DOCUMENTING CITIZENSHIP & OTHER FORMS OF LEGAL IDENTITY

Open Society Justice Initiative

NAMATI
INNOVATIONS IN LEGAL EMPOWERMENT

A COMMUNITY-BASED PRACTITIONER'S GUIDE

DOCUMENTING CITIZENSHIP & OTHER FORMS OF LEGAL IDENTITY

Open Society Justice Initiative

NAMATI
INNOVATIONS IN LEGAL EMPOWERMENT

Developed and prepared in cooperation with UNHCR.

CONTENTS

WHO WE ARE SERVING AND WHY 8

START UP...32

IMPLEMENTATION... 70

MAKING LASTING CHANGE........................118

A NOTE ON THE PREPARATION OF THIS GUIDE

THIS GUIDE WAS DEVELOPED IN RESPONSE TO THE GROWING RECOGNITION of the opportunity for community-based justice actors to assist individuals and communities suffering from a lack of documentation of citizenship or other forms of proof of legal identity.

This guide is the result of a series of consultations, discussions on addressing statelessness, and lack of legal identity documentation. In 2012, the Open Society Justice Initiative and Namati launched a collaborative project bringing a community-based paralegal approach to the issue of denial of access to proof of legal identity documentation in Kenya, Nepal, and Bangladesh. At the same time, other organizations initiated similar projects in Western Europe, Malaysia, Chile, Lebanon, and elsewhere.

In October 2015, the Open Society Justice Initiative and the Civil Registration Centre for Development (CRC4D) convened a consultative workshop on legal identity in New York. The next month UNHCR, Namati, and the Open Society Justice Initiative organized an International Paralegal Practitioner Roundtable of groups employing a community-based paralegal approach to address statelessness, legal identity documentation, and citizenship. Members of the assembled organizations agreed on the need for this guide.

In mid-2017, UNHCR, the Open Society Justice Initiative, and Namati circulated a questionnaire to 47 organizations around the world that have run or supported community-based programs to address statelessness, access to documentation, or equal exercise of citizenship rights. The questions related to establishing, maintaining, and expanding community-based projects for birth and nationality documentation, and asked practitioners to share case studies, tools, and guidance. Thirty-two responses were received; some respondents provided input via Skype. The responses informed this guide.

Twenty-five individuals with experience with paralegal documentation projects gathered in London in August 2017 for a two-day workshop to evaluate the structure and content of a consultative draft of the guide. Feedback was invited from practitioners from all parts of the world and a variety of contexts.

An oversight team from the Norwegian Refugee Council (Norway/Global), PUSKAPA (Indonesia), and New York University (United States) provided written comments on the conceptual framework and initial draft. The final text was produced by Namati and the Open Society Justice Initiative in cooperation with UNHCR. The Practitioners Directory at the end lists organizations and individuals who contributed case studies, responded to the questionnaire, and/or attended the London workshop.

USING THIS GUIDE

This guide emphasizes several themes that are especially important to creating and operating a community-based program that seeks to provide documentation of citizenship and identity. These important themes appear frequently throughout the book. The following icons are used to indicate where the themes appear:

DISCRIMINATION

EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

GLOSSARY

CITIZENSHIP

This guide uses the terms *citizenship* and *nationality* interchangeably to refer to the legal link between an individual and a state. This approach is typical in international law. In different countries, depending on legal traditions, language, and history, these terms may have slightly different meanings. In some countries, for example, the law may distinguish between a "national" and a "citizen," with different spheres of rights attached to each status. In other disciplines outside of the law, nationality and citizenship are often used differently and with more fluid meaning than under the law.

CITIZENSHIP RIGHTS

The rights of citizens, which include rights limited to citizens, such as the right to vote in national elections and to receive certain public services, as well as rights available regardless of citizenship status (basic human rights like the respect for human dignity, the right to life, freedom from inhuman treatment, and non-discrimination). See also *Effective citizenship rights*.

CIVIL STATUS

The legal capacity, rights, and duties of a person, determined by birth, parentage, or guardianship, marriage or divorce, and death. A person can have multiple and overlapping civil statuses (for example, someone can be an adopted person, a citizen, and married).

CIVIL DOCUMENTATION

A physical token or credential that serves as a form of proof of civil status, such certificates of birth, adoption, marriage, divorce, or death. A person can have multiple forms of civil documentation.

CIVIL IDENTIFICATION

The verification, collection, and storing of personal data to establish unique identity. Civil identification increasingly covers personal biometric data, such as fingerprints or iris scans. This personal data can be stored in different forms in different countries: some systems are paper-based, others are digital, others are a combination or transitioning from one data storage system to another.

CIVIL REGISTRATION SYSTEM

The institutions and processes that govern civil status records, which may include both administrative and judicial authorities. Civil registration involves the gathering, safekeeping, updating, and certifying of data on vital events and their characteristics that have implications for the civil status of individuals. The United Nations defines civil registration as "the continuous, permanent, obligatory, and universal recording of the occurrence and characteristics of vital events (births, adoptions, marriages, divorces and deaths) and other civil status events pertaining to the population by decree, law or regulation, in accordance with each country's legal requirements." (From the United Nations Statistics Division Handbook on Civil Registration and Vital Statistics Systems, 1998.)

DO NO HARM

The principle by which humanitarian, human rights, and development actors, for example, seek to identify, prevent, and mitigate unintended negative consequences of their actions, in particular for the intended beneficiary population, community, or individual.

EFFECTIVE CITIZENSHIP RIGHTS	Rights citizens can enjoy in practice, in contrast to citizenship rights that are protected or granted in law but difficult to realize. This is not a legal term, but a way of describing a situation that can place someone in a condition that is, as a practical matter, very similar to statelessness. People who struggle to enjoy their citizenship rights are not necessarily stateless persons as a matter of law.
INTERNALLY DISPLACED PERSONS (IDPs)	Persons or groups that have been forced or obliged to flee their homes—in particular because of armed conflict, situations of generalized violence, violations of human rights, or natural or human-made disasters—and who have not crossed an internationally recognized state border. In 1998, the United Nations issued Guiding Principles on Internal Displacement, from which this definition is adapted. Current estimates suggest that there are over 40 million IDPs globally.
IN SITU STATELESS PERSONS	_In situ_ is Latin for "in place." _In situ_ stateless persons are those who remain in a country in which they were born or have lived most of their lives and where they are not recognized as nationals. The majority of stateless people in the world are in this situation.
JUS SANGUINIS	In Latin, "jus" means law, and "sanguinis" means blood. _Jus sanguinis_ transmission of nationality refers to legal systems in which nationality is passed from parent to child based on a biological link.
JUS SOLI	"Jus" means law, as above, and "soli" means soil in Latin. _Jus soli_ transmission of nationality refers to legal systems in which nationality is acquired based on birth on the territory of a particular state.
LEGAL IDENTITY	In the absence of an internationally agreed upon definition, this guide uses the term "legal identity" to refer to the recognition of an individual as a person before the law. Recognition of legal identity often depends on an individual possessing valid legal identity documentation or other forms of proof of legal identity. See also _Legal identity documentation_ and _Proof of legal identity_, below.
LEGAL IDENTITY DOCUMENTATION	Physical documents, digital certificates, identity numbers, or similar credentials that serve as proof of a person's legal identity. This includes civil status documents (e.g. birth, adoption, marriage, divorce, or death certificate), nationality documents (e.g. nationality certificate, national ID card, passport), and forms of identification based on migration status (e.g. refugee card, foreigner identity card).
NATIONALITY	See _Citizenship_, above.
PARALEGAL	In this guide, _paralegal_ refers to a non-lawyer who uses knowledge of the law, and skills like mediation, organizing, community education, and advocacy to seek concrete and accessible solutions to instances of injustice. Most paralegals are community-based, which gives them an advantage in reaching people, gaining trust, accompanying them in navigating administrative and judicial processes, and spreading knowledge in ways that more conventional legal aid providers often cannot.
PARALEGAL PROGRAM	A project or program performed entirely or primarily by paralegals or similar community-based grassroots justice advocates. Such projects or programs can complement, or be a component of, traditional legal aid, litigation, and non-litigation advocacy work to support systemic change.

PROOF OF LEGAL IDENTITY	Legal identity documentation that is recognized by a government as constituting proof of legal identity in accordance with national law. Proof of legal identity is fundamental for ensuring that all people are able to access their rights, including the right to acquire nationality, essential services, and other identity documents.
REFOULEMENT	Returning people forcibly, involuntarily, or coercively to a country of origin, where they may face risks to their life or freedom. *Refoulement* violates refugee law if it involves returning a refugee or asylum seeker to territories where such threats relate to their race, religion, nationality, membership in a particular social group, or political opinion. Regional refugee law frameworks in Africa and the Americas offer broader protection against *refoulement*.
RESULTS-BASED MANAGEMENT	Management of a program, project, or activity that allows for continuous feedback and improvements through monitoring and evaluating progress towards stated objectives.
"SMART" OBJECTIVES	Objectives (aims or goals) which are specific, measurable, achievable (realistic), relevant, and time-bound. Adopting such objectives is considered a best practice in organizational and project planning.
STATELESS, STATELESSNESS	A stateless person is someone who is not considered as a national by any state under the operation of its law. Statelessness can refer to the condition of being a stateless person and the existence of stateless persons in general.
STATELESS MIGRANT	A person without any nationality who is outside his or her country of origin or habitual residence and is not a stateless refugee.
SUSTAINABLE DEVELOPMENT GOALS (SDGs)	The United Nations General Assembly adopted 17 SDGs in September 2015 as part of its effort to end poverty, protect the planet, and ensure prosperity for all. They outline specific targets to be achieved by 2030. Unlike the last set of global development goals—the Millennium Development Goals (MDGs)—the SDGs draw upon human rights and apply globally. Goal 16 covers access to justice for all, as well as effective, accountable institutions, and 16.9 calls on states to ensure that all individuals enjoy legal identity. For more information, see: http://www.un.org/sustainabledevelopment/peace-justice/.
UNDETERMINED NATIONALITY	Typically, a person of undetermined nationality lacks proof of possession of any nationality and either has links to more than one state (on the basis of birth, descent, marriage, or habitual residence) or is perceived and treated by authorities in the state of residence as possessing such links to other states. Situations of undetermined nationality should be of short duration, as they often result in denial of human rights.
UNHCR	Office of the United Nations High Commissioner for Refugees, whose mandate includes identifying, preventing, and reducing statelessness as well as protecting stateless persons.
UNICEF	The United Nations Children's Fund. As the UN agency mandated to protect and uphold children's rights globally, UNICEF is centrally involved in statelessness, legal identity, and nationality-related issues, such as birth registration, civil registration and documentation reform, and ensuring every child's right to a nationality.

WHO WE ARE SERVING AND WHY

1

4
MAKING LASTING CHANGE

2
IMPLEMENTATION

3

1. INTRODUCTION

IN THE WORLD TODAY, MILLIONS OF PEOPLE ARE STATELESS, and an estimated 1.1 billion[1] lack legal identity documentation. Without state acknowledgement of their existence and legal status, these individuals are often denied access to basic rights such as education, healthcare, freedom of movement, and access to justice. Stateless people lack critically important state protection.

Statelessness can result from discriminatory laws or gaps in laws. It disproportionately impacts racial, ethnic, linguistic, religious, and other minority groups, and can stem from arbitrary application of laws that are otherwise reasonable, weak civil registration or documentation systems, administrative and practical barriers, or a combination of these. In addition to people who are strictly stateless as a matter of law, there are people who experience situations very much like statelessness because they are of undetermined nationality or lack legal identity documentation, which may render it difficult or impossible to prove their nationality. These individuals are also often at risk of becoming legally stateless.

Living undocumented, under-documented, stateless, or without effective citizenship prevents millions from reaching their full human potential because of a lack of access to healthcare, education, and other rights and services. It can marginalize entire communities, fueling discontent and even conflict and displacement. It exacerbates poverty because it confines individuals to the informal economy, often exposing them to unfair or exploitative working conditions, and obscuring their needs and activities from official accountings of the state. A growing body of research also confirms a positive link between access to documentation of legal status and actually enjoying the rights and services that one is already entitled to as a matter of law.

A number of campaigns as well as global, regional, and sub-regional initiatives focus on addressing statelessness, achieving equal nationality rights for all, and enhancing human rights in the context of human mobility. They include UNHCR's #IBelong Campaign to End Statelessness by 2024 and its Global Action Plan to End Statelessness: 2014–2024, the Global Campaign for Equal Nationality Rights, the World Bank's "ID4D" platform, the 2014 Brazil Declaration and Plan of Action, the 2015 Abidjan Declaration of Ministers of ECOWAS Member States on Eradication of Statelessness and the Banjul Action Plan, the 2017 Declaration of International Conference on the Great Lakes Region (ICGLR) Member States on the Eradication of Statelessness and associated Action Plan, the 2018 League of Arab States Ministerial Declaration on Belonging and Legal Identity, the Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics, the Regional Strategic Plan for the Improvement of Civil Registration and Vital Statistics in Asia and the Pacific, and the 2015 EU Council

RELATED RESOURCE

Open Society Justice Initiative, Legal Identity in the 2030Agenda for Sustainable Development: Lessons from Kibera, Kenya.

---

1. World Bank, Identification for Development (ID4D) Programme.

Conclusions on statelessness. In 2018, two global compacts, on migration and refugees, will be concluded under the auspices of the United Nations.

Ensuring that every individual is recognized as belonging and can access the documents to prove their legal status is important and multifaceted work. Governments with political will to do so can end the legal and administrative causes of statelessness and lack of documentation, but positive legislative and policy reform, modernized civil registries, and other high-level initiatives often do not alone improve access to documentation for those who need it. Effective access depends on the education, awareness, and initiative of individuals in navigating legal identity documentation processes and claiming their own rights. Knowledgeable support can make an enormous difference in the lives of individuals.

This guide is designed to support community-based efforts that will complement the high-level initiatives described above. Its focus is legal empowerment through a community-based approach. The advice and resources provided will also be relevant for other models of community-based and grassroots justice services. The guide itself incorporates the experiences of a wide variety of different models of grassroots justice services. (For more, see A Note on the Preparation of this Guide.)

Community-based practitioners can provide direct support to people who are undocumented, under-documented, stateless, and at risk of statelessness, and can also bring attention to their needs. This guide was written with disadvantaged groups in mind, because disadvantage compounds the inability of an individual to resolve basic administrative and justice problems. Where lack of documentation is systemic, entire communities may be undocumented and legally invisible. Paralegal programs can be a particularly effective form of community-based support in such situations. All over the world, paralegals have helped people obtain documentation and use it to access rights and services. They have also helped people to demand changes to the documentation system itself.

A primary tool that community-based practitioners such as paralegals use is accompaniment. For the purposes of this guide, accompaniment essentially refers to the process of guiding clients step-by-step as they engage with the often complex web of state bureaucracy that makes up a country's civil documentation and identification systems. This has also been called "navigating authorities."

Community-based practitioners use a range of other skills in their work, including:

- Information-sharing and advice-giving
- Advocacy, including advocacy based on specific data, for legal or policy reform
- Litigation support
- Community organizing
- Collective casework
- Referrals

RELATED RESOURCE

Open Society Justice Initiative, Community-based Paralegals: A Practitioner's Guide

We encourage practitioners to adopt a community empowerment approach, and wish you every success in achieving documentation, legal reform, and empowerment for the communities and individuals you serve.

1.1 Who Should Use this Practitioner's Guide?

This guide is primarily for people designing and managing community-based paralegal projects to help clients access documentary proof of citizenship and other forms of proof of legal identity, such as birth certificates. However, it will also be useful to those undertaking legal aid, litigation, and non-litigation advocacy work, as the issues that it seeks to address frequently lie at the intersection of laws and how they are applied in practice. This guide may be useful if your project can or will work on any of these issues:

- Nationality rights
- Birth registration
- Other forms of civil registration (marriage, divorce, adoption, death certificates)
- Access to documentation
- Effective citizenship rights
- Community legal empowerment
- Non-discrimination
- Minority issues
- Child protection
- Migration
- Immigration detention
- Refugee and asylum issues
- People trafficking
- Internal displacement
- Housing, land, and property rights
- Access to basic services (education, health, etc.)
- Rule of law and governance

This guide provides advice and support for paralegal work on documentation of citizenship and other forms of proof of legal identity. It contains decision-making direction to help project teams and individuals think through key strategic, programmatic, and operational choices and approaches. It provides information related to starting, implementing, and sustaining a project to address the needs of vulnerable populations, as well as to bring about change on a systemic level through community-driven advocacy and strategic litigation. It provides comprehensive information that can be adapted to a variety of situations.

IN DEPTH

THE IMPACT OF PARALEGALS

Paralegals use knowledge of the law and skills like mediation, organizing, community education, and advocacy to seek concrete solutions to instances of injustice. They might be NGO staff, volunteers, community members, lawyers' assistants, social workers, or law students, to cite a few examples. In some countries, paralegals can be officially accredited.

Community paralegals act as a bridge between the law and everyday situations.

Community paralegals focus on empowerment. Their aim is to solve problems with clients while also empowering them to solve problems on their own in the future.

For more information on the role of paralegals, see 7. Building the Right Team: Human Resources.

CASE STUDY

The NGO ASKV assists undocumented migrants in the Netherlands to obtain nationality documents or official recognition of their statelessness. The organization uses many methods to obtain papers such as birth certificates, school records, and passports from countries of origin or former habitual residence. ASKV documents all the steps taken in the client's file, as these efforts may be important for future procedures.

The NGO's staff provides face-to-face guidance to clients, helps clients get documents by providing funds for related costs, refers cases to social services and lawyers, and assists in preparing individual and strategic litigation cases.

ASKV is building a global network of pro bono organizations and legal advisors to access local authorities abroad that they would not otherwise be able to reach. These organizations must also show immigration authorities whether documents are obtained following official procedures according to the laws of these countries.

1.2 Who Can You Help by Using this Guide?

This guide was designed to cover as wide a variety as possible of potential case types and their particularities. A key aim of the guide is to help eliminate situations of statelessness and undetermined nationality. Certain groups of people who lack proof of citizenship may be considered at risk of statelessness. Foundational documents like birth certificates often serve as evidence or proof of citizenship. Clients may be stateless if it is impossible for them to fulfill the requirements to obtain documentary evidence of any nationality, or if they have been repeatedly refused nationality documentation to which they are entitled by law, or if the reasons a state gives for refusing them documentation indicate that no state considers them a national. Paralegals can also help when states are unresponsive to clients seeking access to documentary proof of their nationality.

Communities can be highly diverse, with a range of characteristics, facing different or compounded barriers to documentation and effective nationality rights. Projects are encouraged to distinguish among such factors. Such strategic analysis will help you design services that respond to clients' differing experiences according to their socio-economic status, tribe or caste, disability status, gender, age, literacy level, and other characteristics.

Usually, projects serve populations with one or more of the following attributes, although this is not an exhaustive list:

- Nomadic
- Minority
- IDP
- Border
- Stateless
- Migrant
- Urban
- Rural
- Refugee
- *In situ*
- Indigenous

Proof of nationality can take many forms that vary by country, including ID cards or numbers, digital certificates, nationality certificates, consular cards, passports, and, in *jus soli* regimes, birth certificates. The form of proof that best ensures clients' protection and effective access to citizenship rights will vary from context to context. Where parents' documents need to be obtained, this can increase project costs, particularly when fees to obtain documents for adults are higher than fees for children.

Acquiring nationality documentation often depends on producing proof of birth registration, and in systems based on parents' nationality (*jus sanguinis*), proof of parents' nationality. In these cases practitioners will need to help clients obtain birth registration, a birth certificate copy,

or a copy of parental documentation—which can range from proof of a parent's identity (containing names and birth date) to proof of their nationality, marriage, or legal migration status in the country where the birth is being registered.

A key question will be whether a project intends to work with *in situ* populations or with stateless migrants. Most stateless people are *in situ* and have ties to only that state. They live in that state yet are not recognized as a national of that state. However, some programs that may benefit from this guide will address those who have potential entitlement to multiple nationalities due to having ties to more than one country. Generally speaking, practitioners will be engaging with their own government for the *in situ* stateless and may have to work with other countries' governments for those with ties to multiple countries. However, it is important to note that in many cases *in situ* stateless populations are stateless because the state where they live considers them to be foreigners, and, in these and in other cases, *in situ* stateless people and migrants may live together in the same community.

Assisting indigenous populations with proof of legal identity may be especially difficult, since certain cultures may not find civil registration or international borders relevant. Many languages have no exact translation of "nationality" or "citizenship" as defined by the present-day nation–state system, and paralegals or their interpreters may have to convey messages in culturally-appropriate terms, without compromising on legal accuracy. Plural legal regimes may also be recognized, and paralegals might need to be trained to navigate these where appropriate.

In addition to paralegal projects that support individuals to obtain documentation to help them enjoy rights, this guide will be useful for projects that go beyond facilitating access to legal identity documentation. Ensuring clients can use their legal identity documents to access their rights may come later in the evolution of a project and depend on institutional capacity, how much discrimination limits the usefulness of citizenship documents, or the breadth of the project's empowerment objectives, among other factors.

1.3 Assistance that Empowers Individuals and Communities

✊ Legal empowerment is both a process and a goal. Legal empowerment is a movement that seeks to challenge systematic inequality and discrimination by connecting disadvantaged communities with tools that will help them access justice. Those who typically face inequality and discrimination in acquiring legal identity documentation are often the most vulnerable in society. More than 75% of the world's known stateless populations are members of minority groups.[2] Most people who cannot

CASE STUDY

In South Africa, stateless migrants have no option but to apply for asylum, but the over-burdened system generally rejects their claims, leaving them vulnerable to deportation to countries that do not recognize them as nationals. Asylum seeker permits allow them to work legally and complete their studies. South Africans who cannot obtain recognition of their nationality do not even have this option.

At Lawyers for Human Rights, lawyers help paralegals, most of them law school students, to assist with cases of statelessness in South Africa, providing legal advice, drafting letters and other documents, representing clients, and helping clients write their affidavits if a court order is needed.

DISCRIMINATION   EMPOWERMENT

SUSTAINABILITY   DATA

RELATED RESOURCES   RELATED SECTIONS
(EXTERNAL)   (WITHIN)

---

2. UNHCR, Stateless Minorities: http://www.unhcr.org/ibelong/stateless-minorities/.

LEGAL IDENTITY DOCUMENTATION AND HUMAN RIGHTS

LEGAL IDENTITY DOCUMENTATION

BIRTH CERTIFICATE

CIVIL REGISTRATION SYSTEM

NATIONAL ID

PASSPORT

LEGAL ID

UNLOCKS RIGHTS

PROOF OF LEGAL IDENTITY

Lack of proof of legal identity can be a barrier to enjoying human rights even though human rights are already guaranteed under law. Without proof of legal identity, people may struggle to prove their nationality, putting them at risk of statelessness. Documentation alone may not ensure access to rights and services, but with empowering paralegal support—leading to knowledge about human rights, government institutions and the importance of proof of legal identity— communities are better able to use their proof of legal identity and solve other justice issues.

