



# THE SOUTHERN AFRICAN NATIONALITY RIGHTS INDEX



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## Introduction

The eradication of statelessness in Africa has been identified as an important objective by the African Commission and Court on Human and Peoples' Rights, by the African Union Commission, by sub-regional institutions and by individual states across the continent. This proposed draft Southern African Nationality Rights Index (SANRI) is a survey tool that compares and measures access to nationality rights in Africa by assessing law and policy on the protection of stateless people and the prevention of statelessness in the region, against international norms and good practice.

The purpose of the tool is to make data and information on statelessness in Africa more accessible for people directly affected by statelessness, government officials, academics and researchers, civil society organisations, national human rights institutions, international and regional organisations, media actors, United Nations, African Union and sub-regional institutions and agencies, and other interested stakeholders.

This data and information is intended to aid in:

- a) identifying gaps in law and policy on the protection of stateless people and the prevention of statelessness
- b) fostering dialogue on common challenges and potential solutions to improve the protection of stateless people and prevent statelessness (including best practices)
- c) enhancing advocacy on law and policy reform towards universal access to nationality rights and the eradication of statelessness in Africa

The African Union is in the process of considering its Draft Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects to the Right to a Nationality and the Eradication of Statelessness in Africa (the Draft Protocol). With Africa pioneering the way in international and regional law to better access to nationality, we hope this tool will contribute to the legacy of Africa's work on belonging, towards a more peaceful and prosperous Africa.

The survey tool is inspired by various other indices and comparative tools already available for global and regional contexts (such as the Global Citizenship Observatory - [GLOBALCIT](#) - databases on modes of acquisition and loss of nationality and the [Statelessness Index developed by the European Network on Statelessness](#)). However, the origins and manifestations of statelessness in Africa is unique to its history and current political and economic context. The SANRI is designed with this context in mind.

The current version of the tool is a first template, with the expectation that it will evolve through revision and expansion based on feedback from Southern Africa and the rest of the continent. The tool was initially piloted and tested in South Africa, The Kingdom of Eswatini and Botswana in 2020. Currently, it includes provisional results on 5 countries: South Africa, The Kingdom of Eswatini, Botswana, Zimbabwe, and Tanzania.

### The indicators

The tool uses 8 key indicators to assess and score each country:

1. RATIFICATION OF INTERNATIONAL AND REGIONAL INSTRUMENTS
2. ACCESS TO BIRTH REGISTRATION AND BIRTH CERTIFICATES
3. PREVENTION OF STATELESSNESS AT BIRTH
4. GENDER EQUALITY IN NATIONALITY LAWS AND BIRTH REGISTRATION LAWS
5. NATURALISATION
6. LOSS AND DEPRIVATION OF NATIONALITY

7. DUE PROCESS / JUST ADMINISTRATIVE ACTION IN NATIONALITY ADMINISTRATION
8. RESOLUTION OF STATUS OF PERSONS OF UNKNOWN NATIONALITY

In addition, the survey tool includes a bonus sheet, which records States pledges to ratify the international instruments, reform their laws, and take other measures to address statelessness.

For deeper study the tool can be used in tandem with the [GLOBALCIT databases](#); other important sources on Africa such as the [Citizenship Rights in Africa Initiative \(CRAI\) database](#); the African Commission Special Rapporteur's 2014 study "[The Right to a Nationality in Africa](#)" published by the ACHPR; the [African Case Law Analyser](#) of the Institute for Human Rights and Democracy in Africa; the [UNHCR REFWORLD database](#) and [resources on statelessness](#), [the ISI Database on Statelessness and Human Rights](#) and the extensive comparative studies produced by individual authors on citizenship and statelessness in Africa.

The aim is to be as inclusive and collaborative as possible with the aim to make data on citizenship more accessible, participatory, and collaborative.

This explanatory document is meant to be used as a guide when adding data and information for countries in the region. The first section explains the rationale for the various indicators for scoring. The second section explains the questionnaire and the scoring mechanism. The third section contains the provisional results for the five countries, with notes on calculating scores.

#### Acknowledgements:

The SANRI was developed and designed by Liesl H. Muller and Bronwen Manby.

This process involved comprehensive desk research and consultations with country experts, lawyers, academics and researchers, and civil society organisations.

The SANRI is maintained and hosted by [Lawyers for Human Rights \(LHR\)](#) and the [Southern African Nationality Network \(SANN\)](#). LHR is an independent, non-profit, non-governmental human rights organisation which uses the law as a positive tool for change in the public interest. The SANN, founded in 2016 and administered by LHR, is a collective of civil society organisations, individuals and networks working towards universal access to the right to a nationality and prevention of statelessness in Southern Africa.

The SANRI has been developed with financial support from the Open Society Policy Center (OSPC) and the UNHCR Regional Bureau for Southern Africa

## Indicators

### 1. Ratification of international instruments (RII)

This section measures the state's progress in terms of the extent to which it has signed and ratified the most relevant international and regional legal instruments which provide for the right to nationality, the prevention or reduction of statelessness, and the protection of stateless persons.

#### Treaties considered

1. UN Convention on the Status of Stateless Persons (1954)
2. UN Convention on the Reduction of Statelessness (1961)
3. African Continental Instruments:
  - a. African Charter on Human and Peoples' Rights (1986)
  - b. African Charter on the Rights and Welfare of the Child (1990)
  - c. Protocol to the ACHPR on the Rights of Women (2004)
4. Sub-regional instruments (Southern Africa):
  - a. SADC Protocol on the Facilitation of Movement of Persons (2005)
  - b. SADC Protocol on Gender and Development (2008)
5. Other UN instruments:
  - a. Convention on the Elimination of Racial Discrimination (1965)
  - b. International Covenant on Civil and Political Rights (1966)
  - c. Convention on the Elimination of all forms of Discrimination against Women (1979)
  - d. Convention on the Rights of the Child (1989)
  - e. Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
  - f. Convention on the Rights of Persons with Disabilities (2006)

#### Scoring

In each case, a state scores:

Ratification: 2 for ratification of the UN treaties on statelessness; 1 for ratification of all other treaties

Reservations: -1 for any reservations relevant to nationality

In addition, a state scores 1 where international treaties have direct effect. 0,5 is deducted if a dual system applies, where international treaties have direct effect in as far as it is in compliance with the states' constitution, or if courts are merely required to take into account international law when interpreting national law.

