BUILDING BACK BETTER FOR STATELESS PEOPLE

An urgent call to States, UN agencies, donors and other stakeholders to learn lessons from the COVID-19 pandemic and take sustained action to correct past mistakes and prioritise protecting stateless people's rights and the right to nationality

In June 2020, 84 civil society actors issued a joint statement 'In Solidarity with the Stateless' calling on: States, UN agencies, human rights, humanitarian and public health actors, donors and the media to address the devastating impact of the COVID-19 pandemic on stateless people and those at risk of statelessness. One year on, the concerns expressed in that statement remain largely unaddressed, with the situation of stateless people further deteriorating, partly due to failures to acknowledge and respond to their specific contexts and uphold their rights. Moreover, new concerns and challenges, particularly around vaccine inequity, have also emerged. The undersigned 106 civil society actors are deeply concerned that many States and other key stakeholders have been unable or unwilling to learn from past mistakes and have failed to adequately prioritise and resource the practical steps that can and must be taken to protect stateless people and the right to nationality.

Since the beginning of the pandemic, we have witnessed the cost of institutional and public ignorance and structural violence towards stateless people (and those at risk of statelessness) and remain deeply concerned about the lasting detrimental impact on an estimated 15 million stateless people worldwide, and tens of millions whose nationality is under threat. As observed in the 2020 joint statement, the entrenched structural problems that stateless people and those at risk of statelessness face in 'normal' times contributed to their disproportionate suffering and exclusion during the pandemic. COVID-19 measures, including border closures and movement restrictions, discriminated against stateless people, who were also largely excluded from health assistance, emergency relief and economic support packages. Disruptions to birth and civil registrations affected access to nationality, while NGOs and community groups working on nationality rights issues faced serious disruptions to their operations and funding. As some leaders exploited the pandemic to grab more power, increase surveillance and derogate from human rights obligations under declared states of

SIGNATORIES

Aditus Foundation

Americas Network on Nationality and Statelessness - RedANA

Anti-Discrimination Centre Memorial

Asia Pacific Refugee Rights Network (APRRN)

ASKV Refugee Support

Association for Legal Intervention (SIP), Poland

Asylum Access

Baghdad Women Association

Bahrain Women Union

Bangladesh Institute of Human Rights

Brot für die Welt (Bread for the World)

Center for Development of Roma Community "Bairska Svetlina"

Center for Justice and International Law (CEJIL)

Central Asian Network on Statelessness

Centro para la Observación Migratoria y el Desarrollo Social en el Caribe (OBMICA)

Citizenship Affected People's Network

Council of Minorities

Development And Justice Initiative (DAJI)

Development of Human Resources for Rural Areas (DHRRA) Malaysia

Dominican@s por Derecho

Equality Bahamas

Equality Now

E-Romnja - The Association for Promoting Roma Women's Rights

European Network on Statelessness

Family Frontiers Malaysia

Focus Development Association (FDA)

Forum for Women, Law and Development (FWLD)

Free Rohingya Coalition

FTMF

Fundación Cepaim Acción Integral con Migrantes

Geneva Council for Rights and Liberties

Global Campaign for Equal Nationality Rights

Global Network of Sex Work Projects

Grassroots Future

emergency, non-citizens and members of minority groups, including those rendered stateless in their own country, were increasingly scapegoated, vilified and targeted for hate-speech, arbitrary detention and even expulsion.

One year on, civil society groups have documented the catastrophic impact of the pandemic and State responses to it on stateless people and those at risk of statelessness. In particular, the June 2021 report 'Together We Can: The COVID-19 Impact on Stateless People and a Roadmap for Change' by the COVID-19 Emergency Statelessness Fund Consortium and the April 2021 'Situation assessment of statelessness, health, and COVID-19 in Europe' by the European Network on Statelessness provide empirical evidence in this regard. These reports also flag emerging good practices in some States, which all States are urged to follow. Some of the main observations of civil society groups include:

- Stateless people and those whose nationality is at risk are being **denied equal access to vaccinations** in many countries, including in Bangladesh, Cameroon, Central Asia, Kenya, Malaysia, Nepal, and some European countries, despite facing heightened risks of contracting the virus due to environmental determinants (e.g., inability to socially distance, lack of PPE, poor sanitation, working in exploitative and dangerous settings) and having been denied equal access to healthcare and relief.