INPUTS AND INFLUENCES

COUNTRIES FROM WHICH ORGANIZATIONS CONTRIBUTED TO THIS GUIDE

- NETHERLANDS
- POLAND
- RUSSIA
- UNITED KINGDOM
- GEORGIA
- SERBIA
- TAJIKISTAN
- ALBANIA
- NEPAL
- BANGLADESH
- ITALY
- UNITED STATES
- REPUBLIC OF NORTH MACEDONIA
- EGYPT
- DOMINICAN REPUBLIC
- SUDAN
- THAILAND
- MALAYSIA
- COTE D'IVOIRE
- KENYA
- INDONESIA
- CHILE
- ARGENTINA
- SOUTH AFRICA
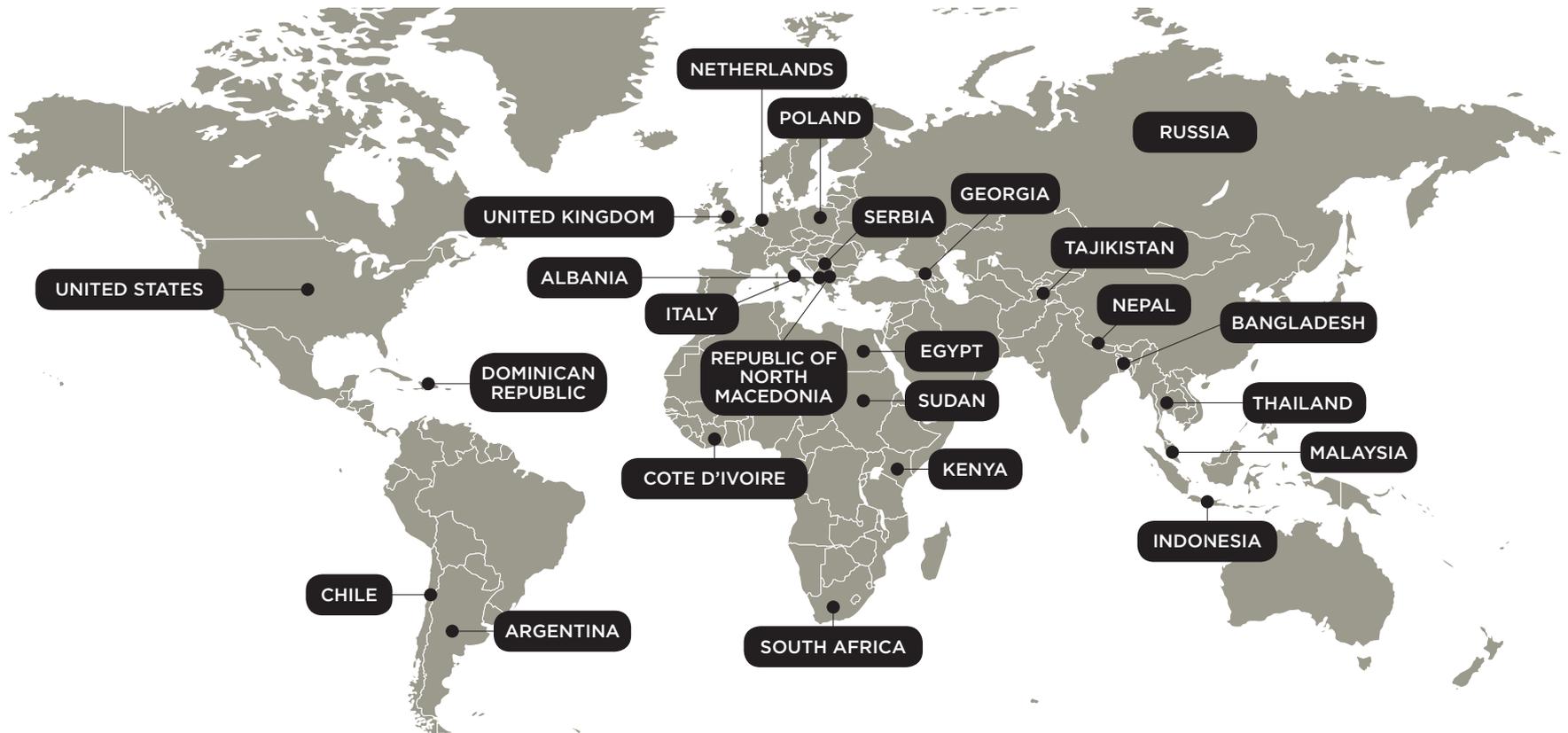
CASE STUDY

The Bangladeshi NGO Council of Minorities learned that their paralegals were doing too much for people: the project needed to focus less on doing the work for community members and more on empowering members of the Bihari community to assist themselves.

Now the organization focuses on helping community members gain the skills required to navigate administrative procedures themselves. Paralegals ensure that clients understand the 2008 High Court judgment confirming their citizenship. Knowledge that they are entitled to citizenship empowers Bihari clients to demand equal treatment, for example by navigating birth registration procedures by themselves, including awareness of what they need to do if they face discrimination.

The program increasingly focuses on legal empowerment of women from the community. Today, dozens of women work as volunteer paralegals, spreading information about citizenship rights and paralegal group meetings. The program coaches women on dealing with authorities in the official language of government, Bangla. At first, paid paralegals also accompanied women from the community offices to appointments at government offices. Now the women make such visits on their own. Paid paralegals only assist those women who cannot read or write. The volunteer paralegals can reach locations that the organization's paid paralegals do not cover.

Six months after adopting this approach, the organization noticed it received fewer requests for assistance with birth certificates, a likely indicator that the community was able to help itself.

CASE STUDY

The Forum for Women, Law and Development is a Nepalese NGO. A national volunteer paralegal movement has existed since the 1990s in Nepal. Birth registration and legal aid are fundamental rights under the Constitution, and over a thousand paralegal committees focus on civil registration, citizenship, and child protection. In addition to helping members of the community access rights, paralegals ensure communities know their rights, conduct social mobilization campaigns (e.g. collecting signatures for petitions), and develop community leadership. In Nepal, in practice, only fathers are allowed to register births, and obstacles arise where they are absent or unsupportive, so the FWLD program has focused on women. This kind of empowerment work challenges traditional values and can put paralegals' safety at risk. Recognizing the scale of the challenge and its inherent risks, FWLD built into its approach efforts to sensitize and partner with key stakeholders, including local government, as part of a broad-based movement for change.

provide proof of their legal identity—and so face challenges accessing rights they ought to be entitled to—are poor people living in developing countries. Legal empowerment promotes vulnerable peoples' ability to use and shape law to solve their justice problems, and in the process encourages institutions to be more accountable and to change for the better. It is a vital tool to help shape civil registration and legal identity documentation systems that will benefit all people.

Legal identity documents that serve as proof of nationality often give individuals access to rights and services. But paralegal programs can go beyond providing assistance towards document acquisition by empowering clients and treating them as equals. A truly empowering project teaches clients how to use processes, rather than simply providing services to them. This way, not only does the community maintain agency, gain knowledge, and develop skills, but clients can share the knowledge they gain with others in their community. Legal empowerment projects are often initiatives of communities themselves. Any new projects should take into account existing efforts.

While some projects might include specific activities or programs to promote legal empowerment, such as "know your rights" workshops, the way projects are structured as well as paralegals' daily interactions with clients should seek to build the capacity and agency of clients and their communities.

The following principles are recommended to guide the designers of paralegal projects to ensure that your services are empowering your clients:

- Treat acquisition of legal identity documentation as an important objective, but not necessarily the final goal. This may mean addressing discrimination through education or advocacy.

- Consider any potential risks or negative effects that documentation of legal identity might have for individuals and communities. Section 5.1 Planning Strategically provides guidance for risk assessment. Communicate clearly both the benefits and risks to clients so they can make informed decisions on engagement with the project or processes to obtain documentation.

- Seek to identify the most vulnerable people within a community, and ensure that the project includes them.

- Seek to create or sustain a community-driven movement for justice and access to rights.

- Build community leadership: ensure that affected individuals shape projects, from assessing the need for services and planning strategically to implementing the project and evaluating its success. Distribute copies of laws, regulations, and information about procedures in local languages and provide information sessions and trainings.

- Use tools that emphasize clients' potential to act independently. Hiring, training, supervision, casework, client follow-up, monitoring, and evaluation should all have this emphasis.

- Make learning and evaluation part of project design, to understand the effects of your paralegal assistance. If possible, get baseline data on each client and compare it to their future situation.
- Be accountable to the communities you seek to serve; put in place complaints and feedback mechanisms and act upon the feedback received.
- Ask clients how they would approach an issue before proposing a solution.
- Highlight successes and progress to clients to reinforce confidence, and have clients and communities reflect on the potential effects of their actions. Be honest about problems and unintended consequences, and seek client and community guidance about how to prevent problems.
- Give clients and members of the community tools to prevent problems as well as tools to solve them.

See **5. Planning, Monitoring, and Learning for Success** for further discussion of program effectiveness and empowerment.

See **6. Ensuring Sustainability** for further ideas about ensuring that a project's impact can stretch beyond the immediate sphere of direct paralegal interventions.

2. DETERMINING THE NEED FOR AND OPPORTUNITY TO HELP

ANY PARALEGAL PROGRAM SHOULD BE FOCUSED on the community needs it seeks to address as well as the opportunities that the local context provides. This chapter addresses the advantages and disadvantages of paralegal programs, how to conduct a needs assessment, identifying relevant actors who affect the work, understanding the legal and policy frameworks, appreciating social and economic factors, and special considerations for projects operating in conflict and emergency situations.

In many cases, projects do not start out with an exclusive focus on access to legal identity documentation (see box on Haki Centre). Other programs may help community members with access to birth registration or obtaining legal identity documentation, but not through a community-based paralegal approach. The material covered in this chapter is designed to be relevant for the enhancement of existing programs that have identified lack of access to documentation as an issue that affects the communities they are serving in other capacities.

2.1 Advantages and Disadvantages of Paralegal Programs

Paralegal programs have achieved a great deal in many countries. But it is important to understand their advantages and disadvantages before deciding to implement one.

CASE STUDY

The Halina Niec Legal Aid Center reports that acquiring documentation helps clients regain a sense of control over their lives.

Sometimes, however, there is no legal status that clients can benefit from, and attempts to get identity documentation may draw attention to people who are better off if the state does not notice them. Documentation efforts must always be context sensitive and proceed only if they advance access to basic rights.

CASE STUDY

Haki Centre was sensitizing communities on the Kenyan coast about how to exercise their right to vote when they discovered that some minority groups could not vote because they had no proof of Kenyan citizenship.

Community members asked Haki Centre to address the problem. Haki Centre investigated the challenges and denials people had experienced when applying for Kenyan ID cards. They then conducted community meetings where paralegals explained how to get birth certificates and nationality documentation so more members of the community could vote.

Where conditions are conducive to paralegal assistance as well as legal aid, high-level advocacy, and litigation, these approaches should be coordinated, with mechanisms to ensure referrals and data-driven advocacy are in place.

ADVANTAGES AND DISADVANTAGES OF PARALEGAL PROGRAMS

ADVANTAGES	DISADVANTAGES OR CHALLENGES
⊕ Potential to reach a large number of people: When paralegals are embedded in communities, they can multiply their reach by coaching others.	⊖ Requires initial effort in identifying appropriate people to become paralegals, and recruitment can be complicated; existing channels might not work.
⊕ Efficiency: Training paralegals is cheaper than training lawyers, so your project can afford more of them	⊖ Paralegals may face backlash and risks because they are seen as challenging existing power structures.
⊕ Community-based paralegals can mitigate the challenges posed by: • language • mistrust of outsiders seeking to advocate on behalf of a community • discontinuation of funding; project closure • distance of the affected community from relevant service providers.	⊖ Lawyers might still be required to litigate certain issues.
⊕ Community-based paralegals may be able to access community networks that can provide a solution for a client where the legal system cannot.	
⊕ Community-based paralegals can adopt a more sustainable approach than legal aid providers by building skills and knowledge of laws and procedures in affected communities.	

2.2 Needs Assessment

A needs assessment involves collecting information from affected communities and individuals, potential project leaders, and potential host organizations to identify whether there is a need and an opportunity for a paralegal approach to work. In addition to providing insight that will shape a paralegal project, this information can serve as a baseline to measure progress. It should be an ongoing process.

Your needs assessment should use an empowerment approach by:

- Making the needs of undocumented, under-documented, stateless, and at-risk individuals the focus, such that it shapes and guides discussions and actions.
- Being aware of any previous efforts to address the problem. The most effective program might complement or boost existing local solutions.
- Being fully open to communities' needs and feedback and disclosing your background and interests. Careful listening is the most valuable tool you have.
- Assessing whether your project could have negative effects and being ready to modify the project to avoid such effects.

In keeping with an empowerment approach, the first step in conducting a needs assessment is to map community resources. Is someone already doing the work your program would do? If so, how can your program support them? Is the best way to address any shortcomings of that existing program to create a new one? Would your program be different in important ways?

🥧 Gather any data that is available on issues related to the project. This would include local birth registration rates, NGO reports, legal aid casework databases, and records village authorities or community leaders hold. Keep in mind that data may exist, but not be publicly available: projects may be able to benefit from freedom of information requests or other procedures to obtain official information.

Understand what national and local government programs might connect with the community to gather administrative or national population data. Official data may not capture the information most relevant to your project. For example, the people you plan to serve might not participate in the official census or other national surveys. A needs assessment should include focus group discussions, community meetings, one-on-one discussions with individuals and service providers (e.g. homeless shelters, health workers, schools, religious leaders), door-to-door visits, and mapping of existing channels between communities and NGOs. Indeed, identifying the need for paralegals to work on legal documentation may arise in the course of other discussions and projects.

Project planning should assess the role of poverty and discrimination in the problems you seek to address. The best way to do this is by using comparative data to understand what differences exist between the majority and the affected group. Be aware that collection of data on ethnicity, race, and other characteristics may be viewed with suspicion or even be illegal in some countries. Determine whether any anti-poverty initiatives like cash transfer schemes have been introduced. Legal identity documentation is almost always required in order to access such programs and governments have implemented cash transfers as an incentive to increase demand for birth registration.

RELATED RESOURCE

Paralegal projects are encouraged to join the Global Legal Empowerment Network. Membership is free. The network brings together over 1,300 organizations and over 5,000 individuals dedicated to community-based justice. Members are community paralegals, human rights activists, grassroots organizers, health advocates, educators, researchers, lawyers, journalists, and public servants, who collaborate across regions and across disciplines. Through online and in-person meetings, these participants learn from each other and share a growing library of legal empowerment resources. Members campaign on issues affecting them globally and nationally, and work together to secure support and sustainable funding for the legal empowerment field.

≠ DISCRIMINATION

✊ EMPOWERMENT

☮ SUSTAINABILITY

🥧 DATA

🎁 RELATED RESOURCES (EXTERNAL)

↗ RELATED SECTIONS (WITHIN)

PROJECT PLANNING SHOULD ASSESS THE ROLE OF POVERTY AND DISCRIMINATION IN THE PROBLEMS YOU SEEK TO ADDRESS. THE BEST WAY TO DO THIS IS USING COMPARATIVE DATA TO UNDERSTAND WHAT DIFFERENCES EXIST BETWEEN THE MAJORITY AND THE AFFECTED GROUP.

RELATED RESOURCE

ID4D, Incentives for Improving Birth Registration Coverage: A Review of the Literature

Needs assessment activities, such as discussion groups or door-to-door interviews, are unlikely to reach the entirety of an affected community, for practical reasons. However, even if serving the entire affected population is not possible, it is useful to understand how widespread an issue is when deciding which areas to cover, budgeting for activities, establishing triage protocols when faced with overwhelming need, seeking funding, or conducting advocacy work.

Identifying a population with documentation and nationality difficulties does not require a survey of every affected individual. Besides being impractical and expensive, such a survey may have negative consequences. Combining existing data with smaller-scale targeted surveys or focus groups can provide an estimate of those affected and a better understanding of their justice needs. Local leaders who are in favor of your project may have insight into needs and priorities.

If a survey or focus group is warranted, sample questions to ask include:

- Have you, or people you know, had trouble getting your birth certificates, ID cards, consular cards, passports, or other proof of nationality? This question can be changed to include any documents that prove nationality in the country where you provide services.
- If so, what is the reason for these difficulties? Answers might include distance to the office where they issue documents, cost, behavior of officials, and the need to provide documents that are difficult to get.
- Can you access basic rights and services as easily as other people in the country where you live? These include water, electricity, education, healthcare, shelter, or land registered in your name, food, safe and dignified employment that pays enough to survive, access to a bank, and voter registration.
  — If not, what makes it difficult or impossible to access these basic rights and services?
  — What strategies do you use to access these services when you face difficulties?
- Can you travel and move around freely? Do you or others you know feel at risk of being harassed or detained when you leave your home or community?
- Do you feel that government authorities treat you or your community differently from others? Why?
- Do you require legal identity documents in daily life? If yes, what for, and what happens if you do not have them? How easy is it to access the documents you need?
- If documentation is a problem, what have you or anyone else done to solve the problem? What happened?

Additional resources related to needs assessments:

See 5. Planning, Monitoring, and Learning for Success for more on defining and measuring success, and 5.3 Collecting, Managing, and

NEEDS ASSESSMENT

TALKING WITH COMMUNITIES

- **FOCUS GROUPS**
- **COMMUNITY MEETINGS**
- **ONE-ON-ONE DISCUSSIONS**
- **DOOR-TO-DOOR VISITS**

ASK ABOUT...

- **COPING STRATEGIES**
- **EXISTING SOLUTIONS**
- **REASONS FOR BARRIERS**
- **EASE OF ACCESS TO DOCUMENTS, RIGHTS, SERVICES**
- **DIFFERENTIAL TREATMENT**

RESEARCHING EXISTING DATA

PUBLICLY AVAILABLE

- CENSUS DATA
- OTHER STATISTICAL SURVEYS
- NGO REPORTS

WHAT ARE OTHERS DOING ABOUT THESE PROBLEMS?

IS MY PROJECT A GOOD FIT?

POTENTIAL NEGATIVE CONSEQUENCES?

CASE STUDY

UNHCR spent a year assessing remote border areas in Thailand and found that distance to government services and lack of awareness of the procedure had reduced access to the nationality. UNHCR partnered with the NGO ADRA Thailand to build the capacity of district chiefs to speed up processing of nationality applications and to spread information through schools about how to apply for birth registration, nationality, permanent residency, and other civil status documentation.

Using Data for storing and using the information you collect at any stage in a project. See 4. Building Key Relationships for further guidance on working with other NGOs and local authorities.

See 5.1 Planning Strategically for further advice on risk analysis and management.

2.3 Identifying Relevant Actors and Understanding their Influence

Understanding the range of players active in the area is crucial to a project's success, and to your ability to build constructive relationships on an institutional level and in the field, and between individual paralegals and local authorities, leaders and communities. You should investigate the motivations and positions of those who have influence, including those not directly related to service availability, documentation, or citizenship. Some actors may be allies and potential collaboration partners; others may be neutral or even against you. Understanding their position may make it possible to persuade them to tolerate or even support your cause.

Managers or paralegals familiar with local actors can start the stakeholder mapping process based on their own knowledge, but should also consult with community members. Communities may have insights into the behavior and attitudes of local leaders, politicians, and others. Their statements about the sectors where they are mistreated—such as secondary schooling, extortion at roadblocks, or denial of access to banking service—may also help identify people with influence that your project should seek to understand.

ADVANTAGES AND DISADVANTAGES OF MAPPING SURVEYS

ADVANTAGES	DISADVANTAGES OR CHALLENGES
⊕ Can give detailed insight into the size, geographic distribution and characteristics of the population, which official statistics may omit.	⊖ Complex, expensive activity requiring statistical expertise for appropriate population sampling and survey design.
⊕ Can guide which services your project offers.	⊖ Requires strong technical capabilities (secure data gathering, storage, and management system) to ensure the confidentiality of participants.

Stakeholder mapping can involve:

- A spreadsheet where actors, relevant statements and activities, and suggested courses of action (e.g. advocacy actions, strengthening collaboration) can be recorded.
- Online searches for statements by legislators and community representatives on topics like "birth registration," "statelessness," or other relevant issues (e.g. minority rights, discrimination).
- Inviting community members to draw their own visual stakeholder maps, showing the relationships among key actors.
- Listing everyone a person interacts with when seeking an ID document.
- Determining different officials' levels of influence in decision-making on issuance of documents or access to rights and services. A greater level of influence may suggest a person should be a priority for advocacy measures.
- Contacting communities and long-term staff of local organizations to learn about the background to a stakeholder's negative position towards documentation and citizenship rights for certain groups. This may reveal potential future advocacy strategies.
- Considering whether community leaders are genuinely representative of the community. If not, identify who can speak on behalf of marginalized groups.
- Researching political dynamics, divisions, and disputes within the community in order to avoid inadvertently aligning your project with a particular sub-group.

See **10. Changing a System** for guidance on influencing strategies, and **4. Building Key Relationships** for advice on how to approach stakeholders you have identified.

2.4 Legal and Policy Frameworks

Local laws and policies on statelessness, citizenship rights, birth registration, and legal identity documentation and identity documentation have enormous influence on your ability to be effective. They also may determine what other approaches, such as advocacy, lawyer-led legal aid, or strategic litigation, may be appropriate. A desk review is a good starting point; test cases can also be used to understand the nuances of policy and how laws are implemented in practice.

First, consider laws that affect your mode of action: the institutional legal context, the laws on NGOs, legal aid, and the role of paralegals. Do these restrict your ability to serve the needs you identified? As well as explicitly restrictive NGO and legal aid laws, this includes practices that treat activities you might be planning as hostile to the state, and paralegals engaged in these activities may be at risk. Sometimes paralegals or NGOs require accreditation.

RELATED RESOURCE

The following resources offer guidance about interviewing and conducting research with children, which you may find useful if planning on speaking directly with children during the needs assessment:

- What are the best ways to interview children? London School of Economics

- Guidelines for interviewing children, Save the Children

- Assessment Guidelines: UNICEF Child Protection Assessment Tool, UNICEF

- UNHCR's Guidance Document on Measuring Stateless Populations provides technical advice for researching this group, through statistical desk review and surveys.

≠ DISCRIMINATION

EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

STAKEHOLDERS

GOVERNMENT/STATE

JUDGES
MINISTRY OF JUSTICE
MINISTRY OF INTERIOR
LEGAL AID OFFICES
LAWYERS
IMMIGRATION OFFICIALS
REFUGEE AGENCIES
OMBUDSPERSON
CIVIL REGISTRATION OFFICIALS
(LOCALLY AND CENTRALLY)
SOCIAL WORKERS
HEALTH WORKERS

UNITED NATIONS

UNICEF
UNHCR
UN WOMEN
UNDP
UNFPA
IOM

CIVIL SOCIETY

NGOs
RELIGIOUS LEADERS
WOMEN'S LEADERS
ACADEMIC PARTNERS
YOUTH LEADERS

NATIONAL HUMAN RIGHTS INSTITUTES (NHRIs)

THIS IS A PARTIAL LIST OF STAKEHOLDERS

Second, consider the laws that affect the issues you seek to address. Sources for these are listed below. You will need to train paralegals to understand these laws, and may wish to provide them with hard copies of the laws, or parts of them.

Civil registration and legal identity documentation systems can be heavily bureaucratic. Many of the critical steps in your clients' cases and daily elements of your work with administrative agencies will be determined in implementing regulations, orders, and even in internal memoranda that you may not have access to. Many decisions will be left to administrative discretion of individual officers (see State and Local Practice, below). The rules and procedures for administrative challenges to denials may not be clear and access to judicial review of denials may be difficult or unavailable. There is also often great variation in practice across different local offices. These challenges often make paralegal assistance in such cases all the more important because projects are equipped to learn these processes and advocate for the gradual elimination of systemic problems like the lack of transparency, administrative discretion, and

lack of access to meaningful review of decisions. As part of assessing the opportunity to help and community needs, a detailed analysis of the regulatory framework and local administrative practice will be invaluable.

Some contexts are so discriminatory that paralegals cannot solve problems until laws are reformed. However, paralegals can still play a useful role in sensitizing, empowering, and mobilizing communities to recognize and fight discrimination, and in educating local officials. Paralegal casework records may prove that existing laws do not work for everyone, supporting advocacy for reform of exclusionary laws. Where legal identity documentation is available despite gaps or challenges in the law or practice, paralegals can be of great help and can often improve the system through their casework.

Careful consideration should be given to working in contexts with exclusionary laws and practices, since attempts to formalize status under such laws may expose people to detention, deportation, and other forms of mistreatment. In some cases, engagement cannot lead to significant benefits, even if it provides some kind of status. Clients should be involved in deciding the course of action in light of the risks.

Where law and practice are positive, and only remote or disadvantaged groups have trouble accessing services, paralegal projects could have a negative effect. Reaching remote areas is the role of the state, through accessibility initiatives such as large-scale mobile registration drives. Paralegals can support such processes, such as by helping governments improve their community outreach, and by using these events to show government how to bring services closer to people. However, paralegal projects should ensure such activities do not substitute for or deter core government services, which could happen if paralegals take increasing responsibility over functions that belong to the state. Advocacy to call on the government to serve people in remote areas and treat people equally may complement mobile registration drives by pushing for greater government action and accountability.

See 7.4 Ethical Issues for further discussion of the "do no harm" principle, including in relation to the risk of paralegals' substituting core government functions and engaging with discriminatory laws.

2.5 Social and Economic Factors

Many communities experiencing documentation problems will be affected by illiteracy, poverty, social exclusion, discrimination, corruption, and distance from services. These disadvantages may reflect their minority status and/or their documentation problems or statelessness. Paralegal projects should be prepared to consider how to address prohibitive costs and travel time, and ensure information is available in community languages. Ideally, they will be able to begin to reverse these disadvantages through their work helping clients access citizenship rights, demanding change and fair treatment, and advocating for improved legal and administrative systems.

SOME CONTEXTS ARE SO DISCRIMINATORY THAT PARALEGALS CANNOT SOLVE PROBLEMS UNTIL LAWS ARE REFORMED. HOWEVER, PARALEGALS CAN STILL PLAY A USEFUL ROLE IN SENSITIZING, EMPOWERING, AND MOBILIZING COMMUNITIES TO RECOGNIZE AND FIGHT DISCRIMINATION, AND IN EDUCATING LOCAL OFFICIALS.