#### Sources

The researcher may take into account the following online sources to complete this sheet:

Status of UN treaties:

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

Status of African treaties:

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

Status of SADC protocols:

[https://au.int/sites/default/files/treaties/36403-treaty-protocol\\_on\\_free\\_movement\\_of\\_persons\\_in\\_africa\\_e.pdf](https://au.int/sites/default/files/treaties/36403-treaty-protocol_on_free_movement_of_persons_in_africa_e.pdf)

[https://www.sadc.int/files/9513/5292/8363/Protocol\\_on\\_Facilitation\\_of\\_Movement\\_of\\_Persons2005.pdf](https://www.sadc.int/files/9513/5292/8363/Protocol_on_Facilitation_of_Movement_of_Persons2005.pdf)

Status of international treaties in national law:

The national constitution, and any specific provision in the nationality law.

## 2. Access to birth registration (ABR)

Birth registration is the most authoritative evidence of the key facts which establish a person's nationality. Lack of access to birth registration and a birth certificate, issued as proof of such registration, is a cause of statelessness and a barrier to recognition of citizenship. This indicator records the relevant information on the rates of birth registration in the country, as well as the legal provisions regulating birth registration, including late registration, the issue of birth certificate, and any discrimination in law based on the parents' immigration status, sex or marital status. It also considers the law on access to consular registration.

### Relevant international standards on access to birth registration

Treaties:

1. African Continental Instruments
  - a. African Charter on the Rights and Welfare of the Child (ACRWC), article 6
2. Other UN instruments
  - a. Convention on the Elimination of Racial Discrimination, article 5
  - b. International Covenant on Civil and Political Rights, article 24
  - c. Convention on the Elimination of all Forms of Discrimination Against Women, article 9
  - d. Convention on the Rights of the Child, article 7.
  - e. Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, article 29
  - f. Convention on the Rights of Persons with Disabilities, article 18

Relevant resolutions and official guidance on interpretation of the treaties:

African Committee of Experts on the Rights and Welfare of the Child (ACERWC), General Comment on Article 6, section 5.2 on birth registration (paragraphs 43-82)

<https://www.acerwc.africa/general-comments/>

UNHCR, Good Practices Paper – Action 7: Ensuring birth registration for the prevention of statelessness 2017 <https://www.refworld.org/docid/5a0ac8f94.html>

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, paragraphs 20-22 on birth registration

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f23&Lang=en)

*21. The Committees urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.... Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration....*

UN CRC General comment No. 21 (2017) on children in street situations, CRC/C/GC/21, paragraph 41 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f21&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f21&Lang=en)

*41. ... As a minimum, States should ensure that free, accessible, simple and expeditious birth registration is available to all children at all ages....*

CEDAW General recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, CEDAW/C/GC/32, section V “Application of non-discrimination and gender equality to nationality determination processes and statelessness”, paragraphs 51 – 62. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en)

*56. Birth registration is also closely linked to the enjoyment by women and their children of the right to a nationality. Birth registration provides proof of a person’s identity and acquisition of nationality based either on descent (jus sanguinis) or place of birth (jus soli). In practice, indirect discrimination, cultural practices and poverty often make it impossible for mothers, especially unmarried mothers, to register their children on an equal basis as fathers. Failure to register a child’s birth may impair or nullify the child’s effective enjoyment of a range of rights, including the right to nationality, to a name and identity, to equality before the law and to recognition of legal capacity.*

CRC General Comment No. 9 (2006), The rights of children with disabilities CRC/C/GC/9, Section V.A. “Birth registration” [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f9&Lang=en)

*In the light of article 7 of the Convention, the Committee recommends that States parties adopt all appropriate measures to ensure the registration of children with disabilities at birth. Such measures should include developing and implementing an effective system of birth registration, waiving registration fees, introducing mobile registration offices and, for children who are not yet registered, providing registration units in schools. In this context, States parties should ensure that the provisions of article 7 are fully enforced in conformity with the principles of non-discrimination (art. 2) and of the best interests of the child (art. 3).*

CRPD General comment No. 1 (2014), Article 12: Equal recognition before the law, CRPD/C/GC/1 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/1&Lang=en)

*43. ... States parties must take the necessary measures to ensure that children with disabilities are registered at birth....*

There are no existing international standards on the right to registration of births with the consular authorities. In practice, however, access to consular registration may be critical to preserve the child’s right to nationality.

#### Relevant decisions of the African human rights institutions:

[Communication 002/2009, Institute for Human Rights and Development in Africa and Open Society Justice Initiative on behalf of Children of Nubian Descent in Kenya](#), African Committee of Experts on the Rights and Welfare of the Child, 22 March 2011:

*40. [...] The African Committee is of the view that the obligation of the State Party under the African Children's Charter in relation to making sure that all children are registered immediately after birth is not only limited to passing laws (and policies),<sup>11</sup> but also extends to addressing all de facto limitations and obstacles to birth registration.*

#### Scoring

Birth registration rate: 2 for more than 99 percent; 1 for more than 90 %, 0.5 for more than 75%, otherwise zero.

Birth certificate: birth registration rate reduced by one if more than 10% difference in rates.

