

A Legal Empowerment Approach to Inclusive ID

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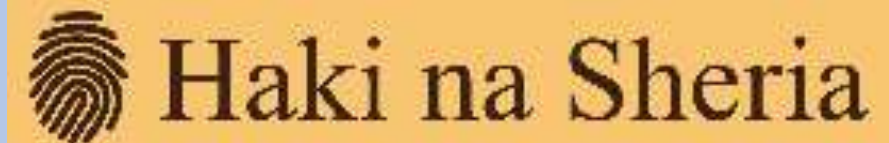
Namati



Yussuf Bashir

Executive Director

Haki na Sheria Initiative (HSI)







	NUBIAN APPLICANTS, 2013 - 2014		NUBIAN APPLICANTS, 2015 - 2017	
Days Between:	Normal Applications (at 18)	Late Applications (over 18 & 9 Months)	Normal Applications (at 18)	Late Applications (over 18 & 9 Months)
First Visit to a Government Office and Vetting	30	21	73	77

A COMMUNITY-BASED PRACTITIONER'S GUIDE

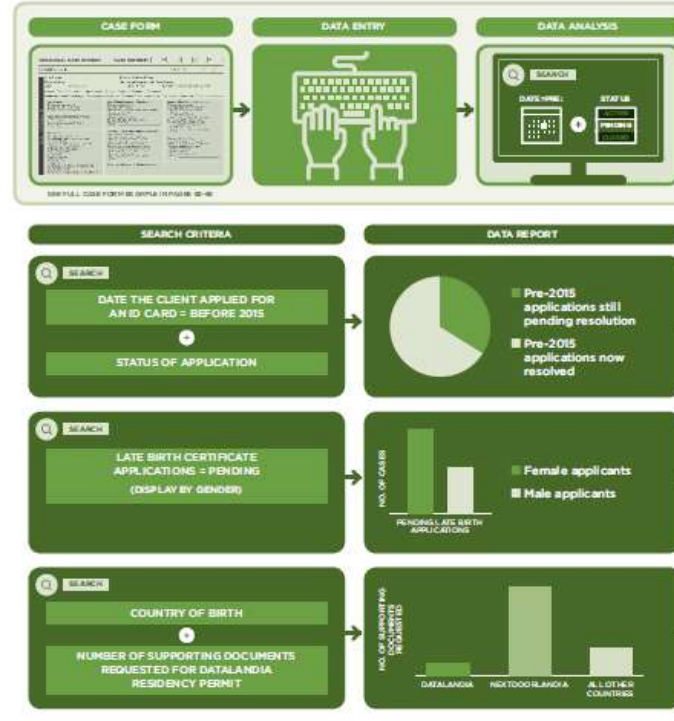
DOCUMENTING CITIZENSHIP & OTHER FORMS OF LEGAL IDENTITY



Open Society Justice Initiative

NAMAT
NATIONAL ANTI-MISPLACED TRUST ACT

IDENTIFYING PATTERNS TO ADDRESS WIDESPREAD INJUSTICES



INTERNATIONAL AND REGIONAL LAW CHECKLIST

DOCUMENTS TO READ REGARDLESS OF WHERE YOUR PROJECT IS, AS THESE SET OUT KEY PRINCIPLES OF INTERNATIONAL LAW AND CAN BE USEFUL IN UNDERSTANDING INTERNATIONAL NORMS AND ANALYZING GAPS IN NATIONAL LAWS:

✓ RIGHT TO A NATIONALITY

- 1948 Universal Declaration of Human Rights, Article 15
- 1954 Convention relating to the Status of Stateless Persons, Article 1
- 1961 Convention on the Reduction of Statelessness, Articles 1–4
- 1965 Convention on the Elimination of all forms of Racial Discrimination, Article 5
- 1966 International Covenant on Civil and Political Rights, Article 24
- 1979 Convention on the Elimination of all forms of Discrimination Against Women, Article 9
- 1989 Convention on the Rights of the Child, Articles 7 and 8
- 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Article 29
- 2006 Convention on the Rights of Persons with Disabilities, Article 18



RELATED RESOURCE

If the country where you would operate has ratified any of these instruments, that is one indication that a paralegal program can succeed. You can determine this at the following website:

- [Status of ratification of 18 international human rights treaties](#), Office of the High Commissioner for Human Rights (OHCHR)
- [Minority rights legal framework and resources](#), OHCHR
- [UN Conventions on Statelessness](#), UNHCR (links to lists of states party to each convention)

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

✓ AFRICA

- 1990 African Charter on the Rights and Welfare of the Child, Article 6
- 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 6
- Draft Protocol to the African Charter on Human and Peoples' Rights on the Right to Nationality in Africa

✓ EUROPE

- 1997 European Convention on Nationality of the Child, Article 6
- 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession

✓ AMERICAS

- 1969 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

