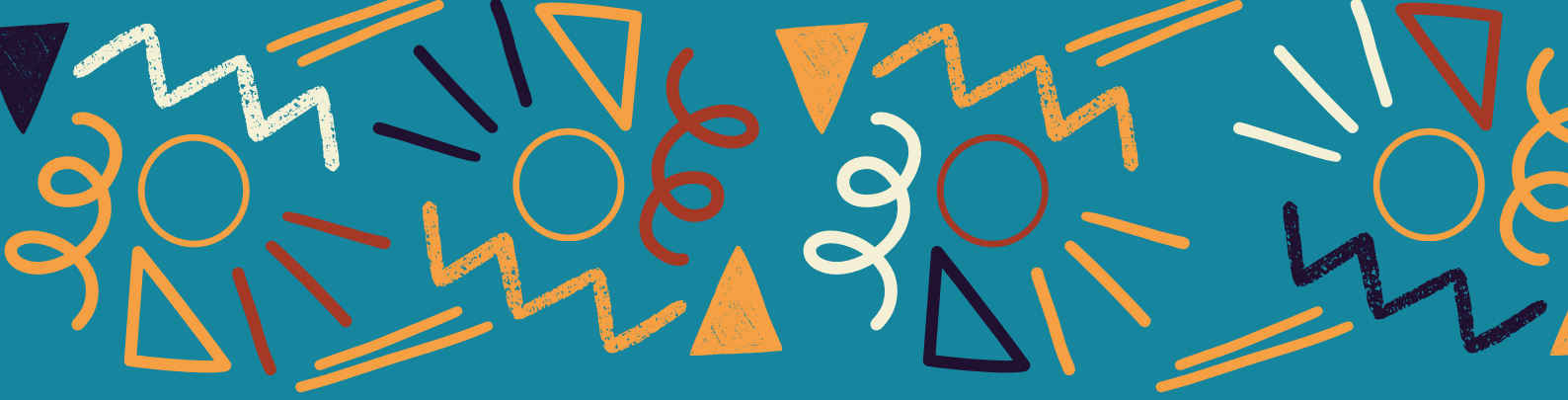




AN ADVOCACY TOOLKIT FOR CIVIL SOCIETY

Advancing the Protocol to the African
Charter on Human and People's Rights
Relating to the Specific Aspects of the Right
to a Nationality and the Eradication of
Statelessness in Africa

Lawyers for Human Rights (LHR) is a South African non-governmental organisation committed to promoting and protecting human rights and access to justice. Through its Statelessness Unit, established in 2011 with the support of the United Nations High Commissioner for Refugees (UNHCR), LHR has pioneered efforts to combat statelessness in South Africa. The Unit engages in strategic litigation, advocacy, and legal empowerment to advance the right to nationality. Recognising the need for regional and national collaboration, LHR founded the Southern African Nationality Network (SANN) in 2016 and the South African Network on Statelessness (SANS) in 2020 to mobilise civil society efforts in addressing statelessness. The Statelessness Unit has also contributed to global initiatives and is a proud member of both the Global Alliance to End Statelessness and the Global Movement Against Statelessness.

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"Mobilising Civil Society for Nationality Rights in Africa: Advancing the African Charter Protocol on the Right to a Nationality and the Eradication of Statelessness in Africa."

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Disclaimer

The content of this toolkit is the responsibility of Lawyers for Human Rights and does not necessarily represent the views of UNHCR or the Global Alliance to End Statelessness.



Who is this toolkit for?

This toolkit is primarily designed for **civil society** organisations (CSOs) working on issues of **statelessness, nationality rights**, and related human rights concerns across Africa. While its main focus is on **advocacy** around the Protocol to the African Charter on Human And Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa (the ACHPR Protocol on the Right to a Nationality), it is also a **valuable resource** for **broader efforts** to address **statelessness** and promote the right to a **nationality** more generally. CSOs are encouraged to adapt and use the toolkit to support and strengthen **community-led advocacy** by grassroots organisations and **affected communities**.

What is in the toolkit?



The Toolkit comprises three main sections:



The first section provides an **overview of statelessness in Africa**, including its root causes, consequences, and the relevant international and African legal frameworks governing nationality and the right to a nationality.



The second section provides an outline of **how governments sign, ratify, and domesticate** regional and international treaties, and the procedural steps involved in integrating them into domestic law.



The third section provides **practical tools and strategies** to **support advocacy efforts**, including guidance on stakeholder mapping, advocacy planning, and tracking and measuring progress.

Ways to use the toolkit

This toolkit is intended as a **flexible resource** for CSOs working at national, regional, and continental levels to **promote the right to a nationality**. It can be used as a **comprehensive** guide or consulted for **specific** advocacy tasks



Note on context and safety

We recognise that civic space, political sensitivity, and advocacy conditions vary across the continent. In some contexts, working on nationality and statelessness may carry legal, political, or personal risk. This toolkit therefore offers guidance that should be adapted to each national and regional context. CSOs are encouraged to assess their operating environment carefully, prioritise safety, and choose advocacy strategies that minimise risk. In restrictive environments, organisations may opt for coalition-based advocacy, quiet diplomacy, or indirect engagement strategies. The central aim is to advance nationality rights while ensuring that activists, communities, and partners remain safe.

Table of Abbreviations and Acronyms

ACHPR	African Charter on Human and Peoples Rights
ACRWC	African Charter on the Rights and Welfare of the Child
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACmHPR	African Commission on the Rights and Welfare of the Child
ACtHPR	African Court on Human and Peoples Rights
APRD	Protocol to the African Charter On Human And Peoples' Rights on the Rights of Persons with Disabilities in Africa
ACHPR Protocol on the Right to a Nationality	Protocol to the African Charter On Human And Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa
Maputo Protocol	Protocol to the African Charter On Human And Peoples' Rights on the Rights of Women in Africa
AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CMW	Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
GC	General Comment
GR	General Recommendation
ICCPR	International Covenant on Civil and Political Rights
CSO	Civil society organisation
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

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SECTION 1

The context of statelessness in Africa



A "stateless person" is a person who is "not considered as a national by any State under the operation of its law" – Article 1 of the Convention Relating to the Status of Stateless Persons (1954)

1.1. The Context of Statelessness in Africa

Statelessness is a serious human rights issue affecting millions of people worldwide, including many in Africa who do not have a legally recognised nationality. Without nationality, stateless persons are unable to access basic rights and services and often live on the margins of society.

Although the precise number of stateless persons remains unknown, the United Nations High Commissioner for Refugees (UNHCR) estimates that at least 4.4 million people globally are stateless.^[1] The true number is likely much higher, especially in Africa where many cases remain undocumented or unreported.^[2]

Causes of Statelessness in Africa

Statelessness on the continent arises from a combination of factors.^[3]

1. Colonial and post-colonial legacies

The borders drawn by colonial powers divided ethnic and cultural communities across multiple States. At independence, many communities were left without a clear or recognised nationality. State succession - the formation of new states or the redefinition of borders – has created similar problems. For example:

- Sudan/South Sudan secession
- Ethiopia/Eritrea border dispute
- Nigeria/Cameroon conflict (Bakassi Peninsula)

Communities caught between changing borders often struggle to prove legal ties to either the predecessor or successor state – particularly where discrimination affects who is recognised as "belonging".

2. Conflicts or gaps in nationality laws

African nationality laws are mainly based on birth within the country (*jus soli*) or on descent from a citizen parent (*jus sanguinis*). Where these rules are unclear, restrictive, or inconsistently applied, people fall through the cracks. For instance, if a child is born to stateless parents or their parentage is unknown (e.g. in the case of a "foundling" or abandoned child), inadequate legal safeguards may exclude them from acquiring nationality.

3. Civil registration and documentation systems

Birth registration and identity documents are essential for proving nationality. In many African States, however, civil registration systems suffer from:

- limited geographic coverage
- administrative fees and penalties
- documentation requirements many cannot meet
- language or literacy barriers
- discriminatory practices by officials

These barriers disproportionately affect marginalised groups, including ethnic minorities, women, nomadic communities, persons with disabilities, and those living in poverty. Those left undocumented may find it difficult to prove nationality or prevent arbitrary revocation.

[1] UNHCR Global Trends available at:

<https://www.unhcr.org/refugee-statistics>.

[2] <https://www.statelesshub.org/theme/data-and-statistics>

[3] For a comprehensive overview see: African Commission on Human and Peoples' Rights, African Commission on Human and Peoples' Rights - The Right to Nationality in Africa, May 2014 available at <https://www.refworld.org/reference/regionalreport/achpr/2014/en/103644>.

Discrimination is one of the most powerful and persistent forces behind statelessness in Africa. It shapes who is recognised as a citizen, who can access documentation, and who is excluded from nationality systems. Across the continent, discriminatory laws, policies, and practices fuel statelessness and deepen marginalisation.

Discrimination may be written directly into nationality laws or may occur in the way these laws are implemented. It can be based on gender, sex, race, ethnicity, religion, disability, political affiliation, or perceived origin. Examples include:



Gender discrimination in nationality laws that prevent women from passing nationality to their children on an equal basis with men. Where fathers are absent, unknown, unwilling, or unable to register the child, these children may be rendered stateless.



Ethnic or racial discrimination, where certain groups are historically labelled as "non-indigenous," "migrant," or "foreign," even when they have lived in a country for generations



Religious or political discrimination, where nationality is withheld or withdrawn from individuals or groups due to their perceived allegiances or identities



Administrative discrimination, where officials apply documentation rules more strictly—or arbitrarily—against certain groups, resulting in exclusion from birth registration or identity documents.

In practice, discrimination determines who is recognised as belonging and who is denied nationality, making it both a cause and a consequence of statelessness. It cuts across every other factor, deepening the exclusion faced by affected communities.

Consequences of Statelessness

Statelessness has severe consequences, affecting individuals, families, and entire communities.

