





## INTRODUCTION

The COVID-19 pandemic and state responses to it have had a significant negative impact on the lives, wellbeing, and rights of the approximately 15 million stateless people around the world who have been denied a nationality, as well as tens of millions whose nationality is at risk. Globally, the devastating impacts of exclusion and denial of fundamental rights, including healthcare, during the pandemic relate to much deeper structural problems - the historic and systemic exclusion, deprivation and marginalisation of communities that have been made stateless as part of wider discriminatory political acts, or pursuant to dominant, discriminatory ideologies. COVID-19 has shone a light on these challenges and also presents a unique opportunity to raise visibility, address the structural causes of statelessness, and secure lasting change, through working directly with stateless people and being accountable to them. The same is true for Central Asia, where the pandemic has further brought to light the acute human rights deprivations endured by those who lost their citizenship as a result of the dissolution of the Soviet Union in 1991.



This publication is an extract of the global report, Together We Can:
The COVID-19 Impact on Stateless People & a Roadmap for Change, 1 published in June 2021 by the COVID-19 Emergency Statelessness Fund

(CESF) Consortium,2

a global consortium of NGOs and citizenship rights activists, initiated by the Institute on Statelessness and Inclusion (ISI) in June 2020 to respond to the impact of COVID-19 on stateless populations. It focuses on the situation in **Central Asia**, by presenting the Central Asia chapter of the global report, along with the **key thematic findings** and a practical 3-step **Roadmap for Change**, which

provides a framework for resolving and addressing the structural discrimination and exclusion of stateless people, during times of COVID-19 and beyond.

The Together We Can global report is grounded in the experiences and expertise of Consortium members drawing on a mix of desk research and findings from research-based action advocacy projects being implemented by CESF consortium members in 13 countries. In addition to documenting challenges, the report identifies emerging positive practice and concrete examples from the CESF project countries. It also draws on information from other countries, solicited through an open call for information which ISI shared with partners, regular tracking of news and information on COVID-19 and statelessness by the ISI team, as published in ISI Monthly Bulletins,3 interviews and conversations with relevant partners, and dedicated desk-based research conducted for this report. All desk research reflects public information available at the time of writing. While we have made efforts to verify the ongoing nature of practices identified, this was not always possible, and we welcome any updates or corrections from relevant stakeholders. All information is up to date as of 25 May 2021.

#### ACRONYMS

CANS – Central Asia Network on Statelessness CESF – COVID-19 Emergency Statelessness Fund COVID-19 – Corona Virus Disease 2019 FVLWB - Ferghana Valley Lawyers Without

Borders Association
NGO – Non-governmental Organisation

UN - United Nations

UNHCR – United Nations High Commissioner for Refugees

USSR - Union of the Soviet Socialist Republics

INJUSTICE. INEQUALITY, AND EXCLUSION DRIVE AND PERPETUATE THE MARGINALISATION OF **VULNERABLE AND STIGMATISED POPULATIONS. INCLUDING STATELESS COMMUNITIES.** THESE FACTORS HAVE LED TO DEVASTATING **CONSEQUENCES DURING THE COVID-19** PANDEMIC, AS STATELESS PEOPLE, THE **MAJORITY OF WHOM LIVE IN POVERTY, ARE FORCED TO WORK IN UNSAFE ENVIRONMENTS** WITHOUT ACCESS TO HEALTH CARE, TESTING OR VACCINES. ALL OF US IN THE PUBLIC HEALTH AND HUMAN RIGHTS COMMUNITY HAVE A **DUTY TO PROTECT THE RIGHT TO HEALTH CARE** FOR ALL POPULATIONS. IRRESPECTIVE OF THEIR CITIZENSHIP OR IMMIGRATION STATUS. THUS, IT IS CRUCIAL THAT WE UNDERSTAND AND RESPOND TO THE WAYS IN WHICH THE PANDEMIC HAS AGGRAVATED THE ALREADY **GRAVE STATELESSNESS CRISIS. THIS REPORT** AND ROADMAP PROVIDE AN EXCELLENT **GUIDE TO MORE INCLUSIVE APPROACHES TO** ADDRESSING THE CRISIS INCUMBENT ON **MULTIPLE STAKEHOLDERS. AND THEY ARE AN** IMPORTANT STARTING POINT FOR ALL HEALTH AND HUMAN RIGHTS ACTORS DEDICATED TO AN EOUITABLE. INCLUSIVE. AND EFFECTIVE RESPONSE TO THE PANDEMIC.

