

QUARTER 1

2022

STATELESSNESS

IN SOUTHERN AFRICA

A QUARTERLY NEWSLETTER



FREEDOM IN BELONGING

MOBILISING
GOVERNMENT &
CIVIL SOCIETY

DEVELOPMENTS IN
LAW & POLICY

ADVOCACY &
AWARENESS
RAISING

CALL-TO
ACTION



The Southern African Nationality Network (SANN) in partnership with UNHCR is excited to launch a quarterly statelessness newsletter for Southern Africa. The newsletter features updates from organisations and institutions working towards the eradication of statelessness in the region and highlights key developments, recent trends and emerging concerns.

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WHERE ARE WE?



SOUTH AFRICA

MOBILISING GOVERNMENT & CIVIL SOCIETY

On 8 February 2022, Lawyers for Human Rights (LHR) in collaboration with members of the National Steering Committee on Unaccompanied and Separated Migrant Children, held a virtual capacity building training for 15 members of the South African Human Rights Commission ("SAHRC"). The training focused on statelessness and pathways to documentation for migrant children living in South Africa. The objective of the training was to provide a better understanding of childhood statelessness and possible legal interventions for children who are stateless or at risk of statelessness.

On 23 February 2022, LHR in collaboration with members of the National Steering Committee on Unaccompanied and Separated Migrant Children, held a capacity-building training for over 30 social workers in Pretoria. The training focused on statelessness and pathways to documentation for migrant children living in South Africa. The objective of the training was to educate social workers on childhood statelessness and possible legal interventions to assist children in the childcare system who are affected by statelessness.

“**Statelessness is a growing and yet largely unaddressed phenomenon. This is partially owing to a limited understanding of the existence and nature of the problem**”

MOBILISING GOVERNMENT & CIVIL SOCIETY

From 2 to 4 March 2022, LHR together with members of the National Undocumented Children Task Team (consisting of Save the Children South Africa and the Department of Social Development), hosted a 3-day case discussion workshop, in the Gauteng Province, with over 100 social workers who are dealing with cases of undocumented children living in the childcare system. 246 cases of undocumented children and potential resolutions to each case were discussed. This is part of a larger project to map cases of undocumented children living in the childcare system across South Africa and to develop a training manual that provides guidance for social workers and other duty-bearers on how to resolve documentation issues.



The Department of Home Affairs should have clear guidelines or a directive that can be followed for Citizenship applications by naturalisation. Further, DHA officials have to be equipped with information in order to easily assist the public accordingly

-Emmanuel Amoah (19) from South Africa



On 14 and 15 March 2022, LHR hosted a class on "Statelessness and Citizenship" at the 2022 Dullar Omar School for Paralegalism in Cape Town. This is an annual, week-long, intensive training for community-based paralegals across South Africa. The objective of the class was to capacitate paralegals and advice offices to understand the laws pertaining to the right to a nationality and the prevention of statelessness.



DEVELOPMENTS IN LAW & POLICY

In a recent court case the [Centre for Child Law](#) secured permanent residence and the right to access student financial aid for young permanent residents in South Africa. The South African child care and protection system safeguard the well-being of unaccompanied and separated migrant children, however, when these children become adults they face the reality of not having documentation and no further support from the state. The Centre for Child Law at the University of Pretoria took on M's case to secure her permanent residence and subsequently successfully challenged the National Student Financial Aid Scheme Guidelines, a tertiary education fund, that only provided funding to citizens. Permanent residents can now access funding to study further and improve their lives. Read about the case [here](#).

“ The government should appoint a special committee which would investigate and make a recommendations to home affairs regarding the documentation processes of stateless persons in South Africa and to look into stateless cases in South Africa to avoid having people without documents in the country ”

**-Tony Kabemba Mbayo
(43) from South Africa**



DEVELOPMENTS IN LAW & POLICY

On 31 March 2022, LHR, the Institute on Statelessness and Inclusion, Center for Child Law, Scalabrini, and University of Cape Town: Refugee Rights Unit submitted a joint thematic report on statelessness to the Office of the High Commissioner for Human Rights. The report is submitted ahead of South Africa's Universal Periodic Review session in October 2022. It highlights key gaps in South African law and policy that contribute to statelessness. It includes concrete recommendations to address these gaps in order to prevent statelessness and to enhance the protection of stateless people in South Africa.

On 18 March 2022, after a three year legal battle in the Children's Court, LHR successfully obtained a court order on behalf of two undocumented separated migrant children that allows them to be documented as dependents of their aunt, a recognised refugee.

