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**Human Rights Council****Fifty-third session**

19 June–14 July 2023

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 on 13 July  
2023****53/16. The right to a nationality: equality in nationality rights in law and in  
practice***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,*Recalling* its adoption of resolutions 52/25 of 4 April 2023 on birth registration and the right of everyone to recognition everywhere as a person before the law, 49/14 of 31 March 2022 on rights of persons belonging to national or ethnic, religious and linguistic minorities, 32/7 of 30 June 2016 on the right to a nationality, and 32/5 of 30 June 2016 on human rights and arbitrary deprivation of nationality, and other relevant resolutions,*Bearing in mind* the challenges still faced by all States throughout the world to achieve equality and to prevent discrimination on the basis of, inter alia, race, colour, age, gender, ethnicity, language, religion or belief, political opinion, national or social origin, belonging to national or ethnic, religious and linguistic minorities, marital status, Indigenous origin or identity, property, birth or disability,*Noting* the provisions of international and regional human rights treaties recognizing rights related to non-discrimination and nationality, including article 24 of the International Covenant on Civil and Political Rights, articles 7 and 8 of the Convention on the Rights of the Child, articles 9 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women, article 5 (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 18 of the Convention on the Rights of Persons with Disabilities, article 29 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Reduction of Statelessness, the Convention Relating to the Status of Refugees, as well as other human rights instruments, including article 6 of the United Nations Declaration on the Rights of Indigenous Peoples,

*Recognizing* that the majority of the world's known stateless populations are persons belonging to national or ethnic, religious, and linguistic minorities, and that discriminatory nationality laws, policies, and practices are a major cause of statelessness,<sup>1</sup>

*Recognizing also* that discrimination, including multiple and intersecting forms of discrimination, in nationality laws, policies and practices can cause and perpetuate statelessness, and that stateless status can further heighten other forms of discrimination,

*Noting* that, in its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee on the Elimination of Discrimination against Women seeks to ensure gender equality in the ability to confer their nationality on their children and spouse, and to acquire, change or retain their nationality,

*Recalling* that paragraph 56 of the Durban Programme of Action, inter alia, urges States to take measures to guarantee, without discrimination, immediate registration of birth for children,

*Noting* the provisions of international human rights treaties recognizing the right of every child to acquire a nationality and specifying the obligations of States parties to register every child immediately after birth, including internally displaced, refugee, asylum-seeker and migrant children, inter alia article 24, paragraphs 2 and 3 of the International Covenant on Civil and Political Rights, article 7 of the Convention on the Rights of the Child and article 18, paragraph 1 (a) of the Convention on the Rights of Persons with Disabilities, article 29 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the role that birth registration plays in confirming nationality and preventing statelessness,

*Welcoming* the Office of the United Nations High Commissioner for Refugees Global Campaign to End Statelessness by 2024 and the Global Action Plan to End Statelessness, which call for the removal of discrimination from nationality laws worldwide and for the prevention of denial, loss or deprivation of nationality on discriminatory grounds, and also calls for action as a crucial step to eradicating statelessness, and welcoming further the initiative taken to form the Global Alliance to End Statelessness,

*Welcoming also* the Global Campaign for Equal Nationality Rights by an international coalition of organizations concerned by this issue,

*Taking note with appreciation* of civil society initiatives to prevent discrimination against all women and girls in nationality rights in law and in practice, and in particular efforts to ensure the participation of stateless persons in such initiatives, including the 2019 World Conference on Statelessness in the Hague, the 2024 World Conference on Statelessness in Kuala Lumpur, the work of organizations led by those affected by statelessness and of international, regional and national organizations dedicated to this issue, and efforts to establish a global statelessness movement,

*Reaffirming* the 2030 Agenda for Sustainable Development, which includes targets on ending all forms of discrimination against all women and girls, eliminating discriminatory laws, policies and practices, promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and providing a legal identity for all, including birth registration, and recognizing that equal nationality rights for all women and girls contributes to the achievement of the 2030 Agenda,

*Welcoming* the adoption of the political declaration of the 2019 high-level political forum on sustainable development convened under the auspices of the General Assembly<sup>2</sup> accelerating the implementation of the 2030 Agenda for Sustainable Development, including the call to action to leave no one behind, and the 360 pledges submitted on the occasion of the Office of the United Nations High Commissioner for Refugees high-level segment on statelessness in October 2019, by States, civil society organizations, and international and

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<sup>1</sup> See [www.ohchr.org/sites/default/files/2022-01/OHCHR-UNHCR-Event-Outcome.pdf](http://www.ohchr.org/sites/default/files/2022-01/OHCHR-UNHCR-Event-Outcome.pdf).

<sup>2</sup> General Assembly resolution 74/4.

regional organizations to address statelessness, and noting the 58 pledges submitted on the occasion of the 2019 Global Refugee Forum and the 2021 High-Level Officials Meeting ,

*Noting* regional initiatives that promote equal nationality rights for all,

*Welcoming* the actions taken by States to reform, or to make a clear commitment to reform, their nationality laws to address statelessness and grant equal nationality rights to persons without discrimination or the arbitrary deprivation of nationality,

*Noting* that some of the situations involving the arbitrary deprivation of nationality remain unresolved to this day and have led to intergenerational statelessness, which affects the children and grandchildren of those originally deprived of their nationality,

*Recognizing* that discrimination against all women and girls in nationality laws persists in almost all regions of the world and remains a significant cause of statelessness, gender-based violence and other human rights violations and abuses, and can have far-reaching consequences for affected persons and their family members, including lack of documentation, which increases vulnerability to human rights violations and abuses, arbitrary arrest and detention, inability to work and marry legally, lack of freedom of movement, the worst forms of child labour, child, early and forced marriage, denial of property and land ownership, family separation, diminished access to education and health care, economic hardship, trafficking in persons and social and political marginalization, and contributes to multiple forms of gender-based violence,