DISCRIMINATION   EMPOWERMENT

SUSTAINABILITY   DATA

RELATED RESOURCES   RELATED SECTIONS
(EXTERNAL)   (WITHIN)

NATIONAL LAWS AND REGULATIONS CHECKLIST

THE FOLLOWING LAWS MAY BE RELEVANT TO NATIONALITY AND DOCUMENTATION ISSUES:

✔ **NATIONAL CONSTITUTION**
- May contain principles such as non-discrimination or equality, which you can use to argue for inclusion; some cover nationality and national identity directly.

✔ **NATIONALITY LAW**
- Identify weaknesses in the law, and what safeguards could be introduced to prevent and reduce statelessness. May include provisions related to civil status documentation and proof of nationality.

✔ **LAWS ON CIVIL STATUS**
- These affect birth, death, marriage, and adoption, including their registration.
- Immigration and asylum law.
- Relevant for stateless or undocumented migrants; may affect detention and deportation also.

✔ **CIVIL LAW OR CODE**
- May affect civil status, family law, and housing, land, and property rights, which are often tied to nationality.

✔ **FAMILY LAW OR OTHER CHILD PROTECTION LAW**
- Sets out rules relating to marriage, divorce, adoption, age when you are considered an adult, and other aspects that relate to civil status documentation and confirmation of nationality.

✔ **DUE PROCESS STANDARDS**
- Covers the equal treatment of people by the law. This could be useful where discrimination curtails access to justice, including a legal identity. This may also be where the law sets time limits for certain procedures. Violations of such limits may be something your program should address.

✔ **ANTI-DISCRIMINATION LAWS**
- May allow paralegals and communities to demand equal and fair treatment when accessing documentation or citizenship rights.

✔ **LAWS RELATING TO THE PROTECTIONS OF MINORITIES**
- Useful if the project will serve a particular ethnic or national group, clan, caste, tribe, or other marginalized group.

✔ **LAWS REGULATING SECTORS WHERE DOCUMENTATION INTERACTS WITH SERVICES**
- This might include laws on education, healthcare, social insurance, employment, and so on, particularly where these specify that certain types of legal identity documentation are required before the service can be accessed. Provisions in such laws relating to their universal nature can be invoked to ensure the undocumented or stateless are not excluded.

✔ **CUSTOMARY OR RELIGIOUS LAWS**
- These may cover marriages, deaths, divorces, births, and other civil status issues. Natural resource and land access and management, which often affect issues of nationality, may also be covered here.

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
- 979 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 websites:
>
> • 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
- 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession

✔ **AMERICAS**
- 1969 American Convention on Human Rights, Article 20

POLICY DOCUMENTS CHECKLIST

✔ **NATIONAL**

- Service charters containing commitments on quality / of efficiency government services
- Access to justice policies
- Civil status reform or modernization policy
- Policies on asylum seekers or undocumented migrants
- Child protection policies

✔ **INTERNATIONAL AND REGIONAL**

- 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, Article 2
- 2014 Ministerial Declaration to "Get everyone in the picture" in Asia and the Pacific
- 2015 Abidjan Declaration of Ministers of the Economic Community of West African States on eradication of statelessness
- Economic Community of West African States (ECOWAS) Plan of Action on Eradication of Statelessness, 2017 – 2024
- Declaration of International Conference on the Great Lakes Region (ICGLR) Member States on the Eradication of Statelessness
- Action Plan of the International Conference on the Great Lakes Region (ICGLR) on the Eradication of Statelessness 2017-2019
- Brazil Declaration and Plan of Action
- Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness
- League of Arab States Ministerial Declaration on Belonging and Legal Identity

STATE AND LOCAL PRACTICE CHECKLIST

ACTUAL GOVERNMENT PRACTICE IN APPLYING THE LAWS AND POLICIES RELATING TO YOUR PROJECT MAY BE AS IMPORTANT AS THE LAWS THEMSELVES. THE RELEVANT PRACTICES MAY BE NATIONWIDE OR MORE LOCALIZED—LOCAL ACTORS FREQUENTLY PLAY CRITICAL ROLES IN SHAPING PRACTICE ON ACCESS TO LEGAL IDENTITY DOCUMENTATION. THE CONTEXT FOR YOUR PROJECTS INCLUDES, THEREFORE, THE FOLLOWING:

- Whether laws are applied in the same way to people of different backgrounds
- Whether practice varies from region to region
- Differences in fees and time-scales between regions
- Supporting documents requested
- Common challenges, e.g. delays in transferring claims to a central office, bribe requests

Social and economic factors also shape communities' relationship to the legal framework. Sometimes birth registration laws are fair and human rights-compliant, but certain populations are not comfortable following procedures or do not know about them or why they are important. Understanding people's relationship with the legal framework is key to designing and shaping a paralegal response to the problem.

⬛≠✊ **Overcoming structural discrimination generally requires both grassroots and high-level coordination, along with community-driven, evidence-based advocacy. See 10. Changing a System for further discussion.**

2.6 Times of War and Emergencies

In humanitarian settings, paralegal projects may still be possible, though existing projects may need to tailor their approach when armed conflicts or emergencies arise. You might need to take into account factors such as alternative judicial and administrative structures in refugee or IDP camps, or a situation where human rights protections are limited under a state of emergency. Focus may be on birth registration for refugees or IDPs, who can be at greater risk of statelessness. Paralegals may need to look at laws and policies on asylum in order to address the needs of a forced migrant population. Procedures for recovering lost documents might be critical, especially if civil registries have been destroyed. If moving to a third country is an option, legal identity documentation may be particularly important.

⬛ **See 9.1 Meeting Clients' Needs in Different Legal Contexts for further resources and considerations relating to statelessness and civil registration in refugee situations.**

2.7 Determining the Form of Your Project

Independent vs. part of an existing organization vs. university-based

If registration as a legal entity is difficult, slow, and/or expensive, it may be best to avoid this process by partnering with an existing registered organization. Many countries have complicated registration processes for human rights organizations, particularly those that use foreign funds. Some types of organizations that may be interested in partnering with your project:

- NGOs with human rights missions or missions serving an affected population.
- Existing paralegal networks or legal aid projects that do not already work on nationality or documentation issues.
- Existing paralegal networks or legal aid projects that work on nationality or documentation issues but lack the capacity to serve the entire affected population in their area.

CASE STUDY

Paralegal work can be valuable even where laws and administrative processes are discriminatory. Kenya, for example, applies separate strict and arbitrary procedures (called "vetting") for issuing documentation to certain ethnic groups. The Nubian Rights Forum and Haki na Sheria help clients who must navigate the vetting process in order to obtain national ID cards and passports.

Paralegals from the Nubian Rights Forum, working with the Nubian community in Kibera, an informal settlement in Nairobi, give clients rehearsal interviews to help them prepare for the questions they will have to answer.

Paralegals from Haki na Sheria, an organization in the remote northern region of the country near Garissa, observe the vetting process there and capture information on its discriminatory nature and damaging impacts on the community. When possible, they challenge questions asked by officials.

Both organizations also collect data on each client's experience to advocate ending this discriminatory practice.

In discriminatory environments, consider the risks of pursuing formalization of clients' status. Consult and communicate extensively with communities and establish risk-lowering and monitoring strategies before acting.

CASE STUDY

In northern Kenya, unlike the rest of the country, government offices only provide nationality documentation during certain seasons. In addition, government offices are not accessible to many people. Many young people miss educational and travel opportunities while waiting for application periods to come around. Application forms are free from government offices, but shops (which may be more accessible) sell them for money. Northern Kenya is home to the world's largest refugee camp: Dadaab. Refugees in camps in the area are also at risk of documentation problems. In 2016, paralegals from Haki na Sheria, an organization based in the Kenyan Somali community, helped 500 households whose members were double-registered as both Somali refugees and Kenyan nationals to safely clarify their legal status during a governmental amnesty.

External paralegals vs. community-based paralegals

Most projects surveyed for this guide use community-based paralegals. This may involve equipping people from affected communities to act as paralegals. It is also possible to combine community members and external actors in the same team. If training community members as paralegals is not right for your project, social / healthcare workers, teachers, civil society organization (CSO) staff, protection committees, community leaders, detention center workers, and local government bodies (e.g. National Human Rights Institution representatives) could potentially play a paralegal role. Hiring community-based interpreters or assistants to work with staff recruited from outside the community can have some of the same effects in terms of building trust in the affected communities.

When deciding which approach or approaches to adopt, consider factors like resources, performance, accountability, existing community-based structures, and local NGO or legal aid laws. Many projects have paid staff paralegals while also engaging volunteers for certain activities—such as pro bono legal support with complex cases, or outreach volunteers to widen paralegals' coverage.

The university clinic model is discussed further under 7.1 Identifying and Recruiting Staff and/or Volunteers.

"COMMUNITY-BASED PARALEGALS ARE QUICKER WHEN IT COMES TO HELPING CLIENTS COLLATE THE DOCUMENTS THAT THEY NEED TO APPLY FOR NATIONALITY. COMMUNITY MEMBERS ARE MORE TRUSTING OF COMMUNITY-BASED PARALEGALS, AS THEY ARE MORE CONVINCED ABOUT THEIR LEVEL OF INTEGRITY AND COMMITMENT."

MAALINI RAMALO
PROJECT COORDINATOR, DHRRA MALAYSIA

ADVANTAGES OF COMMUNITY-BASED PARALEGALS

○ ✊ A key way of ensuring empowerment from within the community: paralegals can be examples to others, encouraging them to pursue jobs they see as complex.

○ Projects can benefit from paralegals' existing networks, local language skills, knowledge of community dynamics, and personal experiences of documentation and nationality issues and their consequences. Paralegals may have relationships that help them spread legal information, which also aids empowerment.

○ Community-based paralegals are relatable and easily trusted, leading clients to speak more freely about their situation.

○ Community-based paralegals may be able to access community networks that can provide a solution for a client where the legal system cannot.

○ The community may monitor community-based paralegals, which can improve performance.

○ Community-based paralegals are relatable and easily trusted, leading clients to speak more freely about their situation.

○ Community-based paralegals are more efficient at mobilizing the community.

ADVANTAGES OF EXTERNAL PARALEGALS

○ Government requirements for legal qualifications or official languages may exclude members of undocumented communities with blocked educational opportunities. In such cases, affirmative action policies can help ensure a project identifies exceptions. Paralegals may face backlash and risks because they challenge existing power structures.

○ External paralegals may be less likely to see the problems the project addresses as normal.

○ External paralegals can provide a connection between a marginalized community and the wider population, helping to dispel myths and combat discrimination among the majority group.

○ External paralegals may be less affected by trauma and burnout because they have a respite from difficult conditions within the community they serve.

ADVANTAGES OF PAID STAFF PARALEGALS

○ Ability to hold paid staff to higher standards for their time and quality of their work.

○ More reliability and consistency of services than with volunteers.

○ Lower turnover, development of greater expertise over time.

ADVANTAGES OF VOLUNTEER PARALEGALS

○ Fewer resources required.

○ Ensures that paralegals are motivated above all by your objective.

○ May allow community members to be trained as paralegals, even when they hold other full-time occupations.

START UP

WHO WE ARE
SERVING AND WHY

1

4

MAKING LASTING CHANGE

2

IMPLEMENTATION

3
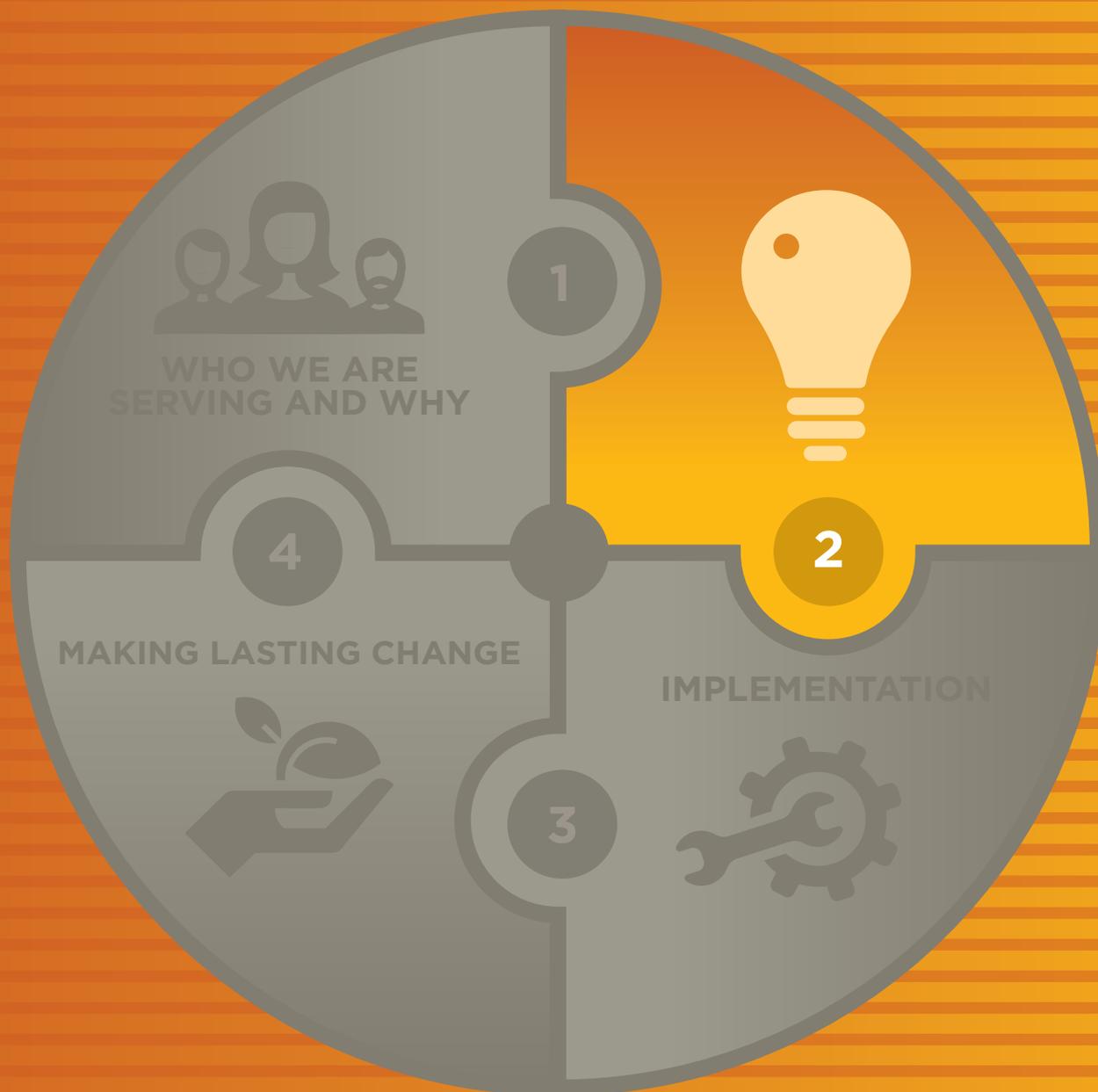
3. RAISING MONEY AND BUDGETING

THIS CHAPTER ADDRESSES RAISING FUNDS and managing them, including funding models, approaches to fundraising, and budgeting.

3.1 Financial Models

⌖ There are few examples of sustained, institutionalized financing (public funds) and public policy frameworks supporting community-based justice services. For this reason, paralegal projects generally rely on a mix of funding sources.

Financial models paralegal programs have used include:

- Self-sustaining
  - Social enterprise. When an organization uses commercial revenue to advance social aims. There are many different models of social enterprise funding for paralegal work, from side businesses like trash recycling, to real estate investments that bring in passive income, to working with lawyers who take in paying clients and support the paralegals' work.
  - Community contributions. For example asking community members to contribute to the cost of transport to and from registration centers.
  - Service fees. A form of social enterprise. Charging fees or requesting contributions from clients requires very careful consideration of legal and ethical implications, but some projects have used this approach.

- External
  - Public grants. Funding from state agencies, like the Ministry of Justice, the Ministry of Home Affairs, or a local government agency.
  - Donors. Grants from national or international private philanthropic organizations or foreign aid agencies, for example.
  - In kind contributions. Donations of vehicles, materials, or office space, for example.
  - Individual fellowships.

With traditional donors increasingly stretched, political shifts affecting funding streams, and increasing competition for funds, your program will have to innovate to secure revenue.

CASE STUDY

Many donors prefer giving humanitarian assistance such as livelihoods and shelter over supporting human rights or governance work. In northern Kenya, this caused funding constraints for legal empowerment projects. Local CSO Haki na Sheria plans to get communities to contribute to supporting the organization's paralegal work. They feel this approach can greatly enhance accountability and community ownership of projects.

≠ DISCRIMINATION

✊ EMPOWERMENT

⌖ SUSTAINABILITY

◗ DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

CASE STUDY

Wajir Human Rights Network (WHRN) is a Kenyan organization of committed individuals who empowered their own communities with their own resources for a period of two years without donor support.

3.2 Empowerment Approaches to Fundraising

✊ Keep these principles in mind during fundraising efforts in order to empower the community you serve as much as possible.

- NGOs run businesses (including such disparate ventures as recycling, sanitary napkin, and chicken businesses) staffed by community members that generate funds for their programs, as well as generating jobs.
- Consult communities, especially when drawing up proposals for spending the funds raised, in order to ensure that your plans are in line with their priorities and needs.
- Involve community members in fundraising where possible, to build capacity. This is essential if you plan to transfer management of a project to the community eventually.
- While the communities you are working with may be able to contribute only minimal amounts for transport and administrative fees, encouraging this can be an important way of anchoring projects in the community, and cultivating longer-term buy-in and empowerment. This may generate behavioral changes, such as on-time birth registration, to avoid late fees. It also makes registering a birth or death the shared responsibility of the community, rather than the parents' alone.

📖 🔍 See 6. Ensuring Sustainability and 7.1 Identifying and Recruiting Staff and/or Volunteers.

3.3 Public Funds

If public funds are available, applying for them may have disadvantages as well as advantages.

ADVANTAGES AND DISADVANTAGES IN ACCEPTING PUBLIC FUNDING

REASONS TO ACCEPT GOVERNMENT FUNDS	REASONS TO DECLINE GOVERNMENT FUNDS
Helps build relationships with government decision-makers, which may be beneficial for advocacy work.	Elements of the state may be the source of discrimination against the group you are working with.
Generally amounts to a significant amount of money, which may be available regularly.	Communities may not trust and cooperate with your project if you take government funds.
May encourage the government to include legal identity documentation, citizenship, or paralegal work in its development or other plans.	You may not have the technical capacity to protect client confidentiality if the government as a funder oversees your project.

☝ If you accept public funds, you must establish clear guidelines on transparency and confidentiality to protect clients. When developing these guidelines, consider covering topics such as the need for enhanced staff training on protocols specific to the government donor, how to redact (hide) identifying information from casework data that is reported, and ensuring anonymity in case studies or human interest stories. It may be appropriate to make joint decisions on accepting public funds with the community you serve to avoid misunderstandings and loss of trust.

☝ Keep in mind that the state is made up of many diverse government institutions. You may seek both local and national public financing, for example. Birth registration and other forms of foundational legal identity documentation also increasingly link individuals to a host of different government sectors like education, health, employment, justice, and social welfare. There may be funding from different ministries or public agencies connected with each of these sectors. Diversified public financing can help to reduce dependency on any one source and provide protection in case shifts in the political sphere lead to shifts in funding for your work.

3.4 Other Funding Sources

☝ Projects with a specialized focus on citizenship, statelessness, and legal identity documentation can attract funding from donors for which these issues are a priority. Organizations that have funded paralegal projects in this field include those listed below, although they may not always continue to do so. It is wise to approach many funding sources.

- UNICEF
- UNHCR
- The UN Development Programme
- UN Common Humanitarian Fund
- The European Civil Protection and Humanitarian Aid Operation (ECHO)
- European Union (Asylum, Migration and Integration Fund)
- European Commission and Council of Europe (e.g. joint funding for Roma women's access to justice)
- World Bank
- African Development Bank
- National Justice Ministries and Civil Registry Agencies
- Embassies and Foreign Affairs Ministries (e.g. Norway, Netherlands, Australia)
- Government international development funds, such as: USAID; the U.S. Bureau of Population, Refugees, and Migration; the UK's Department for International Development (DFID)
- Open Society Foundations

It may be necessary to avoid international funding, if officials or the community will believe your project brings controversial foreign influence

CASE STUDY

"When we first realized that there was a need to open an office in Perak so that we could reach out to undocumented persons, we did not have any funding," explains Nanthini Ramalo, executive director of paralegal project Development of Human Resources for Rural Areas (DHRRA) Malaysia. Yet many people in Perak were undocumented. Ms. Ramalo recalls a 57-year-old man in Perak with serious medical conditions who died trying to get national documentation so that he could receive national healthcare services.

DHRRA used creative thinking and social entrepreneurship to make the office possible, opening up the first fitness center in the Sungkai district and using its profits to set up the new office and keep it running.

≠ DISCRIMINATION

✊ EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

ANOTHER AVENUE OF FUNDING IS TO TARGET BUSINESSES WITH CORPORATE SOCIAL RESPONSIBILITY PROGRAMS, PARTICULARLY WHEN THERE ARE LINKS TO BE MADE BETWEEN THE BUSINESS DOMAIN AND ISSUES FACING UNDOCUMENTED OR STATELESS PERSONS.

over nationality matters, or where political shifts result in unpredictable or significant cuts to funding.

Another avenue of funding is to target businesses with corporate social responsibility programs, particularly when there are links to be made between the business domain and issues facing undocumented or stateless persons. For example, the groups your project serves may not be able to access banking services, due to their lack of legal identity documents. This may incentivize banks, which often have large social responsibility programs, to take up the issue and donate. Some countries may have laws requiring businesses to donate a certain percentage of their profits to charity.

Using the law clinic model to deliver paralegal services, as discussed in 7.1 Identifying and Recruiting Staff and/or Volunteers, may also expose practitioners to other sources of income, as students and staff may be eligible for certain university funding streams and scholarships, such as for databases, conference travel, or research. Universities often fund clinics directly.

Make sure to understand legal aid laws and factor in benefits the state provides for low income or stateless individuals, which may be available to your clients. This might extend to free legal aid, or reduced or zero fees for administrative processes such as residence registration.

3.5 Key Ideas for Fundraising Messages

Many potential donors may not understand statelessness, the importance of basic documentation, and nationality as the foundation of other human rights. Many will not have these issues on their agenda. Four key tools are:

1. Explain how your project will support issues they already support. The table below links many issues that donor institutions will recognize to statelessness and documentation.
2. Human interest stories illustrate impact and can be used to demonstrate the connection between the issues you address and donors' goals.
3. Referencing the Sustainable Development Goals will suggest that documentation of legal identity is not controversial. Specifically, SDG 16 relates to access to justice, and SDG 16.9 calls on states to provide access to legal identity for all, including birth registration, by 2030. Because it blocks the entry of affected people into the formal economy, statelessness and denial of documentation make the other Sustainable Development Goals much harder to achieve.
4. Be prepared to explain why overhead costs (money that is not directly spent on clients) are generally high in paralegal projects. The cost of employing paralegals is the main expense for most paralegal projects. Some donors may require minimal overhead costs without having considered the specific nature of paralegal assistance.

LINKING DOCUMENTATION TO OTHER ISSUE AREAS

ISSUE	KEY IDEAS FOR MESSAGING
Human rights	States are responsible for ensuring our human rights. Therefore, stateless, at-risk, undocumented, and under-documented people may have little or no protection against human rights violations. Exclusion from documentation of legal identity is often a result of discrimination, and impedes any exercise of civic rights, specifically the right to vote.
Minority rights	Minorities have a greater likelihood of being affected by a lack of documentation and statelessness, due to discrimination and structural issues that create difficulties in accessing procedures and documents.
Development, poverty	A lack of legal identity documentation can often prevent people from entering the formal economy, which impacts national development. States lose out on taxes and have incomplete population registers, which is not good for effective development planning. Thus your project relates to all of the SDGs, and not only the ones that reference access to documentation and legal identity.
Access to justice	Those without a legal identity can rarely file an administrative or court case, for example to register a complaint for mistreatment, as most countries require proof of legal identity. Therefore, the stateless and undocumented will rarely be in a position to seek justice for everyday rights violations, or if they are victims of crimes. This is why the Sustainable Development Goal 16 on Access to Justice references ensuring access to a legal identity.
Rule of law	Your project will seek to ensure that local officials follow laws written at the national level; casework data can also galvanize advocacy for improved legal frameworks.
Governance	Helping populations access government services and register themselves can help to perfect population registries, refine population data, and ensure civic participation in governance.
Displacement, migration, asylum, trafficking	Stateless and undocumented persons are more likely to migrate voluntarily or involuntarily, seeking improved opportunities or fleeing mistreatment. Without official records of their existence, they are more vulnerable to exploitation. They are also vulnerable to losing their land because of difficulty proving or protecting their rights, which can lead to displacement.