The children fled the Democratic Republic of Congo with their mother in about 2007 and sought asylum in South Africa. The children were initially documented under their mother, but she died in 2017 leaving the children orphaned and undocumented. In *Mubake v of Home Affairs*, the court confirmed that the definition of "dependent" under the Refugees Act not only refers to the nuclear family but extends to "...any other person with whom the child has developed a significant relationship, based on psychological or emotional attachment, which resembles a family relationship." This inclusive interpretation helps to curb a situation of statelessness where unaccompanied or separated migrant children are involved

ADVOCACY & AWARENESS RAISING

On 11 March 2022, LHR in partnership with Jesuit Refugee Service, The Jesuit Institute of Southern Africa, Pro Bono.Org, and Terre des Home, convened a dialogue and film screening on the #ThisIsHome Campaign. The campaign aims to raise awareness on statelessness through the stories of five young migrants at risk of statelessness. Their stories demonstrate the intrinsic link between documentation, human dignity and belonging. The campaign calls on the Department of Home Affairs to take active and urgent measures to address statelessness in South Africa.

On 5 April 2022, LHR was featured in a short television documentary about undocumented South Africans living in South Africa. The documentary exposes the devastating consequences of being undocumented and highlights some of the systemic and bureaucratic barriers people face in accessing birth registration or identity documentation at the Department of Home Affairs offices.



ZIMBABWE

MOBILISING GOVERNMENT & CIVIL SOCIETY

On 6 April 2022, Legal Resources Foundation conducted a dialogue on access to documentation with Civil Registry Department and Civil Society Organizations in Bulawayo. Participants devised solutions to the challenges that marginalized communities are facing in accessing birth certificates and National Identity Documents. LRF's paralegals undertook to mobilize communities to register their documents during the Civil Registry Department's national mobile registration exercise.

On 30 March 2022, Legal Resources Foundation hosted a training on Child Rights and Access to Documentation in Gutu. The participants were representatives from government departments. The training resulted in government departments sharing ideas and building synergies to address the lack of access to documentation and statelessness in Zimbabwe.

“ **Civil Society Organizations should continue advocating for policies that prompt the Registry Department to ease requirements for obtaining legal documentation.** ”

