

ANNUAL REPORT 2018



Red de las Américas sobre Nacionalidad y Apatridia
Americas Network on Nationality and Statelessness
Réseau des Amériques sur la Nationalité et l'Apatridie
Rede das Américas sobre Nacionalidade e Apatridia

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LETTER FROM OUR BOARD OF DIRECTORS

The Americas Network on Nationality and Statelessness (Red ANA) was created more than four years ago as a network of civil society organizations, academic initiatives, and independent experts committed to the issue of statelessness in the American continent and the Caribbean. Our work focuses on raising awareness about the current situation of statelessness in the region, identifying the people affected by it, and advocating for the recognition and respect of the rights of stateless persons. To do so, Red ANA has focused on the exchange of experience and knowledge around the issue of statelessness in order to create a consolidated network that can better defend the rights of stateless persons. Our main activities include cooperating with States to strengthen international protection mechanisms and exchanging information with our sister organizations around the world.

The creation of Red ANA began to take shape during the Annual Consultation with Civil Society Organizations and the Retreat for Statelessness organized by the Regional Office of the United Nations High Commissioner for Refugees (UNHCR) in 2013. During these meetings, both the European Network on Statelessness and the Institute on Statelessness and Inclusion (ISI) saw the potential of establishing ties with civil society in the Americas through Red ANA.

Since its launch, the Red ANA has generated links with other organizations, networks, and international experts working on statelessness in Europe, Asia Pacific, Central Asia, and Africa. These links have allowed Red ANA to act and start dialogue on a global scale, as well as to make visible various issues of statelessness in our region.

As it reaches the five-year anniversary of its creation, Red ANA wishes to reaffirm its commitment to eradicate statelessness in the Americas. Likewise, we would like to reiterate that, given that the Americas present great potential to fulfill this goal, we continue to be committed to work closely and collaboratively with our members and allies worldwide.

Do not hesitate to contact us at info@americasns.org if you have any questions regarding the information in this report.



INTERNATIONAL FRAMEWORK

The fight to eradicate statelessness has a robust international legal framework that allows actors to identify, grant protection, and facilitate the naturalization of stateless persons, as well as to prevent the emergence of new cases of statelessness. These objectives are part of the 1954 Convention Relating to the Status of Stateless Persons that regulates the rights that stateless persons should have access to, and the 1961 Convention on the Reduction of Statelessness, which in turn contains the obligations that States have towards the prevention and eradication of statelessness.

Furthermore, since 2014, the region has had the Brazil Declaration and Plan of Action, which promises to maintain the highest standards of protection for refugees, displaced persons, and stateless persons. Chapter 6 of the Brazil Plan of Action, which Red ANA helped prepare, is dedicated to the problem of statelessness, and recommends the implementation of a series of eight specific actions to address it in the region, including the ratification of the 1954 and 1961 Conventions, as well as the harmonization of legal frameworks to guarantee access to nationality and the protection of stateless persons. In a meeting for the Brazil Plan of Action on February 20, 2018, the States that were present created the 100 points of Brazil in which they shared their regional experiences in relation to refugees, displaced persons, and stateless persons, affirmed international norms, and reiterated their promise for regional solidarity. In the same meeting, the report “Brazil Plan of Action: Evaluation 2014-2017” was launched; this report analyzed the advances and challenges in the protection of refugees, asylum seekers, forcibly displaced persons, and stateless persons in the region.

In the Inter-American Commission for Human Rights (IACHR), there also were advances. On February 18 2018, the IACHR adopted resolution 2/18, which deals with the forced migration of Venezuelans in the region. This resolution explicitly recognizes the risk of statelessness that the children of Venezuelans who have entered countries irregularly face, as well as the necessity of guaranteeing the right to a nationality for stateless people and their children.



DEVELOPMENTS FOR NATIONALITY AND STATELESSNESS IN THE AMERICAS

In 2018, there were several key developments for nationality and statelessness in the Americas. One of the most important successes took place in Chile. On April 11, Chile concluded the process of ratifying the [1954 Convention relating to the Status of Stateless Persons](#) and the [1961 Convention on the Reduction of Statelessness](#) after depositing the corresponding documents before the General Secretariat of the United Nations. By doing so, it became the 90th country to adhere to the 1954 Convention and the 71st to accede to the 1961 Convention.

Haiti also ratified the conventions on statelessness. On September 27, Haiti acceded to the [Convention on the Status of Stateless Persons of 1954](#) and the [1961 Convention on the Reduction of Statelessness](#), thus progressing on its fulfillment of the obligations that States have as part of the #IBelong campaign and the Plan of Action of Brazil to eradicate statelessness before 2024.

At the beginning of August, Argentina became the first country in the Americas to join the “[Towards Zero Statelessness](#)” program created by the UNHCR. This initiative enables the measurement of the progress that States have made in regards to their obligations, as well as the design of projects to end statelessness under the “Eradicating Statelessness” program in the Brazil Plan of Action. Through this initiative, States also inform the UNHCR of their intentions of participating, and they provide the necessary information in order to measure the fulfillment of their promises.