*Noting* that, among displaced migrant, refugee and asylum-seeker populations, gender inequality in nationality laws may leave children born in woman-headed households, including those headed by Indigenous women, at risk of statelessness and may pose a barrier to children's eventual voluntary return to the country of their parents' residence,

1. *Reaffirms* that the right to a nationality is a universal human right enshrined in the Universal Declaration of Human Rights, and that everyone has the right to a nationality, without distinction of any kind;

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, including with respect to non-discrimination;

3. *Calls upon* all States to adopt and implement nationality legislation, consistent with their obligations under international law, including with respect to the elimination of all forms of discrimination, with a view to preventing and reducing statelessness;

4. *Urges* all States to refrain from enacting or maintaining discriminatory nationality legislation, policies and practices, in a manner consistent with their respective obligations under international law, with a view to avoiding statelessness and loss of nationality, preventing vulnerability to human rights violations and abuses, decreasing the risk of exploitation and abuse, and eliminating discrimination against all women and girls in the acquisition, change, retention or conferral of nationality;

5. *Urges* States to take immediate steps to reform nationality laws that discriminate against women regarding the acquisition, change or retention of their nationality and the conferral of nationality on their children and spouses;

6. *Urges* States that have reformed nationality laws to ensure the effective implementation of those laws, including through awareness-raising and publicity, and training of public officials, including judges and local leaders, that is gender-responsive and sensitive to race and diversity, informed by meaningful consultation and engagement with stateless leaders and communities and wider civil society;

7. *Urges* States to refrain from gender-based discrimination in access to documents used to prove nationality, in particular passports, identity documents and birth certificates, and, where relevant, marriage certificates;

8. *Calls upon* States to identify and remove physical, administrative, procedural and any other barriers that impede access to registration of vital events, including birth, marriage and death registration, and also calls upon States to establish or strengthen existing institutions at all levels responsible for birth registration and to remove barriers to birth

registration due to discrimination, including against unwed mothers, and policies requiring proof of marriage for a parent to register their child's birth, including for internally displaced persons, refugees and asylum-seekers;

9. *Also calls upon* States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities, including those in hard-to-reach areas or nomadic persons, are aware of and able to exercise their rights, including the right of everyone to a nationality, as set out in article 15 of the Universal Declaration of Human Rights and complemented by the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in other international human rights commitments, and recommends that all measures taken with a view to implementing the Declaration be, to the fullest extent possible, developed, designed, implemented and reviewed with the effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

10. *Further calls upon* States to review their laws, policies and practices that may cause statelessness, and directly engage with affected individuals to identify challenges and find solutions;

11. *Calls upon* States to ensure that effective and appropriate remedies are available to all persons, including women, children, persons with disabilities, Indigenous individuals, persons of African descent, and persons belonging to national or ethnic, religious and linguistic minorities, whose rights related to nationality have been violated, including restoration of nationality and expedient provision of documentary proof of nationality by the State responsible for the violation;

12. *Encourages* States to continue to raise these issues in the context of the universal periodic review and to consider recommendations towards promoting equality in nationality rights in law and in practice;

13. *Also encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and relevant international human rights conventions if they have not already done so;

14. *Calls upon* States to implement their international legal obligations to prevent and combat trafficking in persons, and also to identify potential victims and survivors of trafficking within mixed migration flows and to provide appropriate assistance to persons who may be victims of trafficking, including stateless persons, and those at risk of statelessness as a result of trafficking, paying particular attention to the needs of women and children in vulnerable situations;

15. *Calls upon* all States to ensure that all persons, regardless of their nationality status, enjoy their human rights and fundamental freedoms;

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

17. *Urges* States to take concrete action to ensure the full and effective implementation of the Beijing Declaration and Platform for Action and the outcomes of its reviews, and to ensure non-discrimination under the law, including with respect to nationality;

18. *Recognizes* the importance of international cooperation, and encourages States to request technical assistance, if required and where appropriate, from relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders, in order to make reforms to eliminate from their nationality laws all forms of discrimination against women;

19. *Encourages* States to address the challenge of statelessness and vulnerability that emerges when human rights are not fully respected and implemented, and when developing, implementing and monitoring national plans of action or other relevant mechanisms for the realization of the 2030 Agenda for Sustainable Development, recognizing the need to achieve gender equality and to empower all women and girls and the

importance of providing legal identity for all, and to leave no one behind, and encourages development actors to support the capacity of Governments to implement these efforts;

20. *Also encourages* States to develop and implement national plans of action to end statelessness, in consultation with organizations led by those affected by statelessness and wider civil society, and encourages the Office of the United Nations High Commissioner for Refugees and other concerned United Nations agencies to provide technical assistance to support these efforts, if requested and as appropriate;

21. *Requests* the United Nations High Commissioner for Human Rights, in coordination with the Office of the United Nations High Commissioner for Refugees:

(a) To organize, prior to the fifty-sixth session of the Human Rights Council, a half-day expert workshop, in an accessible format, to showcase best practices in the promotion of equal nationality rights in law and in practice;

(b) To encourage States, relevant United Nations bodies, agencies, funds and programmes, intergovernmental organizations, the treaty bodies, the special procedures of the Human Rights Council, regional human rights mechanisms, civil society organizations, academia, national human rights institutions and other relevant stakeholders to participate actively in the workshop, and to take special measures to facilitate the participation of persons affected by statelessness in the workshop;

(c) To prepare a summary report on the above-mentioned workshop, including any recommendations stemming therefrom, and to submit it to the Human Rights Council at its fifty-seventh session.

*35th meeting  
13 July 2023*

[Adopted without a vote.]

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