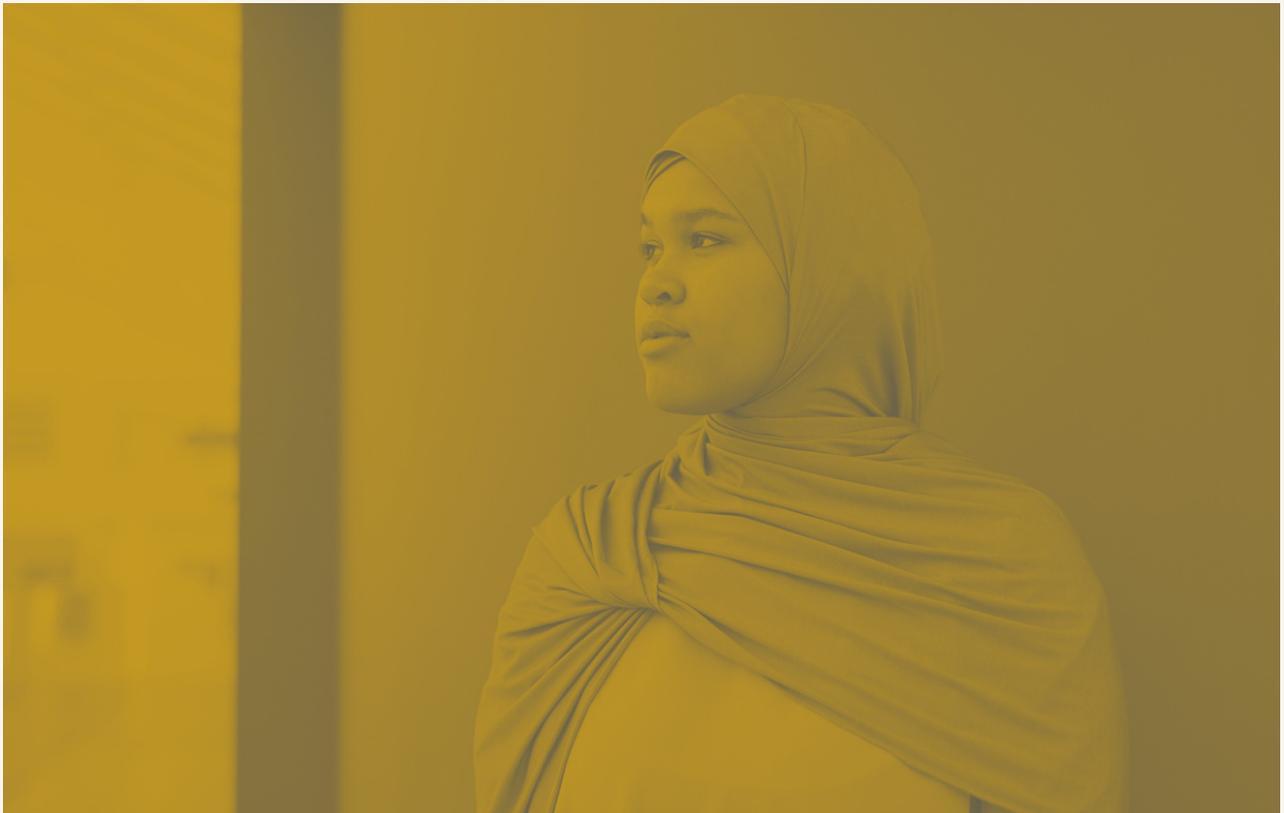


QUARTER 2 | 2022

STATELESSNESS

IN SOUTHERN AFRICA

A QUARTERLY NEWSLETTER



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FREEDOM IN BELONGING

MOBILISING
GOVERNMENT &
CIVIL SOCIETY

DEVELOPMENTS
IN LAW & POLICY

ADVOCACY &
AWARENESS
RAISING

CALL-TO
ACTION



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The Southern African Nationality Network (SANN) in partnership with UNHCR is publishing a quarterly newsletter on statelessness in 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.

CALL-TO ACTION

The newsletter includes recommendations from people directly affected by statelessness on actions to be considered by decision-makers and the public towards ending statelessness in the region.



