

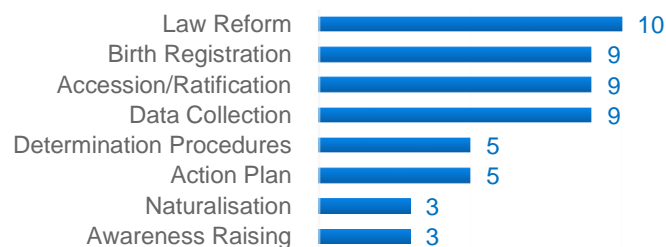
STATELESSNESS NEWSLETTER

UPDATE ON PLEDGES

In October 2019, 13 states in southern Africa region made 53 pledges at the High Level Segment on Statelessness. How much progress has been made towards implementation?



Pledges per Focus Area



By end of September 2020, about 40 percent of the pledges are in the process of being implemented, essentially birth registration pledge (5), law reform (5), accession (3), and data collection (6).

IN BRIEF

- **The Republic of the Congo** has taken important steps towards the implementation of birth registration;
- **Angola, Eswatini, Malawi, Namibia and Zimbabwe** have initiated studies on statelessness;
- **Eswatini, Lesotho, Madagascar, Malawi and Zimbabwe** are progressing towards nationality law reform;
- **Namibia, the Republic of the Congo and Zambia** are moving towards accession to the statelessness conventions. The Republic of the Congo has almost completed accession procedures.

Awareness and advocacy

Kingdom of Eswatini



Ms. Shakantu, Minister of Justice and Constitutional Affairs © UNHCR/Pond

In September, the Global Campaign for Equal Nationality Rights facilitated a High-Level Event, “Achieving Gender Equality in Nationality Laws” during the 75th session of the UN General Assembly (UNGA 75). The virtual event was co-hosted by The Commonwealth, UN Women, and UNHCR, to build on the recent momentum to achieve gender equality in nationality laws. Ms Shakantu, Minister of Justice and Constitutional Affairs of the Kingdom of Eswatini, participated in the event and delivered a statement on the importance to initiate reforms to uphold women and men’s equal right to confer nationality on children and spouses

Democratic Republic of the Congo

In August, a program on the benefits of the 1961 Convention on the Reduction of Statelessness was broadcasted on TV, with the view of raising awareness on the risks of statelessness and the importance of preventive measures.

Republic of the Congo

In June, UNHCR organised a 2-day workshop in Brazzaville to strengthen the capacities of law enforcement officers on statelessness. In July, UNHCR organised another 2-day workshop targeting 50 magistrates. Several themes were developed such as the role of participants in the fight against statelessness, the registration of stateless people, and the process of registering birth and issuing certificates. These workshops were organised with the support of the Government’s statelessness focal point.



Training of law enforcement Officers ©UNHCR/Banga



Training of Magistrates ©UNHCR/Banga

In August, UNHCR organised a 2-day workshop on civil registration and the prevention of statelessness in the Republic of the Congo. Around 60 people participated in the workshop, including Administrators-Mayors of municipalities of Brazzaville, health workers, and civil society organizations. Several themes were developed, such as statelessness and its consequences, the birth registration system, and the legal framework for child protection in the Republic of the Congo.

Southern Africa

In August, the Southern African Nationality Network (SANN) submitted recommendations to the SADC Civil Society Forum. Recommendations call upon SADC Member States to repeal all gender discriminatory provisions from nationality laws, ensure birth registration for all, to support the AU's Protocol to the African Charter on Human And People's Rights on the Eradication of Statelessness and to accede to the statelessness conventions.



Southern Africa

On 17 September, UNHCR Regional Bureau for Southern Africa presented in a webinar on civil registration and statelessness in sub-Saharan Africa, organized by Caritas Africa. The webinar was attended by 59 civil society representatives from the region and beyond. Following the event, UNHCR was [interviewed](#) by Radio Veritas on the importance of birth registration, the #IBelong Campaign and the role of High-level Supporters in raising awareness on statelessness.

