

UNITED NATIONS HUMAN RIGHTS COUNCIL



Background guide

Agenda:

The right to a nationality: equality in nationality rights in law and in practice

[item 3]



TGES MUN 2024



LETTER FROM THE BUREAU

The Presidency of the United Nations Human Rights Council at TGES Model United Nations welcomes you to the Background Guide for this simulation!

This Background Guide will serve as a major resource for participants in gaining an understanding of the agenda item alongside the general expectations of the dais with regards to discussion and debate.

Model United Nations is generally recognized as a competitive environment, but the Bureau would like to state that it finds Model UN to be the perfect environment for learning. Model UN is an experience that cannot be recreated outside of the same setting. A classroom learning experience truly falters when contrasted to that of a Model UN committee hall.

Keeping this in mind, the Bureau highly encourages all participants to make the most out of their experience at the conference. Do not restrict yourselves from learning, and be open to learning new things from an environment that you may commonly associate with a lively and fun time. We highly encourage you to give this simulation your best shot, and we promise that you will not walk away without learning a thing or two.

Regards,

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Overview of the Committee

What is the UNHRC?

The Human Rights Council is the main intergovernmental body within the United Nations responsible for human rights. Established in 2006 by the General Assembly, it is responsible for strengthening the promotion and protection of human rights around the globe.

The Council, composed of 47 Member States, provides a multilateral forum to address human rights violations and country situations. It responds to human rights emergencies and makes recommendations on how to better implement human rights on the ground.

The Council benefits from substantive, technical, and secretariat support from the Office of the High Commissioner for Human Rights (OHCHR).

The Human Rights Council replaced the former United Nations Commission on Human Rights.

The Human Rights Council in numbers from 2006 to 2022:

- 51 regular sessions held
- 35 special sessions held
- 8 urgent debates held
- 1,372 resolutions adopted
- 59 Special Procedures mandates established
- 37 commissions of inquiry and fact-finding missions set up
- 123 of the 193 UN Member States have served on the Council

What exactly does the UNHRC do?

Serves as an international forum for dialogue on human rights issues with UN officials and mandated experts, states, civil society, and other participants;



Definition and Scope

The right to a nationality is a fundamental human right. It implies the right of each individual to acquire, change and retain a nationality. International law provides that the right of States to decide who their nationals are is not absolute and, in particular, States must comply with their human rights obligations concerning the granting and loss of nationality.

If a person does not have a nationality, it may be impossible for them to go to school, see a doctor, get a job, open a bank account, or even get married. Millions of people around the world are in this situation; they are 'stateless'.

A stateless person is 'a person who is not considered as a national by any State under the operation of its law.' The exact number of stateless people is not known, but the United Nations High Commissioner for Refugees (UNHCR) estimates that there are at least 12 million globally.

In addition to violations of their right to a nationality, stateless persons are often subject to many other human rights violations. They may have difficulty accessing basic rights such as education, healthcare, employment and freedom of movement. States shall introduce safeguards to prevent statelessness by granting their nationality to persons who would otherwise be stateless and are either born in their territory or are born abroad to one of their nationals. States shall also prevent statelessness upon loss or deprivation of nationality.

There are three primary methods by which nationality can be obtained: through birth on the territory of a state (*jus soli*), through descent from a citizen of a state (*jus sanguinis*), or through naturalization. Each state's citizenship laws determine whether they follow *jus soli* or *jus sanguinis* principles and outline the criteria for naturalization.

Source: <https://www.ohchr.org/en/nationality-and-statelessness#:~:text=It%20implies%20the%20right%20of,granting%20and%20loss%20of%20nationality.>





Inequality in Practice

Despite the development of legal norms limiting state discretion in the realm of nationality law, contemporary state practice suggests that states regularly act without regard to any constraints on their sovereignty. Around the world, states manipulate nationality as a tool to exclude and marginalize unpopular racial and ethnic minorities, giving rise to an acute crisis of statelessness at the dawn of the twenty-first century.

The manifestations of this most recent wave of statelessness have varied, yet encompass three distinct phenomena: the denial of access to citizenship, the arbitrary deprivation of citizenship, or denationalization, and situations of state succession that have effectively excluded ethnic groups rendering them stateless. In each category, statelessness may be the result of administrative practice, or of arbitrary action by state officials. However, one common denominator has been that ethnic and racial minorities are often the principal victims.

- In Bhutan, overly burdensome requirements of successive citizenship acts in 1977 and 1985 resulted in the arbitrary deprivation of nationality of over 100,000 southern Bhutanese of Nepali origin and their forcible expulsion from Bhutan to Nepal in the early 1990s.
- Tens of thousands of black Mauritians were stripped of citizenship documents and forcibly expelled from their country in 1989 and have lived in a situation of de facto statelessness in Senegal ever since. In 2000, the African Commission on Human and Peoples' Rights ruled that the expulsions and associated violence breached numerous articles of the African Charter on Human and Peoples' Rights and ordered that the refugees be readmitted to Mauritania and that their citizenship documents be returned to them. To date no action has been taken by the Mauritanian government.
- Dominican authorities routinely claim that Dominicans of Haitian descent are "in transit"—even when they have lived in the country for decades—in order to bar them from claiming lawful citizenship. Some medical personnel have refused to provide undocumented parents of newborns with birth certificates—a prerequisite for obtaining proof of Dominican citizenship. The Inter-American Court of Human Rights recently condemned this practice and policy in the Dominican Republic as unlawful.



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