LINKING DOCUMENTATION TO OTHER ISSUE AREAS

ISSUE	KEY IDEAS FOR MESSAGING
Women's rights, gender	Women often have less documentation than men, because of cultural factors, division of labor, or lack of education. Women are often discriminated against when registering their children. Many countries prevent women from transmitting their nationality to their children.
Child protection	Birth registration is a child protection tool, ensuring the child's access to education, healthcare, and protection from exploitation. In making this connection, be sure to make it clear that financing documentation for parents is often the way to protect children, as many countries require parental ID to register their children. Thus funding should not be limited to direct registration for minors.
Security, peace, conflict prevention, anti-extremism	People disenfranchised by a lack of identity may be vulnerable to radicalization. Whole communities in this situation can become sources of conflict. Agreements that provide restitution for conflict-affected populations often include provision of legal identity documentation.
Housing, land, property, shelter	Undocumented persons may be vulnerable to losing their land or their homes because a lack of documentation makes it impossible to prove ownership and rights to tenancy, or seek protections under the law.
Livelihoods, microfinance, cash transfer	Without documents, individuals are often relegated to the informal sector and excluded from banking and other financial services. This is fundamental to most microfinance, community savings, and cash transfer programs.
Education, child development	Undocumented children are often excluded from schools. Those who have the right to primary and secondary education may be barred from enrollment, or face additional obstacles in affording the cost of education. Therefore your project addresses access to basic services, access to education and, over time, access to employment opportunities.
Healthcare	Stateless and undocumented persons may have to pay foreigners' rates for procedures and medicines, which they can ill afford. Affected communities tend to have poorer health indicators.
Humanitarian	Where statelessness and exclusion are root causes of conflict, displacement, or violence, humanitarian funding can be engaged.

Even when donors recognize and appreciate these links, they may be unable or unwilling to act outside their traditional scope, for fear of being unable to oversee or guide your work. Because of this, building relationships with funders is key.

It may be that donors will see your project as opposing the country's government, and funders may have relationships with the government that they need to protect. As issuance of nationality ultimately requires action on the part of the state, donors may see this as beyond the project's control and avoid funding it. However, you may be able to frame your project in terms of assisting people to access government administrative systems and/or identifying gaps to inform improvements to government systems, which may better fit the interests of these donors.

You should also consider messages that would encourage local resource mobilization from within the community. Think about how you can build these messages into your outreach to community members and local leaders, for example community business leaders, professional networks like university associations, and among political representatives.

⬐ See also 4. Building Key Relationships

3.6 Budgeting

⦿ Budgeting and financial management are critical to the success of your program. Potential funders will require a proposed budget alongside any funding proposal. Once you know how much money the project will have, for how long, and any restrictions on the funding, you will need to revise the budget and add details. Ideally, the budgeting process should include participation by members of the community you will serve.

Some common concerns you may need to address or prepare for include:

- If you are creating a long-term advocacy campaign, its length and costs are uncertain.
- Getting the same document may have different costs, depending on the client's age or the supporting documents requested, which may be unpredictable and arbitrary.
- Paying for transport costs for those living far from registry offices or courts may appear necessary; however, this may not be sustainable in the long run.

4. BUILDING KEY RELATIONSHIPS

⦿ **IN ADDITION TO FUNDERS**, it is vital to build relationships with the community you are serving, as well as with governments, the UN, and civil society. Building relationships with other organizations and institutions allows you to coordinate activities so your organization can benefit from the efforts of others, from the initial research and needs assessment stage, through to program design and delivery. Grassroots

RELATED RESOURCE

For dedicated guidance on approaching donors, formulating requests for funds, and creating partnerships, see the "Fundraising" chapter in Refugee Rights Toolkit, Asylum Access.

RELATED RESOURCE

• Open Society Justice Initiative's Community-based Paralegals: A Practitioner's Guide provides general guidance on financial procedures and budgeting.

• Detailed guidance on "Budgeting" and financial management for legal assistance programs, Refugee Rights Toolkit, Asylum Access.

• Sample budget template, tools4dev.

≠ DISCRIMINATION

✊ EMPOWERMENT

⦿ SUSTAINABILITY

◗ DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

CASE STUDY

Development of Human Resources for Rural Areas, Malaysia (DHRRA) builds trust in the community by registering and counselling clients in public places such as schools, temples, and local community centers. Relationships with local leaders engaged in addressing social issues makes this possible. They also provide financial assistance for health and education issues and help newly-documented children with school enrolment.

CASE STUDY

Paralegals at the Sudanese NGO **Almanar Voluntary Organization (AMVO)** created strong collaboration with South Sudanese sultans in displaced people's camps by advocating successfully through its community networks for sultans to receive a government license allowing them to bury their dead. Then they got the sultans the right to provide personal guarantees in the process of issuing legal identity documents for South Sudanese citizens at risk of statelessness.

paralegal work will often act as a referral service as well as a direct aid. If a particular case is beyond what paralegals can address, litigation or higher-level advocacy may be in order. Paralegals can also refer clients for assistance on topics outside their project's services.

Some barriers may arise because of misperceptions about community-based practitioners and the benefits of documentation of legal identity. If organizations or communities perceive your project as political, for example, you may experience unnecessary barriers. Here are some approaches that have worked in different contexts:

- Describing access to legal identity, nationality, and birth registration as basic human rights. You may also consider referring to more specific areas such as children's rights, women's rights, or the right to health, for example.
- Highlight the humanitarian aspect of your work. Paralegals who work on issues of nationality and documentation help their clients gain access to shelter, healthcare, livelihoods, and education.
- Emphasize that the current laws support your action.
- If your audience may see "paralegals" in a negative light, use terms such as "community-based workers" or "outreach fellows" instead.
- Educate your audience through trainings and visits to create understanding and empathy towards the communities you are working with.

4.1 With and Within the Community

👁️✊ This section focuses on how to initiate and cultivate lasting, productive relationships between your organization or group and members of the community you seek to serve. In line with an empowerment approach, it is important to begin by acknowledging that community members are themselves agents of change, and can help paralegals and their projects as much as paralegals help them. Some ways of gaining the trust of the community include:

- Training local community members as paralegals. While, in general, working with local community members builds trust, it is also important to make paralegals aware that their existing networks have limitations. Connections to the community make the need for impartiality and ethical conduct particularly important.
- Ensuring communities participate in planning your project and have veto power over it.
- Inviting community leaders to take part in paralegals' activities, in order to generate buy-in and multiply their message.
- Ensuring a "trickle-down" effect by encouraging all those who have received paralegal assistance to spread the message regarding a project's services by sharing their experience—and knowledge gained in the process—with others in their community.

HOW INTERVENTIONS INTERACT
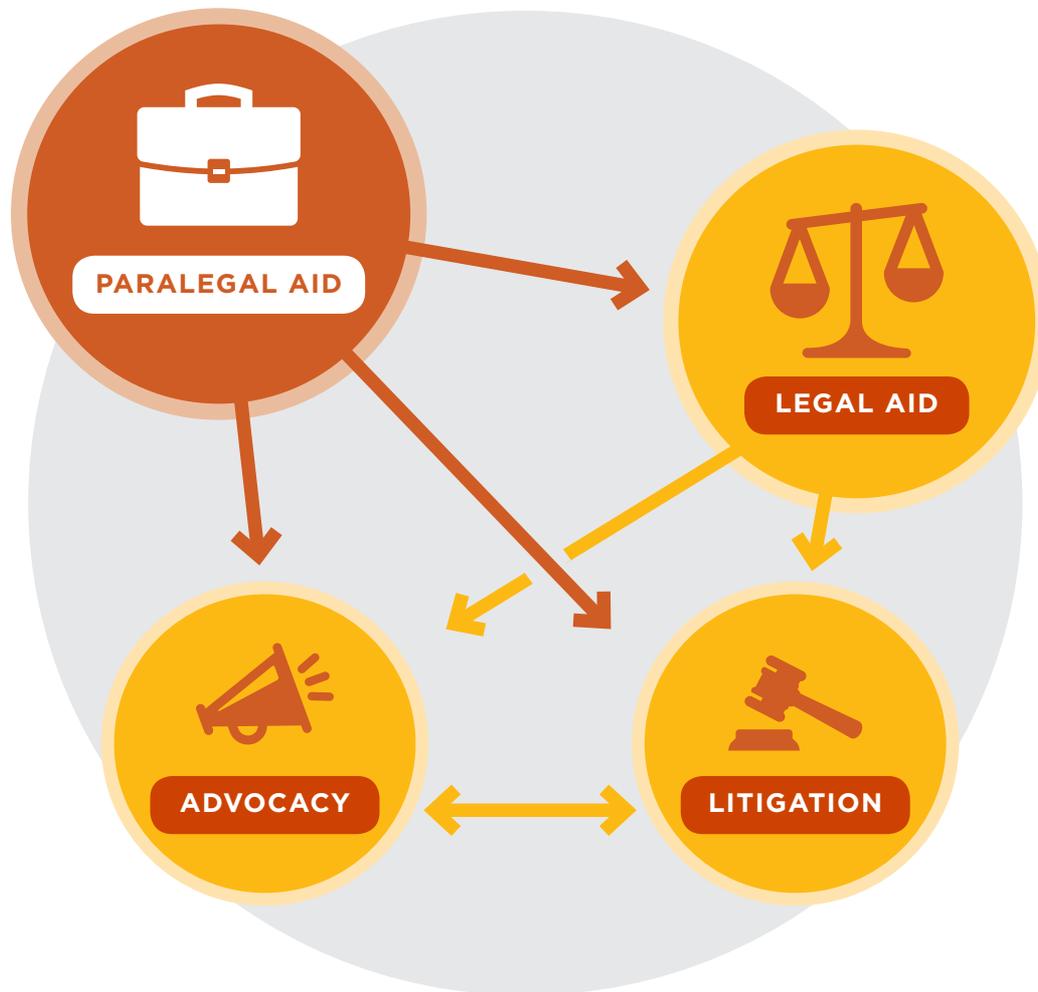
- Partnering with trusted organizations and leaders already embedded in the community. This might include schoolteachers, health workers, youth and women leaders, religious leaders and traditional chiefs, teacher-parent associations, and social workers.
- Widely sharing information about your project and the services it will provide in an accessible format. This includes community meetings to dispel myths, gather feedback, and understand potential concerns. Emphasize confidentiality, professionalism, and past results, if there are any.
- Remember that fear of authorities may prevent people from coming forward for assistance; be respectful of this concern. Knowing about past results may help people come forward.
- Asking paralegals to introduce themselves, their role, and the project's services at every possible opportunity, such as community meetings and at school or faith-based gatherings.
- Showing concern about other challenges communities have. Some of these challenges may be related to lack of documentation or

IN LINE WITH AN EMPOWERMENT APPROACH, IT IS IMPORTANT TO BEGIN BY ACKNOWLEDGING THAT COMMUNITY MEMBERS ARE THEMSELVES AGENTS OF CHANGE.

IN DEPTH

AGENTS, BROKERS, AND PARALEGALS

Agents and brokers act as middlemen between communities and services or authorities, filling out and transporting forms for a fee. They may not be trained on legal frameworks and are generally motivated by profit.

Paralegals have some legal training and are generally part of a nonprofit structure, whether an NGO or community group. They do not usually charge for their services and operate under strict codes of ethical conduct.

If it is safe to do so, vests, hats, badges, or other signals can be used to separate paralegals from brokers and agents, to make them easy for the community to identify. However if the paralegals' work is controversial, this may be risky.

citizenship, and describing that connection can build trust. Helping members of the community to find other sources of support through referrals and supporting lobbying efforts on community causes can help as well.

- Working with groups that are not directly affected by issues of documentation and citizenship rights, in order to ensure they understand and support the need for provision of paralegal services to stateless, at-risk, undocumented, and under-documented communities.
- Organizing networks of affected persons or community representatives.
- Involving paralegals in your project who also work on other issues that affect the community.

📖 For further guidance, see 7.2 Training Paralegals and 7.4 Ethical Issues.

Communities are always diverse. Guard your project against bias and recognize diversity at all times. If you are adding a paralegal project to an organization that has a long history of working with disadvantaged communities, serving many different communities may be relatively simple. But newcomers must work carefully to avoid alienating one group, even while gaining the trust of another group, caste, or clan. Understanding leadership and power dynamics is key. Consider how political divisions within the community affect your ability to reach people on both sides of these divides. Building relationships with only one group, even if it is the only one you are likely to serve, may increase conflict. Serving the other group may be wise, then, even if it does not experience the problems of being stateless, minority, or disadvantaged. Otherwise the perception that your project discriminates may fuel resentment.

Sometimes, a group that is relatively powerful acts as a gatekeeper in a way that might make it difficult for your project to serve the community as a whole. Safeguarding against this, and other manifestations of bias— such as male-only community "representatives"—might entail actively seeking out each ethnic or linguistic group, clan, or caste present, including through the use of interpreters. It would also involve ensuring that consultations about needs and introductions to the project include women, girls, boys, and men. Each group may speak more freely if met with separately. Don't overlook those made vulnerable by factors such as disability, old age, reduced mobility, or single parenthood. Paralegals should be trained to understand the dynamics of the communities in which they work and how they should communicate differently with different sub-groups within the community.

📖 For guidance on connecting with communities for the specific purpose of paralegal service delivery, see 8.1 Connecting with Your Clients: Outreach.

PROBLEMS AND SOLUTIONS WHEN WORKING WITH THE COMMUNITY

PROBLEM	POTENTIAL SOLUTIONS
Affected communities may not trust authorities.	Understand the root causes of lack of trust. This needs to be a fundamental part of your approach to education and empowerment, and may entail a strategy for working with—and seeking to change the behaviors of—specific individual officials or entire segments of the bureaucracy.
Lack of interest in documentation.	Recognize that lack of interest may reflect, for example, weak state presence, having other needs that are more important, having never had formal employment, having tried to gain documentation in the past and failed.
Exclusion of certain groups (e.g. women, persons with disabilities, older people) by the wider community.	Design a community engagement strategy that takes these factors into account from the start, for example by organizing community meetings or other outreach activities that are open to different parts of the community.
In some communities, "agents" or "brokers" have facilitated access to documentation for a fee. Members of the community may not understand how paralegals differ from these actors. (See "Agents, brokers, and paralegals" box.)	Community-based practitioners in some contexts have found it helpful, especially at the beginning of the project, to wear jackets, vests, or other clothing to visibly identify them as paralegals and indicate their affiliation with a local group or organization.
Local leaders or chiefs who received bribes to sign documents or testify as to individuals' identity may be reluctant to work with your project.	The leaders may benefit from carefully designed efforts to educate them about the consequences, for clients and the community as a whole, of their conduct.

4.2 Working with Civil Society

CSOs are generally a major part of the institutional landscape. By building productive relationships with these organizations, your project can build on their expertise and experience as well as the work they are already doing in the region. If your project is a part of a CSO, incorporating it will generally involve these kinds of analyses. Leverage existing structures and programs, such as clinics, schools, orphanages, and religious institutions, for sustainable outreach and delivery of services. Referral systems—where different organizations and institutions

DISCRIMINATION

EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES
(EXTERNAL)

RELATED SECTIONS
(WITHIN)

ENGAGING COMMUNITIES & GAINING TRUST

ENSURE communities INFORM, SHAPE, and CONSENT to any planned activities

TRAIN community members as paralegals

INVITE community leaders to TAKE PART in paralegal activities

PARTNER with trusted organizations within a community (schools, social workers, etc.)

SHARE clear information about your project e.g. via town hall meetings. Have paralegals introduce themselves at important community gatherings.

ENSURE TRICKLE-DOWN EFFECT: have clients spread the message and their knowledge

LISTEN to and incorporate community feedback. DEMONSTRATE concern about challenges faced by communities and help with these challenges; help if possible.

WORK WITH GROUPS not directly affected by documentation or citizenship issues as well, to generate empathy, support and understanding, and to show you are impartial.

inform clients about their respective services, to collectively meet clients' different needs—are an excellent way of working with other organizations. However, there may be a need for building capacity among the staff of these organizations so that they understand the consequences and barriers associated with lack of documentation and the range of solutions available.

Pay particular attention to collaborations with grassroots associations and social movements, which may multiply your reach on the ground, promote community trust, and keep you attuned to community-level dynamics, challenges, and grievances. Groups focusing on improving access to other socio-economic rights and services may be essential in

identifying clients and issues. At the same time, collaboration should include national-level organizations operating on the other side of a country as well as regional and international NGOs and movements. These organizations can amplify your project's call for change. They can also provide a comparison to practices elsewhere and intervention on topics that your project may have difficulty addressing due to security, perceptions of bias, resources, or other barriers.

⏩ **See 10.8 Advocacy Strategy: Working with International, National, and Regional Human Rights Bodies, Campaigns, and Social Movements for guidance on building and cultivating movements and coalitions, including internationally, for the purposes of advocacy.**

4.3 Partnering with International Organizations

The mandates of the UN agencies listed below all engage in various ways with issues related to provision of legal identity documentation or statelessness. Approach them for funding and partnerships, help with tasks such as facilitation of meetings with authorities, technical guidance, to amplify your advocacy messages, referrals, and more.

- UNHCR: mandated to identify, reduce, and prevent statelessness, and protect stateless persons.
- UNICEF: mandated to protect children, through access to birth registration and the right to acquire a nationality.
- United Nations Development Programme: mandated to assist governments in implementing the Sustainable Development Goals, including 16.9, which explicitly references the aim of a legal identity for all. Often leads UN country team efforts to support national development plans, which frequently cover improving access to civil status documentation.
- UN Women: mandated to ensure women's empowerment and inclusion, thus interested in their legal recognition and ability to exercise socio-economic rights.
- United Nations Population Fund: mandated to assist governments with population statistics, thus concerned with civil registration and vital statistics issues.
- IOM: mandated to assist migrants, whose documentation and nationality issues are often difficult to resolve.
- The UN Department of Peacekeeping Operations: peacekeeping missions often actively support local human rights, governance, and conflict resolution initiatives, including mobile courts for late birth registration and modernization of civil status systems.

In addition, the World Bank has developed a specific platform on provision of legal identity documentation using modern technologies such as digital and biometric innovations, inspired by SDG 16.9, which it calls Identification for Development (ID4D). ID4D works with governments and finances projects on improvement of civil registration

RELATED RESOURCE

Lawyers for Human Rights' Practitioner's Guide on Promoting Citizenship and Preventing Statelessness in South Africa is an exemplary capacity-building tool aimed at coaching lawyers, paralegals, and social workers to resolve cases of statelessness.

DISCRIMINATION   EMPOWERMENT

SUSTAINABILITY   DATA

RELATED RESOURCES (EXTERNAL)   RELATED SECTIONS (WITHIN)

AS IS THE CASE
IN BUILDING
RELATIONSHIPS WITHIN
COMMUNITIES YOU
ARE WORKING WITH,
IT IS IMPORTANT
TO UNDERSTAND
THAT EACH OF THE
AGENCIES LISTED HERE
WILL HAVE EXISTING
PRIORITIES AND
STRATEGIC PLANS OF
THEIR OWN.

and identification systems. The ID4D platform performs assessments of existing identification systems against a set of criteria including factors like gaps in access and the legal framework for data protection and privacy. Increasingly, ID4D is also engaging in advocacy on practices promoted by the World Bank, including in countries that are World Bank clients. There is an important role here for members of civil society working with communities who may be left behind or left out of new systems, to make sure that their stories are captured and solutions are designed to meet their needs.

 Related resource: http://id4d.worldbank.org/

As is the case in building relationships within communities you are working with, it is important to understand that each of the agencies listed here will have existing priorities and strategic plans of their own. For community-based NGOs and local groups providing assistance to their communities, it can be a challenge to locate your own work within the initiatives being designed and led by global organizations. Reliable, high-quality documentation of human rights abuses and strong relationships of trust within the community are key features of groups that have built successful relationships with international organizations like those listed above.

4.4 Government Authorities

Groups within government that can affect your program include civil registry officials; ministries or agencies responsible for delivery of services like education, health, and social welfare; national human rights institutes; judges; and state security and law enforcement officers. The importance of developing allies at all levels of relevant government agencies is enormous, given government's role in documentation and nationality. It is important to distinguish here between national, regional, and local government officials, and to understand how their roles and responsibilities are divided and where they may overlap. Positive relationships at all relevant levels make it possible to win support in serving clients and avoid escalation of issues. It can even lead to referrals from government, which can send people whose applications for identity documentation are denied to your program.

Consider that government officials can be sympathetic to your cause and important allies. Officials within the government and the judicial system may be able to give you critical insights into the implementation of laws and policies in practice.

Challenges paralegal programs have faced when working with authorities on issues of nationality and civil status documentation include:

- ≠ Discriminatory attitudes and suspicion. This can lead to higher standards of proof being imposed on stateless, at-risk, minority, under-documented, and migrant groups.
- Lack of knowledge of laws and procedures. Problems this causes include denial of documents and errors on documents that make

them difficult to use to access rights.

- Processing delays. Civil registry offices in remote locations are often understaffed and under-resourced. Authorities may also do this intentionally.
- Detention of people of undetermined nationality or lacking proof of their identity.
- Irregular practices, which may be motivated by profit-making or other concerns.

Some of the ways that paralegal programs have dealt with these challenges include:

- Involving local and national authorities from the planning phase to factor in their priorities and interests. With the right approach, you may be able to convince authorities that paralegals are their partners, whose activities are aligned with state priorities. It also may identify potential supporters who will be useful to you later.
- Training authorities on the rights of stateless persons, minorities, children, migrants, the causes of statelessness, prevention of trafficking, regional best practices, etc. Design your approach for sub groups such as border guards or judges to have the greatest impact.
- Demonstrating repeatedly how paralegal work supports the work of officials, by
  — Making it easier for officials to review your clients' applications by following all the rules and making sure forms are legible.
  — Bringing services closer to communities, for example, by distributing and collecting application forms.
  — Boosting government outreach, for example by sharing information on application procedures and requirements.

This can change perceptions that paralegals are working against the government or aiding false claims:

- ✊ Opening spaces for dialogue, coordination, and learning, such as activity invitations, site visits, periodic round-tables, and actively involving communities in such processes, thereby furthering empowerment.
- Registering where possible as an official provider of preliminary legal assistance, paralegal services, or similar with the relevant Ministry (Justice, Human Rights, etc.).
- Signing a memorandum or letter of understanding with local or national state bodies, in order to ensure more effective resolution of documentation and rights cases.

⮎ **See 9.3 Accompaniment and 9.4 Advocacy for advice on everyday collaboration with government in the course of paralegal work. The relationships you create at the start-up stage will facilitate these interactions later on. If your program pursues actions such as court litigation or media pressure, solid relationships can prevent them from disrupting other efforts for clients.**

CONSIDER THAT GOVERNMENT OFFICIALS CAN BE SYMPATHETIC TO YOUR CAUSE AND IMPORTANT ALLIES. OFFICIALS WITHIN THE GOVERNMENT AND THE JUDICIAL SYSTEM MAY BE ABLE TO GIVE YOU CRITICAL INSIGHTS INTO THE IMPLEMENTATION OF LAWS AND POLICIES IN PRACTICE.

≠ DISCRIMINATION

✊ EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

IN SOME CONTEXTS, BUILDING RELATIONSHIPS WITH PRIVATE SECTOR ACTORS MAY FURTHER PROGRAM OBJECTIVES FOR DOCUMENTATION, EMPOWERMENT, AND LEGAL OR POLICY CHANGE.

📖 See 2.3 Identifying Relevant Actors and Understanding their Influence for further guidance related to identifying the stakeholders with whom to build relationships.

4.5 Building Relationships with Businesses

In some contexts, building relationships with private sector actors may further program objectives for documentation, empowerment, and legal or policy change.

- Some countries, such as South Africa and Thailand, require results from prohibitively expensive DNA tests for certain late birth certificate applicants. While paralegals are advocating to end this requirement, they are also seeking arrangements with private labs to make the tests more affordable for people who lack resources.
- Paralegal programs have made agreements with services such as private healthcare or private schools to serve stateless or undocumented individuals.
- ✊ Helping potential employers to recognize the exclusion and indignity communities experience may help to stimulate hiring of members of these communities.

5. PLANNING, MONITORING, AND LEARNING FOR SUCCESS

THIS CHAPTER COVERS ISSUES SPECIFIC TO IDENTITY DOCUMENTATION WORK. Resources on results-based management cycles for paralegal or legal aid, community legal empowerment, policy advocacy and strategic litigation work in general can be found at the end of this chapter.

