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HUMAN RIGHTS COUNCIL

Seventh session

Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,  
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL  
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Belarus\*, Cuba, Russian Federation, Serbia\*, Uzbekistan\*:  
draft resolution**

**7/... Human rights and arbitrary deprivation of nationality**

*The Human Rights Council,*

*Guided by the purposes, principles and provisions of the Charter of the United Nations,*

*Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,*

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\* Non-member State of the Human Rights Council.

*Reaffirming* its decision 2/111 of 27 November 2006, as well as all previous resolutions adopted by the Commission on Human Rights on the issue of human rights and arbitrary deprivation of nationality, in particular resolution 2005/45 of 19 April 2005,

*Recognizing* the right of States to establish laws governing the acquisition, renunciation or loss of nationality, in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

*Noting* the relevant provisions of international human rights instruments and instruments on statelessness and 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 and 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,<sup>1</sup> the 2005 World Summit Outcome<sup>2</sup> and General Assembly resolution 60/251 of 15 March 2006, by which the Assembly established the Human Rights Council,

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<sup>1</sup> A/CONF.157/23.

<sup>2</sup> General Assembly resolution 60/1.

*Recalling* General Assembly resolution 61/137 of 25 January 2007, in which, inter alia, the Assembly urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

*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 the adoption by its Executive Committee of the conclusion on identification, prevention and reduction of statelessness and protection of stateless persons No. 106 (LVII) - 2006,

*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,

*Recalling* General Assembly resolutions 55/153 of 12 December 2000 and 59/34 of 2 December 2004 on the nationality of natural persons in relation to the succession of States,

*Recalling also* 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,<sup>3</sup>

*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,

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<sup>3</sup> E/CN.4/Sub.2/2003/23 and Add.1-4.

*Emphasizing* that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

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. *Urges* all States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;
5. *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. *Calls upon* States to ensure that an effective remedy is available to persons who have been arbitrarily deprived of their nationality;
8. *Urges* the appropriate mechanisms of the Council and the appropriate United Nations treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue to collect information on the issue of human rights and arbitrary deprivation of

nationality 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;

9. *Requests* the Secretary-General to collect information on this question from all relevant sources and to make it available to the Council at its tenth session;

10. *Decides* to continue its consideration of this matter at its tenth session under the same agenda item.

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