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CIVIL AND POLITICAL RIGHTS

Human rights and arbitrary deprivation of nationality

Report by the Secretary-General

Addendum

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INFORMATION SUBMITTED BY GOVERNMENTS

Russian Federation

[Original: Russian]  
(30 November 1998)

1. Matters relating to citizenship in the Russian Federation are governed by the Russian Federation Citizenship Act, which entered into force in 1992. This Act takes into account the requirements of the generally recognized norms and principles of international law and the provisions of the Constitution of the Russian Federation concerning citizenship and human rights. The Act states that "everyone has the right to citizenship" in the Russian Federation.

2. A citizen of the Russian Federation may be allowed, upon application, simultaneously to have the citizenship of another State, provided that there is a corresponding bilateral treaty with that State. Citizenship of the Russian Federation may be acquired:

- (a) As a result of its acceptance;
- (b) By birth;
- (c) Through the procedure for its registration;
- (d) As a result of the granting of citizenship;
- (e) As a result of the restoration of citizenship of the Russian Federation;
- (f) By choosing or opting for citizenship of the Russian Federation when a territory changes hands between one State and another, or on other grounds as provided for in the treaties of the Russian Federation;
- (g) On other grounds as provided for in the Russian Federation Citizenship Act.

3. All citizens of the former USSR permanently residing in the Russian Federation on the day of the entry into force of the Citizenship Act and not having declared within a year thereof that they did not wish to hold the citizenship of the Russian Federation acquired that citizenship by acceptance.

4. This category of persons includes children whose parents are Russian citizens, whatever their place of birth. If one of the parents is a Russian citizen and the other is a stateless person, the child is a citizen of the Russian Federation regardless of where he or she was born.

5. If the other parent has another citizenship (citizenship of another State), the question of the child's citizenship, regardless of place of birth is determined on the basis of a written agreement between the parents. In the absence of such an agreement, the child acquires the citizenship of the Russian Federation if he or she was born in its territory or if he or she would otherwise become a stateless person.

6. Children become citizens of the Russian Federation if their parents are unknown, or if they were born in Russia to parents who were nationals of other States, or if those States do not grant them their citizenship, or if they were born in Russia to stateless persons.

7. The acquisition of Russian citizenship by registration may be described as a simplified version of the procedure for the granting of citizenship. In order to acquire Russian citizenship under this procedure it is necessary to express the wish to become a Russian citizen by submitting an application. Russians permanently residing in former republics of the Soviet Union and not having the citizenship of their country of residence can also obtain Russian citizenship by the simplified registration procedure.

8. As for foreign citizens and stateless persons, the usual condition for them to be granted Russian citizenship, under article 19 of the Citizenship Act, is permanent and uninterrupted residence in the Russian Federation for five years or three years, respectively, directly prior to making an application. For recognized refugees in the Russian Federation these time-limits are reduced by half.

9. In granting citizenship of the Russian Federation, no discrimination is permitted in respect of origin, social status, race or ethnic group, sex, education, language, attitude towards religion, political views or other beliefs.

10. The Russian Federation encourages stateless persons to acquire Russian citizenship and does not prevent them from acquiring any other citizenship. The Russian Federation, views arbitrary deprivation of citizenship as a violation of a basic human right, namely the "right to have rights".

11. Citizenship is a necessary condition for the full realization of human rights. Loss of citizenship of the predecessor State and difficulties in obtaining the citizenship of the successor State may account for many human tragedies and the infringement of generally recognized human rights and freedoms.

12. With the appearance of new States, particularly in the place of the former USSR and in Eastern Europe, the question of citizenship has acquired special relevance. Although citizenship is in fact governed by domestic legislation, this institution directly affects the international order and international relations. A State's legislative competence regarding citizenship is not, therefore, absolute.

13. The development of international human rights standards in recent decades has made it possible at the international level to challenge the provisions of States' domestic legislation which infringe human rights. When

addressing the question of citizenship in their legislation, States are therefore bound to make sure that human rights are protected to the maximum extent.

14. The Russian Federation considers that, in the case of the succession of States, when the predecessor State ceases to exist, all of its citizens have the right to acquire the citizenship of the successor State. This principle has been followed by the majority of the States that were formed after the dissolution of the USSR.

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