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Withdrawing citizenship as a measure to combat terrorism: a human rights-compatible approach?

Motion for a resolution

tabled by Ms Tineke STRIK and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

In preventing acts of terrorism on their soil, more and more member States adopt legislation allowing withdrawal of the nationality of their citizens, if their behaviour raises suspicions. In some countries the possibility of withdrawal can even take place without a criminal procedure and conviction. These practices lead to concerns on statelessness and, if only dual nationals are affected, to different treatment amounting to discrimination. Also the right to an effective remedy on the fundamental right to a nationality can be at stake.

It is a member State's legitimate sovereign right to further security and safety on their territory, including by taking effective anti-terrorism measures. But our democratic societies can only be protected effectively by ensuring that these measures comply with the rule of law.

The Parliamentary Assembly has long experience in nationality-related matters, as shown recently by Resolution 1989 (2014) on access to nationality and the effective implementation of the European Convention on Nationality.

The Assembly should therefore conduct a survey of anti-terrorism measures which may affect the right to citizenship in our member States, and analyse the extent to which such measures are in compliance with the European and international law, especially the Council of Europe's acquis related to the avoidance of statelessness and the prohibition of discrimination. On this basis, the Assembly should draft recommendations on how to ensure that anti-terrorist or other restrictive measures do not affect the international and European standards on nationality.

Signed (see overleaf)



*Signed*¹:

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1. ALDE: Alliance of Liberals and Democrats for Europe
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UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group