Rate increased since last statistics available: score increased by 1

All other questions on this sheet score 1 or -1 for yes/no answers.

#### Sources

For birth registration rates: [UNICEF](#) and [UNSTATS](#) provide compilation of statistics (the UNICEF sheet is included as the last sheet within the Excel spreadsheet questionnaire, for ease of reference); these are in general derived from either the [Demographic and Health Survey program](#) or UNICEF's [Multiple Indicator Cluster Surveys](#). The DHS and MICS surveys generally also record the percentage of registered births where birth certificates were also held by the family.

For the legal provisions, the relevant law will usually be the legislation establishing civil registration, but may include a family code, general civil code, or children's code.

### 3. Prevention of statelessness at birth (PSB)

African and other international law establishes minimum legal provisions for the prevention of statelessness at birth. These standards include the presumption of nationality for children of unknown parents found in the territory, and the grant of nationality to children born in the territory who do not acquire another nationality at birth. The African Committee of Experts on the Rights and Welfare of the Child in its General Comment No.2, on Article 6 of the African Children's Charter, and the African Commission on Human and Peoples' Rights in its study on the right to a nationality and in its resolution 234 of 2013. The draft protocol to the African Charter on Human and Peoples' Rights on the specific aspects of the right to a nationality and the eradication of statelessness in Africa endorses many of these recommendations. This indicator measures the relevant state's performance in providing legal effective safeguards against statelessness at birth.

#### Relevant international standards on prevention of statelessness at birth

##### Treaties:

1. Convention on the Reduction of Statelessness, articles 1 – 4
2. African continental Instruments

- a. African Charter on the Rights and Welfare of the Child (ACRWC), article 6
- 3. Other UN Instruments:
  - a. Convention on the Elimination of Racial Discrimination, article 5
  - b. International Covenant on Civil and Political Rights, article 24
  - c. Convention on the Elimination of all Forms of Discrimination Against Women, article 9
  - d. Convention on the Rights of the Child, article 7
  - e. Convention on the Rights of Persons with Disabilities, article 18
  - f. Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, article 29
  - g. The Hague Convention on Certain Questions Relating to the Conflict of Nationality Law, League of Nations, 13 April 1930

*Article 14: A child whose parents are both unknown shall have the nationality of the country of birth. If the child's parentage is established, its nationality shall be determined by the rules applicable in cases where the parentage is known. A foundling is, until the contrary is proved, presumed to have been born on the territory of the State in which it was found.*

*Article 15: Where the nationality of a State is not acquired automatically by reason of birth on its territory, a child born on the territory of that State of parents having no nationality, or of unknown nationality, may obtain the nationality of the said State. The law of that State shall determine the conditions governing the acquisition of its nationality in such cases.*

Relevant resolutions and official guidance on interpretation of the treaties:

ACERWC General Comment on Article 6, sections 5.3 and 5.4 on the right to a nationality (paragraphs 83-101) <https://www.acerwc.africa/general-comments/>

*91. ... Although the Committee accepts that there are a variety of legal systems in place in Africa relating to the acquisition of nationality, and acknowledges the discretion of State parties to adopt rules that conform with their traditions and needs, this discretion is at the same time limited by the principles of international human rights law, including the African Children's Charter. Thus, the Committee believes that States should adopt legal and other measures to ensure that nationality is acquired by a child at birth not only on the basis of descent from a citizen without restrictions (such as limitation of transmission of nationality to one generation only for children born abroad), but also in some circumstances on the basis of birth in the territory of the State. The commitment to reduce the possibility of statelessness is an overarching obligation in the best interests of the child.*

*92. ... the Committee encourages States Parties to adopt legal provisions – already in place in many African States – that a child born in the State with one parent (either mother or father) also born in the State acquires the nationality of that State at birth.... The Committee also believes that States should adopt provisions giving children born in their territory the right to acquire nationality after a period of residence that does not require the child to wait until majority before nationality can be confirmed. Additionally, a number of African States provide for a child born in the territory of parents who are lawfully and habitually resident there to acquire nationality at birth, and the Committee regards this as best practice. Further, the Committee encourages African States to facilitate the acquisition of nationality by children who were not born in their territory but who arrived there as children and have been resident there for a substantial portion of their childhood.*

ACHPR Resolution 234 on the Right to Nationality, 2013

<https://www.achpr.org/sessions/resolutions?id=260>

UN Human Rights Council, 20<sup>th</sup> session, 2012, Resolution on the right to a nationality: women and children, A/HRC/RES/20/4: [https://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=20340](https://ap.ohchr.org/documents/alldocs.aspx?doc_id=20340)

UNHCR, Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness, 21 December 2012, HCR/GS/12/04 <https://www.refworld.org/docid/50d460c72.html>

UNHCR, Good Practices Paper – Action 2: Ensuring that no child is born stateless, 2017 <https://www.refworld.org/docid/58cfab014.html>

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, paragraphs 23-26 on the right to a nationality and safeguards against statelessness [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f23&Lang=en)

*24. While States are not obliged to grant their nationality to every child born in their territory, they are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he or she is born. ...*

*25. Nationality laws that discriminate with regard to the transmission or acquisition of nationality on the basis of prohibited grounds, including in relation to the child and/or his or her parents' race, ethnicity, religion, gender, disability and migration status, should be repealed. ...*

CEDAW General recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, CEDAW/C/GC/32, section V “Application of non-discrimination and gender equality to nationality determination processes and statelessness”, paragraphs 51 – 62.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en)