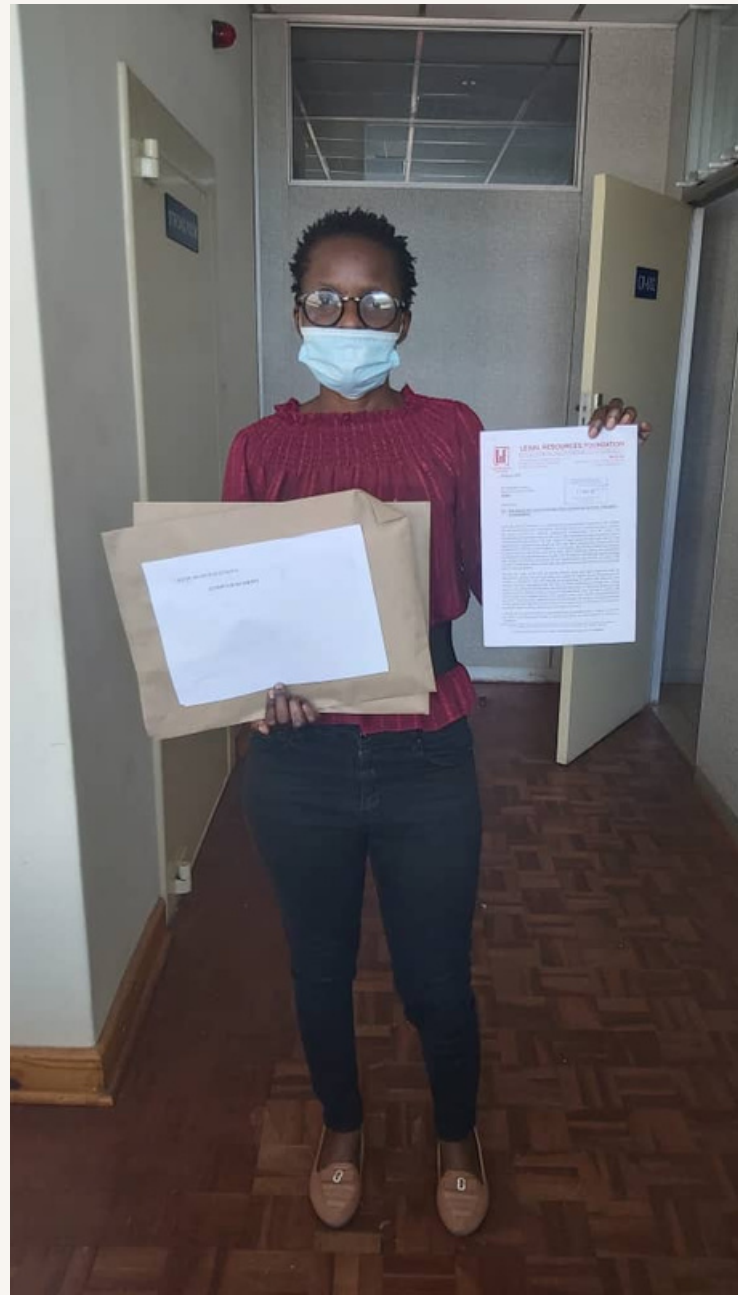
–B. J from Zimbabwe

MOBILISING GOVERNMENT & CIVIL SOCIETY

On 24 March 2022 Legal Resources Foundation hosted a Twitter space on “The Realities of Acquiring a Birth Certificate and National ID in Zimbabwe.” The Twitter space resulted in participants resolving that there is a need for a multi-stakeholder approach to raising awareness of the importance of access to documentation among communities. Participants pledged to advocate for the decentralization of the Civil Registry Department to enable marginalized communities to register their documents.

DEVELOPMENTS IN LAW & POLICY

In Zimbabwe, the Civil Registry Department launched a National Mobile Registration Blitz running from 1 April 2022 to 30 September 2022. The President of Zimbabwe relaxed conditions on payment of documentation fees by citizens. The countrywide blitz will result in marginalized communities being able to acquire documentation such as birth certificates, National Identity Documents, and death certificates.



“Governments must engage in awareness-raising on the importance of documentation to empower ordinary citizens to register their birth certificates and national identity documents.”

– N.K. from Zimbabwe

ADVOCACY & AWARENESS RAISING



On 31 March 2022, Legal Resources Foundation submitted 1334 letters from school children across various districts of Zimbabwe to the Civil Registry Department. The students were appealing for urgent action in addressing their lack of access to documentation which is negatively impacting their right to education.





MOZAMBIQUE

MOBILISING GOVERNMENT & CIVIL SOCIETY

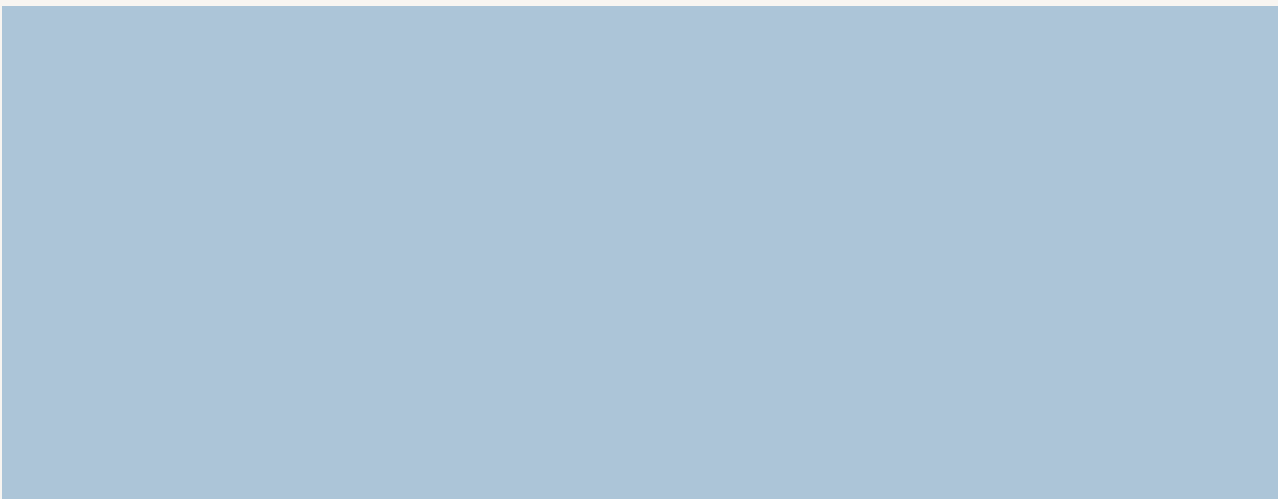
A CEMIRDE (Comissão Episcopal, Refugiados e Deslocados), em parceria com o ACNUR, desenvolve um projecto de assistência jurídica a refugiados e requerentes de asilo e prevenção da apátridia em Moçambique. Por meio desse projecto, providenciamos assistência legal e financeira para os filhos do grupo indicado, nascidos em Moçambique para que tenham o registro da nacionalidade moçambicana. E com isso o resultado é evitar apátridia, dado que o filho dos refugiados não tem automaticamente a nacionalidade dos progenitores. As actividades decorrem por 12 meses, de janeiro à dezembro, sempre sendo renovado. Portanto, de janeiro até abril de 2022 estão sendo assistido os filhos do grupo alvo.