Costa Rica and Brazil both granted citizenship to formerly stateless people. Costa Rica became the first Latin American country to nationalize a stateless person, [Eloísa Castro Méndez](#), a 69-year-old woman and mother of six children, who had lived all of her life in Costa Rican territory.

Similarly, in Brazil, the government granted nationality to the [sisters Maha and Souad Mamo](#) who have been living in Brazil for four years as refugees. They are the first stateless people recognized by the Brazilian government since the new Migration Law (Law n° 13.445) went into effect in 2017, after concluding a process of naturalization in the country.

Paraguay and Uruguay passed laws about statelessness in 2018. On September 19th, Paraguay approved the [law for the Protection and Facilitation of the Naturalization of Stateless Persons](#). This law will govern the identification, protection, assistance, and facilitation of the naturalization process for stateless persons who are not refugees. Similarly, on October 17, 2018, the Uruguayan Senate approved the [law for the Recognition and Protection of the Stateless](#). This new law provides a definition of a stateless person and establishes a process for determining statelessness and facilitating naturalization.

New polices

Paraguay - Law "Protection and Facilitation for the Naturalization of Stateless Persons"
Uruguay - Law "Recognition and Protection of Stateless People"

**New adhesions to the conventions of 1954 and 1961**

Chile - 2018

Haití - 2018

**Granting of nationality to atateless persons**

Costa Rica - 2018

Brazil - 2018



FINANCING AND ADMINISTRATIVE OPERATION

The activities of Red ANA in 2018 would not have been possible without the financial support of UNHCR.

Red ANA was also financially supported by the Center for Justice and International Law (CEJIL), which houses Red ANA, granted for the administration and operations of the Network.

Finally, the Open Society Justice Initiative (OSJI) provided financial support for specific events of Red ANA and for member participation.



EXECUTIVE BOARD

During 2018, Annete Martinez Orabona, from the Caribbean Institute for Human Rights (ICADH), joined the Executive Board. The rest of the members of the Executive Board remained the same and are as follows: Francisco Quintana from CEJIL, Jocelyn Kane from the Canadian Center for Statelessness, David Baluarte from Washington and Lee University, Angelita Baeyens from Robert Kennedy Center for Human Rights (RFK), and Liliana Gamboa from the OSJI.



PHOTO: Freepress

EVENTS AND ACTIVITIES ABOUT NATIONALITY AND STATELESSNESS THAT RED ANA PARTICIPATED IN

High-level Meeting in Chile

In June of 2018, the United Nations High Commissioner for Refugees (UNHCR), through its Regional Legal Unit for the Americas (RLU), organized a regional meeting to present the Monitoring and Evaluation Mechanism "Towards Zero Statelessness" and the operating plan in order to help states fulfill their commitments for the #IBelong campaign, which will celebrate its fifth anniversary in 2019. Red ANA was one of the only representatives of civil society invited to participate and present the steps that it is taking to eradicate statelessness in the Americas. This meeting was the first in a series that will be replicated on all continents.

VII Regional Course on Statelessness hosted by the UNHCR

On the 10th and 11th of October, Red ANA participated in the regional course on statelessness organized by the UNHCR for State officials of the region, along with more than 60 officials of the National Commission for Refugees (CONARE), Offices of Immigration, Ministries of External Relations, Ministries of Labor, Ministries of Justice and the Interior, and the Civil Registry, Parliamentarians, stateless persons, and those who, at some moment, have had their right to nationality and identity threatened.

During the course, Florencia Reggiardo, coordinator of the Red ANA, explained the role that civil society plays in the eradication of statelessness, as well as the experience of the work that Red ANA carries out.

Statelessness Retreat in Geneva

In June, Red ANA participated in the Annual Statelessness Retreat organized by the UNHCR in Geneva. At the retreat, Francisco Quintana, founding member of the network, presented the work that Red ANA does together with other networks and organizations of civil society in the world that are dedicated to the right to nationality and statelessness. Red ANA had the opportunity to share its work and discuss the developments in regards to the eradication of statelessness in the Americas. In particular, Red ANA shared the news of recent laws, projects and ratifications of the Conventions that address statelessness.

Course about Statelessness in the University of Tilburg - Holland

From July 30th to August 3rd, the coordinator of Red ANA, Florencia Reggiardo, participated in a course about statelessness and inclusion at the University of Tilburg, Holland, organized by the Institute on Statelessness and Inclusion (ISI). The course provided new knowledge, tools, and skills to address statelessness and to recognize the right to nationality on a global level, to its participants. Likewise, the course allowed our coordinator to learn about different problems and approaches to situations that affect the right to nationality in other parts of the world.