Stateless persons often face barriers to education, healthcare, employment, housing, or social and financial services, forcing them into poverty and exclusion. They cannot vote, marry legally, or own property. They may also struggle to obtain identity or travel documents, affecting their ability to move freely without fear of detention or deportation. Many stateless persons inherit this status from their parents, creating intergenerational cycles of statelessness. The psychological toll is immense, with many stateless persons experiencing stigma and isolation, constant insecurity, lack of belonging and psychological distress.



The Definition of a “Stateless Person”

The definition of a stateless person in Article 1 of the 1954 Convention—“a person who is not considered a national by any State under the operation of its law”—is now universally accepted. UNHCR has clarified that this definition includes:

de jure stateless persons: individuals who, according to written law, are not recognised as nationals by any State; and

de facto stateless persons: individuals who may technically qualify for a nationality but cannot access or prove it in practice.^[4]

This distinction is particularly relevant in the African context, where weak civil registration systems, inconsistent application of nationality laws, discrimination, and barriers to documentation make it difficult for people to prove their nationality, even when they are legally entitled to it. This means someone can be left stateless as a matter of law, or stateless as a matter of fact due to administrative barriers. Effective solutions require States to address both.

Statelessness has broader societal consequences. In some cases, mass statelessness fuels social tensions, resentment, and instability, particularly in contexts where nationality determines access to land, resources, or political participation

AN OPPORTUNITY FOR CHANGE:

Statelessness, though a deeply entrenched issue, is not inevitable. It is a problem that can be resolved through legal and policy reforms, and political will. The ACHPR Protocol on the Right to a Nationality presents a historic opportunity for African States to take decisive and meaningful action. Its ratification and implementation are critical steps toward ending statelessness across the continent.

[4] UN High Commissioner for Refugees (UNHCR), Expert Meeting - The Concept of Stateless Persons under International Law (“Prato Conclusions”), May 2010, https://www.refworld.org/reference/confdoc/unhcr/2010/en/76005_

1.2. The Relevant International and African Legal Frameworks

1.2.1. The International Legal Framework

For many decades, nationality was treated as a matter entirely within State sovereignty or State control. Today, international law recognises that nationality is a human right, and States may not deny or deprive anyone of their nationality arbitrarily or discriminatorily.^[5]

The Hague Convention (1930)

The Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws was the first international instrument to clarify that State sovereignty over nationality must align with international principles:

"It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality."

– Article 1 of the 1930 Hague Convention

The Universal Declaration of Human Rights (1948)

The UDHR later set out, explicitly, that **nationality is a human right**:

"Everyone has the right to a nationality. No one shall be arbitrarily deprived of [their] nationality nor denied the right to change [their] nationality."

– Article 15 of the UDHR

[5] Laura van Waas, 'Nationality Matters: Statelessness Under International Law' (Intersentia, 2008).

[6] See Section 1.2.3 for an overview of the core human rights treaties protecting the right to a nationality.

The drivers of migration are often not singular but complex. Some individuals migrate primarily due to safety and security concerns, while others are driven by the desire for better living standards and socio-economic opportunities. This reflects a dual migration pattern, with both safety concerns and socio-economic factors influencing migration decisions.

The UN Conventions on Statelessness^[7]

	1954 CONVENTION Ratification status: 31 African states	1961 CONVENTION Ratification status: 24 African States
CONTEXT AND PURPOSE	To protect the rights and dignity of stateless persons until their nationality is resolved.	To prevent new cases of statelessness and reduce existing ones.
CORE PRINCIPLES	It recognises that protection is not a substitute for nationality; States must ultimately work to resolve statelessness	It ensures the right to nationality at birth and throughout life.
CONTENT	It establishes the legal definition of a "stateless person" and requires States to set up Statelessness Determination Procedures (SDPs) to identify stateless persons in need of protection. It provides the following rights and minimum standards of treatment: - Stateless persons are entitled to non-discriminatory treatment - Stateless persons have the right to religion, education, employment, housing, and access to courts - Stateless persons have the right to freedom of movement, to receive identity and travel documents, and to protection from arbitrary expulsion from the State territory	It establishes that children must acquire the nationality of the State where they are born if they cannot acquire any other nationality or "would otherwise be stateless". It provides special protection for children who are found in the State and whose parentage is unknown (commonly referred to as "foundlings") and children born on ships or aircrafts It further provides safeguards against statelessness due to loss, renunciation, or deprivation of nationality; or during State succession.

[7] For more information about the UN Conventions on Statelessness and their ratification status see: <https://www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness/un-conventions-statelessness>.

1.2.2. The African Legal Framework

The ACHPR does not explicitly mention the right to a nationality. However, the African Commission on Human and Peoples' Rights (African Commission) has confirmed that Article 5 - which guarantees the right to dignity and recognition of legal status - includes protection against arbitrary denial or deprivation of nationality.

This interpretation was formally affirmed in Resolution 234 (LIII) 2013 on the Right to Nationality and has been reinforced through the African Commission's jurisprudence.

Modise v Botswana Comm. No. 97/93, ACmHPR, 6 November 2000: the African Commission found that the arbitrary deprivation of Modise's Botswana citizenship and his consequent confinement in the no man's land between South Africa and Botswana constituted a violation of Article 5, causing "personal suffering and indignity".

Amnesty International v Zambia Comm. No. 212/98, ACmHPR, 5 May 1999: the African Commission ruled that Zambia breached the right to dignity under Article 5 in a case involving two politicians who were arbitrarily declared non-citizens, deported to Malawi, and forced "to live as stateless persons under degrading conditions."

Several other rights in the ACHPR support the protection of stateless persons and the right to a nationality :

- Article 2: the prohibition of non-discrimination
- Article 3: the right to equality before the law
- Article 6: the right to liberty and the prohibition of arbitrary arrest or detention
- Article 7: the right to fair trial and due process
- Article 12: the right to freedom of movement, the right to leave and return to one's own country, and the prohibition of arbitrary expulsion (including mass expulsion)
- Article 18: the protection of the family (particularly, women, children, persons with disabilities, and older persons)

The African Court on Human and Peoples' Rights (the African Court) has further strengthened the normative framework around nationality and statelessness.

Anudo Ochieng Anudo v United Republic of Tanzania App. No. 012/2015, AfCHPR, Judgment of 22 March 2018: the Court ruled that Tanzania violated the ACHPR when it arbitrarily revoked Mr. Anudo's nationality, expelled him, and refused to readmit him—actions that rendered him stateless.

The judgment established **key principles**:

- States **must follow due process** in nationality matters.
- The **burden of proof cannot rest solely** on the individual when nationality is disputed.
- **Arbitrary deprivation** of nationality violates human dignity.
- States must avoid actions that **create or perpetuate statelessness**

1.2.3. The Right to a Nationality and Specific Vulnerable Groups

The international and African legal frameworks recognise that statelessness does not affect everyone equally. Women, children, persons with disabilities, refugees, and migrants face heightened risks because of systemic inequalities, discrimination, and structural barriers. These groups therefore require tailored protections.

1.2.3.1. Women

Women's nationality rights are central to gender equality and to preventing statelessness. Yet in many African countries, discriminatory laws and practices continue to deny women equal rights to acquire, retain, change, or pass on nationality. When women cannot pass nationality to their children or face barriers in retaining their own nationality, entire families—and future generations—may become stateless. Discrimination against women is therefore both a cause and a multiplier of statelessness.

Key advocacy priorities:

Civil society can play a critical role in promoting gender-equal nationality rights by:

- **advocating for domestic reforms** to align nationality laws with CEDAW and the Maputo Protocol
- **urging States to ratify CEDAW** and the Maputo Protocol and to remove reservations on nationality-related treaty provisions
- **promoting public awareness** on how discriminatory nationality laws affect women and children
- **supporting strategic litigation** before national courts and regional human rights bodies to challenge discriminatory nationality laws

Convention on the Elimination of all Forms of Discrimination Against Women (Cedaw, 1979)

Treaty body: CEDAW Committee

Ratification status: 52 African States

Key article(s): Article 9 (1) and (2)

Article 9(1) guarantees women the right to retain their nationality or to acquire the nationality of their spouse

Article 9(2) grants women equal rights with men to pass nationality to their children

CEDAW is the cornerstone global treaty for gender equality, including in nationality matters.^[8]

These provisions aim to eliminate nationality rules based on patriarchal ideas such as “dependent nationality” – where a woman automatically acquires her husband's nationality – or “unity of nationality of the family” – where a man is assumed to determine the family's nationality.^[9]

[8] See also Convention on the Nationality of Married Women (1957).

[9] International Law Association Committee on Feminism and International Law, Final Report on Women's Equality and Nationality in International Law, London, 2000.

The consequences of such laws are twofold:

1. Women may be pressured or required to give up their own nationality to obtain their spouse's upon marriage – risking statelessness in cases of divorce or widowhood.
2. Women may be prevented from passing nationality to their children due to biases favouring patrilineal descent. Placing children whose fathers are unknown, unable (e.g. due to being stateless themselves), or unwilling to register the child at risk of statelessness.

The CEDAW Committee's General Recommendation No. 32 recognises the gendered dimensions of statelessness,^[10] emphasising that even where gender-neutral laws exist, women may still face **indirect gender discrimination** through policies or practices that make it harder to obtain documents for themselves or their children e.g.

- **denial or withholding of proof of birth** forms by hospitals
- demands for **extra-legal requirements** e.g. DNA testing
- requirements for **both parents to appear** at birth registration (prejudicing single mothers)
- imposition of **financial penalties** for late registration of birth

Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol, 2003)

Treaty body: African Commission on Human and People's Rights

Ratification status: 44 African States

Key article(s): Article 6(g) and (h)

The Maputo Protocol reinforces CEDAW in the African context. However, its provisions on nationality are weakened by an exception allowing "national legislation" or "national security interests" to limit women's ability to pass nationality to their children.

Article 6(g) guarantees women the right to retain their nationality or to acquire the nationality of their spouse

Article 6(h) grants women equal rights with men to transmit nationality to their children, **except** where doing so is "contrary to a provision in national legislation" or "contrary to national security interests"

The exception in Article 6(h) allows discriminatory nationality laws to remain in place under the guise of custom, religion, or "security".^[11]

[10] CEDAW Committee General Recommendation No. 32: on the gender related dimensions of refugee status, asylum, nationality and statelessness of women' (2014) CEDAW/C/GC/32.