“Não devemos promover discriminação nos custos cobrados para o registro da nacionalidade moçambicana dos filhos dos refugiados e estrangeiros nascidos em Moçambique. Todos somos moçambicanos e com direitos iguais não importa origem da mãe e pai”.

**ESWATINI**

ADVOCACY & AWARENESS RAISING

On 22 February 2022, the Coordinating Assembly of NGOs (CANGO) hosted the monthly Gender Consortium Meeting. The Youth Sustainable Development Centre (YSDC) did a presentation to sensitize civil society organizations on statelessness and its impact. YSDC shared the National Action Plan to End Statelessness and activities currently being implemented such as the study on people at risk of statelessness and the causes of statelessness in Eswatini.





TANZANIA

DEVELOPMENTS IN LAW & POLICY

On 28th March 2022, in a workshop organised by the Legal and Human Rights Center (LHRC), DIGNITY Kwanza made inputs during the review of the draft African Peer Review Mechanism (APRM) report, advocating for the reforms of citizenship law and policy to guarantee the right to a nationality and eradication of statelessness. Inputs included the gaps in nationality law that cause statelessness, the lack of protection of foundlings, and the lack of protection against childhood statelessness. This report has been submitted to the APRM Tanzania governing council who will submit it to the Minister for Foreign Affairs.

On 30 March 2022, the President of the Revolutionary Government of Zanzibar informed the public that the government of Tanzania has decided to grant citizenship through naturalization to Makonde and Comorians in Zanzibar. Additionally, the Government promised to waive the application fee to ensure that no one is left out because of financial constraints. This is an important step in the eradication of statelessness taken by the government following the previous reduction of naturalisation fee by more than 80% in 2017, for people who would otherwise become stateless or are at risk of becoming stateless.

ADVOCACY & AWARENESS RAISING

On 29th March 2022, DIGNITY Kwanza attended a sensitization workshop, organised by UNHCR, on statelessness for senior government officials, including the permanent secretary for the Ministry of Home Affairs. During the workshop DIGNITY Kwanza facilitated a session for people who are stateless to share their experiences. This was an important platform for the statelessness community since the audience included key decision-makers on citizenship matters who may not engage directly with the stateless community.



“ No person living now in any country had a pre-determination of where to be born. Being branded as stateless, in the first place, questions the existence of that person. Government should institute structures that ensure that all children who are born on their territories are accorded the status of recognition by birth. ”

-J.S. from Tanzania

**UNHCR**REGIONAL BUREAU FOR
SOUTHERN AFRICA

UNHCR ZAMBIA

In line with Action 7, in January 2022, the Department of National Registration Passport and Citizenship Office (DNRPC) in collaboration with the Office of the Commissioner for Refugees (COR) and with the support of UNHCR conducted birth registration and card issuance exercises for persons of concern (POCs) at Meheba, Mayukwayukwa, Mantapala refugee settlements and including in Lusaka. The aim of the exercise was to register births. Birth registration is a prerequisite for the issuance of birth certificates and alien cards and ultimately prevents statelessness. The exercise was preceded by information campaigns, and POCs were sensitised on the need to acquire civil documentation. A total of 1,612 births were registered; 231 birth certificates and 2,982 alien cards were issued.

UNHCR MOZAMBIQUE

In line with Action 8, during the first quarter of 2022, UNHCR's implementing partner in Mozambique, Catholic University, continued to provide legal services through their mobile clinic. A total of 3634 undocumented persons, displaced by the armed conflict in Cabo Delgado were issued identity documents in (city). These figures include 978 men, 1080 women, 732 boys, and 844 girls, who now have proof of their nationality.

UNHCR ZIMBABWE

In January 2022, the Assistant High Commissioner for Protection (AHC-P), Gillian Triggs, visited Zimbabwe during her tour of Southern Africa. During her mission, the AHC-P met the Ministers Responsible for Refugees and Foreign Affairs jointly. The AHC-P encouraged the government of Zimbabwe to sign the 1961 Convention, to follow through with their pledges with an emphasis on solutions. The visit is the highest-profile visit by a UNHCR official to Zimbabwe advocating for statelessness.