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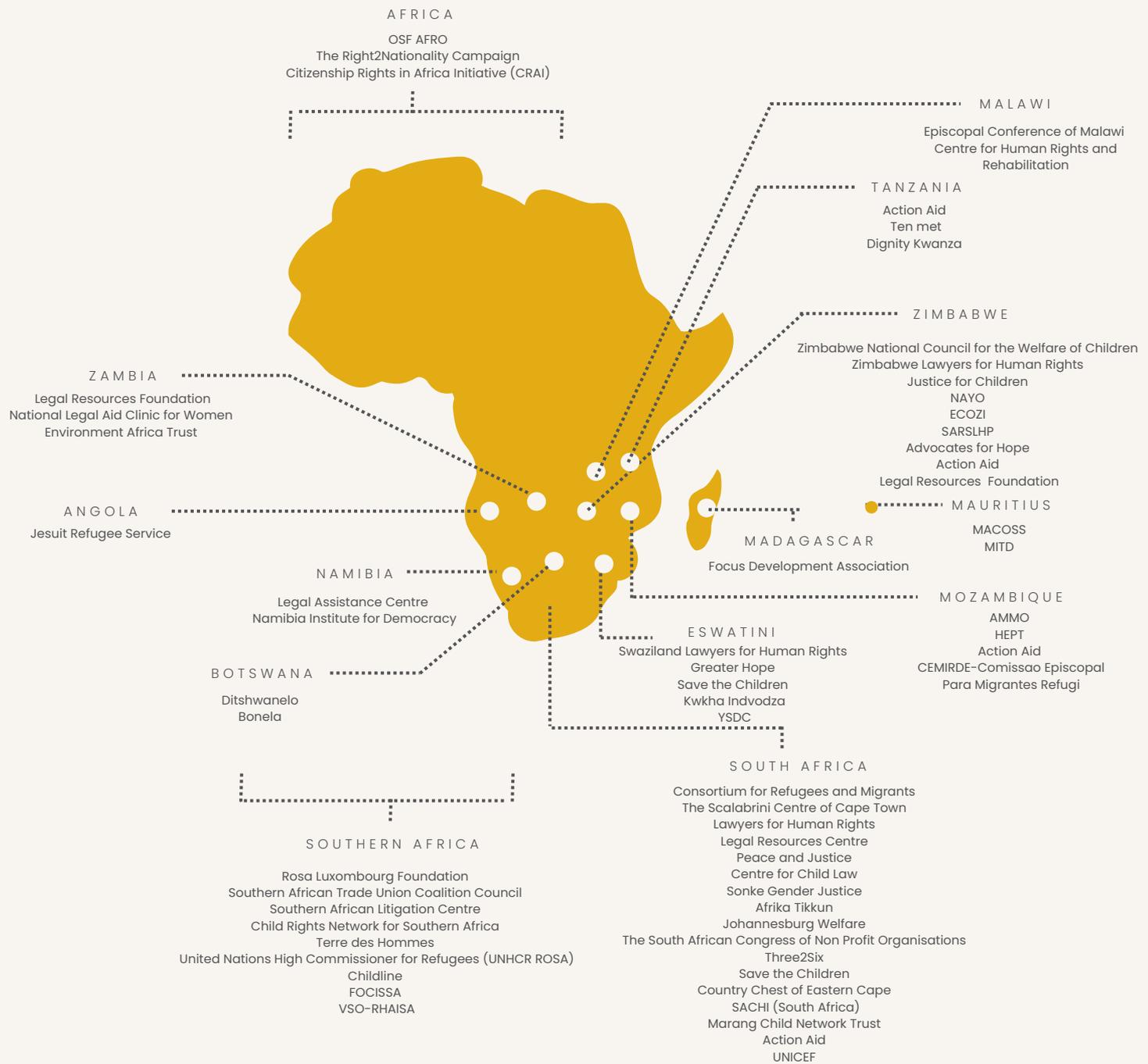
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WHERE ARE WE?



GLOBAL ACTION PLAN TO END STATELESSNESS

The Office of the United Nations High Commissioner for Refugees (UNHCR) has had a mandate since 1974 to combat statelessness. To maximize efforts, on 4 November 2014, UNHCR launched a 10-year communication and legal advocacy campaign, the #IBelong campaign, which includes a comprehensive action plan with 10 action points, aimed at ending statelessness worldwide by 2024. [The Global Action Plan to End Statelessness: 2014-2024](#) provides a framework of actions to end statelessness in ten years. The primary aim of the action plan is to: resolve existing major situations of statelessness; prevent new cases of statelessness from emerging, and better identify and protect stateless populations.

