the rules were changed. The changes are retroactively applied upon notification by the father (who must still be a Swedish citizen), if the child has not yet reached eighteen years of age at the time of the notification.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Switzerland	*Ius sanguinis* (a revision currently being undertaken foresees the introduction of *ius soli* for foreigners of the third generation)	Signed and ratified: * Convention reducing the number of cases of statelessness of 1973 * Italo-Swiss arrangement facilitating access to double nationality of 1998 Intention to sign and ratify: * Germano-Swiss Convention on double nationality * European Convention on Nationality of 1997	Switzerland accepts double nationality.	No distinction in principle. However, women who acquired Swiss citizenship upon marriage before 1992 cannot transmit it to their children (holding another citizenship), and can only re-obtain Swiss citizenship (if they hold another citizenship) on the condition of having links with Switzerland. This distinction will be eliminated in the current revision of the citizenship law. Men cannot automatically transmit their citizenship to children born out of wedlock. This distinction will be eliminated in the current revision of the citizenship law. Foreign women wishing to acquire Swiss citizenship may be disadvantaged *de facto* if they are not in paid employment, as they may have difficulties in reaching the necessary language level for naturalisation. Since October 2000, funds have been made available to deal with this problem.	No recent changes, but the citizenship law is currently undergoing revision.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Turkey	*Ius sanguinis*	Signed and ratified: * Convention on the issue of a certificate of nationality, signed at Lisbon on 14 September 1999 * United Nations Convention on the Elimination of All Forms of Discrimination against Women of 1979 Intends to sign: * European Convention on Nationality of 1997	Double/multiple nationality is possible.	The Turkish Citizenship Law contains one distinction on the grounds of gender in the area of national rights. According to the Article 16 of the Turkish Citizenship Law, foreign children under the age of 18 acquire Turkish citizenship in connection with their fathers who are granted Turkish citizenship. The children under the same age of foreign women who acquire Turkish citizenship can acquire Turkish citizenship under the following conditions: if a) the father is dead, b) the identity of the father is not known, c) the father is stateless, d) the child is stateless, e) the mother is the guardian of the child and if there is no prohibition in the national law of the country whose citizenship the child holds. However, the Turkish Ministry of Interior is carrying out studies to eliminate the abovementioned or any other possible distinction in the Turkish Citizenship Law on the grounds of gender in the area of nationality rights.	Changes were made in the Turkish Citizenship Law in the years 1981 and 2003 to eliminate discrimination between women and men in the area of nationality rights. The changes in question are retroactively applied. For example, according to the change in the law in 1981, a Turkish woman can pass on her nationality to her children born on or after 22 May 1964.
Ukraine					
United Kingdom					
Observer States					

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Canada **Canada (contd.)**	Mixed (*ius sanguinis* and *ius soli*)	In force: * United Nations Convention on the Nationality of Married Women of 1957 * United Nations Covenant on Civil and Political Rights of 1966 * United Nations Convention on the Rights of the Child of 1989 * United Nations Convention on the Reduction of Cases of Statelessness of 1961 * United Nations Convention on the Status of Refugees of 1951 and its Protocol of 1967	Multiple nationality is permitted in Canada and has been since 1977.	No distinction. However, the Act's proposed replacement, Bill C-18, contains a provision relating to the resumption of citizenship for certain women who lost citizenship before 1947 as a result of their husband's nationality. This distinction is meant to address a historical wrong. There is also a requirement for naturalisation that an applicant for citizenship demonstrate an adequate knowledge of Canada and the responsibilities and privileges of citizenship, as well as an adequate knowledge of one of the official languages of Canada. Some have suggested that female permanent residents of Canada who immigrated from societies in which educational opportunities for women are not available could be disadvantaged by these requirements. It should be noted, however, that the Minister of Citizenship and Immigration can waive these requirements on compassionate grounds.	There have been no recent changes.

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Japan	*Ius sanguinis* (in exceptional cases: *ius soli)*	Signed and ratified: * United Nations Covenant on Civil and Political Rights of 1966 * United Nations Convention on the Status of Refugees of 1951 and its additional Protocol of 1967 * United Nations Convention on the Elimination of All Forms of Discrimination against Women of 1979 * United Nations Convention on the Rights of the Child of 1989	Japan's position is that it is desirable that double/multiple nationality be avoided to the utmost.	No distinction.	The amended Nationality Law came into force on 1 January 1985, by which the "principle of paternal blood" was replaced by the "principle of both-parental blood" concerning acquisition of nationality at birth. As a temporary measure, a person who was born during the period from 1 January 1965 to 31 December 1984 and whose mother was a Japanese national at the time of his/her birth was entitled to acquire Japanese nationality by notification, in principle during the period of three years after 1 January 1985.
Mexico					

Member state	General principle applied	Treaties signed/ratified	Position on double/ multiple nationality	Distinctions on grounds of gender	Recent changes in legislation
Holy See	Specific rules: *Ius officii* (full description available from the Secretariat – *in English only*)	Criteria for the acquisition of Vatican citizenship are determined not by the free decision of the State, but by an international convention between the Holy See and Italy (The Lateran Treaty, 11 February 1929).	Vatican citizenship may be added to that which has been originally acquired. The loss of Vatican citizenship brings with it the acquisition of Italian citizenship by those who were originally Italian, or by those not having the right to acquire another citizenship.	Vatican legislation and practice as regards the rights of the citizen in general do not foresee distinctions on the basis of gender. However, citizenship is determined essentially, though not exclusively, by criteria of function. As regards spouses and children of a Vatican citizen (who are entitled to Vatican citizenship provided that they share the same residence and are authorized to live within the State), citizenship is lost *ope legis*: by the spouse, if the marriage is annulled or dissolved, or if a conjugal separation is decreed; by sons upon reaching the age of 25, unless they are incapable of working and must remain dependent on the Vatican citizen; by daughters upon their marriage.	No recent changes.
United States of America					

Reporting committee: Committee on Equal Opportunities for Women and Men

Reference to Committee: Doc 9699, reference N° 2803 of 31 March 2003

Draft recommendation unanimously adopted by the Committee on 27 January 2004.

Members of the Committee: Mrs Cliveti (Chairperson), Mrs Zapfl-Helbling (1st Vice-Chairperson), Mr Dalgaard (2nd Vice-Chairperson), Mrs Curdova (3rd Vice-Chairperson), Mrs Aguiar, Mr Baburin, Mrs Bauer, Mrs Biga-Friganovic, Mrs Bilgehan, Mrs Bousakla, Mrs Castro, Mrs Doktorowicz, Mrs Err, Mr Foulkes, Mrs Frimannsdóttir, Mr Gaburro, Mr Goldberg, Ms Hadjiyeva, Mrs Hägg, Mrs Katseli, Mrs Konglevoll, Mrs Kosa-Kovacs, Mrs Kryemadhi, Mrs Labucka, Mrs Lintonen, Ms Lucic, Mr Mahmood, Mrs Mikutiene, Mr Mooney, Mrs Morganti, Mr Neimarlija, Mrs Paoletti Tangheroni, Mrs Patarkalishvili, Ms Patereu, Mr Pavlov, Mrs Pericleous-Papadopoulos, Mrs Petrova-Mitevska, Mr Pintat, Mr Platvoet, Mr Pullicino Orlando, Mrs Roth, Mrs Rupprecht, Mrs Schicker.

N.B. The names of the members who took part in the meeting are printed in italics.

Secretaries of the Committee: Mrs Kleinsorge, Ms Kostenko