*61. Article 9(2) of the Convention requires States parties to ensure that women and men have equal rights to confer their nationality to their children. The non-fulfilment by States parties of their obligations under article 9(2) places children at risk of statelessness. Nationality laws that grant nationality through paternal descent alone infringe article 9 (2) and may render children stateless if: (a) The father is stateless; (b) The laws of the father's country do not permit him to confer nationality in certain circumstances, such as when the child is born abroad; (c) The father is unknown or not married to the mother at the time of the child's birth; (d) The father has been unable to fulfil administrative steps to confer his nationality or acquire proof of nationality for his children because, for example, he has died, has been forcibly separated from his family or cannot fulfil onerous documentation or other requirements; the The father has been unwilling to fulfil administrative steps to confer his nationality or acquire proof of nationality for his children, for example if he has abandoned the family.*

UNHCR, Good practices in nationality laws for the prevention and reduction of statelessness, November 2018, Handbook for Parliamentarians N° 29, Safeguards against childhood statelessness pp.9-14 <https://www.refworld.org/docid/5be41d524.html>

Relevant decisions of the African human rights institutions:

[Communication 002/2009, Institute for Human Rights and Development in Africa and Open Society Justice Initiative on behalf of Children of Nubian Descent in Kenya](#), African Committee of Experts on the Rights and Welfare of the Child, 22 March 2011:

42. [...] [A]s much as possible, children should have a nationality beginning from birth. [...] Moreover, by definition, a child is a person below the age of 18 (Article 2 of the African Children's Charter), and the practice of making children wait until they turn 18 years of age to apply to acquire a nationality cannot be seen as an effort on the part of the State Party to comply with its children's rights obligations.

AmCHPR Comm. 317/06: The Nubian Community in Kenya v. Republic of Kenya (2015):

146. Regarding the obligation to prevent statelessness, international law as codified in the Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, amongst others embody this principle. The latter Convention requires states to use their laws and administrative procedures to eliminate and prevent statelessness and to grant its nationality to a person born in its territory who would otherwise be stateless. [...] Although Kenya is not a party to any of the above mentioned Conventions, it is worthy to note that these conventions outline the position of international customary law on State obligations to prevent statelessness.

## Scoring

The scoring for this indicator provides 2 points to a state whose laws provide for attribution of nationality based on birth in the territory (*jus soli*). 1 point is deducted where this provision is not implemented.

It provides one point if the constitution establishes the right to a nationality, and one point also for grant of nationality to the second generation born in the territory (double *jus soli*), or if the child of a permanent resident or other immigration status is attributed nationality at birth. One point is awarded if nationality is automatically attributed to a person born in the country if they remain there until majority; and half a point if this is on application only.

Grant of nationality to a child born in the territory who is otherwise stateless scores two points, but one is deducted if this is not implemented in practice (eg no regulations have been adopted to provide procedures). The presumption of nationality for foundlings scores one, but reduced by 0,5 if it is restricted to new-born infants and another 0,5 if nationality recognised on this basis may be withdrawn with no protection against statelessness.

Grant of nationality on adoption scores one if it is automatic with the adoption order, 0,5 if a separate application is required.

Nationality derived from parents scores one if there is no discrimination based on the sex of the parent, and 0,5 if there is discrimination. There are separate entries for children born in or outside of the territory.

## Sources

In almost all cases the source to answer the questions on this sheet will be the nationality code / citizenship act.

However, especially in case of complex provisions it can be helpful to compare against the interpretation of the law recorded in:

- The GLOBALCIT database on modes of acquisition of citizenship, available at: <https://globalcit.eu/acquisition-citizenship/>
- The tables in Bronwen Manby 'Citizenship Law in Africa: A Comparative Study' Open Society Foundations' 3rd edn 2016 available at <http://citizenshiprightsafrika.org/citizenship-law-in-africa-3rd-edition/>

### 4. Gender equality in nationality laws and birth registration law (GEL)

Discrimination in transmission of nationality based on sex is one of the most common causes of statelessness. There are five questions for this indicator, considering whether there is a general constitutional prohibition on discrimination based on sex, equality in the right to transmit nationality to children (natural and adopted) and to spouses, and discrimination in the provisions for mothers and fathers to register the birth of a child (subject only to proof of parentage, where relevant).

These questions are already addressed in the previous two indicators that consider birth registration and prevention of statelessness at birth generally; but this indicator pulls out the specific area where gender discrimination is likely to occur.

The questions on equal rights to transmit to children and to register a birth also request that information is recorded in the comment column relating to discrimination based on nature of the discrimination, including the rights of different parents in case of birth in or out of wedlock.

### Relevant international standards on gender equality in nationality law

#### Treaties:

1. African Continental Instruments:
  - a. African Charter on Human and Peoples' Rights, Article 2
  - b. ACHPR Protocol on the Rights of Women in Africa
2. Sub-regional instruments (Southern Africa):

SADC Protocol on Gender and Development adopted in 2008 Articles 6 & 8
3. Other UN Instruments:

Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Article 9.

#### Relevant resolutions and official guidance on interpretation of the treaties:

UN Human Rights Council, 20<sup>th</sup> session, Resolution on the right to a nationality: women and children, A/HRC/RES/20/4: [https://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=20340](https://ap.ohchr.org/documents/alldocs.aspx?doc_id=20340)

UNHCR, Good Practices Paper - Action 3: Removing Gender Discrimination from Nationality Laws, available at: <https://www.refworld.org/docid/54f8377d4.html>

UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2020: <https://www.refworld.org/docid/5f0d7b934.html>

CEDAW General recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, CEDAW/C/GC/32, section V “Application of non-discrimination and gender equality to nationality determination processes and statelessness”, paragraphs 51 – 62.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en)

UNHCR, Good practices in nationality laws for the prevention and reduction of statelessness, November 2018, Handbook for Parliamentarians N° 29, Gender equality in nationality laws pp.15-19

<https://www.refworld.org/docid/5be41d524.html>

## Scoring

Scoring for this indicator is a simple one or zero for each question yes or no.

