

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (77) 13

ON THE NATIONALITY OF CHILDREN BORN IN WEDLOCK

*(Adopted by the Committee of Ministers on 27 May 1977
at the 271st meeting of the Ministers' Deputies)*

The Committee of Ministers,

Considering that the principle of the equality of a father's and a mother's rights concerning their joint children born in wedlock should entail in favour of such children the recognition of an equal right to acquire the nationality of their mother as well as that of their father ;

Considering that it appears to be difficult to reach this goal in the near future and that it should therefore be achieved progressively,

Recommends to governments of member states :

1. to grant their nationality at birth to children born in wedlock if their father or their mother possesses such nationality ;

alternatively, to provide for these children up to the age of 22 facilities to acquire that nationality ;

2. to insert provisions in their internal legislation for the purpose of avoiding dual nationality resulting either directly or indirectly from descent or resulting from the place of birth.

To this end, they should, as minimum :

a. give the right to their nationals having another nationality to renounce their nationality ;

b. permit their nationals having another nationality to make a declaration in favour of their nationality ; consequently, to insert provisions according to which their nationals having made a declaration in favour of another nationality which they possess equally, shall lose their nationality automatically.

They may in addition provide that their nationals of more than 22 years of age, possessing equally another nationality, and who have not made a declaration in favour of one or the other of their nationalities, may be summoned according to the previous paragraph to make a declaration within a time-limit which shall not be shorter than six months for one or the other nationality and that they, failing to do so within that time-limit, shall automatically lose the nationality of the state which summoned them ;

3. to inform each other reciprocally about declarations resulting in the acquisition, maintenance or loss of their nationality mentioned above as well as the modifications and the loss of nationality resulting from the application of the final sub-paragraph of paragraph 2 above.