Resolve existing major situations of statelessness.

1

2

Ensure that no child is born stateless.

Remove gender discrimination from nationality laws.

3

GLOBAL ACTION PLAN TO END STATELESSNESS

The 10 actions to end statelessness are:

Prevent denial, loss, or deprivation of nationality on discriminatory grounds.

4

Prevent statelessness in cases of State succession.

5

6

Grant protection status to stateless migrants and facilitate their naturalization.

Ensure birth registration for the prevention of statelessness.

7

Issue nationality documentation to those with entitlement to it.

8

9

Accede to the UN Statelessness Conventions.

Improve quantitative and qualitative data on stateless populations.

10

On 24 and 25 May, the UNHCR Statelessness Section hosted the annual Global Statelessness Retreat in Geneva. The retreat has traditionally provided unique opportunities for UNHCR, civil society, and other stakeholders to discuss strategies, share best practices, and explore avenues for further collaboration toward the eradication of statelessness.



Participants from Tanzania during statelessness retreat for CSOs in Nairobi © DIGNITY Kwanza

The main objective of the 2022 retreat was to discuss ways to maximize the impact of the #IBelong Campaign in its final three years (2022 - 2024) and to build a lasting multi-stakeholder Alliance to End Statelessness that will continue the work on addressing statelessness post-2024.

GLOBAL RETREAT ON STATELESSNESS

SANN partners – DIGNITY Kwanza and Lawyers for Human Rights (LHR) – attended the retreat and LHR delivered a presentation on some of the specific challenges and opportunities relevant to the Southern Africa region.



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The regional priority areas highlighted include; accession to the UN Conventions on statelessness, improving legal aid and advocacy on statelessness, strengthening birth registration for the prevention of statelessness and improving data collection.

On 31 May, [the Global Campaign for Equal Nationality Rights](#) hosted a regional meeting on ending gender discrimination in nationality law. The objective of the meeting was to facilitate information-sharing and exchange regarding the status and impact of gender discrimination in nationality in the African region; an overview of recent regional developments, initiatives, and key actors; and opportunities for engagement and collective action on this issue critical to gender equality and inclusion in Africa.



**GLOBAL
CAMPAIGN ON
EQUAL
NATIONALITY
RIGHTS**

The event was attended by various SANN partners including Lawyers for Human Rights (LHR), Focus Development Association (FDA) and DIGNITY Kwanza. The FDA Legal Officer presented Madagascar's case study and the meeting resulted in several recommendations for civil society organisations including conducting more advocacy activities and capacity building sessions toward the eradication of gender discrimination in nationality laws and statelessness at large.



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DEMOCRATIC REPUBLIC OF CONGO

ADVOCACY & AWARENESS RAISING

On 4 May, Inter-Institutional Technical Committee to Combat Statelessness (CTLA) and UNHCR co-hosted a press lunch on statelessness at the Pullman Hotel in Kinshasa. The purpose of this event was to engage journalists on statelessness in the DRC, to explain the UNHCR’s mandate on statelessness, and to discuss the important role that journalism plays in raising public awareness of statelessness and the devastating consequences it can have on affected persons. "We addressed this issue of statelessness, especially since it is a reality in the world and in the DRC. Statelessness claims millions of victims and the DRC has a large number of stateless people," said Christian Makambo (CTLA Operations and Protection Officer).



Press lunch hosted by CTLA and UNHCR in Kinshasa to sensitize journalists on statelessness. ©UNHCR/ Lubuku Simon



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KINGDOM OF ESWATINI

MOBILISING GOVERNMENT & CIVIL SOCIETY

On 12 May, the Ministry of Home Affairs held a roundtable discussion to take stock of the ongoing nationwide mop-up (civil registration and documentation) exercise. The exercise, which commenced in February, is ongoing in the two regions of Shiselweni and Lubombo; and has been conducted in four constituencies representing 13 chiefdoms. As of 27 April, a total of 3,356 civil events have been registered and documentation issued including birth certificates, national ID cards, marriage, and death certificates. During the discussion, several challenges were presented as hindering the successful and speedy implementation of the exercise, including the lack of adequate resources to complete the exercise in the other two regions.