[11] Annika Rudman, Celestine Nyamu-Musembi, and Trésor Muhindo Makunya (eds) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa: A Commentary (PULP, 2023) 144 – 145 and 155 – 156.

Dow v Director-General Botswana (1992): Unity Dow, a Botswana citizen married to an American citizen, challenged the constitutionality of a law that barred Botswana women married to non-citizens from passing nationality to their children on an equal basis with Botswana men in similar circumstances. The government argued that this was consistent with the patrilineal custom of the Botswana people. The court ruled that custom cannot supersede constitutional protections of equality and non-discrimination and that national legislation must align with international obligations on gender equality, including those under the ACHPR and CEDAW.

Where discrimination still exists:

According to UNHCR's annual Background Note on Gender Equality, Nationality Laws, and Statelessness,^[12] 24 States globally, including seven in Africa, still deny women equal rights as men to pass nationality to their children.

STATE	DEGREE OF RESTRICTION:
Burundi	Despite constitutional guarantees of gender equality, nationality laws continue to discriminate against women
Eswatini	Women can only pass nationality to children born to unmarried parents and not claimed by their fathers under Swazi customary law
Libya	Women with foreign spouses can only pass nationality to children if the father is unknown, stateless, or of unknown nationality
Mauritania	Women can only confer nationality on children if the father is unknown or stateless
Somalia	Women are outright barred from passing nationality to their children.
Sudan	Women can only pass nationality to their children through a discretionary application process, unlike the automatic right granted to Sudanese fathers
Togo	Despite constitutional guarantees of gender equality, nationality laws continue to discriminate against women

Approximately 50 States globally still impose restrictions on women acquiring, changing, or retaining their nationality after changes in civil status.

[12] UNHCR, "Background Note on Gender Equality, Nationality Laws and Statelessness 2025, March 2025. Available at <https://www.refworld.org/reference/themreport/unhcr/2025/en/149603>.

1.2.3.2. Children

Children's right to a nationality is affirmed in multiple treaties. Nationality is not only essential for a child's legal identity, but also for accessing education, healthcare, social protection, and other basic rights. Preventing childhood statelessness is therefore a central obligation under both international and regional law.

Key advocacy priorities:

To protect children from statelessness, civil society organisations can:

- **advocate** for law and policy reforms that strengthen safeguards against childhood statelessness
- push for universal, accessible, and free **birth registration**, especially in rural and marginalised communities
- **monitor and document** cases of stateless children and discriminatory practices
- **support strategic litigation** on behalf of children at risk of statelessness



International Covenant on Civil and Political Rights (ICCPR, 1966)

Treaty body: Human Rights Committee (HRC)

Ratification status: all African States except Comoros (signed but not ratified)

Key article(s): Article 24

The ICCPR requires States to ensure that every child has:

- the right to a nationality
- the right to a name
- the right to birth registration

Convention on the Rights of the Child (CRC, 1989)

Treaty body: Committee on the rights of the Child (CRC Committee)

Ratification status: all African States

Key article(s): Article 7 and Article 8

Article 7 of the CRC reinforces Article 24 of the ICCPR. It guarantees every child:

- the right to a nationality
- the right to a name
- the right to birth registration

It also requires States to take special measures for children who would otherwise be stateless.

Article 8(1) protects the child's **right to preserve their identity** – which includes their nationality. This is a unique safeguard that obliges States not only to grant nationality but also to protect it from loss, denial, or arbitrary interference.

African Charter on the Rights and Welfare of the Child (ACRWC, 1990)

Treaty body: African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

Ratification status: 51 African States

Key article(s): Article 6

The ACRWC provides the strongest regional protection for children in Africa.

Article 6 guarantees every child:

- the right to a nationality
- the right to a name
- the right to birth registration

Article 6(4) explicitly requires States to prevent childhood statelessness, including through constitutional and legislative safeguards.

The ACERWC has issued **two important decisions** on childhood statelessness:

Institute for Human Rights and Development in Africa (IHRDA) and Open Society Justice Initiative on behalf of children of Nubian Descent in Kenya v. Kenya, ACERWC, Communication No. Com/002/2009 (2011): The ACERWC found that Kenya violated Nubian children's rights to nationality and birth registration due to systemic discrimination. It emphasised that statelessness is **"the antithesis to the best interests of the child"** and undermines access to other essential rights, such as the right to education and the right to health care.

African Centre of Justice and Peace Studies (ACJPS) and People's Legal Aid Centre (PLACE) v the Republic of the Sudan ACERWC, Communication 005/Com/001/2015 (2018): The Committee held that Sudan violated Benjamin's right to a nationality by arbitrarily revoking her citizenship due to presumed South Sudanese origin. Sudan was to restore her nationality, amend discriminatory laws, and protect all children from similar violations.

Guidance from Treaty Bodies – Interpreting the Child's Right to a Nationality

The HRC Committee, the CRC Committee, and the ACEWRC have issued a series of General Comments that provide guidance on the interpretation and implementation of the child's right to a nationality.^[13]

The following is emphasised:

- ① The four fundamental principles of children's rights must guide measures relating to nationality:
- the best interests of the child
 - the principle of non-discrimination
 - the right to life, survival, and development
 - the right of the child to express their views (child participation)

- ③ The right to birth registration is interlinked with the right to a nationality. Birth registration does not automatically confer nationality, but it is critical for determining nationality in practice. States must:

- ② The question of **when nationality must be granted and which State must grant nationality** is addressed as follows :

- When should the child acquire nationality? The child must acquire a nationality from birth to avoid the harms of statelessness.
- Which State should grant nationality? The State of birth has the primary obligation to grant nationality if the child would otherwise be stateless, but States linked to the child through parentage or habitual residence also share responsibility. States must cooperate to ensure that no child is left stateless.

[13] See CCPR GC No. 17 Article 24 (Rights of the Child); CRC Committee GC No 5; CRC Committee GC No 6; CRC Committee GC No 7; CRC Committee GC No 9 ; CRC Committee GC No 11; ACERWC GC No 2; ACEWRC GC No 5.

- 
- ensure “immediate” birth registration by registering children within days or weeks of birth (not months or years) while allowing time for cultural practices
 - provide accessible, free, and flexible registration systems, including mobile registration units in schools or hospitals
 - remove barriers like fees, penalties, or indirect costs such as mandatory DNA tests
 - implement inclusive and non-discriminatory registration for vulnerable groups e.g., children with disabilities, children of refugees or migrants, children of imprisoned mothers, children affected by HIV/AIDS, and children in rural or nomadic communities

1.2.3.3. Persons with Disabilities

Access to nationality and legal identity is crucial for the dignity, autonomy, and inclusion of persons with disabilities. However, many individuals with disabilities face systemic barriers in obtaining birth certificates or identity documents due to discrimination, inaccessible administrative systems, and restrictive legal rules. These barriers increase their risk of statelessness, limiting their ability to access essential services, participate in society, and exercise legal rights.

Key advocacy priorities:

Civil society can help ensure equal access to nationality and documentation for persons with disabilities by:

- **advocating for inclusive nationality laws** that protect the rights of persons with disabilities and challenge legal incapacitation rules that block applications for citizenship or identity documents.
- **promoting accessible civil registration systems**, including braille forms, sign language interpretation, and mobile registration units.
- **partnering with disability rights groups** to raise awareness, document discrimination, and support rights-based reforms.
- **supporting strategic litigation** to challenge discriminatory nationality laws, policies, or practices affecting persons with disabilities

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The child’s right to an identity, includes their nationality and name. States must protect children from the loss or denial of nationality, and when a child’s identity is compromised, the State must take steps to restore it.



Convention on the Rights of Persons with Disabilities (CRPD, 2006)



Treaty body: Committee on the Rights of Persons with Disabilities

Ratification status: all African States

Key article(s): Article 18

The CRPD affirms that persons with disabilities must enjoy equal rights to nationality and legal identity.

Article 18 specifically guarantees:

- the right to acquire and change a nationality, and protection from arbitrary deprivation of nationality;
- the right to obtain, possess, and use nationality or identity documentation;
- the right to freedom of movement and the right to leave and return to one’s own country; and
- the child’s right to a nationality, the right to immediate birth registration, the right to a name.

Protocol to the African Charter on the Rights of Persons with Disabilities (APRD, 2018)

Treaty body: African Commission on Human and People's Rights

Ratification status: 15 African States

Key article(s): Article 28(4)(d) and Article 7(2)(f)

The APRD complements the CRPD and strengthens disability-inclusive protections within African human rights law.

1.2.3.4 Refugees and Migrants

Refugees and migrants face unique and heightened risks of statelessness. Many refugees flee without identity documents, while migrants often encounter legal and administrative barriers when trying to access nationality or obtain documentation in the countries where they live. Without documentation, displaced people may lose proof of their nationality, be unable to pass nationality to their children, and fall into long-term legal limbo.

Key advocacy priorities:

Civil society can help protect refugees and migrants from statelessness by:

- **advocating for the domestication** of the African Guiding Principles on Migration.
- **promoting inclusive birth registration** to ensure all refugee and migrant children are registered at birth.
- **encouraging regional cooperation** on nationality and statelessness determination.
- **challenging barriers** to naturalisation and restrictive integration policies.
- **advocating for the issuance** or re-issuance of identity and travel documents, especially for people whose documents were lost or destroyed during displacement

Article 28(4)(d) mandates States to ensure children with disabilities have the right to a nationality, the right to immediate birth registration, the right to a name

Article 7(2)(f) protects the right to equal recognition before the law, including the right to hold identity documents or other documents necessary for the exercise of legal capacity.

Both the CRPD and APRD are underpinned for the following core principles:

- equality and non-discrimination
- dignity and autonomy
- meaningful participation and effective inclusion in society
- accessibility and reasonable accommodation.

