

## **Open Letter by the Coalition on the Right to Nationality in Africa to AU Chair Cyril Ramaphosa**

CC: The African Commission on Human and Peoples' Rights  
The African Committee of Experts on the Rights and Welfare of the Child

### **Stateless persons must be included in responses to COVID-19 in Africa**

Your excellency, Mr. Ramaphosa,

The Coalition for the Right to Nationality in Africa, a group of organization supporting the right to a nationality in Africa urges states to ensure that the response to COVID-19, calls on the African Union to ensure the success of responses on the continent by ensuring that they are inclusive, paying particular attention to the needs of the most marginalised groups, above all persons who are stateless persons or cannot prove their nationality.

First, we would like to congratulate Your Excellency for the swift and relevant action that South Africa has taken to address the COVID-19 epidemic with the necessary seriousness, caution and sensitivity to the unique challenges that Africa faces in confronting the epidemic. Further, we would like to thank the African Union for the commitment that it has shown to eradicating statelessness, including through the development of a protocol on the right to a nationality on the continent. This combination of factors gives Africa an important opportunity to lead COVID response internationally by ensuring an inclusive response and demonstrating that no one is protected if not everyone is protected.

A strong response is needed to meet the unique global health challenge presented by the COVID-19 pandemic. Despite the global nature of the crisis, it has also highlighted multiple layers of inequality globally. Africa registered its initial cases later than elsewhere in the world, but there are now more than 10,000 confirmed cases across the continent. Significant action has already been taken to meet this challenge. Additional urgent and inclusive action is needed.

Sadly, despite the laudable of the AU to addressing their plight, persons who are stateless or who cannot prove their nationality are routinely underserved in times of normalcy, due to a combination of lack of information about these populations and discrimination against them. Including these populations in COVID-19 response is critical not only to protect them, but also all other populations in the region. An effective public health response requires respect for universal human rights, not only the rights of those with a documented nationality. Including these populations will mean taking them into account in prevention, treatment and relief plans.

Specifically, this inclusion must mean:

#### *Prevention*

- **Ensuring that educational and awareness raising information is made available in relevant languages and forms** to ensure that they are effective in reaching these

populations. In some cases, modified messaging which offers advice on adapting where conditions make implementation of standard advice of staying home and social distancing difficult.

- **Including populations that are stateless or unable to prove their nationality in plans to improve access to hygiene** or other preventive services.
- **Declaring a moratorium on arrests related to lack of documentation or irregular immigration status.** Persons who are stateless or unable to prove their nationality are often unable to access appropriate documentation and are therefore blocked from accessing regular legal status. Not only should such populations not be penalized for circumstances outside their control, such law enforcement will only exacerbate the vulnerability of detained populations, who generally face cramped conditions and limited surveillance.

#### *Treatment*

- **Ensure that treatment and monitoring services are made available to all**, without discrimination on the basis of citizenship or documentation. Further, stateless or undocumented populations will particularly need to be reassured that seeking testing or treatment will not result in arrest or immigration enforcement action.

#### *Relief*

- Ensure that children may be at increased risk of abuse, neglect, exploitation, especially those who are stateless, cannot prove their nationality or lack birth certificates, and violence in conditions of lockdown or restricted movements are able to access assistance and that services to respond to their immediate needs are able to continue to operate. States should heed the advice of the African Committee of Experts on the Rights and Welfare of the Child at this critical time.
- Ensure that women who are stateless or who cannot prove their nationality are included in programs to support women who may be at increased risk of domestic violence in the current context.
- Ensure that the stateless and those who cannot prove their nationality are not left out of national relief programs due to their status, as they are likely to be among the most in need.

Africa has the opportunity to demonstrate how an effective, human and inclusive response to the COVID-19 pandemic can be run, we urge all African states to take up that challenge.