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MADAGASCAR

MOBILISING GOVERNMENT & CIVIL SOCIETY

On 25 May, Focus Development Association (FDA) and the National Assembly Secretary-General met at the Hemicycle in Tsimbazaza to discuss the review and reform of the Malagasy nationality laws. This includes addressing discriminatory provisions that create a risk of statelessness and incorporating legal safeguards for the prevention of statelessness. To prepare for parliament’s second ordinary session in October, FDA plans to conduct awareness-raising and advocacy campaigns targeting key stakeholders in order to ensure that review and reform is on the agenda. The FDA has already been successful in gaining the support of Maminiaina Rabenirina (a high ranking member of parliament). He recently presented a brief on Madagascar’s efforts to address gender discrimination

in Malagasy nationality laws during a [UN High-Level Political Forum event on gender equality in nationality laws](#).

ADVOCACY & AWARENESS RAISING

During the 2nd quarter, FDA established networks of paralegals in the Analamanga and Atsimo-Andrefana regions. These networks are comprised of paralegals and key stakeholders working in communities with people affected by statelessness. The networks are established to accompany, provide legal advice for affected persons, and establish referral networks within regions. As part of this work, FDA visited the Toliara region from 28 April to 4 May and assisted people by providing legal advice and processing their files for further assistance and intervention.



MOZAMBIQUE

Displaced child in Ancuabe distrit, Cabo Delgado province benefit from civil documentation services provided by UNHCR mobile legal project in partnership with UCM. © UCM/Fanito Salatiel

MOBILISING GOVERNMENT & CIVIL SOCIETY

During the second quarter, UNHCR's implementing partner in Pemba, Catholic University, continued to provide legal services to displaced and host communities at risk of statelessness through their mobile clinic. As of June, more than 23 978 individuals have been issued civil documentation, including birth certificates. A total of 7 892 women, 6 083 men, 5 161 girls, and 4 842 boys. Acquiring civil documentation not only minimizes the risk of statelessness, but also allows displaced populations to access available services and social protection from the country, including access to education, property, and employment.



Setup of UNHCR mobile legal project in partnership with UCM in Ancuabe District, Cabo Delgado province. © UCM/Fanito Salatiel



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REPUBLIC OF CONGO

MOBILISING GOVERNMENT & CIVIL SOCIETY

On 1 May, the government with the support of UNHCR, conducted an awareness raising campaign on birth registration and the prevention of statelessness. Thirty-five social volunteers were deployed in Brazzaville, Pointe-Noire, Dolisie, Sibiti, and Gamboma, to sensitize households on the importance of birth registration in the prevention of statelessness. A total of 5,000 households have been sensitized from the beginning of the campaign to date.

On 30 June, in the city of Ouessou, the Ministry of Justice with the support of UNHCR embarked on a campaign to issue 300 birth certificates to unregistered indigenous people. This campaign is a continuation of an extensive countrywide birth registration operation implemented by the government and UNHCR in 2020

to mitigate the risk of statelessness amongst at least 25 000 unregistered indigenous people identified at that time in the ROC

DEVELOPMENTS IN LAW & POLICY

On 15 June, the Cabinet Council adopted a draft decree on the development of a statelessness determination mechanism. The draft decree is still pending final adoption by the Council of the Minister. Once it is finally adopted, the decree will serve as an important tool in the adjudication of applications for stateless status and enhance the protection of stateless persons pending the resolution of their stateless situation. It will also serve as a tool to collect quantitative data on the stateless population in the ROC.



To deal with statelessness (as well as any other problems) I believe the government should get the basics right. More importantly, where the general public interacts with government departments and create better communication channels between top officials and their respective offices, only then, I believe everything else will fall into place.



-Alex Mulaji
from South Africa

CALL-TO-ACTION



SOUTH AFRICA

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MOBILISING GOVERNMENT & CIVIL SOCIETY

On 21 and 22 June, Save the Children South Africa (SCSA) hosted a workshop with the South African Police Service (SAPS) on the care and protection of unaccompanied and separated migrant children (USMC). LHR made a presentation on statelessness, the particular challenges faced by USMC, and the role of SAPS in addressing these challenges.

