

IN SOLIDARITY WITH THE STATELESS

*An urgent call to **states, donors** and **other stakeholders** to promote and protect the rights of stateless persons in their COVID-19 responses*

As governments across the world confront the COVID-19 pandemic, facing deeply challenging decisions on protecting public health while averting starvation and warding off economic disaster, it is increasingly evident that in times of crisis, states are largely embracing a “citizens first” approach. **Denied nationality and deprived basic rights and welfare, the stateless were already marginalised before the crisis. They now face even greater, life-threatening marginalisation, with potentially disastrous consequences.**

We, the undersigned 84 civil society actors, work on the right to nationality, non-discrimination, and statelessness around the world. We have been tracking and responding to the devastating impact of the COVID-19 pandemic and state responses to it, on those whose nationality and belonging is denied or under threat. We have observed that in democratic states, measures including border closures and movement restrictions, health assistance, emergency relief and economic stimulus packages, privilege citizens and their concerns. Migrants, refugees, populations at risk of statelessness and the stateless themselves are left behind. Those without documentation to prove their citizenship or denied protection status are most at risk. Moreover, with rising authoritarianism, as leaders exploit the pandemic to grab more power, increase surveillance, and derogate from human rights obligations under declared states of emergency, non-citizens and members of minority groups – including those residing and rendered stateless *in their own country* – are increasingly scapegoated, vilified and targeted for hate-speech, arbitrary detention and even expulsion.

SIGNATORIES

ADC Memorial

Aditus Foundation, Malta

Americas Network on Nationality and Statelessness

Amnesty International

Asia Pacific Refugee Rights Network

Asian Federation Against Involuntary Disappearances (AFAD)

Bahrain Women Union

Bangladesh Institute of Human Rights (BIHR)

Beyond Borders Malaysia

Burmese Rohingya Organisation UK

Canadian Centre on Statelessness (CCS)

CARAM Asia

Center for Justice and International Law (CEJIL)

Central Asian Network on Statelessness

Centre for Advancement of Development Rights (CEADER), Nigeria

Charitable fund “Right to Protection” (R2P), Ukraine

Citizens Against Hate

Citizenship Affected People’s Network, Nepal

Coalition de la Société Civile Ivoirienne Contre l’Apatridie (CICA), Côte D’Ivoire

Collective for Research and Training on Development-Action (CRTDA) - My Nationality is A Right for Me and My Family Campaign

Conscience International Sierra Leone (CISL)

Consonant

Development and Justice Initiative (DAJI), India

Development of Human Resource for Rural Areas (DHRRA), Malaysia

Most of the people and communities we work with endure discrimination, marginalisation and disadvantage under 'normal' circumstances. As the pandemic crisis takes its toll, the stateless are among those paying the highest of prices. Many face increased racism and xenophobia and are denied access to critical health services and information (in a language they understand) on prevention and treatment. Many are also fearful of seeking such assistance, as they are at-risk of being arrested, detained and subject to removal proceedings. Others are excluded from desperately needed emergency relief – as states require digital identity or documentation establishing proof of citizenship in order to administer relief. We are also concerned that measures that disrupt vital state functions such as birth and civil registration appear to be having knock-on effects for access to nationality and protection for marginalised groups. These dynamics could leave more people at risk of statelessness and exposed to its most pernicious consequences, even when the health of all people depends on the health of every individual, regardless of their legal status or lack thereof. Below are some examples:

- On all continents, minorities and those deprived of documentation and citizenship, including Dominicans of Haitian origin, Indians declared foreigners in Assam, the Bidoon of Kuwait, the Maragoli, Nubians, Shona and Pemba communities of East Africa, and Europe's Roma now face additional threats to their livelihoods and health, with many enduring heightened hate-speech, police violence and discrimination.
- Women who are denied the equal right to confer citizenship on their children or spouses, face impossible choices as non-citizen family members are separated from them and/or denied COVID-19 relief.
- Stateless people in densely populated camps, detention centres and informal settlements, as well as those in situations of homelessness and poverty, are at high risk of infection due to the inability to be protected through social distancing and preventative hygiene measures.
- The Rohingya have endured new waves of hate speech in Malaysia, ongoing persecution in Myanmar and the first cases of COVID-19 have been reported in camps in Bangladesh, while a number of boats carrying Rohingya refugees have been denied safe and expedited disembarkation. As the crisis takes hold, it is evident that states are not taking full responsibility or providing adequate protection for this group, who have faced extraordinary persecution.

As we witness first-hand the cost of institutional and public blindness and structural violence towards the stateless (and those at risk of statelessness) as states respond to COVID-19, we are deeply concerned about the lasting impact on an estimated 15 million stateless persons worldwide, and tens of millions whose nationality is under threat. Without urgent attention, protection and intervention, from states, human rights and humanitarian actors and donors alike, the stateless face irreparable harm, undermining progress in addressing this urgent human rights issue over the last decade.

