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Human Rights Council

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Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council*

20/4.

The right to a nationality: women and children

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 or her nationality, and article 2 of the same Declaration, according to which everyone is entitled to the rights and freedoms set forth in the Declaration, without distinction of any kind, including on the basis of sex,

Bearing in mind the challenges still faced by all countries throughout the world to overcome inequality between men and women,

Acknowledging that the right to a nationality is a universal human right and that no one may be arbitrarily denied or deprived of a nationality, including on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status,

Noting the provisions of international and regional human rights instruments recognizing the right of every child to acquire a nationality and not be arbitrarily deprived of his or her nationality, inter alia, 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, and article 29 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and recognizing the equal right to nationality, including article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, article 18 of the Convention on the Rights of Persons with Disabilities, and

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twentieth session (A/HRC/20/2), chap. I.

article 5 (d)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination,

Noting also the provisions of international and regional human rights and other instruments that specify the obligations of States parties to register every child immediately after birth, inter alia, article 24, paragraph 2, of the International Covenant on Civil and Political Rights and article 7 of the Convention on the Rights of the Child, and the role that birth registration plays in preventing statelessness,

Bearing in mind the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons,

Recalling Human Rights Council resolutions 7/10 of 27 March 2008, 10/13 of 26 March 2009 and 13/2 of 24 March 2010, as well as resolutions 12/6 and 12/17 of 1 October 2009 and 19/9 of 22 March 2012,

Emphasizing that the prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community,

Recalling General Assembly resolution 66/133 of 19 December 2011, in which 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,

Welcoming the increased efforts of the Office of the United Nations High Commissioner for Refugees to prevent and reduce statelessness among women and children and, where necessary, to provide protection for stateless women and children,

Welcoming also the intergovernmental event held at the ministerial level of States Members of the United Nations on the occasion of the sixtieth anniversary of the Convention relating to the Status of Refugees and the fiftieth anniversary of the Convention on the Reduction of Statelessness, in particular the pledges made by States,

Taking into consideration the fact that all persons, particularly women and children, without nationality or without birth registration are vulnerable to trafficking in persons and other abuses and violations of their human rights,

1. *Reaffirms* that the right to a nationality is a universal human right enshrined in the Universal Declaration of Human Rights, and that every man, woman and child has the right to a nationality;

2. *Recognizes* that it is up to each State to determine by law who its nationals are, provided that such determination is consistent with its obligations under international law;

3. *Calls upon* all States to adopt and implement nationality legislation consistent with their obligations under international law with a view to prevent and reduce statelessness among women and children;

4. *Encourages* States to facilitate, in accordance with their national law, the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless;

5. *Urges* all States to refrain from enacting or maintaining discriminatory nationality legislation, with a view to avoid statelessness, in particular among women and children;

6. *Urges* States to reform nationality laws that discriminate against women by granting equal rights to men and women to confer nationality to their children and regarding the acquisition, change or retention of their nationality;

7. *Also urges* States to grant nationality to foundlings found in their territory in the absence of proof that the foundling is not a national of the State where found;

8. *Calls upon* States to ensure free birth registration, including free or low-fee late birth registration, for every child, and underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of his or her immigration status and that of his or her parents or family members, which can contribute to reducing statelessness, as well as reducing vulnerability to trafficking in persons and other abuses and violations of their human rights;

9. *Urges* all States to ensure that their international obligations and procedural safeguards are observed in all decisions concerning the acquisition, deprivation, loss or change of nationality, including availability of effective and timely judicial review;

10. *Calls upon* States to ensure that effective and appropriate remedies are available to all persons, in particular women and children, whose right to a nationality has been violated, including restoration of nationality and expedient provision of documentary proof of nationality by the State responsible for the violation;

11. *Encourages* relevant special procedures of the Human Rights Council, including the Working Group on the issue of discrimination against women in law and in practice, as well as specialized agencies, including the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women, and invites treaty bodies, in coordination with the Office of the United Nations High Commissioner for Refugees, to address and highlight issues relating to the right to nationality and statelessness among women and children, within their mandates;

12. *Encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness if they have not already done so;

13. *Calls upon* States to implement their international legal obligations to combat human trafficking, including the identification of potential victims of trafficking and the provision of appropriate assistance to stateless persons who may be victims of trafficking, paying particular attention to trafficking in women and children;

14. *Calls upon* all States to ensure that all persons, in particular women and children, regardless of their nationality status, enjoy their human rights and fundamental freedoms;

15. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare, in consultation with the Office of the United Nations High Commissioner for Refugees, the Working Group on the issue of discrimination against women in law and in practice, States and other relevant stakeholders, a report on discrimination against women in nationality-related matters, including the impact on children, under national and international law, including best practices by States and other measures that eliminate nationality discrimination against women and avoid or reduce statelessness before the twenty-third session of the Human Rights Council.

*31st meeting
5 July 2012*

[Adopted without a vote.]