5.1 Planning Strategically

Planning your program's activities can be fairly simple once you have completed a needs assessment process. The important thing is to consult with the communities and individuals you plan to serve. Involving government at the planning stage, especially if you can describe your program as supporting government efforts, may also be wise. If your program is part of a wider campaign such as the #IBelong Global Campaign to End Statelessness, national civil registry reforms, the Sustainable Development Goals, or the Campaign for Equal Nationality Rights, the planning tools associated with the campaign, such as those linked to below, may help shape your activities. Planning together can support coordination among actors. The guidance in this section applies to both new organizations creating a strategic plan for their work, and organizations planning a new program on legal identity documentation or citizenship rights.

A variety of methods can help structure your planning process. Essentially, strategic planning involves considering what "success" would look like for you, and collecting the information you need—from the start of the program—in order to determine whether you succeed. There is no right way to do strategic planning. Often the tools described here are used together, to help structure planning conversations that are more tailored to fit the organization you are working in. If your program will be short—perhaps because of limited funding—strategic planning is still useful. Define one or more aims, and consider how you will measure success. Programs that may last a year or two should be flexible in their planning so that initial experiences can guide future operations, to adjust to changes in the environment, and to be able to support communities in new ways when opportunities arise. Some organizations write strategic plans with logical frameworks ("log frames") that tie big-picture goals, SMART objectives (which are Specific, Measurable, Achievable, Relevant, and Time-bound), and activities to measurements of success.

Others find it helpful to design a "theory of change," which is less linear. This allows you to use different ideas and identify assumptions in your program planning.

The following are all real-world examples of goals, mission and vision statements, objectives, and indicators paralegal programs have used.

Excerpts from paralegal programs' mission and vision statements:

- Contributing with others to access to justice, to consolidate the concept of rule of law.
- Development of the community and strengthening of democracy.
- To legally empower vulnerable persons by advocating with a professional and solidarity-based approach, educating and raising awareness of rights and obligations.
- Fulfillment of people's legal and social needs.
- We would like to see a legal system that has been refined to the point that it does not discriminate either in intention or practice.
- We believe … that as an organization we have a duty to constantly ensure that we are providing the services and help our clients ask for and need, and that we have a duty to evolve as necessary to fulfill that function.

The point of writing a mission or vision statement is to clarify the problem your program will address and what you wish to see as a result of your—and others'—efforts. These statements are often solicited in funding applications and are generally useful for fundraising and networking efforts to support your work. The statement should be designed for your own context.
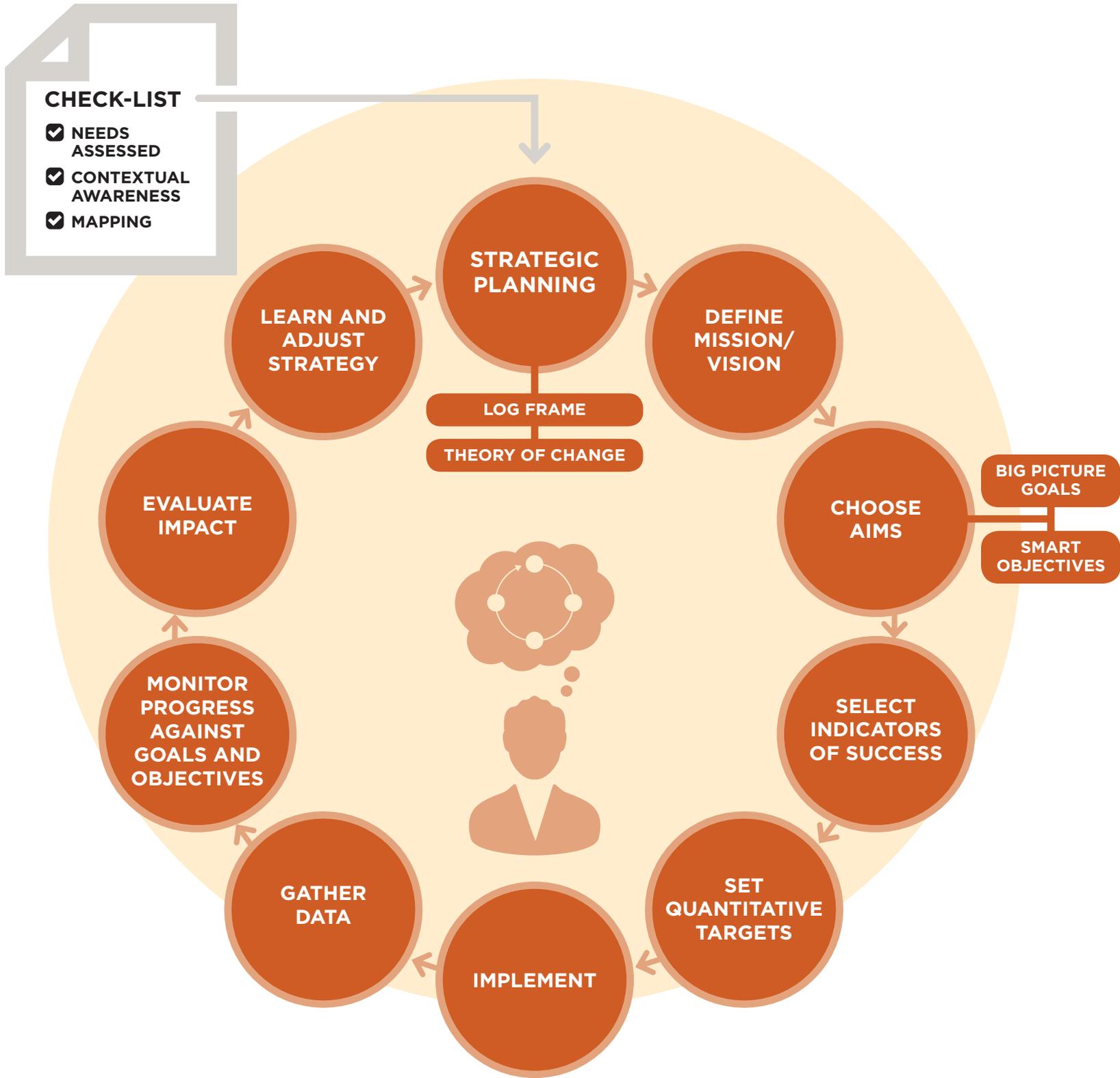
RELATED RESOURCE

- Global Action Plan to End Statelessness: 2014—2024 (UNHCR)

- The Sustainable Development Goals and Addressing Statelessness (UNHCR)

RELATED RESOURCE

- Logical Framework template, tools4dev

- Theory of Change vs. Logical Framework: What's the difference?, tools4dev

- Methodological Brief: Theory of Change, UNICEF

THE PLANNING, MONITORING, EVALUATION, AND LEARNING CYCLE

CHECK-LIST
- ☑ **NEEDS ASSESSED**
- ☑ **CONTEXTUAL AWARENESS**
- ☑ **MAPPING**

STRATEGIC PLANNING

LOG FRAME

THEORY OF CHANGE

LEARN AND ADJUST STRATEGY

DEFINE MISSION/ VISION

EVALUATE IMPACT

CHOOSE AIMS

BIG PICTURE GOALS

SMART OBJECTIVES

MONITOR PROGRESS AGAINST GOALS AND OBJECTIVES

SELECT INDICATORS OF SUCCESS

GATHER DATA

IMPLEMENT

SET QUANTITATIVE TARGETS

This illustration shows what a planning cycle might look like; there is no single, right way to do strategic planning.

Examples of big-picture goals paralegal programs worldwide have used:

- Contribute to preventing and reducing statelessness; enhancing protection of those at risk.
- Create conditions for the eradication of statelessness.
- Identify the extent of statelessness in the target region.
- Participate in bringing laws in line with international instruments.
- Promoting accession to / monitoring implementation of the statelessness conventions.
- Secured legal identity for all.
- Improve the level of documentation among affected populations.
- Universal birth registration.
- Overcoming structural discrimination against Roma people in the ex-USSR space.
- Build a national network of community-based paralegals.
- Increase public awareness of statelessness and the importance of birth registration.
- Build institutional capacity to address and resolve statelessness.
- End discrimination in the provision of citizenship rights and documents.

Examples of objectives from paralegal programs working on documentation and citizenship rights:

SERVICE-DELIVERY

- Ensure that legal advice and assistance is available to women, girls, boys, and men.
- Increase the quality and quantity of justice services delivered through a strong, identifiable, and repeatedly useable network of legal service and information providers.
- Greater development and use of vertical and horizontal networks by legal aid organizations and paralegals.
- Resolve statelessness and seek short-term remedies in the interim, such as birth certificates.
- Facilitate access to complex administrative procedures for civil registration.
- Facilitate registration of stateless refugees with UNHCR.
- Resolve clients' cases through the legal clinic; educate students in this area of law and have them reflect on the political and social situation of clients.
- Promote access of undocumented and stateless people to a legal status by strengthening community members' legal skills and advocacy capacity, and links with expert lawyers, so that they can play the role of community-based paralegals.
- Assist in collection of documents and submission of applications and in referrals to pro bono lawyers to address complex cases through the court system.

CASE STUDY

Organizational vision and mission can change over time. At the start, Macedonian Young Lawyers Association's only mission was to provide legal assistance. Over time, its strategy changed. The project partnered with regional actors and its focus grew. Beside direct legal assistance, the team started to carry out research and advocacy, and concentrated on working with state institutions. For three years MYLA led a governmental database of unregistered persons.

GIVEN THE OFTEN-HIDDEN NATURE OF STATELESSNESS AND LACK OF DOCUMENTATION, PROGRAMS MAY FOCUS ON MAPPING AND IDENTIFICATION INITIALLY, BEFORE MOVING TO ADDRESS THE ISSUES THEY HAVE IDENTIFIED, BY USING PARALEGAL ASSISTANCE TO INDIVIDUAL CLIENTS, LITIGATION, AND ADVOCACY.

✊ EMPOWERMENT (from programs that do not just view empowerment as a process, methodology or means to achieving documentation, but as a program or aim in itself)

- Build an effective model for using legal empowerment approaches, specifically community-based paralegals, to facilitate the acquisition and use of ID documents to gain access to rights and opportunities—part of the core content of citizenship.
- Empower the refugee populations and local host community to assist the refugee community in accessing basic rights and services.
- Empower individuals and provide assistance through a paralegal program to those who need help with acquiring citizenship or proof of citizenship (including national ID cards and passports), or registering births.
- Support the realization of the rights of stateless persons, to improve their living conditions, and allow them to better integrate into society and utilize their capabilities for development.
- Increase marginalized groups' access to employment, social assistance, education.
- Empower communities to become more independent and skilled to claim rights for themselves, by training paralegals to assist their own communities to obtain personal documents, secure residency status, and access socio-economic rights.
- Emancipate women whose lack of ID keeps them in exploitative or abusive situations.

OUTREACH

- Widen knowledge about legal aid services.
- Collect potential client information and bring in five clients per week for lawyer-led legal aid.
- Build trust between the organization and the community.
- Organize mobile registration clinics.

SYSTEMIC CHANGE

- Improved coordination of paralegal organizations to support policy advocacy.
- Find a relevant number of cases in order to highlight the problem in the public agenda.
- 🥧 ≠ Develop robust evidence on the relationship between lack of identity documentation and statelessness.

Goals and strategies will inevitably evolve over time, if your program continues. Given the often-hidden nature of statelessness and lack of documentation, programs may focus on mapping and identification initially, before moving to address the issues they have identified, by using paralegal assistance to individual clients, litigation, and advocacy. Some programs may begin in small areas and then expand to cover other geographic areas or to serve clients in more ways. Building a reputation,

gaining expertise, and showing impact may help your program build partnerships or collaborations.

🔖 🧭 See 6. Ensuring Sustainability for further guidance related to scaling up operations.

🥧 Planning should involve thinking through how you will measure success, both in terms of reaching goals and deciding if those goals led to useful results. This will make it possible to change strategies that are not working. Define indicators of progress (performance indicators) and success (impact indicators) as early as possible, as measuring them will require planning the collection of certain information—particularly prior to your program's implementation, in order to provide a point of comparison, or "baseline." Recognize that collecting and assessing data takes work and expertise. Are the indicators you chose practical? Are you planning to gather too much?

🧭 As the needs and challenges of the community are the basis of your program's desired impact, impact indicators will vary greatly from context to context. In long-term programs, it is wise to re-visit impact indicators over the years as your understanding of a situation increases. For example, paralegal programs report that increasing documentation can have surprising impacts, such as reduced child marriage and child labor.

RELATED RESOURCE

Resolving Statelessness in Malaysia: Strategic Plan, DHRRA

Key questions to ask when defining a program's range of indicators:

- Does obtaining a document automatically let clients unlock citizenship rights? If not, impact indicators should go beyond documentation alone.
- What impacts does the community value? Are there intangible outcomes (e.g. feelings of empowerment, perceptions of security) as well as tangible outcomes (e.g. ability to formally register land title)?
- How important is it to give communities the tools to obtain documents without paralegal support?
- What could indicate group activities are a success, such as capacity-building efforts, or awareness-raising about rights and procedures?
- How can I measure the program's success in being accepted by the community? Is client satisfaction a measure of success, even where documentation outcomes are incomplete?

These are some performance indicators that paralegal programs have used:

- Number of participants attending paralegal clinic
- Number of individual consultations with clients
- Number of services accessed (e.g. health care, social security, education)
- Number of procedures initiated by paralegals (if wait times are long, this may be an important indicator of eventual impact)
- Number of people trained

≠ DISCRIMINATION	✊ EMPOWERMENT
🧭 SUSTAINABILITY	🥧 DATA
🔓 RELATED RESOURCES (EXTERNAL)	🔖 RELATED SECTIONS (WITHIN)

CASE STUDY

Legal empowerment NGO Namati and its partners run paralegal programs for citizenship in Kenya and Bangladesh. In Kenya, paralegals focus on birth certificates, ID cards, passports, and death certificates. In Bangladesh, there are more types of cases, including both documentation and using documentation to access rights and services. The program targets communities where people have citizenship rights in law, yet face discrimination and other obstacles in attempts to acquire and use legal identity documentation.

The goal is not just to expand rates of documentation or use of documentation, but to promote full citizenship rights—which require empowerment of the community, higher rates of documentation, ability to use documents, effective access to rights/services (i.e. no further discrimination when document is presented), strong and non-discriminatory legal frameworks, and enhanced belonging/inclusion of previously marginalized communities.

The project's initial years were focused on establishing the program and systems, refining the paralegal work, mobilizing the community to attempt to apply for documents, and building community confidence—testing and demonstrating how legal empowerment approaches could address citizenship rights. Now, the program is using these methods in a five-year strategy to achieve transformative impact at the national level—an end to discrimination in citizenship.

Namati is also exploring ideas about thresholds for when paralegal programs can disengage, called "tipping points." Depending on context, paralegals may be able to move away from citizenship cases if a certain percentage of people in the affected community secure documentation, have the knowledge and capacity to acquire documentation on their own, and/or become active in holding government accountable to non-discrimination in the issuance of documents. A tipping point may also require the achievement of specific changes in law or policy that improve the entire legal framework for the country. Tipping points may vary depending on the issues or case types at hand, but defining in advance what success looks like and what achievements might lead to a shift in strategy could steer the focus of the paralegal work and program evolution over time.

- Number of referrals made or accepted
- Number of clients rating services as satisfactory, good, or excellent (client satisfaction rate)

These are some impact indicators that paralegal program have used:

- Number of clients who obtain documentation
- Number of people who benefit from documentation (this can be measured as "active clients" and clients' "household members" who benefit the program's service to the client)
- ✊ Number of clients accessing services for the first time
- ✊ Number of services or rights newly accessed by clients
- Number of clients who have been able to open a bank account
- Number of clients who have been able to gain access to credit
- Number of small businesses opened by clients
- Number of clients in formal employment

- Number of clients in school
- ✊ Number of people obtaining documentation independently of paralegal assistance
- ✊ Number of people clients have helped after receiving information or assistance
- ✊ The percentage of clients who used the document after they received it
- ✊ Number of clients with increased knowledge of the law, policy, and administrative processes
- ✊ Number of clients who committed to helping others or did help others after consulting with paralegals
- ✊ Number of community relays functioning during and after the implementation of the program
- Number of legal/policy reforms achieved
- Number of stateless or at-risk persons for whom nationality is obtained or confirmed
- Number of cases solved through meetings with officials / advocacy / outside of litigation
- Number of clients whose feeling of belonging has increased
- Number of people willing to take part in actions to improve the legal framework
- Number of people who have participated in advocacy actions
- Number of legislators supporting a bill or policy reform
- ≠ Number of discriminatory regulations legally amended

Risk management

Risk management is an important aspect of strategic planning, because strategies to mitigate potential threats to the program, to paralegals, and to clients must be in place from the start. Any issue that could pose a risk should be handled very carefully. Your program's national and local context largely determines the type and extent of risks you face.

↪ **When working out measures that you can take to mitigate the risks identified, adopt a "do no harm" approach, explored further in 7.4 Ethical Issues.**

The following table is an example of how you might go about evaluating and responding to risks, based on the experiences of past paralegal programs. The sample strategies suggested should be changed to suit the needs of your program and its context.

5.2 Monitoring and Evaluating Your Work

◗ Monitoring and evaluation have related but different functions. Monitoring refers to ongoing data collection and analysis, which makes it possible to assess program implementation. Evaluation is a more systematic analysis of your program's impact on clients. Monitoring

≠ DISCRIMINATION

✊ EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

EVALUATING RISKS, BASED ON EXPERIENCES OF PAST PARALEGAL PROGRAMS

EXAMPLES OF RISK FACTORS	PROBABILITY	SEVERITY OF CONSEQUENCES	SAMPLE MITIGATION MEASURES
Politicization/ perceived bias	High	Variable—Lack of collaboration is less severe than retaliation	Educating / awareness-raising, training, policies against bias, clear communication about and framing of the program; also see 4.4 Government Authorities
Risks to personal safety of paralegals during field visits	Low	High	Security policies, hazardous environment protocols, team visits, minimize paralegal movements
Paralegal work shines spotlight on hidden individuals	Low	High—Increased attention by authorities, deportation, or detention	Tactful outreach, office location, educating officials on the rights of stateless and undocumented persons
Confidentiality breaches / ethical misconduct by paralegals	Medium	High—Damaged reputation, chilling effect on uptake of services, individual problems	Strict codes of conduct must be adhered to and ethical training mandatory for all paralegals; also see 7.2 Training Paralegals
Unexpected funding shortfalls (e.g. surge in demand)	Low	High—Discontinuation or interruption of services, damaged reputation	Diverse and sustainable funding streams, e.g. community contributions

involves tracking inputs, outputs, and processes. Those who oversee the program must monitor it. Governments, donors, local populations, and clients themselves as well as other stakeholders use evaluation to determine whether a program has achieved its intended aims. Impact evaluation answers questions such as: Is the program better at helping some kinds of clients than others? Does it have any unintended effects, positive or negative? Evaluation shows the effectiveness and efficiency of your program, and can build evidence on what works, and in what contexts. This can not only help streamline services and demonstrate benefits to the community at large—it can also document evidence for donors and potentially secure additional funding.

☝ Evaluation works by making comparisons. A common approach is to compare how clients' lives change over time, for example by collecting data on various results of interest when they begin working with a paralegal (known as baseline data), after they receive documentation, and ideally some time later, when important outcomes linked to legal status may have occurred, such as acquiring land titles or enrolling in school. This approach requires the collection of data at multiple points in time, via surveys or other structured data collection processes. Take time during the program design phase to think through how and when you will go about collecting data, and how you will evaluate it. This is vital for understanding how and whether your program works.

✊ If a less formal approach to monitoring and evaluation is adopted, it is still important to think carefully about how you can take stock of and review your work periodically. Channeling lessons learned about performance and impact back into program planning is an essential element of the program cycle, and must involve the communities your program serves and bring their feedback on board.

Some programs have dedicated monitoring and evaluation staff who perform this task, while others ask paralegals to do it. Academics and external impact evaluation organizations .such as Innovations for Poverty Action, Evidence in Governance and Politics, and the World Bank's Development Impact Evaluation can also perform this function. These experts assist in developing research questions and evaluation strategies and generally support more complex methods than in-house monitoring and evaluation can. On the other hand, external partners have their own needs. If you do not want public scrutiny of the results, you should not partner with an entity that plans to publish academic papers or other reports of their examination of your program.

Common methods of gathering data for monitoring and evaluations include:

- Surveys of clients and the wider community. These can be administered at initial consultations, in meetings with officials and community leaders, and after clients have received services.
- Follow-up calls and site visits to seek clients' opinions, observe proceedings, and learn of ID document outcomes.
- Focus groups in which clients or other members of the community answer questions about their experiences and perceptions.
- Anonymous suggestion boxes.
- Qualitative research projects. Such projects would typically require outside evaluators and might examine such questions as the effects of paralegal service on empowerment. (See the sample questions below.)
- Case management databases allowing real-time tracking of statistics across a caseload, such as Salesforce, CaseBox or Wingu. See 5.3 Collecting, Managing, and Using Data for a discussion of databases.
- ☝ Comparing data gathered with outcomes among the non-client population. This might involve comparing clients' results with existing population data.

CASE STUDY

ADRA Thailand takes all possible steps to track the number of stateless people obtaining Thai nationality. Project staff regularly follow up with district offices, stateless individuals, and heads of villages to seek this information. However, ADRA does not receive direct notifications and therefore has to recognize the limitations of its data.

≠ DISCRIMINATION

✊ EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

IN DEPTH

RANDOMIZED CONTROLLED TRIALS

Randomized controlled trials (RCTs) involve comparing two randomly selected groups of people, one of which receives assistance ("the treatment group") and one of which does not ("the control group"). Differences in outcomes between the groups can be attributed to the assistance itself. RCTs provide the strongest possible evidence of whether assistance works.

RCTs are difficult to implement in a paralegal setting, as it is unethical to turn clients away. However, projects can do things like selecting at random which geographic localities they will serve first. If the project does not have enough staff to assist everybody who asks for help, using a lottery to determine who to help and keeping track of people who do not receive help can create a control group.

Even when an RCT is not possible, understanding the logic of RCTs can help you make clearer and more convincing statements about the impacts of a project. You might ask whether clients differ from the broader population—for example, are they wealthier/poorer? More empowered/educated? Considering how your caseload differs from the community as a whole can help clarify whether the program might assist others, how it might need to be changed to assist others, and what claims you can make about its impacts with what level of certainty.

Data typically distinguishes closed cases from open ones, although if the time it takes to receive documents is long, interim monitoring may be wise, both because it allows you to measure impact before cases can be closed and because it may identify problems in your approach.

📖 See 9.10 Closing a Case for how to determine when a case should be closed. This is generally when clients have received documents, although some outcomes come after this.

Of course, it is important to avoid bias in gathering data. Approaches to avoiding bias include diversity-sensitive questions, for example asking about the different experiences of men, boys, women, and girls, and taking into account the gender, language, status, and so on, of the evaluator and the client.

📖 See also 5.3 Collecting, Managing, and Using Data.

Namati has used the following questions in order to create interviews and surveys to measure the value of their paralegal program in relation to their key goals:

Individual empowerment

- Do clients feel that they have been empowered through their work with a paralegal on their legal identity case? Does this experience of empowerment differ for clients who successfully acquired an identity document versus those who did not?
- What, if anything, do clients report that they can do now they weren't able to do before?
- Do clients know laws and their rights related to nationality 12 months after a case opened?
- Do clients who work with a paralegal exhibit greater confidence about rights and freedom of movement than community members who went through the application process alone?
- Are clients using newly acquired documents to seek and access services or other concrete benefits? Interviewers ask about children's enrollment in school, freedom of movement, and access to financial services, government health services, formal employment, and voting.
- Why didn't people apply for documentation on their own before approaching a paralegal?
- Did paralegals mobilize people to apply for documents who say they wouldn't have otherwise?

Effectiveness of paralegal case processes

- Where do clients see room for improvement in the case process?
- How has interacting with the government with a paralegal been different from interacting with the government without a paralegal?
- What aspects of working with paralegals did clients perceive as most and least empowering?

Experience of results

- How satisfied have clients been with the outcomes of their cases? Do they see it as fair/ partly fair/ not fair?
- How satisfied have clients been with the help they received from the paralegal?

Norms and spill-over effects

- Are former clients sharing legal knowledge or assisting others with applications for legal identity documents? If so, how and with whom?
- Do people who are not clients know how to get their documents? Do they go on their own, with direct encouragement, or only with accompaniment?
- What is the relationship between legal documents and sense of belonging and sense of having a stake in society? How do clients and non-clients report interacting with government?

Collective action and systemic change

- Do community members think the community itself could advance issues around legal identity and citizenship? How?
- How have clients' attitudes towards government changed as a result of their work with the paralegal and/or as a result of successfully acquiring/using legal identity documents?
- Do clients report a greater, the same, or a lesser sense of agency than they felt before they worked with a paralegal, in terms of their ability to mobilize collectively to solve common challenges?
- How do local government officials report being influenced by or interacting with the paralegals? With clients?