Convention Relating to the Status of Refugees (1951) and its 1967 Protocol

Ratification status: 49 African States

Key article(s): Article 1, Article 27, Article 28, and Article 33

The 1951 Refugee Convention defines who is a refugee and establishes the principle of non-refoulement, which prohibits the return of refugees to places where their lives are at risk. It also recognises the right of refugees to identity and travel documents, which are critical for preventing statelessness.

Convention on the Protection of the Rights of Migrant Workers (CMW, 1990)

Treaty body: CMW Committee

Ratification status: 29 African States

Key article(s): Article 7, Article 21, Article 22, and Article 29

The CMW protects both regular and irregular migrant workers and their families.

Article 29 provides direct protection against statelessness for children of migrant workers by recognising their right to birth registration and right to a nationality.

The CMW also provides indirect protection by guaranteeing basic rights and protections:

- **Article 7** ensures that migrant workers and their families enjoy all rights under the Convention without discrimination based on sex, race, colour, language, religion, ethnic or social origin, nationality, or other status.
- **Article 21** prohibits the arbitrary confiscation or destruction of identity documents, travel documents, or documents authorising residence
- **Article 22** provides protection against arbitrary expulsion, which can be vital for stateless migrants who might be at risk of deportation due to their lack of nationality and/or documentation
- **Article 44** provides protection for family unity and encourages States to adopt measures to facilitate family reunification, which may include documentation.

The CMW Committee and the CRC Committee have issued **two complementary joint General Comments** expanding on the rights of children in the context of international migration and the protections against statelessness under the CMW and CRC.

Joint Comment No. 3 (2017) of the CMW Committee and No. 22 (2017) of the CRC Committee: General Principles Regarding the Human Rights of Children in the Context of International Migration:^[14]

- the Committees affirm that all children affected by international migration are entitled to the enjoyment of their rights, regardless of their documentation status, statelessness, or the status of their parents, guardians, or family members
- the Committees emphasise that the child's right to life includes obligations on States to prevent and mitigate migration-related risks faced by children and special attention is urged for undocumented children, asylum-seeking children, and stateless children as particularly vulnerable groups
- the Committees recommend continuous and periodic training for child protection, migration, and related officials. This training should cover the rights of children, migrants, refugees, and stateless persons, including issues of intersectional discrimination.

[14] UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), UN Committee on the Rights of the Child (CRC), Joint General Comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the General Principles Regarding the Human Rights of Children in the context of International Migration, CMW/C/GC/3-CRC/C/GC/22, 16 November 2017, https://www.refworld.org/legal/general/cmw/2017/en/149169_

Joint Comment No. 4 (2017) of the CMW Committee and No. 23 (2017) of the CRC Committee: State Obligations Regarding the Human Rights of Children in the Context of International Migration in Countries of Origin, Transit, Destination, and Return.^[15]

- the Committees recognise that lack of birth registration not only increases the risk of statelessness but also exposes children to other dangers, such as child marriage, trafficking, forced recruitment and child labour
- the Committees urge States to ensure all children are registered and issued birth certificates irrespective of their or their parents' migration status. States must eliminate all legal and practical barriers, including establishing "immigration firewalls" to separate health providers from immigration enforcement authorities
- the Committees emphasise that unregistered children must be ensured equal access to health care, protection, education, and other social services
- the Committees recommend that if a child's identity documents were irregularly obtained, States must adopt flexible measures, in the best interests of the child, to restore the child's identity including by issuing correct documents and avoiding prosecution where falsification has occurred
- the Committees stress the importance of State cooperation to address childhood statelessness and call for nationality laws to be implemented in a non-discriminatory manner

OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)

Treaty body: African Commission on Human and People's Rights

Ratification status: 46 African States

Key article(s): Article 1(1) and Article 6

The OAU Refugee Convention expands the definition of refugees in the African context to include those fleeing generalised violence or events seriously disturbing public order.

Article 1(1) explicitly recognises that stateless persons who flee such situations may also qualify as refugees.

Article 6 requires States to issue identity and travel documents to refugees, helping secure their legal status and reducing the risk of statelessness.

[15] UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), UN Committee on the Rights of the Child (CRC), Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, CMW/C/GC/4-CRC/C/GC/23, 16 November 2017, <https://www.refworld.org/legal/general/cmw/2017/en/119567>.

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2009)

Treaty body: African Commission on Human and People's Rights

Ratification status: 34 African States

Key article(s): Article 13

The Kampala Convention protects internally displaced persons (IDPs).

Although it does not mention statelessness explicitly, **Article 13** requires States to register IDPs and issue identity documents and birth certificates

These measures help prevent statelessness among displaced populations within their own countries.

African Guiding Principles on the Human Rights of all Migrants, Refugees and Asylum-seekers (2023)

These Guiding Principles provide a comprehensive human rights framework for all migrants in Africa—including stateless migrants.

Principle 23 on Nationality states that:

1. Every migrant has the right to a nationality; States must eradicate statelessness
2. Every State must grant nationality to a person born in its territory who would otherwise be stateless.
3. Every State must grant nationality to a migrant child found abandoned in its territory who would otherwise be stateless.
4. Every child of migrants has the right to acquire the nationality of either or both parents.
5. Every migrant has the right to retain their nationality or acquire the nationality of their spouse.
6. Every migrant has the right not be arbitrarily deprived or denied nationality nor denied nationality
7. States shall provide a certificate of nationality to naturalized migrants.

These principles strengthen existing regional and international obligations and offer a powerful advocacy tool to promote migrant-inclusive and statelessness-sensitive migration governance across the continent.

1.3. The ACHPR Protocol on the Right to a Nationality

1.3.1 Context and Objectives

The ACHPR Protocol on the Right to a Nationality^[16], adopted by the AU on 18 February 2024, is a visionary response to the persistent challenge of statelessness across the continent.

The Protocol represents a commitment by the AU to advancing legal recognition, inclusion, and social justice. It aligns with the AU's Agenda 2063, which prioritises human rights, inclusive governance, and sustainable development.

The objectives of the Protocol, as outlined in **Article 2**, are:

The objectives of the Protocol, as outlined in **Article 2**, are:

- a) To promote, protect, and ensure respect for the right to a nationality in Africa, recognising nationality as a gateway to the realisation of other fundamental rights.
- b) To prevent and eradicate statelessness in Africa, addressing its root causes and providing robust legal safeguards and policy mechanisms to combat it.
- c) To establish general principles for the prevention of statelessness, the elimination of its risks, and its ultimate eradication across the continent
- d) To promote the aspirations of the African people for an African citizenship, reflecting the Pan-African ideal of unity and inclusion.

1.3.2 Content

The ACHPR Protocol on the Right to a Nationality establishes a comprehensive legal framework to ensure everyone's right to a nationality and to prevent arbitrary deprivation of nationality.

Key provisions:

1. The Protocol affirms that everyone has a right to a nationality and to be protected from the arbitrary denial or deprivation of nationality.

References: Article 2 and Article 3

3. The Protocol emphasises equal nationality rights for all: States must ensure that nationality laws, policies, and practices are free from discrimination. It prohibits discrimination based on race, ethnicity, sex, gender, language, religion, political or other opinion, national or social origin, socioeconomic status, disability, birth or other statuses.

References: Article 3(2), Article 4, and Article 15(4)

2. The Protocol promotes inter-State cooperation and collaboration with international and regional agencies: States are urged to work individually and collectively to address statelessness. The Protocol encourages the creation of mechanisms for inter-State cooperation and harmonisation of nationality frameworks, including sharing information and coordinating solutions for stateless persons. It also highlights the need for collaboration with African and international agencies that have mandates related to statelessness.

References: Article 3(2)(c), Article 8(1), Article 19, and Article 23

[16]The full text of the Protocol is available at: [4] UN High Commissioner for Refugees (UNHCR), Expert Meeting - The Concept of Stateless Persons under International Law ("Prato Conclusions"), May 2010, <https://www.refworld.org/reference/confdoc/unhcr/2010/en/76005...> 27

4. The Protocol promotes gender equality in nationality laws:

States are required to guarantee equal rights for men and women in all nationality-related matters, including the right to pass nationality to spouses and children. The phrasing "in accordance with national law" presumes alignment of national laws with regional and international human rights standards on gender equality.

References: Article 4 and Article 9

5. The Protocol prioritises children's rights:

States must respect the best interests of the child and enable children to participate in proceedings affecting their nationality, ensuring their views are heard and considered. It prohibits discrimination against children based on their parents' marital status, sex, or gender.

References: Article 3(2)(d), Article 4(1) and (2), and Article 10

6. The Protocol includes crucial safeguards against childhood statelessness:

States must attribute nationality from birth to:

I. A child born in its territory to a parent who is a national

II. A child born outside its territory to a parent who is a national - particularly if the child would otherwise be stateless

III. A child born in the territory to a parent who was also born there

IV. A child born in the territory to stateless parents or parents of unknown nationality

V. A child found in the territory with unknown parentage (in such cases it must be presumed that the child was born in the territory to parents who are nationals, unless proven otherwise)

States must also allow for **acquisition** of nationality by adopted children, children under kafala, and children who would otherwise be stateless, through simplified procedures



ATTRIBUTION and **ACQUISITION:** The Protocol establishes clear distinctions between:

- the **attribution** of nationality, which refers to the automatic conferral of nationality at birth based on the law of the country e.g., being born to a parent who is a citizen parent (*jus sanguinis*) or being born on the State's territory (*jus soli*); and

- the **acquisition** of nationality which refers to obtaining nationality through legal or administrative processes after birth.

It mandates States to provide mechanisms for acquisition where attribution is not automatic.

The Protocol emphasises the right to birth registration as a distinct right that is critical to preventing statelessness and mandates the issuance of documentation for unaccompanied and separated children.

The automatic derivative deprivation of a child's nationality based on the deprivation of a parent's nationality is explicitly prohibited.

References: Article 4(1) and (2), Article 5, Article 6, Article 12(3), and Article 15(5)

7. The Protocol includes important safeguards against statelessness during State succession:

States are encouraged to regulate nationality matters during State succession through cooperation or bilateral and multilateral agreements to prevent statelessness. The Protocol outlines specific principles for nationality recognition, including the following:

I. Persons who held the nationality of the predecessor State have the right to acquire the nationality of at least one successor State.