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## **CENTRAL ASIA**

"In the context of a severe economic crisis aggravated by a pandemic and subsequent isolation both at the country level and at the level of the individual, each state tries to focus, first of all, on the needs of its citizens, and this is a reality that is reflected in the actions of governments. But the experiences of the pandemic have shown that, first of all, in order to effectively ensure human rights on the one hand, while combatting the pandemic and improve the situation on the other, each country needs measures aimed at creating an equitable mechanism for distributing equal assistance to everyone, regardless of the status of people."

UNHCR Nansen Award Laureate,

Coordinator of Central Asian Network on Statelessness, Azizbek Ashurov

The dissolution of the Soviet Union in 1991 and consequent independence of the five Central Asian states led to an increase in migration and large-scale statelessness. After its dissolution, 280 million people lost their citizenship including 60 million in Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan and Uzbekistan. The statelessness problem in the region is largely a result of state succession with thousands left stateless or with undetermined nationality after failing to acquire the nationality of the states with which they had ties through birth, decent or habitual residence. Also impacted were labour migrants, who, on trying to move back to their ethnic homelands were no longer considered citizens as they left these homelands when they were citizens of Soviet Russia with Soviet documentation and therefore were not considered citizens of / did not hold documentation of the territories as they were re-formed to be.5

Those with nationality issues in Central Asia have faced significant hurdles during the COV-ID-19 pandemic. They were excluded from relief measures, as governments adopted a citizens first approach.

### RIGHT TO NATIONALITY, DOCUMENTATION AND LEGAL STATUS

The imposed COVID-19 measures in Kazakhstan, Kyrgyzstan and Uzbekistan were introduced via states of emergency. This affected the public documentation system, leading to the closure or significant reduction of civil registration services in some regions. As a result of actions of the civil sector and foreign consular offices, positive steps were taken in Kazakhstan<sup>6</sup> and Kyrgyzstan<sup>7</sup> where measures were taken to simplify the registration of foreigners (including stateless, undocumented persons and those with underdetermined nationality etc.), exempting them from renewing registration during quarantine.

#### **RIGHT TO HEALTH**

While the stateless, undocumented or those with undetermined nationality issues with resident status do have access to medical services if they have health insurance, the cost of medical services and products have risen significantly. They tend to work in the informal sector with a low income, the cost of healthcare was already a barrier to access pre-COVID-19. The lack of documentation excludes many from accessing health services except in emergencies.

Even in emergencies, all follow-up medical care is inaccessible. This has remained the same during COVID-19 despite the increased need for access to medical services and the likelihood of prolonged healthcare needs. Kazakhstani legislation does provide foreigners and stateless persons access to free medical care when afflicted with acute diseases which pose a threat to others.8 Plans for universal vaccination in Central Asian countries have not vet been approved. Many people in Central Asia who have nationality issues are not currently included in the vaccination plan in Kazakhstan, Kyrgyzstan and Tajikistan, with civil society groups dedicating their focus to strengthen such campaigns. It is encouraging that the governments of Turkmenistan and Uzbekistan have already included asylum seekers, refugees and stateless people in their national vaccination plans against COV-ID-19 on an equal basis with citizens.9

#### **SOCIO-ECONOMIC RIGHTS**

Exclusion from Emergency Relief: Due to a combination of deep-rooted structural discrimination, a lack of awareness and administrative problems, those without documentation are excluded from relief measures, including UN initiatives carried out via government bodies. Throughout the pandemic, governments have adopted a citizens first approach, excluding the stateless, those at risk of statelessness, the undocumented and those with underdetermined nationality from all forms of government help including food and financial support, protective measures, medical tests, social services and economic stimulus packages. Governments have not defined the categories of people who may need additional support during the pandemic and therefore by default, such support has been provided only to those who already benefit from social support, including for example, the disabled.