Carving out space for learning from the results of your monitoring and evaluation activities, and integrating these lessons into the next round of planning, is essential for responding to client concerns, improving efficiency, and improving standards. Especially if paralegals do not play a major role in monitoring and evaluating themselves, they must receive feedback and learn the reasons behind it. Workshops, phone calls, and team meetings are all ways for paralegals and other members of your program to think through how to use the results of data analysis and evaluation in improving the program.

Working with donors and partners to discuss and compare programs, impacts, and lessons learned is also wise. Collaborations, particularly in evaluation activities, can offer opportunities to compare the design of your services with other programs and see which succeeds and in what circumstances.

⤧ **The information you gather during monitoring processes, and the lessons learned through evaluation, can be developed into reports for advocacy, or written up and shared confidentially with decision-makers. See 10.5 Advocacy Strategy: Relationship-Building and Education for further information.**

CARVING OUT SPACE FOR LEARNING FROM THE RESULTS OF YOUR MONITORING AND EVALUATION ACTIVITIES, AND INTEGRATING THESE LESSONS INTO THE NEXT ROUND OF PLANNING, IS ESSENTIAL FOR RESPONDING TO CLIENT CONCERNS, IMPROVING EFFICIENCY, AND IMPROVING STANDARDS.

≠ **DISCRIMINATION**	✊ **EMPOWERMENT**
SUSTAINABILITY	**DATA**
RELATED RESOURCES (EXTERNAL)	**RELATED SECTIONS (WITHIN)**

IN DEPTH

HOW TO CREATE CASE FORM QUESTIONS BASED ON INFORMATION YOU WANT

To get a deeper understanding of common administrative barriers and whether these obstacles vary by gender, the case form might ask:

• Application date

• Date document was received

• Fees paid

• Documents the government required

• Applicant's gender (male/female/other).

5.3 Collecting, Managing, and Using Data

This section discusses effective data collection and storage for the purposes of:

- case management
- program learning
- advocacy for systemic change
- paralegal supervision and support

Good, consistent service requires good records of client details and paralegals' actions. It is especially important if paralegals manage a large caseload, cases take years to resolve, or if multiple paralegals work on a case. Gathering, storing, and using casework information should make paralegals' work easier, rather than harder. Nonetheless, paralegals may need information about the importance of data collection and management for improvement of the program and their own performance.

Forms programs use can include:

- Case form
- Consent form or client agreement, for signature
- Consultation sign-up sheet, for quick preliminary intakes during workshops or meetings

Building a form and collecting data

The initial consultation, or intake interview, is a critical moment for capturing initial data on clients' lives. The data can later be compared with the data gathered after clients receive assistance. Thus it is essential to think through the case form, sometimes called an intake form, thoroughly.

The following steps may assist in developing a case form:

1. Clarify the goals, or intended uses, of the data collection
2. For each of these areas, identify what you need to know or learn
   a. What information will be useful to guide paralegals in their work?
   b. What data do you need to make the program design and strategy decisions you anticipate facing during the program?
   c. What advocacy goals do you have, and what data would support your policy recommendations?
3. Use the list of desired data to develop the form
4. Identify the questions you will ask according to these guidelines:
   a. Any group you might want to study should be identified on the form. For example, if you want to know whether a particular issue affects women more than men, record gender data on the form. Other questions might be about where clients live, their documentation status, age, or race/ethnicity.
   b. If you want to determine the client's risk of statelessness, you may need to ask indirect questions about migratory history and their parents' documentation status.

    c. ≠ Clients may think that discriminatory, arbitrary treatment is insignificant. Therefore, if you want to learn about discrimination they might have experienced, it may be helpful to ask about problems they have had accessing socio-economic rights, such as school enrollment or a bank account.

    d. ✊ Can the form catalyze empowerment, with questions like "Do you commit to assisting two others?"

    e. ✊ Noting if the client played an active role in their own case can help monitor empowerment outcomes and flag cases for further capacity building and support.

    f. Can every stage in a process be captured (e.g. appeal, reasons for denial)?

5. Structure the questions in a format that facilitates analysis. Avoid open-ended questions. Check-boxes are useful, although sometimes you might not be ready to determine a set range of categories for check-boxes. This might be something to revisit after you have used the form for a reasonable period of time and start to see patterns of similar responses. Text boxes that leave space for open-ended written details about a case or client can be useful for gathering information that is primarily for reviewing an individual case, but they are not very useful for comparison.

6. Review existing questions related to legal identity documentation or access to rights and services that are used in national surveys and censuses. If possible, harmonize your database with the format used in these surveys, in order to compare and contrast your caseload with national trends.

7. Design the form: layout should facilitate the client interview. Sections can be useful, such as:

    a. Information about the client and his or her problem.

    b. The handling of the case, including the steps the client has taken as well as the paralegal. This section might include clients' experiences of the case.

    c. Outcome of the case.

    d. Action log recording date and brief description of each step paralegal took.

8. Train paralegals to use the form, and adjust it based on their comments. They may have ideas about additional options that are needed or that it is too long.

9. Test the form with clients.

10. Change the content and design based on the tests, if necessary.

11. Train paralegals to use a revised version.

The form is ready to be used at this point. It should be changed over time if you need new data or the context changes.

📑 **See 8.2 Case Categories for guidance on breaking down your case types when building a case form, and 8.4 First Meeting with a Client: How to Do Intake for advice on using such forms.**

≠ **DISCRIMINATION**	✊ **EMPOWERMENT**
◔ **SUSTAINABILITY**	◕ **DATA**
📦 **RELATED RESOURCES (EXTERNAL)**	↱ **RELATED SECTIONS (WITHIN)**

SAMPLE PARALEGAL CASE RECORD FORM

Ensure this is the same **name** used on official applications, to facilitate follow-up.

Do you want to record multiple **contact details** for an individual? How about a back-up in case of displacement/detention/theft of phone/moving house?

Remember to check whether it is legal to collect data on **ethnicity** in your country

Ask about birth registration of **children**. This could be an opportunity to talk about the importance of registration and inform clients about the process

A simple **numbering system** that assigns a unique number to each case will allow forms to be easily retrieved in a filing cabinet and on a database. Here, the form uses paralegal code–dd/mm/yy — case count (i.e., case number 001, 002 for that date)

Are there other **gender** options that figure among your target population?

PARALEGAL CASE RECORD   CASE NUMBER:

PARALEGAL NAME: _____   **INTAKE DATE:** ____ /____ /____

CLIENT INTAKE SECTION

Client name: _____   **Physical Address/Phone:** _____

Place of Birth: _____   **Next of Kin/Assisting with Case (Name):** _____

Age: _____   **Ethnic Group:** _____   **# of Children:** _____   **# of Other Household Dependents:** _____

Gender: ○ Male ○ Female | **Marital Status:** ○ Single ○ Married ○ Widowed ○ Divorced

Client Occupation: ○ Employed ○ Unemployed ○ Student ○ Retired ○ N/A (client is child) ○ N/A (client is deceased) ○ Other: _____

Case Status
❑ Case Opened/Pending
❑ Case Resolved (Successful)
❑ Case Closed (Unsuccessful)

Does client have birth certificate?
○ Yes   ○ No
Does client have an ID Card?
○ Yes   ○ No

Case Type:
NATIONAL IDENTITY CARD
○ Application under normal conditions
○ Late Application
○ Update to newer version of document
○ Replacement (card lost/stolen)
○ Citizenship by Registration
BIRTH CERTIFICATE
○ Application
○ Late Application
○ Replacement
PASSPORT
○ Application ○ Renewal ○ Replacement
DEATH CERTIFICATE
○ Application ○ Late Application ○ Replacement

How Clients Learned of Paralegals
❑ Door to door outreach
❑ Community meeting
❑ Observed by paralegal at government office
❑ From former client
❑ Is a former client
❑ Other "word of mouth"
❑ Radio ❑ School ❑ Health Clinic
❑ Place of Worship
❑ Other (_____)

Reason Client Didn't Apply Before Now
❑ Not eligible until now
❑ No need for document until now
❑ Felt document was not important
❑ Didn't know details of how to apply
❑ Afraid to interact with govt officials
❑ Didn't have supporting docs needed
❑ Family members lacked docs needed
❑ Felt distance to reg. center too far
❑ Lacked financial means
❑ Not applicable (has applied before)
❑ Other (_____)

Summary of Issue and Previous Action: _____
_____
_____

Reason Client Seeking Document
❑ Open a bank account
❑ School enrollment/sit for exams
❑ Access to healthcare services
❑ Register to vote
❑ To seek employment
❑ Due to fear of police/criminal penalty
❑ To travel, study, work abroad
❑ To use to apply for another doc.
❑ To support family member's doc.
❑ Inheritance process
❑ Feel doc important/no urgent reason
❑ Other (_____)

Previous Action Taken
○ None (first attempt to apply)
○ ook some steps but hasn't applied
○ Applied formally, in process
○ Applied, accepted
○ Applied, denied
○ Purchased counterfeit ID
○ Other (_____)

See the '**Types of cases** paralegals may face' and 'Categorizing your caseload' sections to help think through these options in your context

What other documents (beyond **birth certificate**) might a client need in your context, to access nationality or other rights and services? E.g. passport, consular card. Refer back to your needs assessment for an idea of the most important documents in your setting that you may want to track for each client.

Remember, you cannot search easily for data that is stored in a free text format. Make sure a form also has a **typology of cases** that can be selected, to facilitate data analysis.

Consider which **dates in the process** of handling the case are both relevant to your data needs and possible for the paralegal to collect. For example, if you need to know how long the process took, you may want to include both 'application date' and 'received date' on your case form.

If the **documents requested** will tell you something about differential treatment or obstacles people face, list these here. Remember that if your data management system can be easily updated you can add new options that your learn about through casework.

As you build a case form, **insert the options** (as many as needed) that are relevant for your context and the data you need to collect

---

FIRST VISIT TO GOVT: ____ /____ /____   **APPLICATION DATE:** ____ /____ /____   **ISSUED DATE:** ____ /____ /____

CASE PROCESS SECTION

Actions Required
- ❑ Obtain Affidavit
- ❑ Verification
- ❑ ....
- ❑ ....
- ❑ Other (_____)

Institutions Engaged
- ❑ Registration Office
- ❑ Police
- ❑ Formal Courts
- ❑ Military
- ❑ Ombudsman's Office
- ❑ Human Rights Comm.
- ❑ NGO
- ❑ Other (_____)

Documents Requested
- ❑ Father's ID Card
- ❑ Mother's ID Card
- ❑ Parent birth certificate
- ❑ Parent death certificate
- ❑ School result slips
- ❑ ....
- ❑ ....
- ❑ ....
- ❑ Other (_____)

Documents Submitted
- ❑ Father's ID Card
- ❑ Mother's ID Card
- ❑ Parent birth certificate
- ❑ Parent death certificate
- ❑ School result slips
- ❑ ....
- ❑ ....
- ❑ ....
- ❑ Other (_____)

Govt. Questions Asked
- ❑ Birthplace
- ❑ Birthdate
- ❑ Political Allegiances
- ❑ Length of residency
- ❑ Village of origin
- ❑ Language ability
- ❑ ....
- ❑ ....
- ❑ Other (_____)

Tools/Resources Used by Paralegal
- ❑ Gave information to client
- ❑ Helped with written form(s)
- ❑ Helped gather supporting docs
- ❑ Accompanied to govt office
- ❑ Negotiated with government authority
- ❑ Formal letter to local registration office
- ❑ Follow-up visit to govt office
  # of visits (_____)

- ❑ Help client check status via SMS or online
- ❑ Program Administrator consulted
- ❑ Program Administrator took action
- ❑ Lawyer involved
- ❑ Other (_____
  _____
  _____
  _____)

Is client active in the process of the case?
❑ Yes ❑ No

Fee Paid (1)
Amount: _____ [currency]
To: (_____) For: (_____)

Receipt Given?
○ Yes ○ No

CASE OUTCOME SECTION

Reason for Ending Case
- ❑ Document Issued to Client
  - ❑ Received national ID card
  - ❑ Received passport
  - ❑ Received birth certificate
  - ❑ Received death certificate
  - ❑ Other (_____)
- ❑ Resolved (result other than document)
- ❑ Client sent to district of birth to apply
- ❑ Denied by govt office/authority
- ❑ Inordinate delay by govt/authority
- ❑ Litigated
- ❑ Client withdrew case
- ❑ Client no longer responding
- ❑ Other (_____)

Does client commit to assisting two others?
○ Yes ○ No

If Denied, Reason Cited for Denial
- ○ Formal Rejection
  - ❑ Lack of document: (_____)
  - ❑ Incomplete forms
  - ❑ Ineligible for citizenship
  - ❑ Explicitly told to reapply/start over
- ○ Rejected through Inordinate Delay
- ○ No reason given
- ○ Other(_____)

If Denied, Reason Cited for Denial
- • Name (_____)
- • Title or Position (_____)
- • Office (_____)

DATE RESOLVED: ____ /____ /____

DATE CLOSED: ____ /____ /____

Step at which Application Denied
- ○ Submission of application
- ○ Request for more documents
- ○ Others must vouch for client
- ○ Search for ID # (if card lost)
- ○ Waiting Period
- ○ ....
- ○ Other (_____)

Step at which Application Denied
- ❑ Written
- ❑ Verbal
- ❑ No response

Direct Quote of Response:
_____
_____
_____
_____

Note that options are listed either with **circles or squares**—this is a visual reminder to the paralegal whether they can 'select one' (circle) or 'select as many as apply' (square).

Tracking **client involvement** can help a project to measure empowerment and determine what factors might limit a client from playing an active role.

Recording whether or not an official **receipt** is given for each fee paid can help in determining whether corruption is present in the system
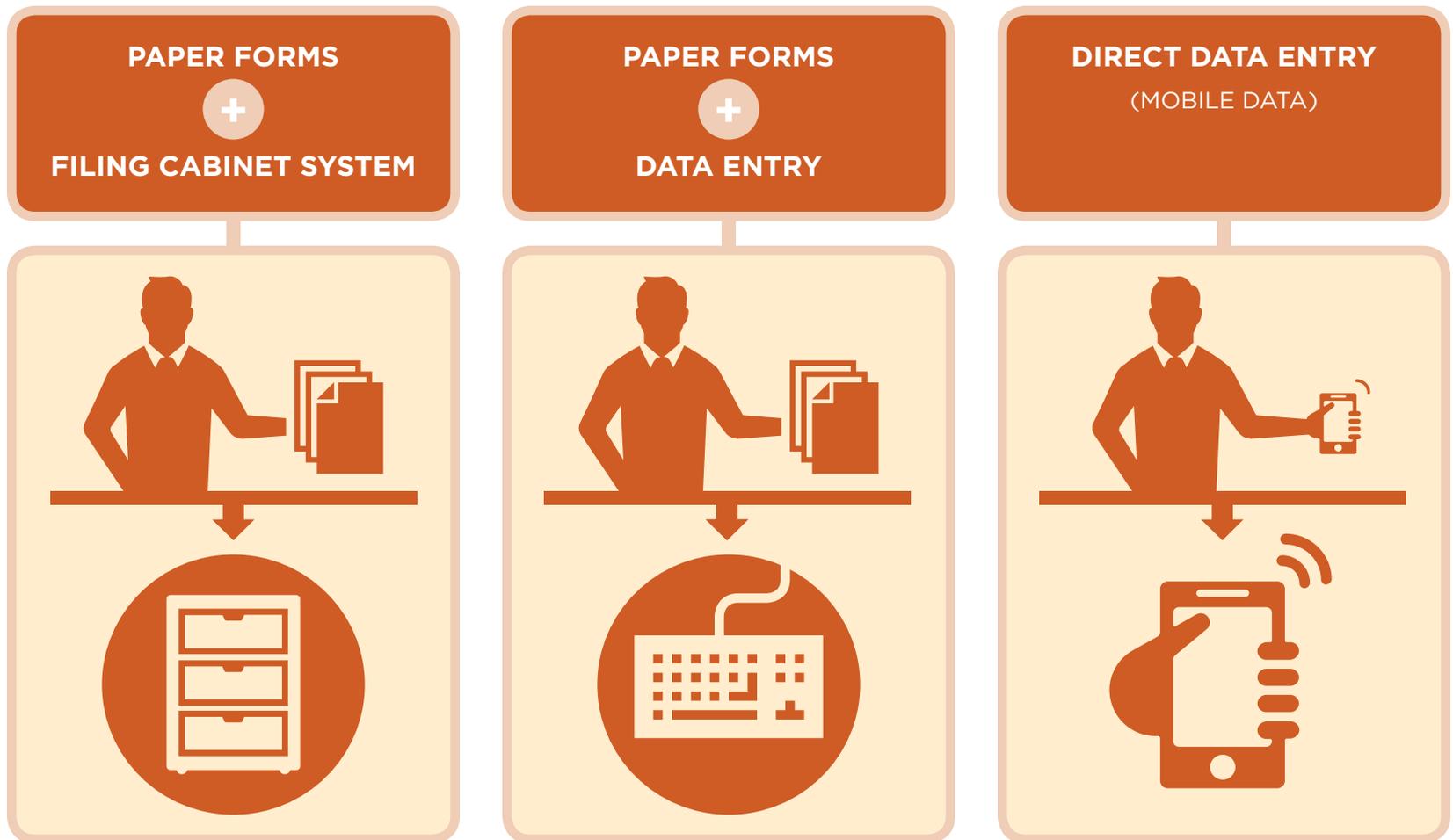
Storing data

◗ Local laws may govern retention of client information, with standards for paper and digital records. Some governments make it illegal to collect data on ethnicity or race. Obey all such laws. Protecting client data is very important, especially if they are at risk of mistreatment by authorities. Any system you put in place must contain strong safeguards, such as password-protected log-in or two-step authentication if digital, or locked filing cabinets if physical. Storing data using cloud services also carries risks because the cloud provider has access to the data. Programs often use paper forms, but it is generally useful to digitize the information and store it using some form of case management software, on a password-protected server or online, for use by paralegals and program managers. Paralegals or data entry clerks might complete this data entry, depending on office access, internet connectivity, or workload.

Simple case tracking forms can be created with Excel or similar programs. These formats make it possible to examine the data by type of issue or type of service offered and to order cases by their status and need for follow-up, if the data is categorized correctly. However, most paralegal programs find databases useful. These case management systems are relatively new to the legal empowerment field, and can be time consuming and costly to introduce. On the other hand, they simplify procedures and make different types of analysis easier. Databases paralegal programs use include SalesForce, CaseBox, OpenEvSys, Wingu, Soweto Care System, and Kemp's Case Works. They are often made available for free to non-profit programs.

◗ When selecting a database or computerized case management system, you might consider:

- Data security and confidentiality features
- User friendliness
- Availability of technical support for staff
- Availability in a language paralegals understand
- Cost: for user accounts and, if needed, server hosting, for the current size of the program and in case it grows
- How easy is data analysis? Can the system export to other programs for different types of analysis? Can it generate charts?
- How easy is it to update the system as you change the information on the case management form? Will you need an outside specialist for this function?
- How are updates to the program managed?
- How does the system link with the existing legal aid case management system? (Generally some systems can be integrated while others can only cross-reference by case number.)
- Does the system send automated reminders to users? (This is useful for action reminders to paralegals and for data quality control.)

3 WAYS PROJECTS MIGHT USE PAPER SYSTEMS AND DIGITAL

PAPER FORMS + **FILING CABINET SYSTEM**	**PAPER FORMS** + **DATA ENTRY**	**DIRECT DATA ENTRY** (MOBILE DATA)

ADVANTAGES AND DISADVANTAGES CASE MANAGEMENT DATABASES

ADVANTAGES OF CASE MANAGEMENT DATABASES	**DISADVANTAGES OR CHALLENGES**
⊕ Can allow real-time monitoring of caseload and program progress by multiple actors in different locations.	⊖ Requires greater technology skills than Excel.
⊕ Can be useful if clients pass from paralegals to lawyer-led legal aid as it provides information to the person who takes over.	⊖ Usually requires internet connectivity. ⊖ May cost money.
⊕ Can help managers supervise paralegals.	⊖ Many databases can automatically notify paralegals or other users about inconsistencies and cases that are due for follow-up, or where no activity has been logged for a while. This allows supervisors to spend more time and energy on other things instead of checking that paralegals are managing their cases well.
⊕ Makes it easy to generate statistical analysis and/ or infographics for awareness and advocacy.	

BANGLADESH: HOW CLIENTS LEARNED ABOUT PARALEGALS

How Clients in Bangladesh learned about Namati and Council of Minorities' Paralegal Program

- Group Meeting
- Door-to-door
- From Former Client
- Repeat Client
- Contacted at Government Office

- Is it possible to track changes in information over a long period of time? If, for example, a client returns four times in two years, baseline information may change. Is it possible to make these changes, or is it only possible to log case actions?

Using data for case management

Database dashboards or statistical reports can provide easy-to-digest visual representations of client numbers and profiles, case types, and status of casework. This is useful both for program managers for oversight and for paralegals to organize their work. Some databases can generate notifications to paralegals' inboxes, reminding them of those cases due for follow-up or nearing time limits, which often apply to birth registration. This allows supervisors to spend their time and energy on higher impact interventions rather than reminding paralegals of routine actions, or tracking each case manually.

Using data for program learning

Data can provide the basis for a conversation about what is or is not working, and can stimulate adjustments in program implementation. Analysis of the records generated can serve to orient program strategies. The pictured example, from the work of Namati and Council of Minorities in Bangladesh, captures clients' responses from intake interviews. This graphic provided information about which outreach strategies are working best (door-to-door), allowing the groups to modify their approach to increase impact.

Statistical analysis may also allow for prediction of trends, and consequent program focus, through targeting of services or advocacy messages. For example, areas where many clients report low rates of birth registration, large family sizes, and low literacy levels may indicate the likelihood of unregistered children, and lead programs to organize corresponding outreach strategies, such as mobile clinics for late birth registration.

Using data for evidence-based advocacy for systemic change

Data gathering will allow you to identify patterns in access to documentation, nationality, and rights, and constitute the basis for advocacy messages to justify why legal or policy reforms are needed. For example, Namati and Council of Minorities used this approach to demonstrate that the Bangladesh state was discriminating against Urdu-speaking birth certificate applicants, which aided advocacy efforts. Data on patterns of discrimination and other rights violations will also feed into any strategic litigation activities a paralegal program is supporting. Data collection can also be used to make sure that change is happening as part of a wider effort to shift state practices. The Open Society Justice Initiative draws on data from its collaboration with Namati and Nubian Rights Forum in Kenya to prepare submissions to African human rights institutions on
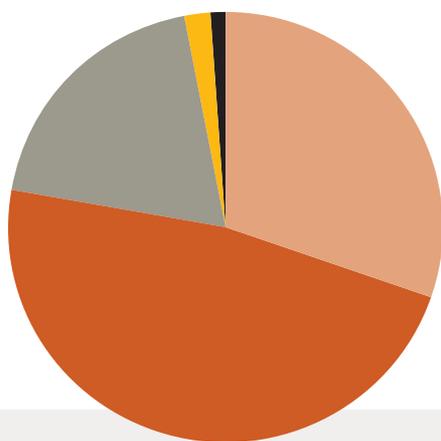
Since 2013, paralegals at Namati, the Open Society Justice Initiative, and Nubian Rights Forum's citizenship program in Kenya have gathered data about discrimination as people applied for documentation, then used it to show the existence of illegal discrimination. They found female applicants experienced a longer wait for documentation. They also found that delays in issuance of late birth certificates were causing problems for students who could not take crucial tests without them. Two policy briefs featuring the data have been submitted by the Open Society Justice Initiative, which represented the Nubian community in litigation before the African Committee of Experts on the Rights and Welfare of the Child.

Now these organizations are working with additional partners in other parts of Kenya, and all of the partners use a common case form to gather data across all sites. It is expected that data from multiple sites across the country will strengthen national advocacy in the future.

the implementation of important decisions that resulted from strategic litigation. Case management databases are key for this analysis.

Using data to drive advocacy campaigns and demonstrate the scope of a problem can also increase participation in collective action, allowing more people to identify their own experience as part of a pattern and join community-led movements to address issues affecting the group. Even paralegal programs with a fairly narrow focus and range of data have created large-scale community-level and policy change, including for people the programs do not directly serve.