South Africa

On 11 September 2020, the Southern African Nationality Network (SANN) organised its 5th annual meeting, themed "Statelessness in a Global Pandemic". The event was attended by members of various Civil Society Organizations and Faith Based Organizations across the region, as well as representatives of the SADC Executive, SADC Council of NGOs and UNHCR. Lawyers for Human Rights (LHR) was [interviewed on SABC News](#) regarding the Southern African Nationality Network (SANN) [media statement](#) on "Statelessness in a Global Pandemic"

Madagascar

UNHCR implementing partner Focus Development Association (FDA) trained 20 journalists in Mahajanga, in western Madagascar, that hosts a large population of stateless people. The objective of the training was to raise awareness on causes and consequences of statelessness, as well as to inform about the latest legislative developments. Following this training, journalists have published newspaper articles and are preparing documentaries on the situation of stateless persons in the context of the COVID-19 pandemic.



Training of Journalists © FDA

Issuance of nationality documentation

South Africa

In July, UNHCR implementing partner in South Africa, Lawyers for Human Rights secured a judgement from the Constitutional Court in a matter concerning five persons at risk of statelessness as a result of a law which retrospectively deprived persons - born outside of South Africa to South African parents before 2013 - of citizenship. The impact of the judgment will be far reaching and bring clarity to many South Africans who were born in exile during Apartheid. The Department of Home Affairs is in the process of implementing the court order. See [media statement](#)



Lawyers from Human Rights in the Constitutional Court ©LHR

On 22 July, the Constitutional Court declared children (now adults) born in exile to South African parents citizens following a 7 year long battle to register their births and obtain citizenship. (*Chisuse v Director-General of Home Affairs* CCT 155/19) All four of the applicants in this case have since registered their births and are awaiting the issuance of their ID documents in line with the court order.

Strengthening birth registration

Democratic Republic of the Congo

In September, the Interinstitutional Technical Committee for the Fight Against Statelessness in the Democratic Republic of the Congo (CTLA) organized, in partnership with UNHCR, two workshops in Kalemie on the reconstruction of civil status records targeted to the customary and local authorities. This event marked the launch of late birth registration of 500 individuals. See this [link](#) for more information on CTLA.



Issuance of birth certificates ©UNHCR/Kalume

Madagascar



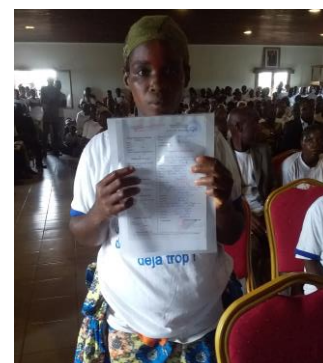
Awareness Campaign led by the Ministry of Interior ©FDA

In September, the Ministry of Interior and Decentralization (MID), in collaboration with UNHCR implementing partner, Focus Development Association, launched an awareness campaign on birth registration throughout Madagascar. The aim of the campaign is to encourage people to register births with a view to reducing the risk of statelessness. In order to ensure the furthest reach, broadcasting video spots and text messages were used to disseminate information. See activities [here](#).

Republic of the Congo

The Government issued 3,000 birth certificates to indigenous population in the departments of Lekoumou, Likouala and Sangha. Indigenous population are disproportionately affected by lack of civil registration thus the government's efforts in reducing statelessness risks amongst this community.

UNHCR produced and broadcasted an [advertising spot](#) on birth registration and the prevention of statelessness. The broadcast has reached more than 5,000 households. In addition, UNHCR identified 50 community relays in the most remote localities to raise awareness on birth registration



Issuance of birth certificates to Ethnic minorities ©UNHCR/Banga

Legislative reform

South Africa

On 1 September, LHR appeared before the Constitutional Court to argue a constitutional challenge to a provision in the Births and Deaths Registration Act which unfairly prevents unmarried fathers from registering birth of their children in the absence of or without the consent of the mother. Like other colonised countries, South Africa inherited a narrow and outdated concept of fatherhood that has led to instances of arbitrary discrimination against unmarried fathers and prejudice to their children who are placed at risk of statelessness. The judgement is currently pending.