## Sources

The sources to answer the questions on this sheet will be the nationality code / citizenship act or the civil registration law.

However, especially in case of complex provisions, it can be helpful to compare against the interpretation of the law recorded in:

- The GLOBALCIT database on modes of acquisition of citizenship, available at: <https://globalcit.eu/acquisition-citizenship/>
- The tables in Bronwen Manby ‘Citizenship Law in Africa: A Comparative Study’ Open Society Foundations’ 3rd edn 2016 available at <http://citizenshiprightsafrika.org/citizenship-law-in-africa-3rd-edition/>

## 5. Naturalisation (NAT)

Lack of access to naturalisation is a cause of statelessness, especially in countries that have no rights to nationality based on birth in the territory, where many adults hold no documentation recording their nationality, and where birth registration rates are low. Access to naturalisation is particularly important for (long-term) refugees and for stateless persons – and the UN Convention on Refugees and Stateless Persons provide that naturalisation should be facilitated in both cases.

This indicator considers the legal provisions on access to naturalisation based on marriage and based on long residence, and facilitation for refugees and stateless persons. It also considers the protections against statelessness that are in place in case a person is required to renounce any other nationality, for the children of those who naturalise, and for the children born after a parent has naturalised. Any special efforts to facilitate access to naturalisation are considered under indicator 8.

### Relevant international standards on naturalisation

#### Treaties:

1. UN Convention relating to the Status of Stateless Persons, 1954, Article 32
2. Other UN instruments:
  - a. UN Convention relating to the Status of Refugees, 1951, Article 34
  - b. The Hague Convention on Certain Questions Relating to the Conflict of Nationality Law, League of Nations, 13 April 1930

*Article 13: Naturalisation of the parents shall confer on such of their children as, according to its law, are minors the nationality of the State by which the naturalisation is granted. In such case the law of that State may specify the conditions governing the acquisition of its nationality by the minor children as a result of the naturalisation of the parents. In cases where minor children do not acquire the nationality of their parents as the result of the naturalisation of the latter, they shall retain their existing nationality.*

Relevant resolutions and official guidance on interpretation of the treaties:

UNHCR & Inter-Parliamentary Union, Good practices in nationality laws for the prevention and reduction of statelessness, November 2018, Handbook for Parliamentarians N° 29, Statelessness determination procedures and facilitated naturalization pp.20-24  
<https://www.refworld.org/docid/5be41d524.html>

See also relevant international standards under indicator 8.

### Scoring

One point is awarded if naturalisation is facilitated based on marriage, with 0,5 deducted if there is gender discrimination.

One point is awarded if the minimum period for residence-based naturalisation is 10 years or less (the period proposed in the draft protocol on nationality adopted by the ACmHPR), 0,5 if between 10 & 15, and no points if more than 15 years. A point is deducted if there are no exceptions for stateless persons or persons of undocumented nationality in case of any other conditions.

Two points are awarded if there is facilitated naturalisation for refugees and stateless persons, and one point if the law specifically provides that refugees or stateless persons are able to naturalise; one point is deducted in case naturalisation is more difficult or specifically excluded for refugees or stateless persons.

A point is deducted if there is no protection against statelessness in case a person is required to renounce another nationality.

Finally, a point is awarded in case a state regularly publishes data about acquisition of nationality by marriage or naturalisation.

### Sources

The sources to answer the questions on this sheet will be the nationality code / citizenship act; and immigration or refugee laws may also be relevant.

## 6. Loss or deprivation of nationality (LDN)

This indicator considers the formal legal provisions for loss and deprivation of nationality. Arbitrary denial of nationality is rather considered under indicator 7, which looks at implementation of the law in practice.

The most detailed international guidance on loss and deprivation of nationality is provided by the 1961 Convention on the Reduction of Statelessness (which uses 'loss' to mean withdrawal of nationality that is automatic, by operation of law; and 'deprivation' to mean withdrawal that is initiated by an act of the executive branch). These standards must now be interpreted in light of later human rights law – as set out in UNHCR's Guidelines on Statelessness No.5, on Loss and Deprivation of Nationality.

Neither loss nor deprivation of nationality should result in statelessness. One of the most common ways in which loss of nationality can result in statelessness is when dual nationality is not permitted, even for a person who is born with two nationalities (for example, because the parents have different nationalities). Whether this is applied to children, or only on attaining majority, a person may be left stateless if there is a presumption that another nationality has been acquired but there is no verification that the other state recognises the nationality of the person in practice.

## Relevant international standards on loss and deprivation of nationality

### Treaties:

1. UN Convention on the Reduction of Statelessness, 1961, Articles 5 – 9

### Relevant resolutions and official guidance on interpretation of the treaties:

Universal Declaration of Human Rights, 1948, Article 15

UNHCR, Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness, 2020, HCR/GS/20/05

<https://www.refworld.org/docid/5ec5640c4.html>

UN Human Rights Council, Human rights and arbitrary deprivation of nationality : resolution, 15 July 2016, A/HRC/RES/32/5: <https://www.refworld.org/docid/57e3dc204.html>

(previous resolutions and reports available at:

<https://www.ohchr.org/EN/Issues/Pages/Nationality.aspx>)

### Relevant decisions of the African human rights institutions:

#### [ACmHPR Comm 97 93 14AR John K Modise v. Botswana:](#)

*89. John Mod'se's father was a Tswana at the time of independence, 30th September 1966 and his son, the Complainant not having been shown to have any other citizenship, acquired Botswana citizenship by virtue of Section 20(2) of the Constitution of Botswana in force at the time. The denial of this right is in violation of Articles 3(2) and 5 of the Charter, which provides: "Every individual shall be entitled to equal protection of the law". Article 5 on the other hand provides: "Every individual shall have the right to the respect ...to the recognition of his legal status".*