Central Asian states have set up various programmes to prevent the spread of COVID-19, but many with nationality issues have been excluded. Governments provided educational materials and tools for children of vulnerable groups when schools switched to distance learning models, but the children of stateless people were excluded. An exception should be noted in Uzbekistan, where low-income stateless families were also included. Stateless and undocumented people have generally received some assistance from NGOs in the form of legal advice, small grants and sanitary supplies.

THIS CHAPTER LOOKS MORE CLOSELY AT RIGHT TO NATIONALITY, DOCUMENTATION AND LEGAL STATUS; RIGHT TO HEALTH AND SOCIO-ECONOMIC RIGHTS, AND MAKES THE FOLLOWING CALL TO ACTION TO RELEVANT GOVERNMENTS AND OTHER RELEVANT STAKEHOLDERS:

ENSURE EQUAL ACCESS TO HEALTH CARE FOR ALL THOSE WITH NATIONALITY ISSUES AND EQUAL ACCESS TO SOCIAL SUPPORT PRO-GRAMMES IN RESPONSE TO COVID 19.

IMPROVE STATELESSNESS DETERMINATION PROCEDURES TO EFFECTIVELY IDENTIFY AND DOCUMENT STATELESS PEOPLE. IN THE CASE OF KYRGYZSTAN, DEVELOP A STATELESSNESS DETERMINATION PROCEDURE TO LEGALISE STATUS AND ENSURE RIGHTS.

ENSURE FULL AND EQUAL ACCESS TO ALL STATELESS AND UNDOCUMENTED PEOPLE AND THOSE WITH UNDETERMINED NATIONALITY IN COVID-19 VACCINATION PROGRAMMES.

INTRODUCE PROVISIONS IN HEALTH LAWS THAT ENSURE THAT STATELESS AND UNDOCUMENTED PEOPLE AND THOSE WITH UNDETERMINED NATIONALITY ARE GUARANTEED FREE MEDICAL CARE ON AN EQUAL BASIS WITH CITIZENS AND REFUGEES.

Lost Livelihoods: As a result of COVID-19, those with nationality issues have been cast into an even more precarious economic situation. Lack of formal documentation means they do not have work permits and cannot access formal employment. They are more likely to work in the informal economy in construction, factories, public markets, agriculture etc. Due to lock-downs and quarantines, many lost their jobs, severely impacting their livelihoods and quality of life. Further, working in the informal economy precludes access to state benefits and support.

#### STATELESSNESS AND THE RIGHT TO NATIONALITY IN CENTRAL ASIA

The primary mode of acquisition of citizenship in all Central Asian states is by descent. In Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan, a child born to stateless parents automatically acquires citizenship at birth, if the parents have permanent residence status.10 In Tajikistan, a child born to stateless parents on Tajik territory will acquire citizenship regardless of the parents' residence status. Tajikistan is also the only state in the region to safeguard against statelessness in cases where a child is born to foreign parents, who cannot confer their nationality to the child.11 In all five states, citizenship is automatically acquired by a child found in the state territory with unknown parents. 12 Citizens of the former USSR who have not yet acquired the citizenship of the Central Asian states, can access procedures to acquire nationality through restoration (determination).13 This procedure is similar to naturalisation, requiring an application and presidential approval. In Kyrgyzstan, the procedure is further simplified and falls under the competency of local citizenship determination commissions. Below, are some further country specific details:

**Kazakhstan:** As of 2018, Kazakhstan was home to 7,690 stateless persons. In October 2020, the government with the help of UNHCR launched a country-wide campaign to identify stateless persons and address their situation through the confirmation of their nationality or registration as stateless.<sup>14</sup>

**Kyrgyzstan:** In July 2019, Kyrgyzstan became the first country to resolve all known cases of statelessness. <sup>15</sup> In 2014, the Kyrgyz Republic initiated the pilot campaign "Door-to-door" aiming to register and document all stateless persons. 13,707 stateless persons were identified, and 13,447 persons were granted citizenship and documentation. <sup>16</sup> Further, Civil Acts entered into force in the Kyrgyz Republic to ensure the right to birth registration and the provision of birth certificates, regardless of the parents' possession of documents. <sup>17</sup>

