

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (77) 12

ON THE NATIONALITY OF SPOUSES OF DIFFERENT NATIONALITIES

*(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 legal equality between the sexes is being achieved progressively in the member states of the Council of Europe ;

Considering that in the case of nationality, this principle should lead to equal treatment of men and women in regard to the conditions under which one of the spouses can acquire the nationality of the other ;

Noting, nevertheless, that examination of the present legislation in the member states reveals that the evolution which is apparent in other branches of family law seems slower to take effect in the field of nationality ;

Considering that the unity of nationalities within the same family renders it desirable that spouses who so wish should be able to achieve this by having the possibility of acquiring according to a privileged procedure the nationality of the husband or the wife,

Recommends to governments of member states :

1. to move towards eliminating distinctions in the conditions under which their nationality may be acquired by the foreign husbands of their nationals, as compared with the foreign wives ;
2. to proceed, from now on, to the arrangements necessary at the internal level to accord to the foreign husband of their nationals, for the acquisition of nationality, a treatment as close as possible to that granted to the foreign wives of their nationals ;
3. not to require, for the acquisition of their nationality by the foreign spouse of a national, more than five years residence on their territory including not more than three years' of residence after the marriage ;
4. to provide in any event that foreign spouses of their nationals may acquire their nationality on more favourable conditions than those generally required of other aliens.