II. Persons with habitual residence in the affected territory shall be presumed to acquire the nationality of the relevant successor State

III. Persons who are eligible for the nationality of two or more successor States, where dual nationality is not permitted, shall have right of option.

States are also required to respect the will of the person in nationality determinations, recognising the principle of self-determination.

References: Article 19

HABITUAL RESIDENCE AS A CRITERION FOR NATIONALITY:

The Protocol prioritises habitual residence, whether legal or factual, as a key criterion in determining nationality during State succession (and for nomadic and cross-border populations). This ensures that those most affected by State succession are not arbitrarily excluded and can secure nationality based on their long-term presence – it strengthens protections for individuals who may not have legal proof of nationality but have long-standing ties to the State

8. The Protocol provides special protection for nomadic and cross-border communities:

States must cooperate to ensure that these communities can secure nationality and documented proof of it. The Protocol allows for nationality acquisition based on "habitual residence" or "appropriate connection" (where habitual residence is in doubt). The latter can be evidenced by various factors such as; place of birth, place of marriage, presence of family members, repeated residence in the same location, location of burial sites, location of grazing sites, location of crop cultivation, contribution to the State, community testimonies or other public facts attested by the competent authorities.

References: Article 6(1)(a), Article 7 and Article 8

The Protocol introduces the concept of **appropriate connection** to ensure nationality eligibility for nomadic, pastoralist, and cross-border communities. This flexible framework includes criteria such as: personal, familial, economic, social or cultural ties. This approach prevents the exclusion of populations whose lifestyles or historical ties may not align with traditional nationality frameworks

9. The Protocol mandates the recognition and protection of stateless persons:

States must establish criteria for granting "statelessness status" and ensure that stateless persons can exercise universal human rights, access humanitarian aid, obtain identity and travel documents, and enjoy protection against arbitrary expulsion from the State territory.

References: Article 17 and Article 18

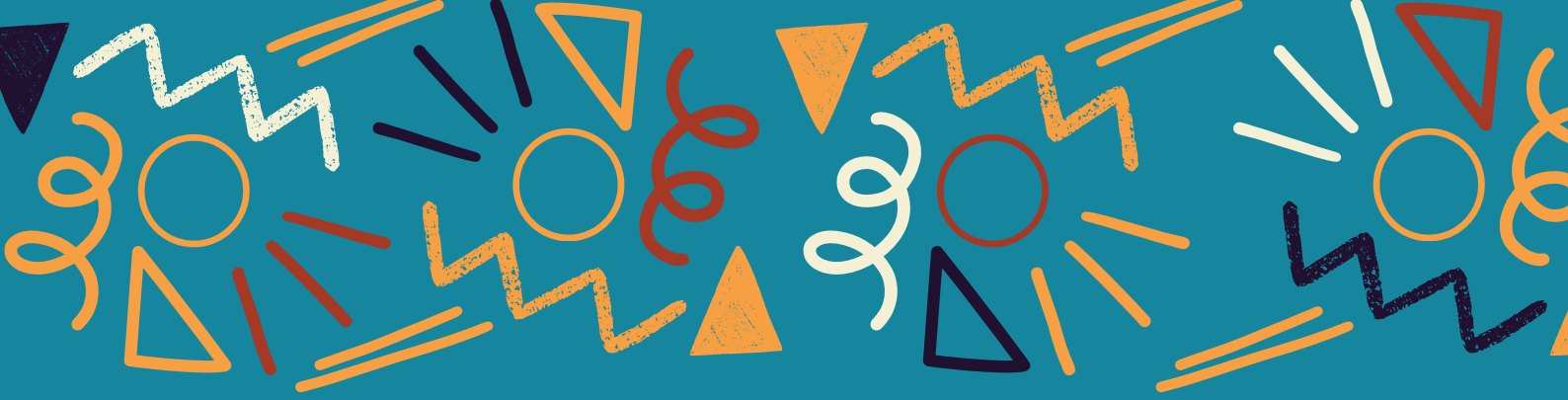
10. The Protocol includes comprehensive due process and administrative justice protections:

The Protocol guarantees the right to obtain copies of documents required to establish nationality and a right to issuance of certificates of nationality. It prohibits the arbitrary cancellation, non-renewal, or destruction of documents. States must ensure clear and fair procedures, including that nationality-related decisions must be:

- I. notified to the affected person
- II. accompanied by reasons; and
- III. subject to judicial or administrative review.

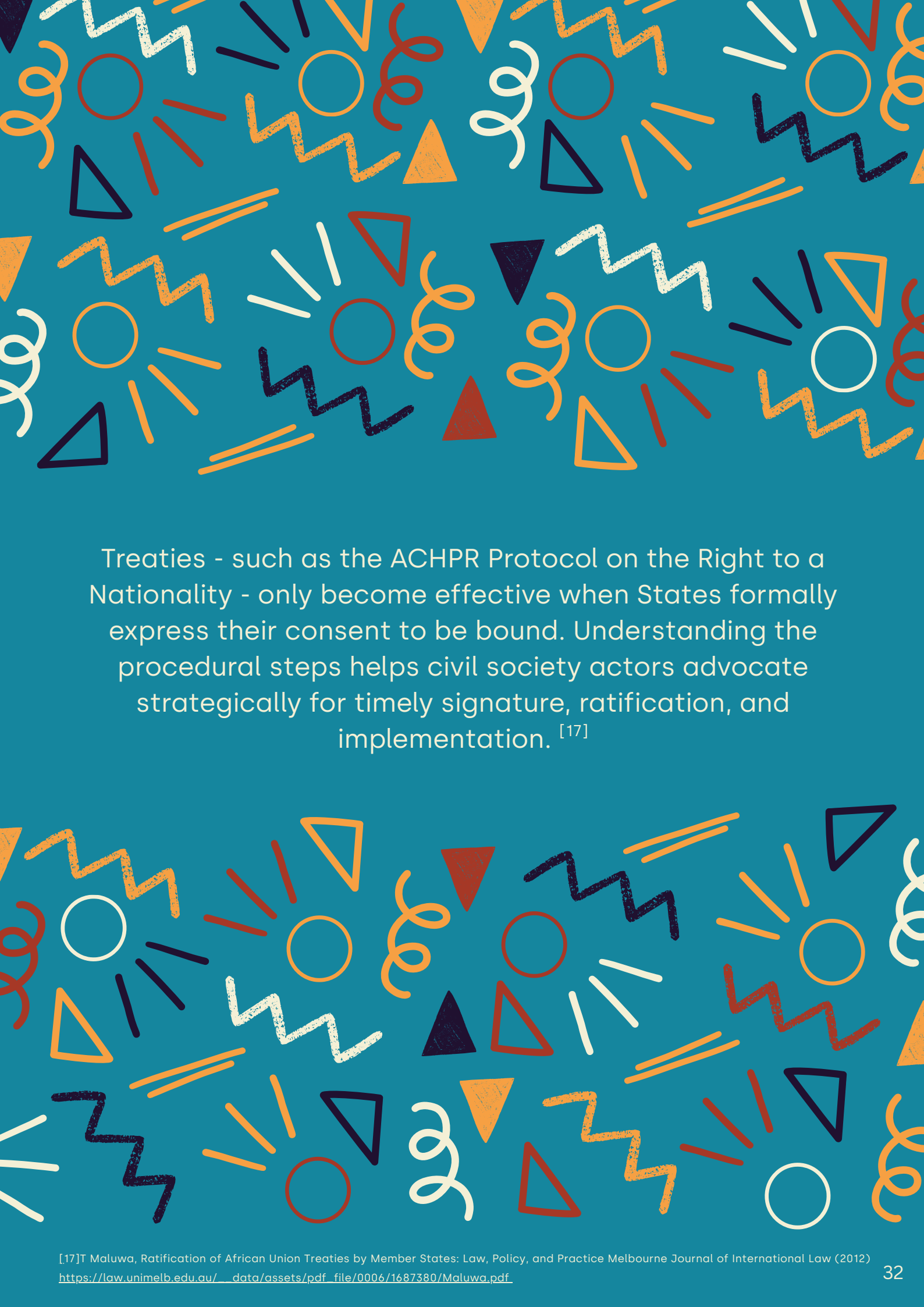
References: Article 3(3), Article 6(3), Article 11, Article 12, Article 13, Article 14, Article 15 Article 16(2), Article 16, Article 17, Article 19(4), and Article 20





SECTION 2

The Procedural Aspects of Signature and Ratification of Treaties



Treaties - such as the ACHPR Protocol on the Right to a Nationality - only become effective when States formally express their consent to be bound. Understanding the procedural steps helps civil society actors advocate strategically for timely signature, ratification, and implementation. ^[17]

[17]T Maluwa, Ratification of African Union Treaties by Member States: Law, Policy, and Practice Melbourne Journal of International Law (2012) https://law.unimelb.edu.au/_data/assets/pdf_file/0006/1687380/Maluwa.pdf

2.1. The Treaty Process

2.1.1 Signature

Signature is the first step a State takes to show its political commitment to a treaty. It signals support for the treaty's purpose and an intention to consider joining it formally. A signature is not yet legally binding, but the State must refrain from actions that defeat the treaty's object and purpose. In the AU context, treaties are typically signed by Heads of State and Government, Ministers of Foreign Affairs, or permanent representatives of States to the AU.

Why signature matters:

- It demonstrates political will
- It creates momentum for ratification
- It strengthens national conversations on reform

2.1.2 Ratification

Ratification is the formal, binding acceptance of a treaty. Once a State ratifies, **it consents to be legally bound** by the treaty's rights and obligations.

The ratification process usually involves:

1. Executive approval: typically the Ministry of Foreign Affairs or Ministry of Justice prepares a memorandum and justification.
2. Parliamentary approval: many States require national parliaments to authorise ratification.
3. Deposition of instruments: the State submits its instrument of ratification to the AU Commission.

A treaty enters into force for a State **only after ratification**.