**Tajikistan:** In July 2014, the Tajik government in collaboration with UNHCR and civil society partners launched a project to address statelessness. A campaign launched in November 2020 aims to raise awareness about a recently enacted Amnesty Law<sup>19</sup> which will facilitate the resolution of the most complex cases of statelessness, allowing thousands of stateless people to obtain residence permits, and providing a potential three-year route to citizenship. As of January 2021, 50,171 persons with undetermined nationality have been registered in three target regions (15 districts) of Sughd, Khatlon provinces and Districts of Republican Subordination (DRS).<sup>20</sup>

Uzbekistan: Uzbekistan has one of the largest known stateless populations in the world, with 97,346 documented cases. But, thanks to new legislation which came into effect in April 2020, those who had been granted permanent residency in Uzbekistan before 1995 are now eligible to become citizens.21 Uzbekistan recently also amended its birth registration procedures to ensure all children are registered, including those born to undocumented parents. In December 2020, President, Shavkat Mirziyoyev, announced that in 2021 the government would strengthen its efforts to end statelessness.22 He reported on a new initiative which will enable around 20,000 people who moved to Uzbekistan before 2005, to become citizens.23

#### THE CESF CONSORTIUM PROJECT

This project, carried out by the Central Asia Network on Statelessness, aims to document and understand the exclusion of stateless people within Central Asia in the context of COVID-19. The data collected will be used as an advocacy tool to engage decision makers and place statelessness on the political agenda. The findings will also be used to raise awareness within stateless communities and those without documentation about the importance of acquiring documentation and instructing them on what they can do. The data recorded will be utilised to raise public awareness on statelessness. Furthermore, this project will entail an international component, expanding the scale of dialogue and contributing to global conversations on addressing statelessness.

"The outbreak of COVID-19 in the countries of Central Asia, has exposed the problem that along with officially recognised stateless persons, there are also many thousands of people who have difficulty confirming their citizenship who do not have official status and identity documents. While the Central Asian countries have official statistics on stateless persons, there is no information about de facto stateless people, and they remain invisible to the state systems. They remain excluded from COVID-19 emergency relief and measures. This raises great concerns about the fate of these vulnerable groups. We call on all parties to take a unified approach of "society is protected when everyone is protected." Do not leave stateless persons behind."

UNHCR Nansen Award Laureate, Coordinator of Central Asian Network on Statelessness, Azizbek Ashurov

The project is led by FVLWB, a Kyrgyzstan based NGO and active member of CANS. CANS is a network of organisations within the Central Asia region that promotes dialogue for the exchange of information to prevent and reduce statelessness.

#### Impact

The research component of this project focused on the exclusionary impact of government policies and COVID-19 relief measures. Research findings will be collated in a report that will be shared publicly in national-level advocacy efforts to raise awareness about statelessness and the impact of COVID-19 on vulnerable communities. The project has attracted wider public attention to the problem of statelessness and the impact of COVID-19 on stateless persons. During the research phase, relevant authorities were contacted in a bid to understand how stateless persons were being included in their respective COVID-19 responses. This outreach has raised the profile of statelessness and the specific issues impacting the stateless among these specific targets.

# KEY GLOBAL THEMATIC FINDINGS

Many of the above findings on Central Asia, also resonate at the global level. As the Together We Can report sets out, denial of the right to nationality, documentation and legal status as well as inequality and discrimination represent the main structural challenges impacting stateless people in a cyclical and intergenerational way. The other three thematic issues addressed in the global report - right to health, socioeconomic rights and civil and political rights - relate to some of the main rights deprivations stateless people endure, exacerbated by the pandemic. These challenges are interrelated and mutually reinforcing, heightening the cost of statelessness, generating new risks of statelessness and stifling efforts to promote the right to nationality and the rights of stateless people.