DATA-DRIVEN ADVOCACY MATERIALS BASED ON DATA FROM NGO NUBIAN RIGHTS FORUM

ETHNICITY	AVERAGE TIME FOR GOVERNMENT TO PROCESS LATE BIRTH CERTIFICATE	NUMBER OF CASES
Luo	23 days	14
Luhya	37 days	34
Nubian	45 days	400+
Kamba	22 days	5
Kikuyu	11 days	5
Kisii	19 days	3
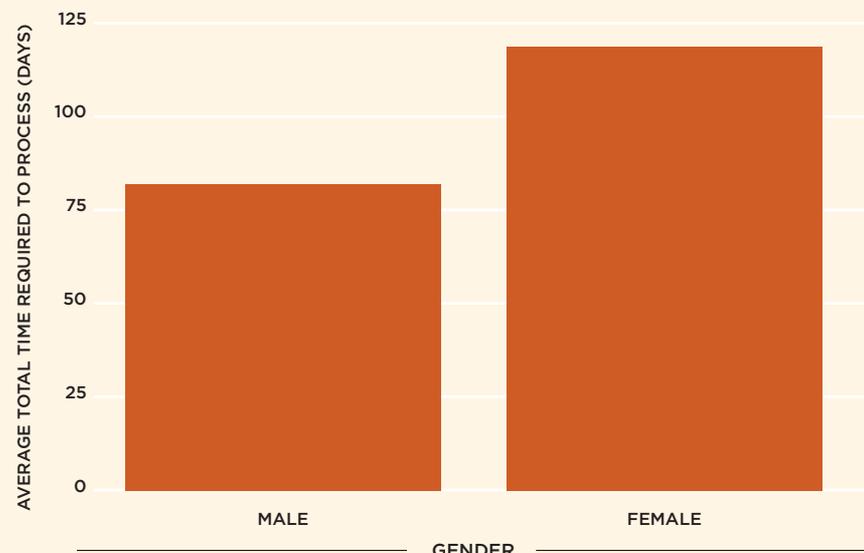
Using data for paralegal supervision

Records of casework and outreach activities such as workshops can also be useful to measure and improve the performance of paralegals. Search filters make it possible to check whether clients due for follow-up have been contacted, or whether those listed as closed have an outcome recorded, for example.

Tools/Resources Used by Paralegal
❑ Gave information to client
❑ Helped with written form(s)
❑ Helped gather supporting docs
❑ Accompanied to govt office
❑ Negotiated with government authority
❑ Formal letter to local registration office
❑ Follow-up visit to govt office
  # of visits (_____)

❑ Help client check status via SMS or online
❑ Program Administrator consulted
❑ Program Administrator took action
❑ Lawyer involved
❑ Other (_____
_____
_____)

Data entry can be boring and seem like a burden. Thus it is important to show paralegals and others the interesting statistical analysis a database makes possible and how it can be used. This can encourage paralegals to collect and enter data well. One way of doing this is to present graphs or tables on various trends, such as number of documents issued within a particular time period, during trainings. Asking paralegals to use this information as if they were the program manager can be helpful as well.

RELATED RESOURCE

Open Society Justice Initiative, *Children of Nubian Descent in Kenya v. Kenya.*

RELATED RESOURCE

For more information on planning, monitoring, and learning for success, see these related resources:

• How to develop a community paralegal program, Namati (interactive guide). See "Ensuring quality" and "Evaluating and documenting impact."

• Community-based Paralegals: A Practitioner's Guide, Open Society Justice Initiative: See 8.1, Program Evaluation.

• Refugee Rights Toolkit, Asylum Access (interactive guide). See Results-based management chapter.

IMPLEMENTATION

WHO WE ARE
SERVING AND WHY

1

START UP

4

MAKING LASTING CHANGE

2

3
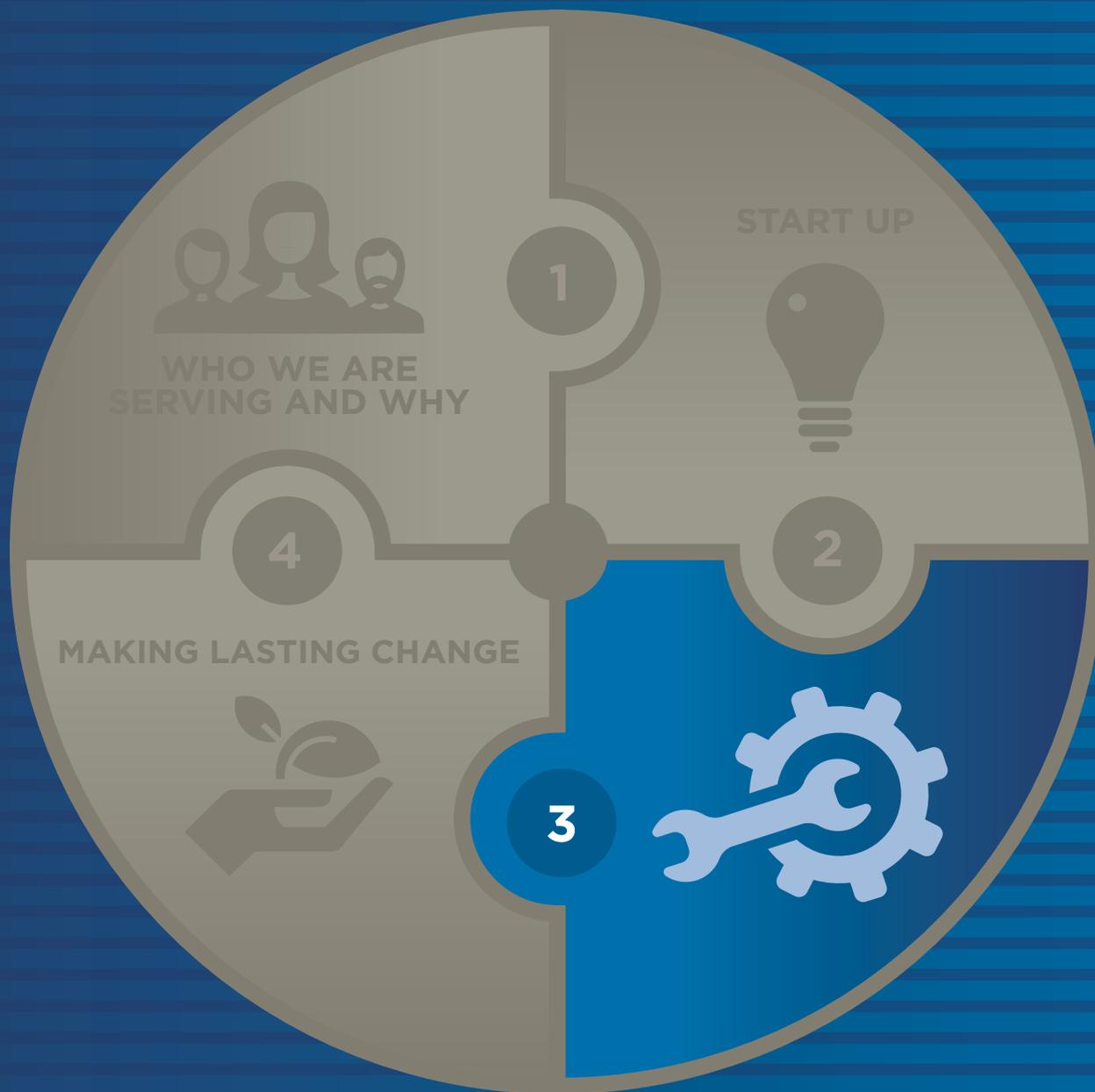
6. ENSURING SUSTAINABILITY

THERE IS NO SET LIFESPAN OF A COMMUNITY-BASED PARALEGAL PROGRAM. Many endure for years, while others may be time-bound from the outset or may determine to wind down for various reasons. This section outlines advice for both scenarios. By "sustainability," we mean both the sustainability of operations and sustainability of impact.

⬡ It is important to factor sustainability into decisions made about a program from the start-up stage.

⬡ Your program should build on or support existing structures such as village protection committees, faith-based organizations, or women's networks. Resting on the existing pillars of community life will help your program remain in place. Similarly, drawing paralegals from the community can support sustainability. These paralegals keep their knowledge and training after their work or the program ends, and can share it with the community. By the same token, making sure that when paralegals leave a program they teach their replacements is part of the sustainability of a program. Partnership or mentorship models, periodic refresher training, and regular, structured feedback and learning sessions can help ensure the program retains the knowledge of paralegals you have trained. Encouraging clients to help others after they receive services can help multiply information throughout the community to increase this effect. Training other organizations can also ensure the program's impact continues. Another way to have continued impact is to provide information in the form of brochures, videos, and "how to" manuals, which can be useful after a program ends.

⬡ See 7.2 Training Paralegals and 5.2 Monitoring and Evaluating Your Work for further advice on how to foster transfer of knowledge and capture lessons learned within a program.

6.1 The State's Responsibilities

Keep in mind that governments are obliged to provide legal identity documentation, including birth registration, to those on their territory. Your program provides a service that people should not, in theory, need. Paralegal activities can encourage a state, help officials understand their duties and how best to respond to the needs of the population, lead to improvements in the system based on a close understanding of affected communities, and push the government to take responsibility over the long-term for documentation and nationality issues. Paralegals may focus on the most difficult cases or communities facing the greatest challenges, rather than trying to conduct outreach, raise awareness, and provide assistance on documentation within the larger population, which should remain the responsibility of government. Programs may also consider requesting the government to co-fund certain joint activities, such as mobile birth registration, rather than accepting government demands to cover all costs out of a program budget.

YOUR PROGRAM SHOULD BUILD ON OR SUPPORT EXISTING STRUCTURES SUCH AS VILLAGE PROTECTION COMMITTEES, FAITH-BASED ORGANIZATIONS, OR WOMEN'S NETWORKS.

≠ DISCRIMINATION

✊ EMPOWERMENT

⬡ SUSTAINABILITY

◔ DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

Organizations, including microfinance institutions, pay Fundación Microjusticia Argentina (FMA) to give their clients legal advice about documentation, nationality, and other issues. The clients receive FMA services free of charge. The services provided by FMA and the microfinance institutions complement one another, as they are all aimed at better inclusion of individuals.

RELATED RESOURCE

Related resources to help guide organizations in decision-making about expansion:

• "Scaling up Services," Refugee Rights Toolkit, Asylum Access

• See the box on Kenya's CONCISE coalition in section 9.7

See 4. Building Key Relationships for further advice on cultivating links with authorities during start-up and implementation phases.

6.2 Sustainable Funding Sources

If your program is built to last, develop long-term funding plans as early as possible. A financial sustainability plan goes hand-in-hand with effective strategic planning [see 5.1 Planning Strategically] and responsible stewardship of a program.

Funding sources should be diversified. A mix of different sources of funding is a basic building block of financial health. Relying on a single income source will make your program vulnerable. For example, funding from overseas entities can change because of donor-country economic crises or political shifts. The same thing can happen with public funding. While community-contributions models may cover only a small portion of the costs—administrative fees, for example—they are frequently sustainable sources of funding. If relying on donors, aim to secure funds from different sectors, such as women's rights, workforce development, education, and social welfare, so that your program can keep operating if donor preferences change.

Many programs have created a sustainable income through entrepreneurial activities related to the program, as highlighted in 3.2 Empowerment Approaches to Fundraising.

6.3 Growth

You may want your program to expand, whether geographically or in terms of the kinds of problems it addresses. Programs should only expand if they are succeeding in their current form. But do not assume that previously successful strategies will be successful in other areas. Scaling up and branching out may come naturally. For example, if paralegals have served most of the existing need for birth documentation work, demand for other types of assistance may increase. Or if paralegals have been helping clients to bring claims, it may be natural to help them with appeals. Expanding services or the area served requires new training and increased communication. It may be wise to keep new types of service small at first, and then scale up.

6.4 Ending the Program

Your program may wish to determine a point after which paralegals are no longer needed, or can start to focus on other justice issues. This could correspond to achieving enough change at both community and policy levels, and might be measured by:

• A certain percentage (which may not be 100) of the community having documentation.

- Successful advocacy resulting in the implementation of a new policy or legal framework.
- ✊ When the community fully owns and runs campaigning and advocacy activities.
- ✊ When community members automatically apply for birth certificates or ID cards when it is appropriate, without requiring a paralegal to motivate and support them.
- ✊ When community members know how to interact with government officials without paralegal support.
- ≠ When the state no longer discriminates in the areas the program addressed.

Programs may also end because of a lack of funding or a major political change. Programs should be designed to ensure they have continued impact in such cases. Many programs train and assist local organizations or community groups to continue the work after they depart.

7. BUILDING THE RIGHT TEAM: HUMAN RESOURCES

THE PROCESS OF RECRUITING PARALEGALS will depend on the program model—whether paralegals are paid or not and whether the program recruits in the community or uses students, or both. Defining exactly what a paralegal will do is important for determining what kind of people you need to identify and recruit, what training they will need, how to supervise them, and what data can be collected based on how paralegals will interact with clients and cases.

📘 See 2.7 Determining the Form of Your Project for information on the different models a paralegal program can have.

7.1 Identifying and Recruiting Staff and/or Volunteers

Recruiting paralegals, whether students, volunteers, interns, or paid staff, may involve placing advertisements, holding community forums, and seeking candidates by asking local leaders, youth activists, women's groups, and others. Application letters could be called for, or nominations of potential paralegals sought from the community. Some programs have found teachers or sports coaches tend to have the combination of patience and confidence they look for.

If the program will have more than one paralegal in an office or area, seek gender balance, and balance with regards to other forms of diversity such as age and background, to make it easier to serve clients and bring different perspectives to the team. In other contexts, diversity of tribe, clan, or even perceived political sympathies might matter. Some programs must have female paralegals to serve female clients, who may

CASE STUDY

In the Republic of North Macedonia, MYLA prepared a short legal guide on the most important personal documentation procedures, as well as the documentary evidence required to obtain such documentation. Government-supported Roma Information Centres around the country have been sent copies of the guide. Thus the project has ongoing impact, and government buy-in.

CASE STUDY

In Sudan, paralegals formed their own community-based association and registered before the Ministry of Culture as a legal entity. This enabled them to get funding directly from the European Union as a co-applicant with an established legal aid NGO, AMVO.

CASE STUDY

Norwegian Refugee Council has seen 10 situations where local staff launched their own projects in order to continue documentation and legal identity work after NRC's exit from the country.

CASE STUDY

Bangladeshi NGO Council of Minorities has organized a youth leadership summit since 2011. Sixty young people from affected communities nationwide attend this three-day event, participating in workshops and discussions. The paralegal project uses the summit to identify the most active and dedicated young people as possible paralegals.

CASE STUDY

Haki na Sheria's paralegals are frequently in demand. To avoid burn out, it has extra paralegals who are always ready to step in. The project maintains close relationships with paralegals who have moved on, and many of them stop by to volunteer when they are free or the project needs them.

not be comfortable speaking to men. When issues of gender-based discrimination or violence are connected with issues of documentation or nationality, this is particularly important. If it is difficult to recruit female paralegals, you might organize a women's discussion group to identify and encourage candidates to become involved.

✊ Screening candidates may involve written applications and tests, interviews, review by panel, and holding meetings or trainings to assess motivation and skills in mock situations. It is important to screen according to the qualities and skills that are likely to make a successful, empowering, and impactful paralegal in your context. Evaluating candidates can begin with questions like:

- What skills should candidates have? Do they need to be creative? Good at building rapport with officials?
- What language(s) do paralegals need to speak and write to communicate with the community or with officials? This might vary depending on the level of officials (e.g. village or national/central) with whom paralegals will interact. Advocacy might require language skills that accompanying clients through their application process does not.

In addition to paralegals, it may make sense to have a standby pool of resource persons working with paralegals, such as community volunteers or shadow paralegals who are ready to provide extra support or become paralegals if a position opens up. Paralegals may be chosen to work exclusively on legal identity documentation and nationality issues, or on a variety of issues the organization addresses.

Criteria used to select community volunteers and potential paralegals:

- Can read and write, although some positions may require only semi-literacy
- Experience or interest in activism on issues of social justice
- Able to work in multi-ethnic and diverse environments
- Good with people and easy to work with
- Good communication and presentation skills
- Respected and influential in their community
- Law students with demonstrated interest in human rights
- Fluent in local and official languages
- Knowledge of mediation and negotiation
- Experience in community organizing
- Willing to ignore political differences
- Willing to travel and has own means of transportation
- At least a school-leaver's diploma
- Recommended and accepted by the community
- Careful when dealing with sensitive topics
- Has established contacts within the community
- Shows a voluntary and proactive spirit

- Law school graduates with 3 years' experience
- Background in law / social services / project management
- Confident
- Has experienced violations similar to those the program seeks to address
- Open-minded, fast learner, willing to learn new skills
- Computer-literate
- Passionate about opposing injustice
- Good judgement in trying to solve problems
- Has leadership capacity

This list is meant to show the range of different skills and depth of experience that programs have prioritized in recruiting paralegals. Not all programs would need to recruit law school graduates or paralegals with their own means of transportation, for example.

Below are sample job descriptions for paralegals. Use these to think through what is useful in your context.

Role and Responsibilities of Council of Minorities Community Paralegals, Bangladesh

RAISING LEGAL AWARENESS

Assisting Urdu-speaking communities to prioritize and identify their citizenship-related issues by raising their awareness of related laws and processes. Done through door-to-door outreach.

Organizing regular group meetings to inform the community about citizenship law, the 2008 High Court decision confirming the citizenship rights of the community, the importance of legal identity documents, application processes and requirements, and other related issues.

CLIENT CASEWORK

Handling cases, including helping clients make decisions, helping them fill out application forms, prepare supporting documents, write complaint letters, interact with authorities, and follow up on the case, keeping clients informed and involved in all aspects of the case. Improving client knowledge, confidence, and overall empowerment in any way possible.

DATA COLLECTION AND REPORTING

Community paralegals have primary responsibility for data collection, filling out a data collection form for every case, detailed action logs, monthly reports and other case-related documents to the project office every month. They provide the needed material for the program team (paralegal supervisors) to understand each case.

COMMUNICATION

Maintaining frequent communication with the program office, including notifying the office immediately if they receive threats or intimidation.

CONTINUOUS LEARNING

Attending trainings. Sharing experiences, successes, and challenges with the team, and listening to the same from others. Thinking strategically to develop responses to difficult cases and situations. Being open to feedback from the program team or other paralegals.

The University of Liverpool Law Clinic has four university teaching staff, all qualified lawyers, who advise, assist, and represent about 48 potentially stateless clients per year. They also carry out strategic litigation and advocate for policy changes. Second and third year law students assist them on a volunteer basis.

At present, the clinic exclusively serves migrants seeking the chance to remain in the UK, or to register as British if the client is a qualifying child. The majority of clients have failed asylum claims, though some, such as Palestinians, have come with visas. The reason for this focus is that the state has a procedure for granting leave to remain for people who are stateless and not admissible elsewhere (among other conditions) that requires a 15-page form to be completed in English.

Students receive training in basic legal skills. The staff assess the students on their file management, writing of advice and representation letters and legal arguments for court appeals, ability to discuss their case in meetings, and note-taking skills.

The project works closely with the UK government, UNHCR, and other CSOs. It has produced a publication on the statelessness leave procedure, explaining legal arguments and giving advice on procedure and evidence. It has also participated in the UK's Universal Periodic Review and trains other organizations to advocate in similar cases.

Community Mobiliser Responsibilities, ADRA Thailand

- Spreading news, information, and awareness about stateless people to communities and schools, with support from the project manager and law advisor
- Doing field work to collect information and data of stateless people in both documents and electronic data
- Making report to submit to law advisor
- Responsible for work assigned by law advisors

Qualifications

- Finished education in vocational or bachelor's degree in development studies? Global development? Sustainable development? International development? or other relevant area
- At least one year's experience collecting data
- Experience in working with local community or stateless people or involved program
- Excellent spoken and written Thai skills
- Familiar with local culture and able to work with affected communities

7.2 Training Paralegals

Paralegals face many obstacles, including uncooperative officials, uninterested communities, and challenging legal and regulatory frameworks. It is therefore essential that they are well trained and able to deploy legal knowledge and a range of skills creatively and convincingly in order to anticipate problems, serve clients, discourage bad practices, and empower communities. Programs typically develop context-specific training, which paralegals receive when they join the program. If paralegals will deliver trainings themselves, you might need additional training sessions for this. One thing programs can do is tell trainers about the tips in this guide, as understanding why materials have been designed in a particular way may be helpful.

✊ Training can support community empowerment by involving community members in training workshops; they may be able to explain the issues the program addresses better than anyone else. Community members can also give suggestions for the content of trainings, to ensure they cover topics and approaches the community sees as relevant and necessary.

Stand-alone manuals or other written guidance should cover the most common and important procedures regarding access to ID documents

and socio-economic rights. Paralegal training can be structured around major ideas, such as legal information (e.g. national and international laws on nationality and statelessness), skills (e.g. oral advocacy, community mobilization techniques, self-care), and program management (e.g. data collection, reporting systems, internal communication, safety and security, ethical obligations). It might last three days or two weeks. Some programs invite government officials, staff at other CSOs, and service providers to some sessions. If any of these groups are going to be involved in outreach, training them along with paralegals can be effective. Interactive sessions that encourage participation and engagement are essential. Role playing, group work, presentations by participants, and practical exercises are all excellent tools. It's a good idea to leave space for reflection on what works well, what have been the positive experiences working with clients or government officials, and to explore what contributed to these successes.

Paralegals must learn what the law says about nationality, documentation, civil status, discrimination, due process, and other areas

CASE STUDY

Paralegal training by the NGO Praxis in Serbia ended with each paralegal leading a workshop about statelessness. Workshops like this are a key part of the program, and help prepare paralegals to be empowering and effective.

Reflection Guide for Nubian community paralegal project

Reflection Guide for Nubian community paralegal project, developed by Adam Hussein Adam (OSIEA, Nubian community leader and activist for minority rights and equality in Kenya). [Used after two months of operations in a new project.]

BEST EXPERIENCES: Purpose – tell us a story about the times that you have been treated with dignity and respect by government institutions and your clients. Looking at your entire experience, recall a time when you felt most alive, most involved, or most excited about your involvement with these institutions and clients. What made it an exciting experience? Who was involved? Describe the situation in detail.

a. Tell me a story where you have experienced fair treatment from the government institutions. What happened? Who was involved? What other factors contributed to this good experience?

b. Share with me some experiences when you have personally or your clients appreciated the decisions of the government officials. What did you appreciate the most? What happened?

c. Share with me your best experience where you played a role in helping/facilitating/supporting Nubians in accessing registration documents and travel documents?

THREE WISHES: What three wishes do you have that would make your work as a paralegal more fulfilling so your clients access justice and state institutions appreciate what you do?

DISCRIMINATION   EMPOWERMENT

SUSTAINABILITY   DATA

RELATED RESOURCES   RELATED SECTIONS
(EXTERNAL)   (WITHIN)

related to their work. They must also learn how to find, read, interpret, and apply the law in their cases. A full understanding of the law may not be instant, however. Expect it to grow over time.

While training generally focuses on regional and national laws, all paralegals should know something about international law. This may include both regional law (for example, the law of the African human rights system) and relevant decisions of human rights courts and tribunals and United Nations bodies like the UN Human Rights Committee. A court or tribunal may already have identified specific practices as unlawful. Even if the government officials they meet will not have that background, pointing out that national laws violate international legal obligations may be useful. Knowledge of international law can also help paralegals better analyze protections and gaps in the national legal framework.

Other key subjects include:

- Understanding gender and diversity: looking at how different groups and genders experience nationality and documentation issues differently, and how this affects paralegals' work.
- Self-care and psychological training, including guidance and resources on recognizing and addressing burnout and trauma. Working with communities facing generations of discrimination and rights abuses has risks.
- How to behave when facing ethical dilemmas. This may involve discussion of case studies or developing a code of ethics for the project with the paralegal group.
- Mediation skills in projects where intra-family disputes may result from or impede a client's pursuit of documentation.

See **2.4 Legal and Policy Frameworks for further information about the areas of law and policy that paralegals should master. See 2. Determining the Need for and Opportunity to Help for a discussion of context. See 9.3 Accompaniment for a discussion of mediation.**

Involving local authorities and CSO members in trainings, where appropriate, may also help further advocacy objectives. See 4.4 Government Authorities about building relationships with government authorities for further discussion.

Skills development

Skills development sessions should be as practical as possible. Projects have used activities such as:

- Role-playing to test out mediation skills, negotiation skills, or interview techniques.
- Group discussions on what constitutes an empowerment approach or unconscious bias.
- Filling out case forms based on a client case study.
- Presenting legal information to an audience or writing practice briefs.

Program management

Relevant subjects may include:

- Data collection and entry.
- Secure and efficient record keeping. This would include explaining data protection and confidentiality principles.
- Respecting local norms and maintaining professional boundaries.
- Accurate reporting.
- Safety when meeting clients, both in offices and in the community. This might involve working in pairs.

Trainers and facilitators can provide feedback to instantly boost participants' abilities, although no training can substitute for monitoring and support while paralegals work. As a project progresses, paralegals can be excellent trainers with useful insight for new paralegals.

