



Resolution 1989 (2014)¹

Final version

Access to nationality and the effective implementation of the European Convention on Nationality

Parliamentary Assembly

1. The Parliamentary Assembly reiterates the importance of nationality matters. These are closely interrelated with human rights and the rule of law and are therefore a priority for the Council of Europe.
2. The Assembly recalls that the right to a nationality, as the “right to have rights”, is enshrined in several international legal instruments, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Whilst it is not directly enshrined in the European Convention on Human Rights (ETS No. 5), the European Convention on Nationality (ETS No. 166) explicitly guarantees the right to a nationality.
3. The Assembly regrets that the European Convention on Nationality has been ratified by only 20 member States of the Council of Europe, most of which have also made reservations or declarations. It therefore calls on all the member States concerned to sign and/or ratify the convention without delay, and without restrictive reservations or declarations.
4. The Assembly considers that statelessness should be prevented and eliminated as soon as possible, as it prevents individuals from enjoying all their human rights and encroaches on their human dignity. It is particularly concerned about the high number of stateless persons, including children, in some member States, and in particular in Latvia, the Russian Federation, Estonia, as well as in Ukraine.
5. In order to prevent and eliminate statelessness, the Assembly calls on the member States, if they have not yet done so, to:
 - 5.1. sign and/or ratify the United Nations Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961;
 - 5.2. implement the provisions of these two legal instruments, and in particular to:
 - 5.2.1. provide for safeguards against statelessness in their national law, particularly by ensuring automatic acquisition of nationality for children born on their territory who would otherwise be stateless, as well as in situations where a person’s loss of nationality would lead to his or her statelessness;
 - 5.2.2. establish statelessness determination procedures in line with the guidelines of the United Nations High Commissioner for Refugees (UNHCR) and avoid refusing to recognise a person as stateless when his or her situation meets the definition of a stateless person as set out in Article 1 of the Convention relating to the Status of Stateless Persons, in particular through the introduction of “alternative” definitions of statelessness at the national level;
 - 5.2.3. adopt legislation that facilitates the recognition of nationality via registration and/or simplified naturalisation of stateless persons on their territory;

1. *Assembly debate* on 9 April 2014 (15th Sitting) (see [Doc. 13392](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Boriss Cilevičs; and [Doc. 13438](#), opinion of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Rafael Huseynov). *Text adopted by the Assembly* on 9 April 2014 (15th Sitting).

See also [Recommendation 2042 \(2014\)](#).



- 5.2.4. provide for access to information, free legal aid and appeal procedures to stateless persons seeking naturalisation;
- 5.2.5. strengthen procedures for birth registration, if need be, so as to eliminate obstacles to birth registration for newborn babies, irrespective of their immigration status, and raise awareness of such procedures among stateless persons and persons at risk of statelessness;
- 5.2.6. reconstitute any damaged civil registers, including through facilitating international co-operation between registry offices;
- 5.2.7. consider procedures for mandatory registration of newborn babies of stateless parents as nationals of the country of birth, the only exception being when parents provide proof of immediate acquisition of the nationality of another State.

6. The Assembly considers that the Russian Federation's en masse distribution of Russian passports to persons living outside the Russian Federation ("passportisation") is contrary to the Council of Europe's principles. The Assembly shares the opinion of the Venice Commission on the Amendments to the Federal Law on Defence of the Russian Federation (CDL-AD(2010)052) and considers that justifying the military actions by a member State against other member States by the need to protect its own citizens is not compatible with Council of Europe standards.

7. The Assembly notes that the possibility of multiple nationalities has become a commonly accepted trend in the last few decades, due to increased international mobility and mixed marriages. The prohibition of multiple nationalities should no longer be an obstacle to the integration of large groups of long-term resident aliens. The renunciation of the nationality of origin should not be a necessary precondition for the acquisition of the nationality of the host country.

8. The Assembly therefore calls on member States:

- 8.1. to review their nationality policies in the light of international legal standards on matters relating to nationality;
- 8.2. to facilitate access to nationality (naturalisation) for long-term residents, according to the following principles:
 - 8.2.1. the period of time required for fulfilling the residence condition shall not exceed five years;
 - 8.2.2. procedural fees as well as those related to language and civic knowledge tests shall be justified and proportionate;
 - 8.2.3. decisions on nationality shall be reasoned and there shall be a right of appeal against them;
 - 8.2.4. conditions for naturalisation as well as their implementation should not be discriminatory on the grounds of gender, race, religion, national or ethnic origin, native language or other grounds;
- 8.3. not to discriminate against their citizens on the grounds of how they acquired their nationality, in order to avoid having different classes of citizens.

9. The Assembly calls on the Russian Federation to stop the en masse distribution of Russian passports in other member States.

10. The Assembly calls on member States to step up the co-ordination of their policies relating to nationality matters in areas which might involve the interests of several States, such as multiple nationals' military obligations, diplomatic protection or voting rights, or issuance of civil registration or identity documents.