#### ACHPR Comm. 317/06: The Nubian Community in Kenya v. Republic of Kenya (2015):

*146. Regarding the obligation to prevent statelessness, international law as codified in the Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, amongst others embody this principle. [...] The latter Convention ... provides that, with limited exceptions, parties to the Convention "shall not deprive a person of his nationality if such deprivation would render him stateless". Although Kenya is not a party to any of the above mentioned Conventions, it is worthy to note that these conventions outline the position of international customary law on State obligations to prevent statelessness*

#### Anudo Ochieng Anudo v. United Republic of Tanzania, App. No. 012/2015, African Court on Human and Peoples' Rights, Judgement of 28 March 2018:

*76. The Court notes that neither the Charter nor the ICCPR contains an Article that deals specifically with the right to nationality. However, the Universal Declaration of Human Rights which is recognized as forming part of Customary International Law provides*

*under Article 15 thereof that: "(1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality" he... ". [...]*

*78. ... the power to deprive a person of his or her nationality has to be exercised in accordance with international standards, to avoid the risk of statelessness.[...]*

Robert John Penessis v. United Republic of Tanzania, App. No. 013/2015, judgement of 28 November 2019:

*88. The Court further notes that a person's arbitrary denial of his/her right to nationality is incompatible with the right to human dignity, reason for which international human instruments, including the Charter, provide "that "Everyone shall have the right to have his legal status recognized everywhere", and international law requires States to take all necessary measures to avoid situations of statelessness.*

## Scoring

The scoring for loss and deprivation of nationality is almost all negative. The best score for most questions is zero, meaning that no risk of statelessness is created. Where automatic loss is possible for citizens by birth a point is lost. An additional 0.5 is lost if there is no verification of the existence of another nationality, where nationality is lost because of such alleged nationality in another country.

The only positive score is if dual nationality is permitted for those born with two nationalities.

## Sources

The source to answer these questions will be the nationality law / citizenship act.

### 7. Due process in nationality decisions (DPN)

The right to due process is enshrined in many international and African human rights instruments. In both cases, it is considered that arbitrary denial of nationality, in case of a person previously recognised as a national, constitutes arbitrary deprivation.

The African Commission has held that Article 7(1) of the African Charter on the right to have a cause heard applies to cases of deprivation or denial of nationality, and to a resulting deportation. The African Court on Human and People's Rights has affirmed the views of the African Commission, and that the prohibition of arbitrary deprivation of nationality under Article 15 of the Universal Declaration of Human Rights is part of customary international law.

The questions for this indicator ask whether the constitution establishes the right not to be arbitrarily deprived of nationality, the right to due process in administrative decisions, and the right to court review of decisions by the executive branch.

In relation to the nationality law, they ask specifically whether administrative decisions must be reasoned and notified to the person concerned in writing, and whether the affected person has the right to make representations before loss or deprivation of citizenship takes effect.

In relation to administrative or judicial review of a decision, the questionnaire asks whether the fact that a person holds a document recording nationality is prima facie evidence that he or she is in fact a national, whether there is an administrative review, and the availability of appeal to national human rights institutions or the courts, and to legal assistance.

## Relevant international standards on due process

### Treaties:

1. African continental instruments:
  - African Charter on Human and Peoples' Rights (ACHPR), Articles 3, 5 and 7
2. Other UN instruments:
  - a. International Covenant on Civil and Political Rights (ICCPR), Article 14.
  - b. Convention on the Rights of the Child (CRC), Article 12.
  - c. Convention on the Protection of the Rights of All Migrant Workers and Their Families (CMW), Article 18
  - d. Convention on the Rights of Persons with Disabilities (CRPD), Article 13

### Relevant resolutions and official guidance on interpretation of the treaties:

UNHCR, Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness, 2020, HCR/GS/20/05 <https://www.refworld.org/docid/5ec5640c4.html>

UN Human Rights Council, Human rights and arbitrary deprivation of nationality : resolution, 15 July 2016, A/HRC/RES/32/5: <https://www.refworld.org/docid/57e3dc204.html>  
(previous resolutions and reports available at: <https://www.ohchr.org/EN/Issues/Pages/Nationality.aspx>)

ACmHPR Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003 <https://www.achpr.org/legalinstruments/detail?id=38>

Human Rights Committee, General comment no. 35, Article 9 (Liberty and security of the person), 2014, CCPR/C/GC/35: <https://www.refworld.org/docid/553e0f984.html>

*12. The notion of "arbitrariness" is not to be equated with "against the law", but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.*

UNHCR, Handbook on Protection of Stateless Persons, 2014, section D, Assessment of evidence, paragraphs 83 – 107 : <https://www.refworld.org/docid/53b676aa4.html>

### Relevant decisions of the African human rights institutions:

[ACmHPR, 212/98 : Amnesty International v. Zambia](#) (2000)

*46. John Lyson Chinula was ... not given any opportunity to contest the deportation order. [...] He was entitled to have his case heard in the Courts of Zambia. Zambia has violated Article 7 of the Charter.*

[ACmHPR Comm. 317/06: The Nubian Community in Kenya v. Republic of Kenya](#) (2015):

*149. Regarding the prohibition of discrimination, the Commission recalls that States may not discriminate in law or in practice when providing people with or depriving them of nationality. The Commission has already established in its assessment of Articles 2 and 3 above, that the practice of requiring members of the Nubian community, simply because of their ethnic and religious affiliations, to meet different and more burdensome requirements in order to obtain identity documents is discriminatory and places them in a situation of extreme vulnerability as regards the*

