A Legal Empowerment Approach to Inclusive ID

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<td>Normal Applications (at 18)</td>
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<td>Late Applications (over 18 &amp; 9 Months)</td>
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<td>First Visit to a Government Office and Vetting</td>
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A COMMUNITY-BASED PRACTITIONER’S GUIDE

DOCUMENTING CITIZENSHIP & OTHER FORMS OF LEGAL IDENTITY

Open Society Justice Initiative

IDENTIFYING PATTERNS TO ADDRESS WIDESPREAD INJUSTICES

INTERNATIONAL AND REGIONAL LAW CHECKLIST

DOCUMENTS TO READ PROJECT-WISE.

RIGHT TO A NATIONALITY

- 1961 Convention on the Elimination of All Forms of Racial Discrimination (CERD), Article 1
- 1975 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 18
- 1989 Convention on the Rights of the Child (CRC), Article 18
- 2000 Convention on the Rights of Migrant Workers and Members of Their Families (MRTW), Article 20
- 2006 Convention on the Rights of Persons with Disabilities (CRPD), Article 18

DOCUMENTS THAT MAY NOT BE APPLICABLE IN YOUR COUNTRY, BUT MAY NONETHLESS CONTAIN USEFUL PRINCIPLES AND IDEAS TO ADVOCATE FOR:

AFRICA
- 1985 African Charter on Human and Peoples’ Rights (ACHPR), Article 20
- 1990 African Charter on Human and Peoples’ Rights (ACHPR), Article 20

EUROPE
- 1979 European Convention on Human Rights (ECHR), Article 20

AMERICANS
- 1966 American Declaration on Human Rights, Article 20
- 1988 American Convention on Human Rights, Article 20
Legal empowerment is a powerful tool to empower communities, combat discrimination, promote inclusion, and make entire identification systems work better.
Double Registration in Kenya
Challenges to Inclusive ID Regimes
Origins of Double Registration in Garissa

Garissa County, Kenya
   Borders Somalia
   Hosts Dadaab refugee camp

Kenyans registered themselves as refugees to access food aid and health and education services

“Double registration” affects at least 40,000 Kenyans
The Beginnings of a Policy Response

2016: Government announces a vetting exercise aimed at removing Kenyans’ fingerprints from the refugee database.
Legal Empowerment Approach of HSI

- Community Mobilization
- Legal Aid (Certifying Documents)
- Assistance with Filling Forms
- Help Desk at Vetting Site
- Engaging Vetting Committee
- Collecting Data
Using Legal Empowerment

**Successes**
- High community turn-out
- Shifts in vetting questions due to challenges made by HSI team
- Use of paralegals and lawyers

**Challenges**
- Intensive exercise in a very short time window
- High level of discretion in vetting
- Limited resources
Stuck in Limbo

Little to no movement since 2016

Lack of legal or policy framework to resolve double registration

NIIMS/Huduma Namba threatens to further exclude the “double registered” due to documentation requirements