#### THE RIGHT TO HEALTH:

The right to health should have universal application regardless of race, religion, legal status or other criteria. A year into the pandemic however, healthcare related challenges faced by stateless people have only heightened. The cost of healthcare continues to be an insurmountable hurdle for many stateless people who are excluded from healthcare plans, subsidies, insurance schemes and free healthcare. The lack of documentation has further prevented access to healthcare, while fear of arrest, detention and harassment by police or officials has also cultivated a culture of fear around accessing healthcare for stateless and undocumented people. The inability to carry out effective preventative measures including social distancing and wearing PPE, as well as lack of access to sanitation and hygiene products and facilities due to living and working conditions, also places stateless communities at great risk. The mental health impacts of lockdowns, loss of livelihoods, exposure to health risks and starvation and exclusion from state relief measures, are also significant. There is an urgent need to ensure inclusivity in the roll out of COVID-19 vaccines, rising above

vaccine nationalism. Unfortunately, we are already seeing a 'citizens first' approach to vaccine distribution and worrying initiatives including vaccine passports which would further exclude stateless people.

#### **SOCIO-ECONOMIC RIGHTS:**

When the pandemic took hold in early 2020, state responses prioritised citizens to the exclusion and detriment of migrants, refugees and stateless people. Over a year into the crisis, there has been hardly any shift in the approach to social and economic support by states and other actors. There has been a significant impact on employment and income and consequently the loss of livelihoods amongst the stateless and those at risk of statelessness. Jobs are mainly found in the informal sector which have been brought to a standstill with the implementation of lockdowns and curfews. There are further barriers to education during lockdowns due to the nature of online classes and the need for access to equipment and the internet.

#### **CIVIL AND POLITICAL RIGHTS:**

In order to address the threat to public health, most States have implemented restrictions which limit civil and political rights. Some states have also introduced more permanent restrictions. Stateless communities and those whose nationality is at risk face ongoing restrictions and rights violations which, due to pre-existing conditions, have a disproportionately devastating impact. Arbitrary detention, the risk of arrest and fear of harassment by officials has impacted stateless populations and those whose nationality is at risk. For those in detention, there is an increased risk of infection due

to the inability to adequately social distance or self-isolate. Restrictions on **freedom of movement** have exacerbated the impacts of COV-ID-19 including for those trying to seek health-care and education outside of refugee camps and has further had an impact on livelihoods and family reunions.

### THE RIGHT TO NATIONALITY, DOCUMENTATION AND LEGAL STATUS:

COVID-19 related measures have impacted the right to nationality, documentation and legal status in deeply concerning ways. Disruptions to crucial civil registration procedures have resulted in delays and backlogs leaving stateless people and those whose nationality is at risk in limbo, completely vulnerable to the multiple effects of COVID-19. Such documentation and registration challenges also subject people to longer-term risks of statelessness. Unregistered births and subsequent non-issuance of IDs can heighten the risk of statelessness, particularly among minority and border communities and those with migrant heritage. Asylum and statelessness determination procedures have also been disrupted, as have permanent residence applications, visa processes and other consular services.

#### **EQUALITY AND NON-DISCRIMINATION:**

Discrimination continues to be an underlying and entrenched driving force behind statelessness worldwide. There has been a rise in hate speech, xenophobia and racism. Minority and migrant communities have been vilified in populist political narratives and used as scapegoats for the spread of infection, including to distract from the failings of political leaders. Gender discrimination has also had a significant impact where gender discriminatory nationality laws deny nationality to children. Increased cases of gender-based violence have also been reported, where, particularly in the country contexts with gender discriminatory nationality laws, women are unable to extract themselves from unsafe situations.

For a more detailed overview of these global thematic findings and related calls to action, please refer the full report.<sup>24</sup>

# TOGETHER WE CAN: A ROADPMAP TO ADDRESS THE COVID-19 IMPACT ON STATELESS PEOPLE

This roadmap serves as a framework for resolving and addressing the structural discrimination and exclusion of stateless people during times of COVID-19 and beyond. The starting point is that change is within our grasp and can be achieved through creative, committed and courageous action. **Together we can** and **together we must** address the structural discrimination underlying statelessness, protect the rights of stateless people and meet their emergency needs. The Roadmap informs and guides the necessary inclusive responses of multiple stakeholders including governments, UN actors, humanitarian agencies, donors and NGOs.