*exercise and enjoyment of their rights. [...]151. By failing to take measures to prevent members of the Nubian Community from becoming stateless and by failing to put in place fair processes, devoid of discrimination and arbitrariness for the acquisition of identity documents, the Commission considers that Kenya has failed to recognize the legal status of Nubians, in violation of Article 5 of the Charter.*

Anudo Ochieng Anudo v. United Republic of Tanzania, App. No. 012/2015, African Court on Human and Peoples' Rights, Judgement of 28 March 2018

*80. ... It is the opinion of the Court that, since the Respondent State is contesting the App'licant's nationality held since his birth on the basis of legal documents established by the Respondent State itself, the burden is on the Respondent state to prove the contrary.*

*112. The Court notes that the African Commission on Human and peoples, Rights has held that in matters of deprivation of nationality, the Stat" has "the obligation to offer the individual the opportunity to challenge the de"ision" and is of the opinion that the State should conduct a judicial enquiry in the proper form in accordance with national legislation.*

Robert John Penessis v. United Republic of Tanzania, App. No. 013/2015, judgement of 28 November 2019:

*96. The Court notes that, in view of the foregoing, the Applicant who alleges that he holds a certain nationality bears the onus to prove so. Once he has discharged the duty prima facie, the burden shifts to the Respondent State to prove otherwise.*

Other relevant decisions of the African human rights institutions:

*African Commission on Human and Peoples' Rights:*

Communications Nos. 27/89, 49/91 and 99/93, Organisation Mondiale Contre la Torture and Others v. Rwanda (1996)

Communication No.71/92, Rencontre Africain pour la Défense des Droits de l'Homme v. Zambia (1996)

Communication No.159/96, Union Interafricaine des Droits de l'Homme and Others v. Angola (1997)  
54/91-61/91-96/93-98/93-164/97\_196/97-210/98, Malawi Africa Association and others v. Mauritania (2000)

Communication 211/98, Legal Resources Foundation v. Zambia (2001)

Communication No. 249/02, Institute for Human Rights and Development in Africa (on behalf of Sierra Leonean refugees in Guinea) v. Republic of Guinea (2004)

Communication 292/2004, Institute for Human Rights and Development in Africa v. Angola (2008)

Communication No.246/02, Mouvement ivoirien des droits humains (MIDH) v. Côte d'Ivoire (2008)

Communication No.262/02, Mouvement ivoirien des droits humains (MIDH) v. Côte d'Ivoire (2008)

Communication No.313/05, Kenneth Good v. Republic of Botswana (2009)

Communication No.318/06, Open Society Justice Initiative v. Cote d'Ivoire (2015)

*African Committee of Experts on the Rights and Welfare of the Child:*

Communication 005/Com/001/2015, African Centre of Justice and Peace Studies (ACJPS) and People's Legal Aid Centre (PLACE) v. the Government of Republic of Sudan (2018)

*African Court on Human and Peoples' Rights:*

Application 017/2015, Kennedy Gihana & Others v. Republic of Rwanda (2019)

## Scoring

Scoring is generally a simple one or zero for a yes or no answer to the question.

## Sources

The relevant sources to answer these questions include the constitution, the nationality law / citizenship act, and laws regulating the issue of passports or identity documents.

### 8. Resolution of status of persons of unknown nationality (RUN)

This indicator considers, first, the existence of procedures to determine nationality of children and adults whose nationality is currently unknown (whether through recognition of existing nationality or naturalisation in the state of residence, or recognition of a different nationality); and secondly, the establishment of a statelessness determination procedure and protection of stateless persons. The indicator thus places greater weight on the determination of a person's nationality, with protection as a stateless person proposed only if nationality cannot be determined or granted, and as a temporary status, pending resolution of nationality.

The indicator recognises as best practice the legal provision in several states in Africa for recognition by a court of a person's 'apparent status' as a national, where nationality is undocumented by a person has always acted and been treated as a national.

The indicator also recognises special efforts that are made by states to identify populations that are stateless or at risk of statelessness and resolve their status.

### Relevant international standards on resolution of undetermined nationality and protection of stateless persons

#### Treaties:

1. Convention relating to the Status of Stateless Persons, 1954
2. Convention on the Reduction of Statelessness 1961, Article 2 (foundlings)
3. Other UN Instruments:
  - a. UN Convention on the Rights of the Child: Article 8 (preservation of identity)
  - b. The Hague Convention on Certain Questions Relating to the Conflict of Nationality Law, League of Nations, Articles 14 & 15 (foundlings and children whose parents are stateless or of unknown nationality)

#### Relevant resolutions and official guidance on interpretation of the treaties:

UN CRC General Comment No. 6 (2005), Treatment of unaccompanied and separated children outside their country of origin CRC/GC/2005/61

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2005%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2005%2f6&Lang=en)

*20. A determination of what is in the best interests of the child requires a clear and comprehensive assessment of the child's identity, including her or his nationality, upbringing, ethnic, cultural and linguistic background, particular vulnerabilities and protection needs. Consequently, allowing the child access to the territory is a prerequisite to this initial assessment process. The assessment process should be carried out in a friendly and safe atmosphere by qualified professionals who are trained in age and gender-sensitive interviewing techniques.*

UNHCR, Handbook on protection of stateless persons, 2014: [www.refworld.org/docid/53b676aa4.html](http://www.refworld.org/docid/53b676aa4.html)

UNHCR & Inter-Parliamentary Union, Good practices in nationality laws for the prevention and reduction of statelessness, 2018, Handbook for Parliamentarians N° 29, Statelessness determination procedures and facilitated naturalization pp.20-24 <https://www.refworld.org/docid/5be41d524.html>

UNHCR, Good Practices –aper - Action 1: Resolving Existing Major Situations of Statelessness, 2015, available at: <https://www.refworld.org/docid/54e75a244.html>

UNHCR, Good Practices Paper – Action 6: Establishing Statelessness Determination Procedures to Protect Stateless Persons, 2020: <https://www.refworld.org/docid/5f203d0e4.html>

UNHCR, Statelessness determination procedures, Identifying and protecting stateless persons, 2014: <https://www.refworld.org/docid/5412a7be4.html>

### Scoring

Two points are awarded in each case if there are procedures to ensure issue of nationality documentation to children of unknown parents (foundlings) and children of parents who are stateless or of unknown nationality or who cannot transmit nationality to their children (so the child is “otherwise stateless”).

