



OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS



Human rights and arbitrary deprivation of nationality

Human Rights Resolution 2005/45

The Commission on Human Rights,

Recalling its resolutions on human rights and arbitrary deprivation of nationality, in particular resolution 1999/28 of 26 April 1999,

Reaffirming article 15 of the Universal Declaration of Human Rights, in accordance with which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

Recognizing the right of States to establish laws governing the acquisition, renunciation or loss of nationality,

Noting the relevant provisions of international human rights instruments and instruments on statelessness relating to the prohibition of arbitrary deprivation of nationality, inter alia article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3, of the International Covenant on Civil and Political Rights, articles 7 and 8 of the Convention on the Rights of the Child, articles 1 to 3 of the Convention on the Nationality of Married Women, article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Reduction of Statelessness,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law as well as instruments on statelessness, including, with respect to States parties, the Convention relating to the Status of Stateless Persons, the Convention relating to the Status of Refugees and the Protocol thereto,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same

emphasis, as reaffirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Recalling General Assembly resolution 50/152 of 21 December 1995, which, inter alia, encouraged the Office of the United Nations High Commissioner for Refugees to continue its activities on behalf of stateless persons as a part of its statutory function of providing international protection and of seeking preventive action,

Noting the important work of the Office of the United Nations High Commissioner for Refugees in seeking to address and prevent the problem of statelessness, including its Final Report Concerning the Questionnaire on Statelessness Pursuant to the Agenda for Protection of March 2004,

Taking note of the resolutions of the Sub-Commission on the Promotion and Protection of Human Rights on the rights of non-citizens, in particular of paragraph 7 of its resolution 2003/21 of 13 August 2003, and also of the final report of the Special Rapporteur of the Sub-Commission on the rights of non-citizens (E/CN.4/Sub.2/2003/23),

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on racial, national, ethnic, religious, gender or political grounds,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness, and in this regard expressing concern at various forms of discrimination against stateless persons that violate the obligations of States under international human rights law,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their populations because of nationality, ethnicity, race, religion or language,

1. *Reaffirms* that the right to a nationality of every human person is a

fundamental human right;

2. *Recognizes* that arbitrary deprivation of nationality on racial, national, ethnic, religious, political or gender grounds is a violation of human rights and fundamental freedoms;

3. *Calls upon* all States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, gender, religion, political opinion or national or ethnic origin, especially if such measures and legislation render a person stateless;

4. *Also calls upon* all States to adopt and implement nationality legislation with a view to preventing and reducing statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality;

5. *Further calls upon* States that have not already done so to consider accession to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons;

6. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality, thereby hampering his or her social integration;

7. *Urges* the appropriate mechanisms of the Commission and the relevant United Nations treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue to collect information on this question from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

8. *Requests* the Secretary-General to collect information on this question from all relevant sources and to make it available to the Commission for its consideration at its sixty-second session;

9. *Decides* to continue its consideration of this matter at its sixty-

second session under the same agenda item.

57th

19

April

meeting

2005

[Adopted without a vote. See chap. XIV, E/CN.4/2005/L.10/Add.14]