

STATELESSNESS NEWSLETTER

60TH ANNIVERSARY OF THE 1961 CONVENTION



Angola accession to the statelessness conventions. 2019 Treaty Event in Geneva © UNHCR/Jean Marc Ferré

2021 marks the 60th anniversary of the 1961 Convention on the Reduction of Statelessness. The 1961 Convention is the only universal instrument that elaborates clear and concrete safeguards to prevent the occurrence of statelessness. Accession to the 1961 Convention equips States to avoid and resolve nationality-related disputes.

IN BRIEF

- 4 countries only have ratified the 1961 Convention, Angola, Eswatini, Lesotho and Mozambique, with Angola being the last country to accede in October 2019
- 8 countries have pledged to accede, Comoros, the Democratic Republic of Congo, Madagascar, Malawi, The Republic of Congo, South Africa, Zambia, Zimbabwe
- 3 countries have already initiated accession procedures, the Republic of Congo, Namibia and Zambia.

Awareness and Advocacy

Republic of Congo

On 18-19 February, UNHCR, the Ministry of Justice and the Ministry of Social Affairs hosted a two-day capacity building workshop in Brazzaville. The workshop was attended by 50 law students from the Faculty of Law of Marien Ngouabi University. Its objective was to train students on statelessness, with a focus on birth registration.



Capacity Building Training for Law Students at Marien Ngouabi University in Brazzaville. ©UNHCR/ Banga

On 11-12 March, UNHCR trained 60 local journalists, with the aim to raise awareness and mobilize their support towards the sensitisation of the public.

South Africa

On 17 February, UNHCR's partner, Lawyers for Human Rights (LHR) and Save the Children, with the support of [Internews](#), a media development non-profit organisation, trained journalists in Mpumalanga on Reporting on Statelessness in South Africa.

On 2-4 March, LHR co-hosted a training workshop with the South African Judicial Education Institution for over 140 magistrates across South Africa. The purpose of the training was to increase the capacity of the judiciary on the concept causes and consequences of childhood statelessness. In addition, the workshop touched on the practical application of South Africa's legal framework in relation to acquisition of citizenship, access to birth registration and enabling documents, highlighting the gaps in legislation and policy that bring about the risk of statelessness. Magistrates learnt about existing jurisprudence on statelessness in South Africa and ultimately the crucial role that magistrates in the Children's Court can play in ensuring that children can access birth registration and documentation.

UNHCR's implementing partner in South Africa, Lawyers for Human Rights was interviewed by [SACBC News](#) on statelessness and access to documentation; [NewzRoom Afrika](#) for a short documentary on undocumented South Africans. LHR and the Dobsonville Human Rights Centre, a community advice office, featured on a [community TV station](#) in a series on statelessness and belonging. The objective of the 4-part series was to share information on access to documentation and nationality.

On 10 February, LHR published an [open letter](#) to the President of South Africa addressing the importance of an inclusive approach to the Covid-19 vaccine roll-out that does not discriminate against undocumented persons, statelessness persons or other vulnerable groups. Furthermore On 16 February, LHR and the Southern African Nationality Network (SANN) steering committee issued a [media statement](#) advocating for SADC member states to adopt an inclusive approach to Covid-19 vaccination programmes.

Strengthening governmental policy

Republic of Congo

On 4 March, the Ministry of Justice organized a meeting to review the draft decree establishing and operating the interinstitutional committee on statelessness. The draft decree will soon be submitted for signature to the Prime Minister. Once the document is signed and published, the committee as well as its technical bodies will be established. This committee will work to implement the various pledges made by government, including monitoring activities of the national action plan to eradicate statelessness in Republic of Congo.

South Africa



T. Chauke of LHR and former stateless person, Primrose Modisane, address South African Parliament in virtual meeting on statelessness in South Africa. ©LHR

On 9 March 2021, UNHCR and Lawyers for Human Rights (LHR) conducted a [parliamentary briefing](#) on statelessness in South Africa before the Home Affairs Portfolio Committee, the Minister of Home Affairs, Deputy Minister of Home Affairs and Director-General of Home Affairs. Former stateless person, Ms. Primrose Modisane shared a personal account of her journey to get documented. UNHCR and LHR made recommendations on accession to the statelessness conventions, access to birth registration, development of a national action plan and establishment of a statelessness determination procedure.

Legislative reform

Madagascar



Members of Task Force: National Assembly and Focus Development Association. ©FDA

On 3 February 2021, UNHCR's partner, Focus Development Association (FDA), signed a [Memorandum of Understanding \(MOU\)](#) with the National Assembly, on the development of a new Malagasy Nationality Code. A complete overhaul of the Nationality Code was agreed upon at the event. A task force was immediately set up by the two parties, that drafted a new nationality code.

On 1-4 March, the National Assembly and FDA, with the support of the UNHCR, convened a [workshop](#) in Nosy-Be on the new Malagasy nationality code. At the end of the workshop, 16 Members of the Parliament approved the draft nationality code which brought all required corrective measures to ensure that the right to nationality benefits all, including stateless persons. This bill also eliminates all persistent forms of discrimination and incorporates safeguards against statelessness at birth. The workshop also adopted a road map which specifies all steps until the adoption of the law.



