



**STATEMENT BY THE SOUTHERN AFRICAN NATIONALITY NETWORK TO THE 16<sup>TH</sup> SOUTHERN AFRICAN CIVIL SOCIETY FORUM**

**“STATELESS IN A GLOBAL PANDEMIC: AN OLD PROBLEM IN THE FACE OF A NEW THREAT”**

20 AUGUST 2020:

Hundreds of thousands, possibly millions, of Africans are stateless and do not have access to a nationality and the rights connected with it. Statelessness – although described as one of the world’s most forgotten human rights problem – is not a new problem. Stateless persons have always been considered “invisible” as they do not exist on paper and are forced to live on the fringes of society. They are vulnerable to discrimination and unequal treatment, and are often denied the enjoyment of fundamental rights such as access to education, housing, employment, social welfare and healthcare. The COVID-19 pandemic has now exposed the devastating consequences of statelessness and poses a new threat to stateless persons who are at risk of being left behind in the fight against the coronavirus.

States across the region are faced with the insurmountable challenge of protecting public health on the one hand, while averting starvation and warding off economic disaster on the other. However, it has become increasingly evident that majority of states are advocating for a “citizens first” approach in response to the pandemic. This is to the exclusion of already marginalised and vulnerable populations such as refugees, asylum seekers, migrants and undocumented or stateless persons. It must be noted that exclusion in the face of a global pandemic cannot benefit anyone. The most effective way to fight the pandemic is to ensure that everyone, regardless of their nationality or legal status is included in the response.

To ensure the protection and inclusion of stateless people in state COVID-19 responses, the United Nations High Commission for Refugees has issued guidance on policy and good practices that we urge SADC member states to adopt. These recommendations include:

- making health services, including COVID-19 testing and treatment, accessible for all regardless of citizenship status or legal resident status;
- creating a firewall between health and immigration services during this period to enable stateless people to access services without fear and risk of arrest or detention;
- ensuring stateless people’s inclusion in COVID-19 information campaigns, considering location, language and communication preferences;
- designating civil registration activities, including birth registration, as ‘essential’ services, allowing their continuation and minimizing the risk that people may end up stateless owing to a lack of legal proof of identity or entitlement to nationality;
- refraining from placing stateless people in pre-removal detention and considering the release of those detained for reasons related to their stateless status;
- ensuring that response measures do not fuel xenophobia and racial discrimination; and

- extending financial support packages to all who are resident on the territory who meet the vulnerability criteria, regardless of legal status.

The Southern African Nationality Network remains committed to advancing universal access to the right to a nationality and the eradication of statelessness in Southern Africa. In accordance with our motto – “Freedom in Belonging” – we recognise that without belonging concretised by formal nationality, African individuals and communities can never be free. Not only does nationality ensure access to human dignity and basic human rights for the individual, it fosters the belonging which is necessary for the creation of a prosperous and peaceful society.

In the 16<sup>th</sup> Declaration of the Southern African Civil Society Forum, we therefore call upon all SADC member states to address statelessness in their territories by:

- ensuring all stateless persons are included in state COVID-19 responses – no one must be left behind
- repealing all gender discriminatory citizenship laws that arbitrarily deprive people of the right to a nationality
- ensuring every child has a name and a legal identity by making civil birth registration accessible to all
- developing a National Action Plan to address statelessness by 2024, including a plan to identify and resolve stateless situations
- supporting the African Union’s Protocol to the African Charter on Human and People’s Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa, which addresses Africa’s unique challenges
- ratifying the 1954 UN Convention on the Status of Stateless Persons and the 1961 UN Convention on the Prevention of Statelessness

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