Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1081 (1988)[1]

Problems of nationality of mixed marriages

Parliamentary Assembly

The Assembly,

1. Referring to its Recommendation 519 (1968) on the nationality of married women, to the United Nations Convention on the Nationality of Married Women (1961), to the Council of Europe Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality (1963), and to Resolutions (77) 12 and 13 of the Committee of Ministers on the nationality of spouses of different nationalities and on the nationality of children born in wedlock ;

2. Considering that cases of multiple nationality are liable to give rise to difficulties adversely affecting, *inter alia*, administrative practices of the Council of Europe member states, and that the policy adopted by the above states to reduce the number of cases of multiple nationality should continue ;

3. Considering that the nationality of a person is not only an administrative matter, but also an important element of the dignity and of the cultural identity of human beings ;

4. Reaffirming the principle of equality of the spouses before the law ;

5. Considering that, in view of the gravity of the economic and social problems affecting spouses in mixed marriages, that is to say marriages where the spouses have a different European nationality, it is desirable that each of such spouses may have the right to acquire the nationality of the other without losing his or her own nationality of origin ;

6. Considering that the children born from mixed marriages should also be entitled to acquire and keep the nationality of both of their parents ;

7. Considering that the principles governing nationality laws in Council of Europe member states are often very different and that problems arise in consequence ;

8. Considering that it is only in exceptional cases that the fact that a person has several nationalities may render difficult the application of other Council of Europe conventions and that this can hardly be considered an argument against the multiple nationality principle ;

9. Noting that the law on nationality has been substantially amended in many member states in recent years, particularly for the purpose of introducing the concept of equality between spouses ;

10. Noting that in the light of recent developments the question of multiple nationality is being actively discussed, both at national level in a number of member states and within the Council of Europe,

11. Recommends that the Committee of Ministers instruct the European Committee on Legal Co-operation (CDCJ) to proceed as a matter of high priority to a thorough examination of the question of multiple nationality in mixed marriages, including the children born of such marriages, with a view to amending the Council of

1. *Text adopted by the Standing Committee,* acting on behalf of the Assembly, on 30 June 1988. See Doc. 5901, report of the Legal Affairs Committee, Rapporteur : Mr Sarlis, and Doc. 5912, opinion of the Committee on Migration, Refugees and Demography, Rapporteur : Mrs Staels-Dompas.

Europe Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality, or concluding another binding legal instrument, aiming also at bringing together the principles governing nationality laws of member states.