On 28 and 29 June, the International Organisation on Migration (IOM) and SCSA co-hosted a multi-stakeholder workshop on migration and health in Nelspruit, Mpumalanga. The workshop included members of civil society and officials from various government departments such as the Department of Health, Department of Education, Department of Social Development and Department of Home Affairs. LHR made a presentation on statelessness, the challenges faced by stateless persons in accessing health care services, and the role of stakeholders in addressing these challenges.



Multi-stakeholder workshop on migration and health hosted by International Organisation on Migration (IOM) and Save the Children South Africa (SCSA) in Nelspruit, Mpumalanga © Lawyers for Human Rights



N. Shongwe from LHR delivering a presentation on statelessness in Nelspruit, Mpumalanga © Lawyers for Human Rights

On 21 to 23 June, UNHCR in collaboration with the Department of Home Affairs, co-convened a “Stakeholders Dialogue on Nationality and Statelessness” in Pretoria. This engagement with stakeholders was a follow-up to the High-Level Dialogue between the AHC-P and the Minister of Home Affairs held in January. The outcome of this dialogue included: a draft National Action Plan developed by stakeholders, the validation of a Terms of Reference for a qualitative study to be implemented to better understand the statelessness problem in South Africa, and the adoption of seven (7) resolutions to be implemented by the Government of South Africa on ending statelessness and strengthening stakeholder collaboration. As a highlight of the Stakeholders’ Dialogue, the Director-General, Department of Home Affairs, informed participants that the Government of South Africa would be acceding to the Statelessness Conventions following national consultations.



LHR Statelessness Project team members conducting community outreach in Poortjie, Johannesburg © Lawyers for Human Rights



L. Muller from CCL training social workers on legislation and regulations applicable to birth registrations at capacity building training workshop for social workers employed by Care in Action, in Parys, Free State © Centre for Child Law

On 22 June, the Centre for Child Law (CCL) conducted a capacity-building training workshop for social workers employed by Free State Care in Action, in Parys, Free State. The aim of the workshop was to equip social workers with tools to better engage with national legislation, policy, and mechanisms on undocumented children’s access to birth registration through the Department of Home Affairs, access to basic education, and other social services.



N. Shongwe from LHR engaging with SAPS officials at a workshop on the care and protection of unaccompanied and separated migrant children organized by SCSA © Lawyers for Human Rights



LHR client – L.O. – collects her 10-year-old daughter's birth certificate after a two-year legal battle in the Children's Court for the recognition of her South African citizenship © Lawyers for Human Rights

DEVELOPMENTS IN LAW AND POLICY

On 15 June, the CCL in partnership with other civil society organisations made submissions to the Basic Education Law Amendment Bill (2022 BELA Bill) to the Basic Education Portfolio Committee in parliament. The submissions identified four key challenges in the Bill. Among these, a submission was made regarding the Bills requirements for documentation and the introduction of fines or imprisonment of parents/caregivers for submitting false or misleading information. If passed these requirements will undo the ruling in the Centre for Child Law v Minister of Basic Education court case, which guaranteed access to education for learners who do not have documents such as passports or birth certificates. The joint submission proposes: that the clause in the Bill on “required” documents as well as the clause that criminalises parents/caregivers for submitting false admissions

information should be entirely removed and that the committees must not be established. The full submission can be read [here](#).

ADVOCACY AND AWARENESS RAISING

On 9 June, LHR in collaboration with Camp Sizanani Life Skills, held a birth registration outreach at Pohopedi Primary School based in Poortjie, Johannesburg. The school consists of about 300 children without birth certificates or legal identity documentation. The purpose of the outreach was to equip community members with a better understanding of the importance of obtaining legal identity documentation for children and the laws and processes pertaining to birth registration in South Africa.