- **Access to healthcare** remains a significant challenge, as stateless people are denied equal access to free or subsidised healthcare or health insurance in many countries, including the Dominican Republic, India, Indonesia, Lebanon, Montenegro, Nepal, North Macedonia and South Africa. In Sweden, access to COVID-19 testing is contingent upon digital ID. In Kenya, Libya, Thailand and in Europe, where Romani communities face heightened antigypsyism, the lack of documentation is a barrier to accessing healthcare. Fear of arrest, detention and police brutality also undermine access. The mental health impact on stateless people of dealing with COVID-19 and its consequences is also a matter of serious concern.

- Ongoing delays and backlogs in **civil registration and other vital procedures** are also leaving stateless people in limbo and create new risks of statelessness. Such disruptions have been reported, among others, in the Dominican Republic, Israel and the Occupied Palestinian Territories, Montenegro, Nepal, North Macedonia, South Africa and Zimbabwe. Asylum, immigration, and statelessness determination procedures have been disrupted in several countries, including Bulgaria, Colombia, Germany and Ukraine.

- Exclusion from **emergency relief** due to lack of documentation persists in several countries, including France, Georgia, Kenya, Lebanon, Montenegro, Nepal, Serbia, the Netherlands, and the United States. In many countries, the inability to access safe, formal employment and the resulting consecutive loss of income have also been reported, pushing many stateless people further into poverty. Such people are confronted with the impossible choices of doing unlawful, hazardous and exploitative jobs, or seeing their families starve.

- **Hate speech, intolerance, xenophobia, antigypsyism, and discrimination** against minorities who are stateless or at risk of statelessness continue to rise, inter alia, targeting Roma communities in Europe, the Rohingya in Asia, those declared foreigners in Assam, the Bihari community of Bangladesh, Nubians of Kenya, Dominicans of Haitian descent in the Dominican Republic and refugees, migrants and stateless people in South Africa.

- **Gender discriminatory nationality laws** denying women equal rights to confer nationality on their children and spouses in countries such as Lebanon, Malaysia, Nepal and Saudi Arabia have precipitated family

Gulf Institute for Democracy and Human Rights (GIDHR)

Haki Centre Organization

Humanitarian Centre for Rights

Human Rights Centre

Human Rights Working Group (HRWG)

India ki Rasta Foundation

INHURED International

Institute on Statelessness and Inclusion

International Commission of Jurists

International Detention Coalition

International Observatory of Human Rights

International Refugee Rights Initiative(IRRI)

International Women's Rights Action Watch Asia Pacific

Jagriti Mahila Maha Sangh (JMMS)

JusticeMakers Bangladesh

Kasela Palu Group

Kazakhstan International Bureau for Human Rights

Keik Okara

Kenya Human Rights Commission

Law Center of Advocates

Lawyers for Human Rights

LEFRIG Saharawi Collective Youth Association

MENA Statelessness Network (Hawiati)

Minority Rights Group International

Minority Rights Organization (MIRO), Cambodia

Musawi

Muslim Engagement and Development (MEND)

Namati

National Indigenous Disabled Women Association Nepal (NIDWAN)

Nationality for All

Nelson Mandela University Refugee Rights Centre

New Women Connectors

NGO Praxis

Nubian Rights Forum

Odhikar

ODRI Intersectional Rights

separations when foreign spouses and children have been unable to renew visas or enter the country, and have also increased the risk of statelessness among children born abroad. Amid an escalation of gender-based violence during the pandemic, gender-discriminatory nationality laws increase the obstacles faced by women seeking to leave abusive relationships when their own nationality or their children's, is dependent upon that of their spouse or the father of their children.