Constitutional court online hearing ©LHR

Madagascar

On 1 July, the Senate of Madagascar adopted the bill amending and supplementing certain provisions of the Nationality Code with technical support from the FDA. This proposal was sent to the National Assembly on 3 July for examination and adoption during the second parliamentary session (October to December 2020). For the first time in the history of the Nationality Code, the concept of statelessness was introduced in the Malagasy legal system. In addition, the bill aims to facilitate the transmission of Malagasy nationality through adoptive parentage and specify the legal deadlines for obtaining proof of nationality.

Malawi

A Nationality bill was finalised by the Law Commission and is currently awaiting presentation to cabinet for adoption. This bill includes safeguards against childhood statelessness within the framework of discussions on migration policy led by IOM. UNHCR met with various stakeholders including the Ministry of Labour, Ministry of Homeland and Security, Ministry of Justice as well as representatives of civil society with a view to advocating for the protection of stateless migrants in the policy

Accession to conventions

Republic of the Congo

On 5 August, the Government promulgated two decrees (N2020-260 and N2020 261) authorizing the accession to the 1954 Convention Relating to the Status of Stateless persons and the 1961 Convention Relating to the Reduction of Statelessness. Both decrees were published in the official gazette.

Protecting stateless people

Madagascar



An elderly stateless woman receives a voucher ©FDA

In August, UNHCR implementing partner FDA, provided aid to vulnerable stateless people in five regions of Madagascar, including vouchers for basic necessities to families particularly impacted by the COVID-19 pandemics, and financial support for the renewal of residence cards.

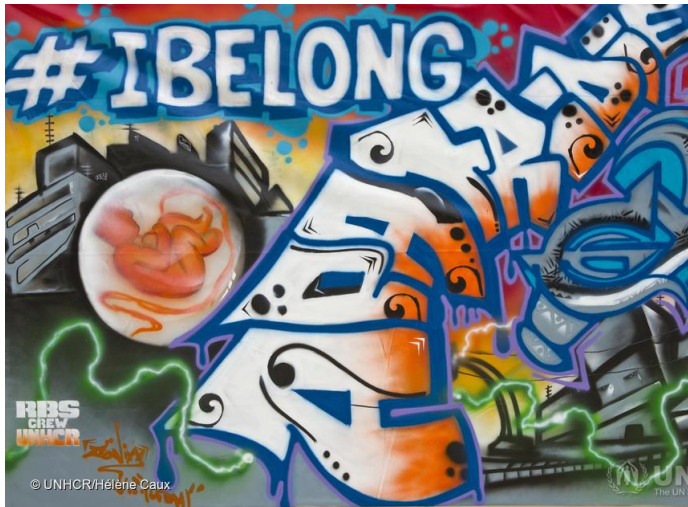
Measuring statelessness

Southern Africa

UNHCR completed a study on nationality and statelessness in the SADC (Southern Africa Development Community) region. The study highlights the main groups of concern, i.e. orphans, abandoned infants and other vulnerable children, including those trafficked for various purposes; people of mixed parentage; border populations, including nomadic and pastoralist ethnic groups who regularly cross borders, as well as those affected by border disputes or transfers of territory; historical and contemporary migrants, and more especially their descendants; and refugees and former refugees, as well as returnees with no real link to country of origin.

Eswatini, Malawi, Madagascar and Namibia

UNHCR has initiated in collaboration with governments qualitative studies on statelessness with a view to documenting risks of statelessness, profiling and estimating the size of affected population. The studies mark a significant milestone as there is no data available for Southern Africa.



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