The Department of Home Affairs needs more interpersonal training for staff, and more effective communication as to the procedures and time periods/turnarounds for decisions in matters such as unblocking IDs or finalising birth registrations and citizenship applications

–Snazo Tokwana from South Africa



CALL-TO-ACTION



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TANZANIA

MOBILISING GOVERNMENT & CIVIL SOCIETY

On 10 and 11 May, DIGNITY Kwanza attended a regional statelessness retreat organized by UNHCR in Nairobi. DIGNITY Kwanza shared Civil Society Organizations (CSOs) experience and work toward eradicating statelessness and advocating for the right to a nationality in Tanzania. LHR, representing the Southern Africa Nationality Network (SANN), shared perspectives on the challenges and opportunities in establishing a regional network on statelessness - drawing on the experience of the SANN. The retreat enabled increased capacity of CSOs on nationality rights and statelessness matters within the region. An outcome of the retreat was the establishment of a CSOs network named Eastern Africa Nationality Network (EANN) with the aim of providing a support platform for CSOs toward joint efforts in addressing nationality rights and eradicating statelessness.



Awareness on denouncing one nationality for children with dual nationality when they turn 18 years of age should be increased. This matter has come to my attention after requesting for my 5th passport at the age of 45 and my nationality has been in limbo until this is resolved.



-JC from Tanzania

CALL-TO-ACTION



ZAMBIA

Francina, 39-years-old, a refugee in Mayukwayukwa from the Democratic Republic of Congo recently obtained her alien card as a way to secure her documents. © COR/Chilufya

MOBILISING GOVERNMENT & CIVIL SOCIETY

From 11 April to 9 June, the Ministry of Home Affairs and Internal Security (MOHIS), with the support of UNHCR, conducted a registration and verification exercise of refugees, asylum seekers, and other persons of concern (POC) at Meheba and Mayukwayukwa refugee settlements. The aim of the exercise was to verify records of POCs and issue them with refugee identity documents. During the exercise, UNHCR extended additional support to the Department of National Registration Passport and Citizenship Office (DNRPC) to issue birth certificates and alien cards to POCs. At the end of the exercise, a total of 2 330 birth certificates, and 2 508 alien cards were issued at the Meheba refugee settlement. In addition, 565 birth certificates and 1 250 alien cards were issued at Mayukwayukwa refugee settlements. The issuance of birth certificates and alien cards is intended to prevent the risk of statelessness for

refugees, asylum seekers, and other POCs in the two settlements.

For the first time, the government has implemented a system to ensure immediate registration and issuance of birth certificates and has managed to eliminate the waiting period that applied in the past.

At the 2019 High-Level Segment on Statelessness convened by UNHCR, Zambia pledged to “simplify and improve, by 2023, access to birth registration and certification for persons born in Zambia, including birth registration for all children, including refugees and asylum seekers born on the territory”. The implementation of the new and efficient birth registration system is in partial fulfilment of this pledge.



Mariano, a former Angolan refugee, recently acquired his alien card, an important step towards local integration. © COR/Chilufya Mutale



17-year-old Beatrice recently obtained her alien card with the aim to enrol into tertiary education after completing her high school. © COR/Chilufya Mutale

CALL-TO-ACTION



Policymakers must amend existing laws and put in place procedures that facilitate rather than hinder the registration of identity documents.



–B.P. from Zimbabwe



ZIMBABWE

A participant making an intervention at the dialogue on access to documentation hosted by Legal Resources Foundation © Legal Resources Foundation

MOBILISING GOVERNMENT & CIVIL SOCIETY

On 27 April 2022, Legal Resources Foundation (LRF) conducted an Access to Documentation Dialogue in Kwekwe to deliberate on how ordinary citizens could be mobilized to acquire identification documents. Participants were encouraged to take advantage of the ongoing mobile registration blitz as requirements for the acquisition of identity documents were generally relaxed as compared to other periods. LRF volunteers pledged to intensify awareness-raising efforts in their communities in a bid to ensure universal access to documentation for all citizens.

ADVOCACY & AWARENESS RAISING

LRF’s community volunteers from Chipinge convened awareness-raising campaigns to advocate for the acquisition of identity documents for citizens who met all requirements stipulated by the Civil Registry Department. The community volunteers made the move after realizing that almost 50 percent of children in their area and a sizable number of residents in Chipinge did not have documentation. Community volunteers from Ward 17, 13, and 14 in Chipinge district assisted 14 people to obtain birth certificates and national identity cards.

CALL-TO-ACTION

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For more information about the Southern African Nationality Network visit www.sann.africa or send an e-mail to info@lhr.org.za. Follow us on Twitter [@NetworkSouthern](https://twitter.com/NetworkSouthern) for updates.

For more enquiries or expressions of interest on the newsletter contact us:

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