Why ratification matters:

- It creates binding duties for the State
- It enables international supervision and reporting
- It opens the door to legal and policy reforms

2.1.3 Domestication

Domestication refers to the **process of incorporating a ratified treaty into national law and practice**. Even after ratification, the treaty does not automatically change national laws in many African countries. States must:

- Harmonise or amend domestic nationality laws
- Reform administrative procedures (e.g., birth registration)
- Establish safeguards against statelessness
- Train officials and raise public awareness
- Allocate budgets and develop implementation plans

Domestication ensures that the treaty's rights are **usable, accessible, and enforceable** at national level.

Signature = political signal

Ratification = legal commitment

Domestication = practical implementation

2.2 The Potential Challenges to Signature and Ratification

Even when the ACHPR Protocol on the Right to a Nationality offers clear benefits, a number of political, administrative, and social factors could delay or block a State from signing or ratifying it. These challenges often relate to how governments view nationality, how their institutions function, and how the public understands issues of belonging.

One of the most common challenges is limited political will. Nationality is often tied to questions of identity, citizenship politics, and national security. Because of this, some governments may treat the issue as politically sensitive or potentially controversial. When leadership is focused on economic instability, elections, or security concerns, statelessness is easily pushed aside and may not be viewed as urgent.

Another challenge arises from concerns about sovereignty. Some States believe that ratifying a treaty might limit their control over nationality matters. Even though treaties like the ACHPR Protocol on the Right to a Nationality actually strengthen responsible State authority rather than weaken it, the perception that their discretion will be reduced can slow down or undermine the ratification process.

Administrative and legal complexity also plays a significant role. Before ratifying a treaty, many countries must review and sometimes amend their laws to ensure they align with the new obligations. This can be time consuming and requires technical expertise, coordination across different ministries, and approval from Parliament or other national bodies. These steps often move slowly within government systems.

Capacity and resource limitations can also discourage governments from proceeding. Implementing the Protocol involves strengthening civil registration, improving documentation systems, and establishing or updating nationality determination procedures. These reforms require funding, staffing, training, and institutional support, which some States fear they may not be able to sustain.

In some contexts, governments hesitate because ratification would require expanding rights for marginalised groups. Where discrimination based on gender, ethnicity, race, or migration status is deeply embedded in law or practice, officials may resist reforms that promote equality. This is especially true where such changes challenge long standing power structures or social attitudes.

Finally, limited public awareness and competing national priorities can slow progress. Statelessness is often invisible and poorly understood. It is frequently confused with irregular migration or seen as an issue affecting only a small or marginalised group. Without strong public understanding or pressure, governments may focus on other priorities and overlook the importance of signing or ratifying the ACHPR Protocol on the Right to a Nationality.



2.3 The Factors that Influence Ratification

While there are clear challenges that can slow political action, there are also strong incentives that encourage States to ratify treaties. Understanding these motivations helps civil society shape targeted advocacy messages that resonate with government priorities. States ratify treaties for political, legal, developmental, and strategic reasons, including the following:

1 To strengthen their international reputation: Ratification signals that a State is committed to human rights, democracy, and the rule of law. It enhances diplomatic standing, builds trust with other countries, and shows alignment with regional or global norms.

2 To demonstrate political will and leadership: Ratifying a treaty allows a government to position itself as a regional leader and champion of progressive reforms. It can also help a State influence how a treaty is interpreted or implemented at continental or global levels.

3 To align with regional expectations or obligations: In regions like Africa, ratification is often encouraged through AU frameworks, peer review mechanisms (e.g., APRM), or commitments made at regional summits. States may ratify to:

- a. meet AU commitments
- b. strengthen regional cooperation
- c. avoid being left behind as others move forward

4 To access technical, financial, and capacity-building support: Ratification can unlock:

- a. training for civil servants
- b. institutional support
- c. financial assistance for implementing reforms
- d. access to UN or AU programs

For many States, this is a practical incentive.

5 To modernise or harmonise national laws: Sometimes ratification aligns with reforms the State already intends to pursue, such as updating nationality laws, strengthening civil registration systems, or improving governance. Ratification then provides a framework and justification for change.

6 To strengthen domestic stability and rights protection: Ratifying human rights treaties can help States:

- a. improve protection for vulnerable groups
- b. reduce social exclusion
- c. strengthen legal certainty
- d. prevent conflict linked to identity or discrimination

This is especially true for treaties on nationality, children's rights, gender equality, and refugees.

7 To comply with international pressure or recommendations: States may ratify in response to:

- a. Universal Periodic Review (UPR) recommendations
- b. treaty body concluding observations
- c. advocacy from civil society
- d. diplomatic pressure from partners

Ratification becomes a way to demonstrate compliance.

8 To meet national political or development priorities: Many treaties support domestic goals such as: social cohesion, gender equality, inclusive development, legal identity for all, peacebuilding. Governments may ratify because the treaty aligns with their own policy agenda.

9 To avoid reputational costs of not ratifying: If most countries in a region ratify - or if a treaty addresses a widely recognised injustice - non-ratification can create political embarrassment or appear as resistance to human rights norms.

10 To respond to advocacy and public demand: Persistent, strategic civil society advocacy often shapes political will. States may ratify because:

- a.** communities mobilise
- b.** civil society applies pressure
- c.** litigation exposes gaps
- d.** the media spotlights injustices

Public momentum can shift political calculations.



2.4 The Role of CSOs

Given that States balance both challenges and incentives when considering ratification, civil society organisations play a crucial role in shaping political will. CSOs are often the only actors consistently raising the visibility of statelessness, supporting affected communities, and sustaining pressure on governments to act. They help translate human rights commitments into practical reforms by informing policymakers, correcting public misconceptions, and monitoring gaps that may stall progress.

As States weigh their options and navigate competing priorities, CSOs can help maintain momentum and build the case for why signature and ratification of the ACHPR Protocol on the Right to a Nationality are both necessary and achievable. The next section examines the specific strategies and tools that civil society can use to strengthen advocacy for signature, ratification, and implementation.



SECTION 3

Tools and Strategies to Support Advocacy Efforts

3.1 Mapping Key Stakeholders and Choosing the Right Engagement Strategies

Effective advocacy starts with understanding who the key players are and how best to work with them. Different actors hold different kinds of influence, and CSOs can maximise their impact by tailoring strategies to each of them. This section outlines the main groups involved in nationality and statelessness issues, along with practical ways to work with them.

3.1.1 Persons and Communities With Lived Experience of Statelessness

People who are stateless are experts in their own lives. Their stories reveal the real impact of lacking nationality and can make advocacy more powerful and relatable. CSOs should work closely with them and ensure their participation is ethical, meaningful, and safe.

How to engage:

- invite stateless persons to contribute to advocacy campaigns, storytelling projects, and public events in ways they feel comfortable
- support their participation in decision-making spaces so their perspectives guide national and regional advocacy
- co-create solutions with them so reforms remain grounded in lived realities
- offer training and capacity building that equips stateless leaders to participate confidently at national, regional, and global levels

RISK AND SAFETY CONSIDERATIONS FOR ENGAGING STATELESS PERSONS IN ADVOCACY:

Working with stateless persons requires careful planning to avoid exposing them to harm. CSOs should:

- ensure informed consent by explaining the purpose of advocacy activities and the potential risks involved
- offer different levels of visibility, including anonymous storytelling, when public exposure could lead to retaliation.
- provide emotional support since sharing personal experiences can be distressing.
- make engagement inclusive by ensuring diverse participation, including women, children, persons with disabilities, migrants, and LGBTQ+ stateless persons.
- handle personal information responsibly and avoid publishing any details without explicit permission

3.1.2 Civil Society and Grassroots Organisations (CSOs)

CSOs and grassroots group are essential partners in raising awareness, mobilising communities, and pushing for law and policy reform. They bring community insight and can build bottom-up pressure for change.

How to engage grassroots organisations:

- work together to identify barriers to nationality and co-design community-driven solutions
- strengthen grassroots advocacy by offering training on nationality rights and advocacy skills
- connect local groups to national platforms so community concerns shape national debates

How to engage broader CSOs:

- build coalitions across sectors such as child rights, gender equality, migration, and disability rights
- share tools, research, and training materials to strengthen joint advocacy
- create spaces for CSOs to exchange lessons, coordinate activities, and avoid duplication

Networks and coalitions such as the Global Movement Against Statelessness (GMAS), the Southern African Nationality Network (SANN), the Eastern Africa Nationality Network (EANN), and the Pan African Nationality Network (PANN) can help amplify the work of local organisations, especially in countries with restricted civic space. They can share tools, mobilise joint campaigns, and support national advocacy with regional momentum.

3.1.3 Legal Sector and Judiciary

Lawyers and judges play a crucial role in interpreting nationality laws and ensuring access to justice. Strengthening their understanding of statelessness improves both individual cases and the legal environment.

How to engage:

- organise workshops and dialogues for judges and lawyers on nationality law, statelessness jurisprudence, and regional standards
- use strategic litigation to challenge discriminatory laws or practices
- partner with bar associations and private lawyers to expand pro bono legal support for stateless persons

3.1.4 Media

Media plays a pivotal role in shaping public opinion and influencing policymakers. Accurate reporting can shift misconceptions and help communities understand why nationality matters.

How to engage:

- train journalists to report sensitively and accurately on nationality and statelessness
- work with reporters to document systemic barriers faced by affected communities
- collaborate on public awareness campaigns across TV, radio, print, and social media



3.1.5 Government Stakeholders

Government actors are at the heart of the signature, ratification, and domestication processes. Engaging them strategically can help accelerate action.

Statelessness Focal Points

These officials often work in ministries such as home affairs, justice, or foreign affairs and hold technical influence over nationality policy.

How to engage:

- share evidence, case studies, and practical recommendations to support their technical work.
- offer training on the ACHPR Protocol on the Right to a Nationality and other legal frameworks.
- facilitate exchanges with other countries that have successfully ratified and implemented similar treaties.
- advocate for National Action Plans to prevent and reduce statelessness.



Parliamentarians

Parliament plays a key role in treaty ratification and legal reform.