Participants of workshop at Nosy-Be ©FDA



Examination of draft bill in committee ©FDA

Strengthening birth registration

Republic of Congo



Community relay conducts door to door birth registration sensitization in Brazzaville. ©UNHCR/Banga

On 8 March, the Department of Brazzaville launched an awareness campaign on birth registration and statelessness prevention, in Brazzaville. The campaign will be conducted with the support of 20 community relays trained by UNHCR on statelessness and the importance of birth registration. The objective of the campaign is to sensitize 40 000 households in the area and will expand into other departments from April 2021.

Zimbabwe

UNHCR supported the Registrar General's (RG) department with personal protective equipment (PPE). The PPE will go a long way in facilitating the work of the RG's department to issue civil status documentation as the office had been closed to the public following an increase in Covid19 cases which also affected their staff. An official handover ceremony was held on 23 February, with the Acting Registrar General, Mr H. Machiri.



UNHCR hands over PPE to the Office of the Registrar General, © Chilimanzi/UNHCR

South Africa

On 5 March 2021, LHR launched a [universal birth registration advocacy drive](#), through social media, aimed at the public in general. The drive highlights the importance of birth registration for all children born in South Africa regardless of parent's documentation status and addresses the consequences of statelessness arising from failure to register a birth.

WHY IS BIRTH REGISTRATION SO IMPORTANT?

In South Africa the courts have declared that undocumented or unregistered children have a right to basic education and should not be deprived of that right for lack of a birth certificate.

However, unregistered children still run the risk of discrimination and exclusion and are often not eligible for scholarships.

Without birth registration and a birth certificate to prove registration, a child may not be able to access other fundamental rights.

Without a birth certificate, a child may not be able to:

- register for school;
- get health care;
- access social services; or
- child support.

We are calling on **you** to donate to our universal birth registration campaign, through Global Giving, to ensure that no child gets left behind.

Donate this week and your contribution will be matched!

#Right2Registration = #Right2Rights

Protecting stateless people

South Africa

Lawyers for Human Rights (LHR), UNHCR partner, was very active training community workers on how to guide and advise clients with nationality and/or documentation issues. On 19 February, LHR hosted a workshop for five Community Advice Offices, with the aim to capacitate paralegals working at grassroots level to provide legal assistance to stateless persons. On 10 March, LHR trained 40 social workers across South Africa with the aim to capacitate social workers to determine pathways to documentation for the undocumented children they work with in the care system.



On 22-26 February 2021, LHR and Jesuit Refugee Services (JRS) launched an [access to education advocacy drive](#). The drive informs parents of their child's constitutional right to a basic education. The drive also addresses the challenges faced by undocumented or stateless children in accessing education.

LHR and JRS conducting community outreach with migrant, asylum seeker, undocumented and stateless parents. ©LHR

Mozambique

UNHCR's partner, the Legal Aid Clinic of the Catholic University of Mozambique, continued to provide legal counselling and support in accessing documentation to internally displaced persons (IDPs) in Pemba. Currently, the Legal Aid Clinic is following up with the Ministry of Justice on the issuance of birth certificates to over 7,000 children and adults who lost their documents while fleeing violence within Cabo Delgado, or never had documentation in the first place.



Briefing IDP in Josina Machel ©UNHCR/D.Souza



Counselling provided by the Catholic University ©UNHCR/D.Souza

Measuring statelessness

Namibia



Data collection through interviews in Omaheke Region, ©LAC

On 19 March, a National High-level Statelessness Qualitative Study Validation Workshop took place in Windhoek, Namibia. The purpose of the workshop was a presentation and validation of the findings of the qualitative study, which was conducted in collaboration between the Government of Namibia, UNHCR and the Legal Aid Centre (LAC) with a view to documenting risks of statelessness, profiling and estimating the size of the affected population. The study marks a significant milestone as there is no data on statelessness in Namibia.

A highlight of the workshop was the participation of the renowned Namibian singer, Ms. Lize Ehlers who led the singing of the Namibian National and African Union Anthems as well as a poem on statelessness titled "From Nowhere" by a Namibian poet, Ms. Anne Hambuda. A

key highlight of the proceedings was the presentation of powerful testimonies by two stateless individuals, Ms. Tsupa Efa and Mr. Estanislau da Costa on their plight and the devastating effects of statelessness. Significantly, the Government of Namibia committed to assist the individuals and their cases were escalated to the Ministry of Home Affairs, Immigration, Safety and Security, in this regard.



Namibia Deputy Prime Minister ©LAC



Members of LAC and LIZ Ehler ©LAC

Issuing nationality documents

Namibia

In February, the Government of Namibia [announced plans to grant nationality and issue nationality documentation](#) to stateless persons /persons without determined nationality, and essentially migrants who arrived in Namibia prior to independence.



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