



RIGHT TO NATIONALITY

COMMITTEE: HUMAN RIGHTS COUNCIL

The right to a nationality is the 15th human right in the Universal Declaration of Human Rights, stating that “no one shall be arbitrarily deprived of their nationality nor denied the right to change their nationality”. Nationality is an often overlooked, but very contentious issue. The ability of a person to acquire or be deprived of a nationality must also be considered under areas of laws including the sovereign right of a country to determine who may enter and remain within its borders. Nationality laws in 25 countries worldwide prevent mothers from passing their nationality to their children on an equal basis with their fathers, showing a gender discrimination of nationality laws.

Global issues surrounding the right to nationality and its abuse include the Dominican Republic case in 2013. A high court ruling removed citizenship from many Dominicans who were largely of distant Haitian descent, a historically marginalised community. This left them unable to perform basic civil functions: they could not register children at birth, enrol in schools or travel without risk of expulsion. This denationalisation policy in the Dominican Republic illustrates an example of how the right to nationality can be abused, and how the UN must work to prevent such circumstances present in so many countries.

Ethnic nationalism has also become a problem, where a nationality is defined in terms of the ethnicity of a person and their ethnic ancestry; this is contrasted with the idea of civic nationalism, where a nationality is created by a shared sense of government and political rights. Ethnic nationalism has led to the manipulative exclusion of minorities from citizenship in many cases, where repressive governments in Asia and the Middle East are using denial of nationality as a tool to disenfranchise unpopular ethnic groups. This is an important idea that must be addressed clearly to prevent countries from enforcing ethnic nationalism.

Citizenship and national identity are also shifting considerably in the globalising world, with an increased number of people holding dual citizenship. It will be important to consider the laws surrounding dual citizenship and also how nationality might be distorted in the future.

Statelessness

There are estimated to be 12 million people in the world who identify or are defined as ‘stateless’, without citizenship, prevalent in South East and Central Asia, Eastern Europe. This can be voluntary or by the loss of a nationality, for example in a change of marital status or by birth. The possession of a nationality carries the diplomatic protection of a country under their laws, therefore those considered ‘stateless’ are vulnerable to human rights violations and mistreatment.

In 1954, the UN drafted the ‘Statelessness Convention’ to guarantee the protection of the fundamental rights of these people, defined in this document as people “not recognised as nationals by any State under operation of its law”; this explains the rights of stateless persons to education, housing, access to justice, employment and public relief among other rights.

However, there is a major limitation of this Convention: Article 31 prohibits the expulsion of stateless persons lawfully in the territory of a State Party, except in grounds of national security or a public order. This limits its protection to stateless persons, as many lack identity and travel documents therefore have no means of gaining lawful entry into a State and are not eligible for protection from expulsion.



To consider

- How can a citizen's right to nationality be maintained and enforced without infringing on the sovereignty of a nation?
- How can prohibitions on discrimination, statelessness and arbitrary deprivation of nationality be adopted comprehensively and enforced effectively?
- Should the UN work to protect the rights of a voluntarily 'stateless' person who refuses citizenship and the protection of a country, or have they surrendered this by their status?
- How should nationality be determined and to what extent do heritage, culture, religious beliefs and birthplace influence this?
- There is controversy surrounding the definition of a nationality and being 'stateless', therefore how should these be clearly defined by the UN to avoid complication?