How to engage:

- hold briefings or roundtables to explain the ACHPR Protocol on the Right to a Nationality and its relevance.
- provide simple, accessible materials such as fact sheets or model legislative language.
- encourage cross-party support to strengthen political buy-in.



The Presidency and Executive Branch

High-level political leadership is often decisive.

How to engage:

- frame the ACHPR Protocol on the Right to a Nationality as aligned with the country's development, governance, and human-rights priorities.
- highlight the positive regional and international reputation that comes with ratification.
- use regional meetings and AU or UN forums to secure commitments.

3.1.6 Regional Bodies

Regional bodies help maintain momentum and harmonise policy frameworks across countries

African Union (AU)

The AU can encourage states to align with continental human-rights standards.

How to engage:

- partner with AU bodies such as the African Commission and ACERWC to host dialogues, workshops, or side events
- submit shadow reports to the African Commission and the ACERWC highlighting the statelessness situation in the country and seeking recommendations on the ratification of the ACHPR Protocol on the Right to a Nationality
- engage the Pan-African Parliament to promote legislative action^[18]

Regional Economic Communities (RECs)

RECs like SADC, ECOWAS, and EAC, can promote coordinated action.

How to engage:

- advocate for regional action plans or policy commitments on statelessness.
- share region-specific evidence to demonstrate relevance and urgency.
- organise regional campaigns or joint advocacy forums.

[18] See Centre for Human Rights, Toolkit for Civil Society Advocacy in the Pan African Parliament (2020)
https://www.chr.up.ac.za/images/researchunits/dce/resources/Toolkit_for_CSO_advocacy_in_the_PAP.pdf

3.1.7 International Partners

UN agencies and international organisations provide valuable resources, expertise, and visibility.

How to engage:

- collaborate on research, campaigns, and high-level advocacy.
- use UN processes such as the Universal Peer Review (UPR) mechanism and treaty body submissions to highlight gaps and encourage commitments.

Partner with UNHCR, UNICEF, and IOM on training, capacity building, and data collection.

3.1.8 Donors and Development Partners

Sustained advocacy and implementation require funding.

How to engage:

- prepare proposals that link nationality and statelessness to broader development goals such as governance, social inclusion, and gender equality.
- build long-term partnerships with donors committed to human rights and regional cooperation.
- engage philanthropies and private sector partners to support documentation, legal aid, or community outreach.

By working with these different stakeholders, CSOs can build strong alliances, mobilise resources, and sustain the momentum needed to promote signature, ratification, and implementation of the ACHPR Protocol on the Right to a Nationality.

3.2 Templates

Template 1: ADVOCACY CHECKLIST

Step	Checklist	Comment
STEP 1: Research and Prepare	Understand the status of nationality laws and statelessness in your country.	
	Gather data, case studies, and legal references on the impact of statelessness.	
	Identify key stakeholders (government, CSOs, media, regional bodies).	
STEP 2: Build a Coalition/ Mobilise Support	Engage CSOs, legal experts, and affected communities.	
	Form alliances with regional and international advocacy networks.	
STEP 3: Engage Government and Decision-Makers	Request meetings with key ministries and parliamentary committees.	
	Submit advocacy letters and policy briefs.	
	Participate in public consultations and hearings.	

Step	Checklist	Comment
STEP 4: Raise Public Awareness	Launch social media campaigns using engaging content and testimonies.	
	Organise community awareness events and media engagements.	
	Publish op-eds, press releases, and informative articles.	
STEP 5: Track Progress and Adjust Strategies	Use stakeholder mapping and tracking tools to monitor commitments	
	Regularly assess progress toward ratification and implementation.	
	Adjust advocacy strategies based on new developments.	
STEP 6: Celebrate Successes and Sustain Engagement	Publicise key milestones (e.g., government commitments, ratification).	
	Continue advocating for full domestication and implementation of the Protocol.	

Template 2: ADVOCACY LETTER TEMPLATE

[Date]

To: [Recipient's Name]

[Title/Position]

[Ministry/Department/Agency/Organisation]

[Address]

Subject: [Country Name] - Signature and Ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Right to Nationality and the Eradication of Statelessness in Africa

Dear [Recipient's Name],

We write to you on behalf of [Your Organisation's Name], an organisation dedicated to promoting human rights and advocating for the eradication of statelessness in [Country Name] and across Africa. We commend [Country Name] for its ongoing efforts to uphold human rights commitments and regional cooperation.

Statelessness remains a critical issue in Africa, affecting millions of people who are denied access to nationality and the fundamental rights associated with it. The recently adopted **Protocol to the African Charter on Human and Peoples' Rights on the Right to Nationality and the Eradication of Statelessness in Africa** provides a unique opportunity for African states to address this challenge through comprehensive legal safeguards.

We urge the government of [Country Name] to:

1. **Sign the Protocol** as a demonstration of its commitment to addressing statelessness and ensuring the right to nationality for all.
2. **Ratify the Protocol** to legally bind itself to the provisions and work towards aligning national laws with its principles.
3. **Take concrete steps toward domesticating the Protocol**, including legislative and policy reforms that guarantee nationality rights.

By signing and ratifying the Protocol, [Country Name] would strengthen its regional leadership, fulfill its obligations under international human rights treaties, and protect the rights of stateless individuals, particularly vulnerable groups such as children, women, nomadic and cross-border communities, and displaced persons.

We would welcome the opportunity to discuss this matter further and provide any technical support required. Please let us know a suitable time to meet with your office to explore how we can collectively work towards the eradication of statelessness in [Country Name].

Thank you for your attention to this urgent issue. We look forward to your response and positive action.

Yours sincerely,

[Your Name]

[Your Position]

[Your Organisation]

Template 3: PETITION

Title: Call on [Country Name] to Sign and Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Right to Nationality and the Eradication of Statelessness!

Petition Text:

Statelessness is a human rights crisis that denies millions of people access to nationality, legal identity, and basic rights such as education, healthcare, and employment. Without nationality, individuals are left in legal limbo, unable to participate fully in society.

In February 2024, the African Union adopted the Protocol to the African Charter on Human and Peoples' Rights on the Right to Nationality and the Eradication of Statelessness in Africa, a progressive treaty that sets clear obligations for African states to prevent and reduce statelessness.

We, the undersigned, urge the government of [Country Name] to take immediate action to:

1. **Sign the Protocol** as a step toward ending statelessness in [Country Name].
2. **Ratify the Protocol** to ensure legal protection for individuals at risk of statelessness.
3. **Implement necessary legal and policy reforms** to align national laws with the Protocol's provisions.

By taking these steps, [Country Name] will reaffirm its commitment to human rights, strengthen regional cooperation, and protect thousands of people who are currently stateless or at risk of statelessness.

Sign this petition and stand for the right to nationality for all!

[Sign Here]

Name | Organisation (if applicable)

Template 4: POLICY BRIEF TEMPLATE

Title: Advancing Nationality Rights in [Country Name]: The Urgency of Ratifying the Protocol to the African Charter on Human and Peoples' Rights on the Right to Nationality and the Eradication of Statelessness in Africa

1. Introduction

- Brief overview of the issue of statelessness in [Country Name] and its impact on affected communities.
- Importance of nationality rights in accessing fundamental rights and services.
- Overview of the Protocol to the African Charter on Human and Peoples' Rights on the Right to Nationality and the Eradication of Statelessness in Africa

2. The Current Situation in [Country Name]

- Key statistics and case studies on statelessness.
- Legal and policy gaps that contribute to statelessness.

3. The Importance of Ratifying the Protocol

- The Protocol aligns with existing international and regional human rights commitments.
- The Protocol provides safeguards for vulnerable populations, including children, women, and displaced persons.
- The Protocol promotes recognition of nationality which leads to greater social inclusion and economic participation.
- The ratification of the Protocol would strengthen [Country Name]'s position as a human rights leader in Africa.

4. Recommendations

- **Sign the Protocol** immediately as a show of political commitment.
- **Ratify the Protocol** and align national laws with its provisions.
- **Develop a National Action Plan** to prevent and reduce statelessness.
- **Engage with civil society** to implement effective advocacy and policy reforms.

5. Conclusion

The Protocol represents a transformative opportunity for [Country Name] to ensure that no one is denied their right to nationality. By signing and ratifying the Protocol, [Country Name] can take a historic step toward eradicating statelessness and promoting dignity, rights, and inclusion for all.

Template 5: STAKEHOLDER MAPPING AND ENGAGEMENT MATRIX

Stakeholder Name	Institution	Role/Influence	Key Interests	Role in Advocacy	Engagement Strategy	Last Meeting Date	Next Steps	Responsible Team
Government Official X	Ministry of Justice	High	Treaty ratification, policy oversight	Decision-maker	High-level policy meeting, technical briefing	MM/DD/YYYY	Follow-up briefing	Advocacy Lead
CSO Partner Y	Civil Rights Network	Medium to High	Advocacy, public education	Partner in awareness campaigns	Joint advocacy campaign, co-hosted events	MM/DD/YYYY	Launch media campaign	Communications Team
Media Outlet Z	National Broadcaster	Medium	Public awareness	Amplifier	Press releases, interviews, storytelling	MM/DD/YYYY	Secure feature story	Media Coordinator
Parliamentary Committee A	Parliament – Legal Affairs	High	Legislative reform	Legislative influencer	Parliamentary hearing, policy submission	MM/DD/YYYY	Draft law briefing	Legal & Policy Lead
Donor Q	International Foundation	Medium to High	Strategic funding, technical support	Funder/supporter	Proposal submission, co-creation of project	MM/DD/YYYY	Submit concept note	Fundraising Unit
AU Representative	African Union	High	Treaty promotion and compliance	Regional ally	Submission to AU body, engagement at forum	MM/DD/YYYY	Schedule advocacy meeting	Regional Affairs Desk

3.3 Tracking and Measuring Progress

Advocacy is most effective when it is continuously monitored and adjusted. CSOs should set clear goals, track commitments, collect feedback, and adapt strategies when circumstances change.