The COVID-19 pandemic highlights our collective and individual vulnerability, bringing into sharp focus the paramount importance of at all times promoting, protecting and fulfilling everyone's universal human rights, wherever they may be and whatever status they may have. In addition to demanding urgent and immediate action, the crisis provokes longer-term introspection and highlights the need for structural change to dismantle discriminatory and degrading laws, policies and practices, which deny and deprive nationality while excluding, marginalising and penalising on this basis.

While acknowledging and welcoming emerging examples of good practice, we urge all stakeholders to take the following urgent actions:

Dominican@s por Derecho Platform, Dominican Republic

East Africa Nationality Network

Equal Rights Trust

Equality Now

European Network on Statelessness

Families of Victims of Involuntary Disappearance (FIND), Philippines

Focus Development Association, Madagascar

Foreign Spouses Support Group (FSSG), Malaysia

Forum for Women, Law and Development, Nepal

Fundación Cepaim Acción Integral con Migrantes, Spain

Foundation for Access to Rights (FAR), Bulgaria

Global Campaign for Equal Nationality Rights

Gulf Institute for Democracy and Human Rights (GIDHR), Australia

Haki Centre, Kenya

Indonesian Legal Aid Association for Women (APIK)

Institute on Statelessness and Inclusion

International Campaign for the Rohingya

International Commission of Jurists

International Detention Coalition

International Observatory of Human Rights

International Refugee Rights Initiative

Justice & Equality Forum, UK

Kenya Human Rights Commission

Kuwaiti Bedoons Movement

Lawyers for Human Rights, South Africa

Malaysian Campaign for Equal Citizenship (MCEC)

MENA Rights Group

MENA Statelessness Network (Hawiati)

Minority Rights Group International

1. States, to not discriminate in COVID-19 responses on any grounds including citizenship, documentation or migration status; to make every effort to reach the furthest behind first, including the stateless; and to ensure that no one's right to nationality is undermined as a result of disruptions to registries or for any other reason.

2. UN agencies, including the WHO, WFP, UNHCR, OHCHR, UNICEF and UNDP to ensure that their COVID-19 responses identify and reach the stateless and other vulnerable and overlooked groups as a matter of priority, to provide them with critical information, healthcare and relief.

3. Human rights actors, including OHCHR, to maintain a spotlight on enduring discrimination, rising authoritarianism and harmful state practices such as police brutality in response to the COVID-19 pandemic; and to monitor and highlight rights violations faced by the stateless and those whose right to nationality is at risk.

4. Humanitarian actors, including the WFP, to identify and target emergency relief and aid to stateless and other vulnerable communities who are excluded from state relief efforts, in consultation with those working on these issues.

5. Public health actors, including the WHO and health ministries, to reinforce the importance of ensuring equal and adequate access to healthcare and public health information to all, regardless of nationality or statelessness, without fear of arrest, detention or reprisal.

6. Media and social media actors, to act responsibly, only publish verified information, counter xenophobia and hate speech and take decisive action against those who abuse media platforms to provoke hatred and prejudice against the stateless, migrants, minorities and other marginalised groups.

7. Donors, to support stateless communities, the crucial work of activists and grassroots groups, as well as the tracking, coordination and advocacy conducted at national, regional and international levels, to provide for and draw attention to the needs of stateless persons at this time.

Most importantly, we remind all stakeholders of the imperative to listen to, work with and be guided by stateless activists and communities, and to be accountable to them for actions and inaction, during this time of crisis and beyond.

While the price already paid has been immense, we hope that through urgent and concerted action, we will together be able to promote a rights-based, inclusive and non-discriminatory response to COVID-19, based on the premise that no one – including the stateless - should be left behind. We stand ready to share information and work with all stakeholders in furtherance of this goal.

Minority Rights Organization (MIRO), Cambodia

Mosawa Network, Jordan

Movimiento Reconoci.do, Dominican Republic

Muslim Engagement and Development (MEND), UK

Namati

Naripokkho, Bangladesh

New Women Connectors, Europe

Nubian Rights Forum, Kenya

Observatory Caribbean Migrants (OBMICA), Dominican Republic

Odhikar, Bangladesh

Our Journey, Malaysia

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

Rights Realization Centre

Rohingya Human Rights Network, Canada

Roma Youth Organization "Walk with us - Phiren amenca"

Ruwad alHoukouk FR, Lebanon

Salam for Democracy and Human Rights

Serantau, Malaysia

Smile Myanmar

Southern African Nationality Network

Statelessness Network Asia Pacific

Swedish Organization Against Statelessness (SOAS)

The Arab Women Organization of Jordan (AWO)

The Arakan Project, Myanmar

The Brunei Project

The Omani Association for Human Rights

Tirana Legal Aid Society (TLAS)

United Stateless, USA

Voice of the Children, Malaysia

Women Peace Network

Women's Refugee Commission (WRC)