Similarly, two points are awarded if the state has a procedure to determine nationality in case of a person ordinarily resident in the territory whose nationality is unknown; in this context, two points are also awarded if the state recognises the presumption of citizenship of a person who has always been treated as a national by the state (the idea of the “apparent status” of a person – or *possession d’état* in the territories whose procedures are informed by French law).

Two points are awarded for special initiatives to identify and resolve the nationality status of those of unknown nationality in the territory.

Two points are awarded if there is a statelessness determination procedure in place, with additional points for the protection of stateless persons recognised by such a procedure. One point is awarded if the state has a time limit to immigration detention and another one point if there is a procedure to ensure stateless persons are released from detention (eg by referral to a statelessness determination procedure).

### Sources

The sources required to answer the questions in this section will include nationality code / citizenship act, as well as legislation on civil registration, identification and the protection of children. In addition, there will be a need to consult UNHCR and media reporting, as well as parliamentary debates and reports, and case law.

### Bonus – Pledges towards improved access to nationality rights

The Index includes a bonus sheet recording pledges that States have made to address statelessness, including ratification of the relevant conventions, law and policy reform, and special initiatives to resolve the status of populations that are stateless or at risk of statelessness.

Guidance on acceding to the UN statelessness conventions (including model laws) is provided in :

UNHCR, Nationality and Statelessness: Handbook for Parliamentarians N° 22, July 2014:  
<https://www.refworld.org/docid/53d0a0974.html>

### Scoring

Each pledge scores one point. This score is not added to the total for the index, but recorded separately.

### Sources

1. For state pledges in 2019: [See pledges at https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/](https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/)
2. For state pledges in 2011: <https://www.unhcr.org/commemorations/Pledges2011-preview-compilation-analysis.pdf>
3. For state pledges at the Global Refugee Forum 2019: <https://globalcompactrefugees.org/channel/pledges-contributions>

## The questionnaire

The questionnaire is in Excel spreadsheet form, shared as an annexure to this Guide.

## Calculating results

The state under review is allocated a score according to each of the indicators, as well as an overall score. Scores are then divided into four levels of progress/scores, namely:

- 75 – 100 %** Mostly positive, with generally minor issues to be addressed for an improved score.
- 50 – 74%** Somewhat positive, but with significant room for improvement.
- 25 – 49%** Somewhat negative, with some redeeming factors, but much left to be addressed.
- 0 – 24%** Mostly negative, this score indicates an ineffective national legal and policy framework to ensure the right to nationality is respected and statelessness avoided. Significant improvement is necessary to meet international obligations.

The Excel spreadsheet makes provision for the automatic calculation of the scores for each indicator, and also provides a sheet that automatically creates a table comparing the scores for each indicator and for the questionnaire as a whole. The scores are automatically colour coded according to the scheme above. See below an example of a **hypothetical** outcome.

	Indicator	IND	Score available	Score achieved	%
1	Ratification of international instruments	RII	17,5	10,5	60
2	Access to birth registration	ABR	16	8	50
3	Prevention of statelessness at birth	PSB	15	4,5	30
4	Gender equality in nationality law and birth registration	GEL	5	4	80
5	Naturalisation	NAT	8	2,5	31,25
6	Loss and deprivation of nationality	LDN	1	0	0
7	Due process in nationality decisions	DPN	8	2,5	31,25
8	Resolution of unknown nationality and protection of stateless persons	RUN	17	1	5,88
9	Pledges	Bonus	0	2	
	<b>Total</b>		<b>87,5</b>	<b>35</b>	<b>40</b>

## Three pilot countries and their results

In order to guide and test the questionnaire and the relevance of the results, three countries in Southern Africa were surveyed and used as a pilot in the design process. These are South Africa, The Kingdom of Eswatini and Botswana. As the basis for the results, the authors conducted desk research on each country and consultations with country experts, lawyers, academics and researchers,

and civil society organisations that provided inputs and comments. Additional research and consultations were also conducted on Tanzania and Zimbabwe.

The last sheet in the Excel spreadsheet aggregates the scores as they currently stand for each of the countries. Further annexures contain the initial results and content summaries for the five countries. The results must be seen as provisional at this point. The information available to answer the questions may be supplemented in consultation with national stakeholders, and the scoring system itself may yet be refined after further consultation with national and regional experts.

The provisional results for all five the countries are intended to be circulated to government statelessness focals and presented to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) as well as the African Commission on Human and Peoples' Rights' (ACHPR) Special Rapporteur for comment, input and possible endorsement.

## Notes on future use

Should any other organisation, institution, agency, or department choose to use this model survey tool to gather data in an African country using this tool, it is invited to collaborate with the commissioning organisation that maintains and hosts the online database i.e. LHR. Collaboration in the sense that you may seek guidance as to which research has already been done and which lessons have been learnt. LHR may also put you in touch with researchers who have gone through the processes and have gained experience on best practices. Your results may be provided to the LHR in order for it to be included in both raw and shortened summary form for ease of online comparison on the website.

The tool itself remains the intellectual property of the authors, however the use of the tool is available for non-exclusive use by other users. Any research results gathered and shared with LHR will be acknowledged as such to ensure transparency.

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