1

Set Clear Goals and Indicators

Defining what success looks like is essential. Goals may relate to ratification, law reform, identification of stateless persons, or increased public awareness. Indicators should include both numbers (such as ratifications or media coverage) and qualitative changes such as improved stakeholder understanding.

4

Report and Share Progress

Transparency builds trust and momentum. CSOs should provide regular updates through reports, social media, websites, or newsletters. Updates to donors should highlight achievements, challenges, and the impact of their support.

2

Track Government Commitments

Monitoring public statements, policy documents, legislative developments, and regional commitments helps CSOs understand whether advocacy is leading to real change. Regional networks can help track progress across multiple countries.

5

Track Government Commitments

Advocacy environments shift. Governments change priorities, civic space may expand or shrink, and new opportunities may open. CSOs should remain flexible, adjust their strategies as needed, and test new approaches such as digital advocacy or new partnerships.

3

Periodic Reviews and Feedback Loops

Regular reviews help identify what is working and what needs adjustment. CSOs should gather feedback from partners, communities, and government officials through consultations, surveys, or meetings. Social-media analytics can also provide insights into public awareness and engagement.





SECTION 4

Conclusion

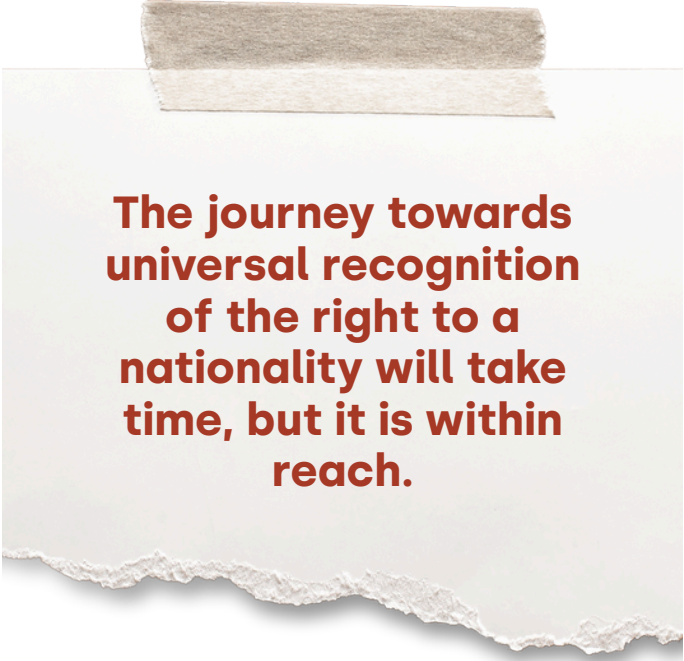
Ending statelessness in Africa is both an urgent human rights priority and an achievable goal. The ACHPR Protocol on the Right to a Nationality offers the strongest continental framework to date for addressing the root causes of statelessness and protecting the right to belong. But the impact of this Protocol will depend on sustained advocacy, political will, and coordinated action across governments, regional bodies, and civil society.

Civil society organisations are central to driving this work forward. They give visibility to the experiences of affected communities, generate evidence for reform, raise public awareness, and hold governments accountable for their commitments.

By linking grassroots realities with national and regional decision-making, CSOs help ensure that reforms are informed, inclusive, and grounded in human rights principles.

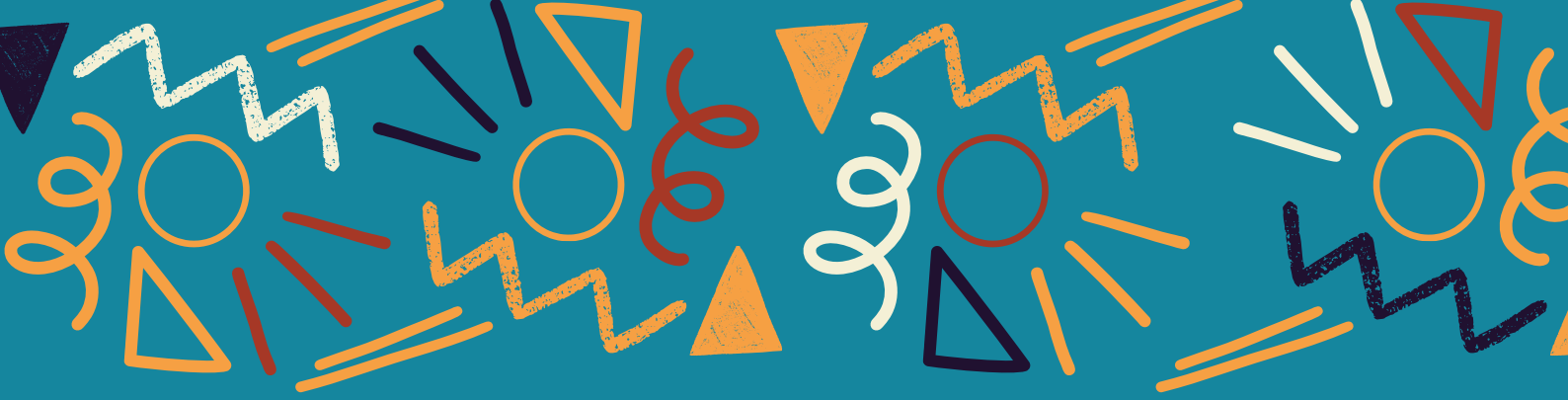
At the heart of these efforts are the voices and leadership of stateless persons themselves. Their lived experience is essential to shaping solutions that are just, practical, and responsive to the realities on the ground. Ensuring their meaningful participation strengthens advocacy.

The journey towards universal recognition of the right to a nationality will take time, but it is within reach. Every signature, every ratification, every policy change, and every story shared moves the continent closer to a future where no one is denied belonging. With persistence, collaboration, and strategic action, civil society can help turn the promise of the ACHPR Protocol on the Right to a Nationality into real change: a continent where every person has a nationality, can enjoy their rights, and lives with the dignity and protection that legal identity provides.



**The journey towards
universal recognition
of the right to a
nationality will take
time, but it is within
reach.**





ANNEXES

ANNEX 1: RATIFICATION STATUS

UN: <https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=en>

AU: <https://au.int/en/treaties>

	Stateless Convention 1954	Statelessness Convention 1961	CEDAW 1979	Maputo Protocol 2003	ICCPR 1966	CRC 1989	ACRWC 1990	CRPD 2006	APRD 2018	UN Refugee Convention 1951	CMW 1990	OAU Refugee Convention 1969	AU Kampala Convention 2009
Algeria	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No
Angola	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Benin	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Botswana	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No
Burkina Faso	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Signed	Yes	Yes	Yes	Yes
Burundi	No	No	Yes	Signed	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Signed
Cabo Verde	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No
Cameroon	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Signed	Yes	Yes
Central African Republic	No	No	Yes	Signed	Yes	Yes	Yes	Yes	Signed	Yes	No	Yes	Yes
Chad	Yes	Yes	Yes	Signed	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Comoros	No	No	Yes	Yes	Signed	Yes	Yes	Yes	No	No	Signed	Yes	Signed
Congo	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Côte d'Ivoire	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes

	Stateless Convention 1954	Stateless Convention 1961	CEDAW 1979	Maputo Protocol 2003	ICCPR 1966	CRC 1989	ACRWC 1990	CRPD 2006	APRD 2018	UN Refugee Convention 1951	CMW 1990	OAU Refugee Convention 1969	AU Kampala Convention 2009
Democratic Republic of the Congo	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes
Djibouti	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Signed	Yes
Egypt	No	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No
Equatorial Guinea	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes
Eritrea	No	No	Yes	Signed	Yes	Yes	Yes	Yes	No	No	No	Signed	Signed
Eswatini	Yes	Yes	Yes		Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes
Ethiopia	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes
Gabon	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Signed	Yes	Signed	Yes	Yes
Gambia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Ghana	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Signed
Guinea	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Signed
Guinea-Bissau	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Kenya	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Lesotho	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Liberia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Signed	Yes	Yes
Libya	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No
Madagascar	Yes	No	Yes	Signed	Yes	Yes	Yes	Yes	No	Yes	Yes	Signed	Signed
Malawi	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

	Statelessn ess Conventi on 1954	Statelessness Convention 1961	CEDAW 1979	Maputo Protocol 2003	ICCPR 1966	CRC 1989	ACRWC 1990	CRPD 2006	APRD 2018	UN Refugee Conventio n 1951	CMW 1990	OAU Refugee Convention 1969	AU Kampala Convention 2009
Mali	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mauritania	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Mauritius	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Signed	No
Morocco	No	No	Yes	No	Yes	Yes	No	Yes	No	Yes	Yes	No	No
Mozambique	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Namibia	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Signed	Signed
Niger	Yes	Yes	Yes	Signed	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nigeria	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rwanda	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sahrawi Arab Democratic Republic				Yes		Yes	Yes		Yes			Signed	Yes
São Tomé and Príncipe	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Signed	Yes
Senegal	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Signed
Seychelles	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No
Sierra Leone	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Signed	Yes	Yes
Somalia	No	No	No	Signed	Yes	Yes	Signed	Yes	No	Yes	No	Signed	Yes
South Africa	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
South Sudan	Yes	Yes	Yes	Yes	Yes	Yes	Signed	Yes	No	Yes	No	Yes	Yes
Sudan	No	No	No	Signed	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No

	Stateless ess Conventi on 1954	Statelessness Convention 1961	CEDAW 1979	Maputo Protocol 2003	ICCPR 1966	CRC 1989	ACRWC 1990	CRPD 2006	APRD 2018	UN Refugee Conventio n 1951	CMW 1990	OAU Refugee Convention 1969	AU Kampala Convention 2009
Tanzania	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Signed
Togo	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Signed	Yes	Yes	Yes	Yes
Tunisia	Yes	Yes	Yes	Yes	Yes	Yes	Signed	Yes	No	Yes	No	Yes	Signed
Uganda	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Zambia	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes
Zimbabwe	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
TOTAL RATIFICATIONS	31	24	52	44	53	all	51	all	15	49	29	46	34

