



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

CONF-NAT (2010) CONCL. E

21/01/2011

4TH COUNCIL OF EUROPE CONFERENCE ON NATIONALITY Concepts of Nationality in a Globalised World

Strasbourg, 17 December 2010
Council of Europe

CONCLUSIONS

The participants at the 4th Council of Europe Conference on Nationality on the theme "concepts of nationality in a globalised world", having discussed the various topics introduced and the problems identified by the speakers, recalled that the Council of Europe is uniquely placed by being the only European international organisation competent on issues of nationality. They called upon the Council of Europe to take account of the discussions at this Conference, and for this purpose to both continue and reinforce its work on nationality as one of its core concerns and, in particular, to take the actions set out below.

1) Consider possible new standards, principles and rules with regard to (in no particular order):

- access to nationality as a fundamental human right;
- preventing and avoiding statelessness, and protecting the rights of stateless persons in accordance with international standards ;
- preventing the misuse of nationality laws (e.g. change of identity);
- the concepts of residence and their relevance in the context of naturalisation;
- the substantive grounds and procedural safeguards for loss, in particular deprivation, of nationality;
- the desirability of an additional protocol to the European Convention on Human Rights on a right to a nationality or, otherwise, of an effective monitoring mechanism for such a right;
- facilitating naturalisation for refugees and stateless persons;
- the consequences of multiple nationality for private international law;
- facilitating the recovery of previous nationality for persons who lose or are deprived of a nationality.

2) Pay particular attention in its future work to (in no particular order):

- an assessment of the level of ratification and implementation of the European Convention on Nationality and of the appropriateness of updating the Convention ;
- promoting further accessions to the Council of Europe nationality Conventions CETS No 166 and No 200 as well as the relevant United Nations convention in this field, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- the implementation of standards aiming at preventing and avoiding statelessness, and of safeguards protecting the rights of stateless persons as well as the drawing up of

guidelines on this matter, taking into account the findings of the relevant Council of Europe bodies;

- the consequences of European Union Citizenship and general principles of law on nationality laws and policy of Council of Europe member states, in cooperation with the European Union;
- the implementation of safeguards in respect of voluntary renunciation of nationality and changes of nationality;
- information exchange (including data gathering on nationality and nationality details in individual cases) and examples of best practices, including outside Europe's borders;
- proof of nationality and the 1999 Convention No 28 of the International Commission on Civil Status (ICCS) on the issuance of a certificate of nationality;
- the drafting of a model agreement on multiple nationality, in full respect of data protection principles;
- the links between nationality and migration management, with attention to the extraterritorial elements of nationality;
- the relationship between integration and nationality; and
- more generally, the role and place of nationality for both states and individuals in a globalised world.

3) Ensure regular meetings of a Council of Europe expert forum on nationality (such as previously the Committee of Experts on Nationality) and continuous information exchange between its members as a key tool in shaping and advancing the work of the Council of Europe on nationality issues.