#### **CHECK FOR INSTITUTIONAL BLIND-SPOTS**

We invite states, UN actors, humanitarian groups and other stakeholders to engage in careful introspection, check for institutional blind-spots, and review and reform policies and practices to ensure that stateless people are prioritised, their particular contexts and needs are understood and addressed and they are not excluded or left behind through:

- strengthening awareness of the issue at all levels;
- acknowledging historical failures;
- collecting and sharing information on statelessness and nationality rights deprivations; and
- resourcing the enhancement of capacities, collaborations and funding.

#### INCLUDE. **CONSULT & ENGAGE IN DIALOGUE**

We invite activists and NGOs to make their expertise available and those in positions of power, to have open consultation and meaningful and constructive dialogue with affected communities, and commit to including stateless people on equal terms by:

- consulting with activists and affected communities;
- building trust and strengthening solidarity with stateless communities;
- meeting the needs and priorities of affected communities and ensuring their meaningful participation; and
- facilitating wider discourse within society and institutions on equality, inclusion and the right to nationality.

#### BUILD **BACK BETTER**

We invite all actors to learn the hard lessons that the pandemic has taught us and invest in future-proofing, ensuring a lasting commitment to breaking down the pervasive injustice, indignity, inequality, deprivation and exclusion that stateless people face, focusing on:

- implementing reforms to address discriminatory laws, policies and practices;
- redressing the intergenerational disadvantage and legacy of statelessness;
- being accountable to stateless communities and activists;
- monitoring the performance and progress of states;
- ensuring access to justice and reparations for stateless people; and
- sustainably investing in inclusive societies.

STATELESSNESS DOES NOT ONLY EXIST IN HISTORY RUT IS ANGAING IN REAL TIME AND IN PRACTICALLY EVERY CORNER OF THE WORLD. EVEN THOUGH STATELESSNESS INTERSECTS WITH EVERY OTHER HUMAN RIGHTS VIOLATION, IT REMAINS LARGELY UNKNOWN AND MISUNDERSTOOD. THE LARGE STATELESSNESS KNOWLEDGE GAP EVEN AMONG PROMINENT DEVELOPMENT, MIGRATION. **HUMANITARIAN AND HUMAN RIGHTS ACTORS, IS** A CHALLENGE AND BURDEN FOR STATELESS PEOPLE LIKE ME, GLOBALLY. WE ARE NOT JUST A COLLECTION OF STORIES. WE ARE OUR OWN ADVOCATES AND EXPERTS THROUGH OUR LIVED EXPERIENCES. THIS REPORT RECOGNISES STATELESS PEOPLE AS LEADERS WHO MIIST SHAPE THE VISION AND MAKE DECISIONS AROUT THE PRIORITIES THAT DIRECTLY AFFECT OUR LIVES. OUR FAMILIES AND OUR COMMUNITIES. THE **ROADMAP OFFERS A WAY FORWARD FOR OUR ALLIES** TO CHECK THEIR STATELESSNESS BLIND-SPOTS, CENTRE US IN THEIR ACTIONS AND BE ACCOUNTABLE US WHEN DELIVERING THEIR MANDATES. WE CANNOT **END STATELESSNESS BY OURSELVES. TOGETHER** WE MUST WORK TO ENVISION A WORLD WHERE NOBODY IS DEPRIVED OF NATIONALITY BASED ON THEIR RACE, ETHNICITY, SEX, GENDER, OR RELIGION. A WORLD WHERE EVERYONE'S HUMAN RIGHT TO NATIONALITY IS PROTECTED AND LIPHELD. AND WHERE STATELESSNESS IS TRULY RELEGATED TO THE HISTORY BOOKS.

KARINA AMBARTSOUMIAN-CLOUGH, FOUNDING MEMBER & EXECUTIVE DIRECTOR, UNITED STATELESS



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<sup>3</sup> ISI Monthly Bulletins and other key resources can be viewed here: https://www.instritutesi.org/resources.

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