- Stateless people face heightened risks of **harassment, arrest and arbitrary detention**. Stateless people in detention in several countries, including Australia, Malaysia and Thailand are at high risk of infection due to the inability to protect themselves through social distancing and preventative hygiene measures. Rohingya refugees are being denied access to UNHCR or asylum procedures and are at heightened risk of arrest and arbitrary detention. In several European countries, procedural safeguards and effective remedies to challenge immigration detention were hindered and the risks of detention becoming arbitrary increased.

Civil society responses have shown that the challenge of COVID-19 can be addressed through targeted, community-based action centred around stateless people's leadership, participation and expertise. Consequently, we urge stakeholders to speak directly with stateless activists and communities, as well as CSOs working closely with them, and to study their research findings to better understand and respond to the pandemic's devastating impacts.

However, without urgent attention, protection and intervention from States, UN agencies, human rights, humanitarian and development actors and donors, stateless people and those at risk of statelessness face irreparable harm, undermining progress made in addressing this urgent human rights concern over the last decade. The COVID-19 pandemic highlights our collective and individual vulnerability, bringing into sharp focus the paramount importance of always promoting, protecting and fulfilling everyone's universal human rights, whoever we may be and whatever status we may have. In addition to demanding urgent and immediate action, the crisis provokes longer-term introspection and highlights the need for structural change. The time to **build back better** for the world's stateless and those at risk of statelessness is now. We urge all stakeholders to take the following urgent actions:

1. Acknowledging and remedying past failures to address and dismantle discriminatory and degrading laws, policies and practices, which deny and deprive nationality while excluding, marginalising and penalising on discriminatory grounds; as well as failures to listen, to involve and ultimately be accountable to diverse stateless communities in identifying and implementing sustainable, fair, human rights-based solutions to the rights deprivations they endure.

2. Taking all necessary steps to ensure that stateless people are equally included in COVID-19 responses, that their particular contexts are recognised and addressed, their rights are upheld, and that they should not be penalised in any way, including by threat of harassment, arrest and detention, due to their lack of documentation or legal status, or any other aspect of their identity. Such steps should be taken, inter alia, with regard to vaccinations, healthcare, relief, livelihoods, education and civil registration.

3. Mainstreaming the right to nationality and the rights of stateless people as institutional priorities, through learning about statelessness and how it relates to respective mandates and obligations; resourcing responses, including the important work of stateless communities and NGOs; reporting on performance through human rights, development and other monitoring mechanisms; and redressing the intergenerational legacy and intersectional causes and consequences of statelessness, including by ensuring access to justice and reparations for stateless people.

Pakistan International Human Rights Organization

Persatuan Anak-Anak Daerah Belaga Kapit

Public Foundation - Legal Clinic "Adilet"

Reconoci.do

Refugee Council of New Zealand

Refugee Social Services

Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO)

Right to Nationality and Citizenship Network, India

Rohingya Human Rights Initiative - R4R (ROHRIngya)

Rohingya Human Rights Network, Canada

Rohingya Project

Rohingya Women Development Network - RWDN

Roma Active Albania

Roma Advocacy Network Netherlands

Roma Youth Organization "Walk with us - Phiren Amenca"

Ruwad Al Houkouk FR

Salam for Democracy and Human Rights (Salam DHR)

Save the Children South Africa

Scalabrini Centre of Cape Town

Smile Myanmar

Solidarity is Global Institute - Jordan (SIGI-Jo)

Southern Africa People's Solidarity Network

Southern African Nationality Network

Sukaar Welfare Organization

Swedish Organization Against Statelessness

Taita Taveta Human Rights Network

The Arakan Project

The Canadian Centre on Statelessness

The Nubian Rights Forum

The Omani Association for Human Rights

Tirana Legal Aid Society (TLAS)

United Stateless

Women Peace Makers

Women's Refugee Commission

World Council of Churches

Youth Sustainable Development Centre