Brazil Action Plan Conference

On February 19th and 20th, Red ANA participated in a meeting with high-level representatives from Latin American and Caribbean countries in Brasilia to evaluate the first 3 years of the implementation of the Brazil Plan of Action (BPA), and to discuss the regional contributions to the Global Compact for Refugees. The event was jointly organized by the Brazilian Government and UNHCR. The civil society of the Americas that make up the Regional Articulating Group of the Brazilian Plan of Action (GARPAB), prepared a report that analyzes the progress and challenges in the protection of migrants, asylum-seekers, refugees and stateless persons in the Americas, within the framework of the three years of the implementation of the Brazil Plan of Action. In particular, Red ANA prepared chapter VI of the report - Program "Eradication of statelessness" -that laid out an analysis and follow-up of the context in the various countries in Latin America that have committed to the eradication of statelessness, as well as the actions at the institutional and regional levels to achieve it. The parties present at the Brasilia conference agreed on a compilation, known as the 100 Points of Brasilia, that keeps record of the regional experiences of refugees, asylum-seekers, displaced persons and stateless persons in the region, and highlights the importance of the exchange of knowledge between Latin America and the Caribbean, as well as solidarity and the responsibilities shared at the regional level.

Screening of the Documentary "Down to the Root"

On September 20th, Red ANA, along with Robert F. Kennedy Human Rights (RFK), American University, and CEJIL presented the documentary "Down to the Root", with Juan Carlos Gonzalez, the film's producer and director, in attendance. Down to the Root is a documentary that enables viewers to see the situation of statelessness in the Dominican Republic. The documentary was screened on this date to mark the five years since the Constitutional Court of the Dominican Republic issued its judgement TC/0168/13 that caused the loss of Dominican nationality for thousands of Dominican people who were born there.

RED ANA, UNHCR AND OSJI: THE FIRST WORKSHOP ON STATELESSNESS IN THE USA

On November 5th in Washington, D.C., Red ANA, UNHCR, and OSJI celebrated the first workshop about statelessness in the United States and the growing challenges regarding nationality for the civil society organizations and legal clinics of the United States. The course enjoyed the participation of more than forty individuals belonging to nineteen organizations and legal clinics in various countries, dedicated to advocating for the respect and protection of the rights of stateless persons through strategic litigation at national and regional levels and the development of advocacy strategies before national and international courts. In addition, stateless persons that live in the United States and form part of the organization United Stateless also attended the workshop.

INFORMATIONAL BULLETINS AND LIST SERVERS

From January to December 2018, **5 newsletters** were published in English and Spanish. Through this tool, the Red ANA kept members of the network and the community informed about its activities.



WEB SITE

During 2018, our website www.americasns.org continued serving as a valuable resource for information about the status of the legal norms and issues surrounding statelessness in the Americas. Additionally, in 2018 we began renovating and updating the information available on the website, a process that will continue in 2019. On the website it is possible to find our newsletters, annual reports, communications and information about the network, courses, webinars, country frameworks, country news, and multimedia and information of interest from other human rights organizations that address the topic of nationality and statelessness.

NEW PUBLICATIONS ABOUT STATELESSNESS

Nationality and statelessness in the jurisprudence of the Inter-American Court of Human Rights

The Department of International Law at the OAS released the publication of the XLIV Course on International Law, which has a complete chapter dedicated to the issues of [nationality and statelessness in the jurisprudence of the Inter-American Court of Human Rights](#). It is written by Juan Ignacio Mondelli; senior regional protection officer for statelessness at UNHCR.

Investigation of Dejusticia about the children of Venezuelan parents who are born in Colombia

At the end of 2018, the organization Dejusticia launched an [investigation](#) about children of Venezuelan parents who are being born in Colombia and, due to their migratory status or lack of a residence there, could face a risk of statelessness. The investigation also shows the obstacles and difficulties these children may face in obtaining Venezuelan nationality.

Guide to helping people without proof of identity from the Open Society Foundation and Namati

The organization Open Society Foundation and Namati developed a guide entitled "[A Community-Based Practitioner's Guide: Documenting Citizenship and Other Forms of Legal Identity](#)". The guide was created in response to the growing demand faced by those civil society organizations that work directly with people and communities that suffer from a lack of citizenship or other forms of proof of legal identity.

Advocacy Guide about the right to nationality without discrimination and the fight against statelessness in the Dominican Republic from the Institute on Statelessness and Inclusion (ISI), CEJIL, Dominicanos por Derecho, RFK and RED ANA

This [advocacy guide on the policies around nationality in the Dominican Republic](#) represents a joint effort by national and international organizations to ensure that the right to a nationality reaches the highest international mechanisms including actions before the United Nations and its advocacy mechanisms. Furthermore, this publication provides a panorama of the policies in the Dominican Republic, which do not only violate the country's international obligations, but also worsen the discrimination and exclusion that Dominicans of Haitian descent face.

Statelessness for girls and boys: New publication and interactive website

The Institute on Statelessness and Inclusion (ISI) published a book and launched a [website](#) that combines games and other activities with the purpose of explaining statelessness to children. Both tools focus on the story of Neha, a stateless girl.

Statelessness in Mexico: The use of international protection as an instrument in migration policy

The Iberoamerican University in Mexico City, through its human rights program, published this detailed analysis about [the state of affairs relating to statelessness in Mexico](#). The report evidences the misuse of the legal figure around the recognition of the condition of statelessness and fills an information gap that is necessary to focus and increase the effectiveness of the efforts around the prevention and eradication of statelessness in Mexico.



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