Continuous learning

To maintain paralegals' memory of the training and update them as programs change, provide ongoing coaching or shadowing and short training reviews. In addition to keeping the project focused on an empowerment-centered approach, this is a way to make the link with wider processes of legal and policy reform.

Projects should revise training materials over time. Capacity building is often a two-way street, and paralegals will learn valuable information through their work. It may be hard at the beginning to tell new paralegals exactly what to do or what to expect. Experience should inform later trainings and reviews.

The following section, Supervising and Giving Constructive Feedback to Paralegals, explores ongoing training in greater depth.

7.3 Supervising and Giving Constructive Feedback to Paralegals

Supervision and support improves the consistency and quality of paralegal efforts, and can make it possible to achieve extraordinary things. Effective supervision is one of the key elements of a successful paralegal program. Reasons to provide supervision and feedback include:

- Supervision, when supportive, is part of ongoing knowledge training and skills building.
- Supervision increases consistent, effective, and empowering legal services.
- Supervision and feedback allow management to identify a project's needs and challenges, enabling the team to respond and adjust strategies if necessary.

RELATED RESOURCE

The resources below are training opportunities available for paralegals and project managers working on statelessness, citizenship rights, and access to documentation:

- Regional trainings on statelessness run by UNHCR regional offices

- Self-Study Module on Statelessness, UNHCR

- Annual week-long summer school on statelessness of the Institute on Statelessness and Inclusion, Tilburg University, Netherlands

- Annual four-day course on statelessness, International Institute for Humanitarian Law, San Remo, Italy

- eLearning course on Civil Registration and Vital Statistics Systems, World Bank

- Courses for lawyers and paralegals, Benchmark Institute, California, USA

≠
DISCRIMINATION

✊
EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

CITIZENSHIP LEGAL EMPOWERMENT PROJECT: TRAINING CONTENTS, NAMATI

SAMPLE TRAINING TOPICS OUTLINE

KNOW LAW, USE LAW, MAKE LAW

- Citizenship laws (Question and answer)
- International law (Question and answer)
- Regional rules (Question and answer)

SKILLS

- Communication skills
- Presenting information
- Empowerment tools such as school outreach
- Problem-solving skills
- Writing skills
- Public speaking skills
- Writing success stories
- Events planning and taking a lead
- Client relations
- Interviewing a client

EXPERIENCE SHARING

- Difficult cases and how paralegals handled them
- A typical work day and how to plan for the day
- Time management
- Knowing when to make referrals

DATA QUALITY

- Updates on the database program
- Why is the data important to each paralegal?
- Steps to data quality
- Using data for advocacy
- Sharing data with the community
- What trends do we see that are not in the forms?

OUTREACH AND COMMUNITY EMPOWERMENT

- What is empowerment?
- How do paralegals do outreach and how can we make it effective?
- Community empowerment
- Best practices for community forum

ADMINISTRATIVE PROCESS

- How do paralegals guide clients through ID applications?
- How do paralegals guide clients through birth certificate applications?
- How do paralegals guide clients through death certificate applications?
- How do paralegals guide clients through a passport application?

SAFETY AND SECURITY

- How to handle hostile situations
- How to handle hostile government officers
- Risk analysis
- Community paralegal personal security
- Handling electronic devices out of the office

- Supervision connects paralegals with support networks already in place for higher-level advocacy or litigation.
- Supervision can help ensure the project uses an empowerment approach.

The first step in supervising paralegal projects is to choose a supervisor. Two common choices are central office-based project managers and experienced paralegals who may work in the field as "senior" or "supervising" paralegals. Supervisors should have regular meetings with the paralegals they supervise. These meetings can take place on Skype, WhatsApp, or other such platforms if supervisors and paralegals do not work in the same place. Discussions should include problem solving strategies, trends, targets, progress, complex cases, and paralegals' concerns. If a supervisor manages people in multiple regions, comparing regional practices in this format can be productive. Other ways for supervisors to monitor and oversee paralegals include:

- Field visits. The supervisor should observe the paralegals at work and give guidance on areas for improvement.
- Holding meetings between paralegal groups where each person presents a recent case and lessons learned. This can develop communication skills—including public speaking, synthesis, and structuring a narrative—and help identify new solutions to difficult cases.
- Spot checks. Supervisors should call clients to ask if they were satisfied with how their case was handled, the outcome of the case, what they learned in the process, and how the project could do better.
- Participant satisfaction survey data. Supervisors should discuss any dissatisfied responses.
- Anonymous suggestions boxes. Supervisors should discuss any negative comments with paralegals.
- Quarterly or bi-annual performance evaluations. Supervisors and paralegals should set and evaluate performance indicators at these meetings.
- A self-audit checklist that paralegals complete periodically. Supervisors can spot-check these. These are a good place to keep track of compliance with ethical codes, and are especially useful if paralegals work in remote areas.
- Timesheets, activity logs, chart of goals, reports on needs, strengths/ weaknesses.

◗ Using case forms and databases can facilitate paralegal supervision. When forms and/or databases are used to record all client contact, activity logs can allow supervisors to monitor paralegals' work efficiently. Spot-checking case records can also be effective. Supervisors can check randomly selected cases for data quality and paralegals' efforts and follow-up with the client for more information about the paralegal's work. Electronic databases have simple filters that can be applied to a paralegal's caseload as entered in a database. It can be useful to search

THE FIRST STEP IN SUPERVISING PARALEGAL PROJECTS IS TO CHOOSE A SUPERVISOR. TWO COMMON CHOICES ARE CENTRAL OFFICE-BASED PROJECT MANAGERS AND EXPERIENCED PARALEGALS WHO MAY WORK IN THE FIELD AS "SENIOR" OR "SUPERVISING" PARALEGALS.

≠ Kenya requires members of marginalized groups to go through a difficult "vetting" process when they apply for ID cards. Paralegal projects in Kenya prepare clients for the questions they will face in this discriminatory process. While this approach lessens the harm that the vetting process does, the paralegal programs still aim to change the system through rigorous data collection and advocacy. They do not see the paralegal assistance to clients who undergo vetting as inconsistent with advocating for an end to discriminatory vetting.

RELATED RESOURCE

Resources related to supervising paralegals:

• "Supervision and management of paralegals," Community Paralegal Manual, Timap for Justice.

• "Monitoring, supporting and assessing paralegals," Community-based Paralegals: A Practitioner's Guide, Open Society Justice initiative.

• Sample client satisfaction surveys (available at "Monitoring tools and mechanisms") and "Emotional Support and Self-care" resources Refugee Rights Toolkit, Asylum Access.

for cases that are currently past their follow-up deadline as well as cases that are closed but do not have an outcome logged. Electronic databases can also send automatic reminders to paralegals about data inconsistencies or cases in need of follow-up, allowing supervisors to devote more attention to larger challenges.

A major goal of supervision is to make sure paralegals do their work effectively and use an empowerment approach, but encouraging paralegals to keep working for your project is just as important. Paralegals face similar cases day to day and have challenges such as burnout and emotional distress because of the experiences of their clients. One way to encourage paralegals to stay is to create a promotion structure, to offer career growth. You can promote volunteers, interns, or community facilitators to paralegals, and paralegals to lead or supervisor positions. These tiers of supervision can also be efficient as central supervisors or project managers do not directly manage all workers. Another important way to encourage paralegals to keep working for your project is providing and emphasizing positive feedback. Paralegals need to hear about their successes and about the project's successes in order to work effectively. They are also unlikely to continue working for your project without this kind of encouragement. A third action you can take is providing access to counselling and other help for emotional distress. Paralegals are exposed to suffering and trauma. Those who come from communities affected by conflict, displacement, human rights abuses, and exclusion themselves may be particularly vulnerable. Finally, the training resources listed in section 7.2 Training Paralegals can also help paralegals explore opportunities for more complex legal work.

7.4 Ethical Issues

Working on nationality, documentation, and citizenship rights issues, particularly at the community level, presents many ethical dilemmas. It may not always be simple to apply principles like impartiality and confidentiality. Projects must create ethical policies or codes of conduct to guide paralegals because of this. The principles below are central to these policies.

Tools to improve your project's ethical compliance include:

• Consent forms for signature by clients agreeing that a paralegal will take on their case.
• Issues log in which paralegals note any ethical dilemma they face, which supervisors review frequently.
• Risk assessment and mitigation tool, which paralegals can use at start-up and throughout operations, in order to anticipate issues and identify steps to put in place to avoid potential harm from any program activities.

Do no harm

It is essential to think through the potential consequences of program activities, in order to make sure that there are no damaging effects for communities or clients. Formalizing status under discriminatory frameworks can put clients in danger, or may risk validating a law that is not compliant with human rights principles. Empowering clients to make their own decisions by giving them information is a key way to avoid doing harm. One way a program can encourage paralegals to avoid harm is to prepare a list of common problem situations. When paralegals notice such problems, they should consult with their supervisors before taking action.

On a wider level, programs should be clear that their role is to help clients encourage the government to meet its obligations to provide relevant legal identity documentation. Paralegals must avoid becoming a substitute for government or a pretext for governments to do less. They can, however, help build government capacity through collaboration and by setting examples, and then push governments to expand budgets, programs, and their reach in seeking to include all people. As projects gain experience, shifting to complex cases can help prevent your program from becoming a substitute for government functions. Helping clients with complex cases can also have a bigger impact. Monitoring government efforts can encourage government officials to conduct their own outreach and increase the accessibility of administrative processes— and is an important way to avoid substituting for functions government should provide. Periodically assessing such dynamics locally can help you be sure that your project is not indirectly getting in the way of state-led initiatives.

≠ Non-discrimination

Many projects apply a non-discrimination principle. This can mean helping anyone referred to your project or anyone who comes to your door with a nationality or documentation issue, even if they are not a part of the marginalized community your project was designed to serve. Just having a focus on a particular marginalized group can lead to accusations of discrimination. You may have to explain, and train paralegals to explain, that by focusing its efforts on marginalized groups, your project will lessen discrimination in society.

☙ Confidentiality

Similar to lawyer-client privilege that covers client communications in legal representation, communications about cases between clients and paralegals should be strictly confidential. This means that your project cannot share personal information about your clients with anyone, including the state, even in service to clients. Individuals may mistrust the government, for good reason. If your project does research, you

ON A WIDER LEVEL, PROGRAMS SHOULD BE CLEAR THAT THEIR ROLE IS TO HELP CLIENTS ENCOURAGE THE GOVERNMENT TO MEET ITS OBLIGATIONS TO PROVIDE RELEVANT LEGAL IDENTITY DOCUMENTATION.

≠ DISCRIMINATION	✊ EMPOWERMENT
SUSTAINABILITY	DATA
RELATED RESOURCES (EXTERNAL)	RELATED SECTIONS (WITHIN)

IN DEPTH

BEST INTERESTS OF THE CHILD

While there is no precise definition of the term "best interests of the child," it broadly describes the well-being of a child. Such well-being is determined by a variety of individual circumstances, such as the age, the level of maturity of the child, the presence or absence of parents, the child's environment and experiences. The Convention on the Rights of the Child requires that "the best interests of the child shall be a primary consideration in all actions affecting children."

 "While it is always no fault of their own, stateless children often inherit an uncertain future. For instance, they might fail to benefit from protections and constitutional rights granted by the State. These include difficulty to travel freely, difficulty in accessing justice procedures when necessary, as well as the challenge of finding oneself in a legal limbo vulnerable to expulsion from their home country. Statelessness is particularly devastating to children in the realisation of their socio-economic rights such as access to health care, and access to education. In sum, being stateless as a child is generally antithesis to the best interests of children."

African Committee on the Rights and Welfare of the Child, *Children of Nubian descent in Kenya v. Kenya* (2011)

must make sure to protect clients' personal information, and should take identifying details out of any reports. Databases and filing systems should be secure and all procedures compliant with data protection laws.

Paralegals who work with children should receive special training, which includes training on how to determine the best interests of the child. Generally, service to children involves gaining access to a birth certificate in order to secure other essential rights such as education, a name, and a nationality.

Sometimes the steps involved in registering a birth can put someone else in danger. For example, a child might only be able to be registered if the parents' marriage is registered. If one of the parents abuses the other, marriage registration may put the victim at risk. A couple with mixed ethnic or religious backgrounds may also be at risk from the state or their communities if they register their marriage. Paralegals must factor in the best interests of the child, and of all those involved, when advising on such cases.

Integrity

Paralegals should be held to the highest standards in all they do. This requires thorough training, effective supervision and feedback, and adequate support materials, in order to ensure all information they share is accurate and complete. It is also important to obey any local laws about what paralegals can and cannot do. If you refer clients to any organizations or service-providers or receive referrals from them, you should consider whether they meet a high standard as well. Encourage any such organizations that do not have their own ethical charter or code of conduct to adopt one.

Impartiality

Your project must serve people equally regardless of who they know. Community-based paralegals are particularly vulnerable to accusations that they favored their own contacts. Establish clear guidelines regarding how to prioritize resources, such as "first come, first served," or putting individuals with specific vulnerabilities first. Paralegals should be aware that monitoring and evaluation of their activities will likely cover community perceptions of their fairness. Establish practices to address the problem if paralegals favor their personal contacts.

Fraud

Fraud is a particular challenge in access to documentation work. Faced with unreasonable laws, people might make a reasonable decision to use a fraudulent document. Other might not know they have fake documents from unscrupulous agents (often called "brokers") who sell them. Using a

fake document can make it impossible to get authentic documents, and open users up to arrest, even if the fraud was unintentional.

You should inform clients that the project cannot help them if they lie or use fake documents, although in some countries you may be able to help them during amnesties or through special procedures for people who hold fake documents. Train paralegals to question clients to find out if they have used fake documents, either directly—for example, by including questions such as "Have you ever bought an ID?" on intake forms—or indirectly. Tell paralegals to educate clients about the possible consequences of document fraud and to report such cases to supervisors quickly.

Some projects have used the issue of fraud to further relations with the authorities, for example by asking a registry official to help paralegals learn how to spot fake documents.

In some contexts, government authorities have wrongly accused individuals or groups of holding false or unverifiable documentation. This is often linked with serious shortcomings in the accuracy of civil records generally, where coverage is insufficient and quality control is low. If your project operates in such an environment, you will likely have learned about this risk through mapping the communities' needs and talking with community members and local authorities. Strategic attention would be required in such cases to respond if clients find themselves unable to disprove that a document they hold is fraudulent. In some cases this may require legal advocacy, collective action or litigation, or some combination of these tools.

RELATED RESOURCE
Guidelines on Determining the Best Interests of the Child, UNHCR

8. GETTING READY TO SERVE CLIENTS

THIS CHAPTER GIVES AN OVERVIEW OF THE THINGS PARALEGALS DO TO OPEN CASES.

8.1 Connecting with Your Clients: Outreach

You may have built relationships with community representatives or met with focus groups while setting up and consulting about the project. But this will not ensure that people who can use your services know about them.

≠ Communities affected by a lack of documentation or undetermined nationality status are often hidden and hard to reach. This can be because they fear arrest or deportation, live in a remote location, have low levels of education, or are isolated from mainstream society because of language, ethnicity, religion, or other factors. The people within these communities who need your help the most may be marginalized within their marginalized communities, as well. Outreach should try to reach those living in less identifiable locations outside the main residence areas

DISCRIMINATION

EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

of their communities, such as members of nomadic communities who have moved to urban areas, the disabled, and women in societies where men dominate public life. Projects should train paralegals to overcome these barriers through relationship-building, clear communications, safe spaces, or discreet service delivery.

📖 **Create an outreach strategy in line with the needs, priorities, scope, and geographical distribution of the problem, based on what you learned in the project research phase. See 2.2 Needs Assessment and 4. Building Key Relationships for further guidance.**

Having a permanent base in the community

Establishing a physical presence and publicizing office walk-in hours make you accessible to at least some of the affected community, and may be worth the expense and trouble to formalize an institutional relationship through a premises-sharing agreement or maintain an independent venue. Projects have successfully partnered with local human rights or community centers to provide a hub for their services. Nonetheless, there will always be many people who are not able to come to you, and mobility is key for wider outreach.

Community meetings or group workshops

Presenting your services at a community meeting—either one already scheduled or one you organize—may efficiently get word out to a large number of people. Group "know your rights" trainings or workshops are a good way to publicize your information. Other programs may have such events planned and welcome your involvement. Local leaders may also be allies: in many countries, paralegals are able to take advantage of meetings called by local administrators to spread the word about the importance of documentation and the paralegal services. Having case forms or sign-up sheets at such events is a good way to get the information you need to follow up.

Door-to-door

Knocking on doors at a time of day when people are likely to be home is an effective way of seeking out persons in need of paralegal assistance. It does, however, take a lot of time and may involve travel costs. Most projects use this strategy only to target areas where they believe there are many high-risk or vulnerable potential clients.

School, clinic, or hospital visits

Potential clients may use public services, and having a presence here (physical or through posters/flyers/leaflets) can help potential clients see your program as trustworthy. Healthcare workers and teachers may

---

RELATED RESOURCE

Related resources for more detailed guidance on paralegal program operations in general:

• Community-based Paralegals: A Practitioner's Guide, Open Society Justice Initiative

• How to develop a community paralegal program, Namati

• Community Paralegal Manual, Timap for Justice

COMMUNITY FACILITATOR CODE OF CONDUCT/ ETHICAL PRINCIPLES, NAMATI

SAMPLE ETHICS TOOL

1. **Clients first.** Our greatest duty is to the communities and individuals with whom we work. We must treat them with respect, courtesy, and solidarity. Community facilitators and program teams should constantly evaluate whether our program is doing its best to serve our clients and communities, and to help to improve services wherever possible.

2. **Solving justice problems.** The aim of our work is to help people achieve concrete, practical solutions to their justice problems. We must be creative and determined in doing this and follow through all cases to full completion.

3. **Empowerment.** Our interventions should increase our clients' knowledge, ability, and confidence to stand up for themselves and to solve justice problems on their own whenever possible.

4. **Confidentiality.** We are required to respect the privacy of our clients and do not share information about our clients to the public. We use information we gather to solve their problems. We only use information for other aims such as advocacy with client consent.

5. **Free-of-cost service.** We shall not take fees or gifts for any services provided to a client.

6. **Accurate presentation.** We must remember that we are not lawyers and must make this clear to clients

7. **Promptness.** We provide prompt services and do not keep people waiting unnecessarily. We follow up on a regular basis with clients to keep both us and them informed, even if the case takes a long time.

8. **Impartiality.** We must always be unbiased and impartial. We do not handle cases in which we have a personal interest so as not to run the risk of taking sides. We can refer such cases to another community facilitator or organization.

9. **Personal and Professional Responsibility.** We maintain a high level of personal and professional integrity.

10. **Work within the framework of the law.** We respect and follow the law in carrying out our community facilitator work. For example, we cannot force people to sign complaint letters or mediation agreements. We cannot pay bribes or help clients pay bribes.

11. **Working as a team.** We support each other in our collective mission. It is important for us to communicate clearly and respectfully, to build each other's capacity, and to maintain an atmosphere of teamwork.

12. **Responsible use of resources.** Any allowances and program funds should be used to fulfil our responsibilities to clients and we must use all resources—time, energy, funds, or office materials—in a wise and careful manner.

This code of conduct was developed by Namati's Myanmar Program, drawing on the experience and best practices of Timap for Justice in Sierra Leone.
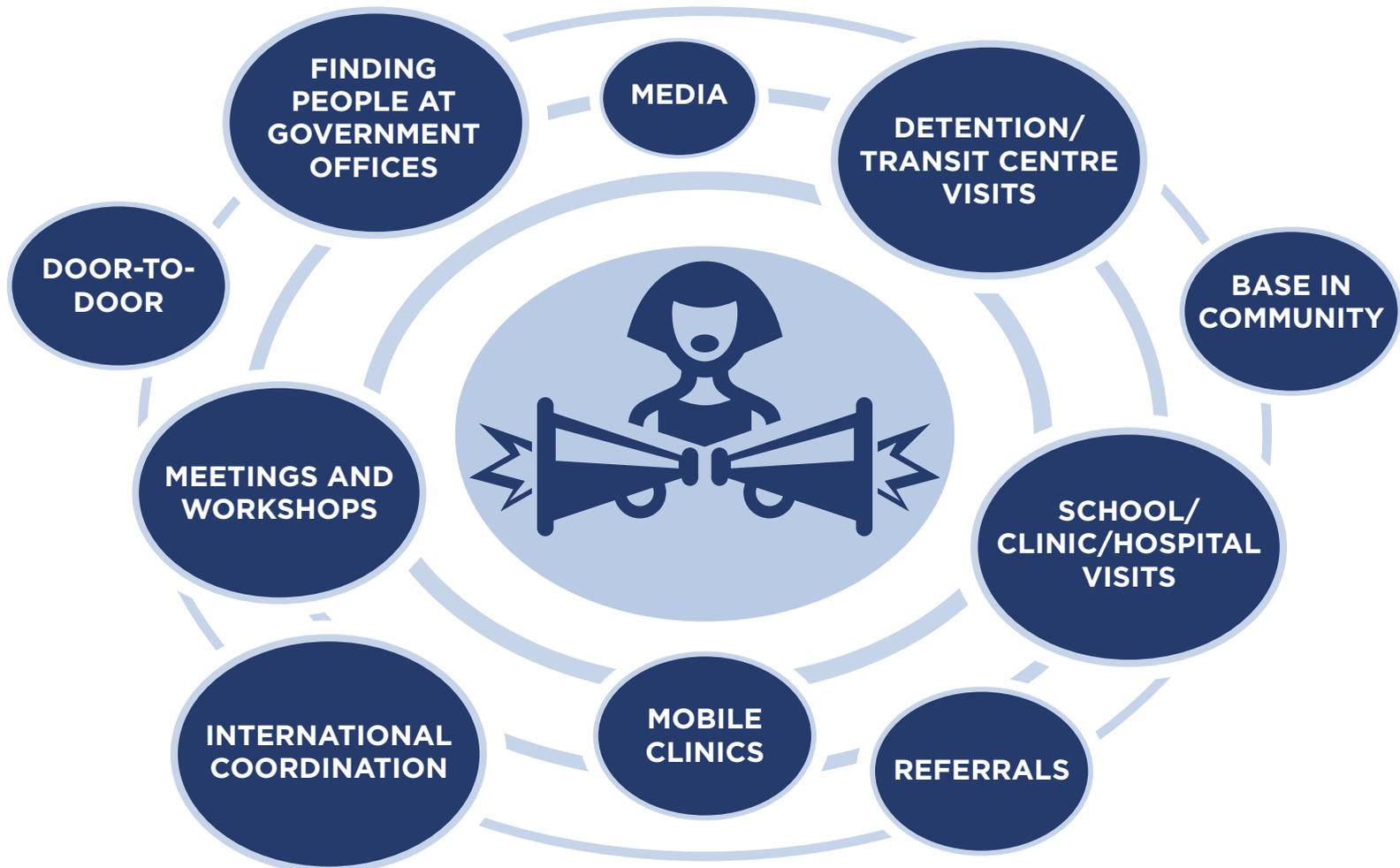
IN DEPTH

CAUTION

It is important for all forms of outreach to avoid any kind of bias for or against a certain group. Design outreach to serve all genders, ages, and social classes. This determines where and when you spread your message. The pre-project research phase may have identified the differences in daily lives and issues faced by different groups.

be willing to share key information about nationality documentation and birth registration. Some may have outreach activities in progress, such as vaccination campaigns or prenatal visits, which can increase your program's outreach.

Note that when working with institutions such as schools and health clinics, there may be multiple layers of management (from village-level to district-level), which will require coordinated communications between paralegals and their supervisors and relationship-building at every level in order to ensure buy-in and smooth running of an initiative.

A disadvantage of using public services for outreach is that potential clients may think your program is aligned with the government, and those who fear or have suffered discrimination at the hands of the state may avoid your program. If these public institutions are denying services to those who lack documentation, then they are unlikely to be good sites for outreach. Identifying informal schools, NGO-run health clinics, or other private service providers may be useful to reach community members in need of assistance with documentation.

OUTREACH

- FINDING PEOPLE AT GOVERNMENT OFFICES
- MEDIA
- DETENTION/ TRANSIT CENTRE VISITS
- DOOR-TO-DOOR
- BASE IN COMMUNITY
- MEETINGS AND WORKSHOPS
- SCHOOL/ CLINIC/HOSPITAL VISITS
- INTERNATIONAL COORDINATION
- MOBILE CLINICS
- REFERRALS

Government offices

People who are seeking service at a government office already have some knowledge of the process. Therefore this should not be your only outreach method. But placing flyers in waiting areas or sending a paralegal to attend sessions or hearings where decisions are handed out can reach motivated clients, including those who have been attempting applications on their own but are at risk of giving up due to challenges they encounter.

Referrals from other organizations or service-providers

Other organizations that serve the population you wish to serve can be an important source of clients. Some organization types to consider:

- Governmental agencies or legal aid providers
- CSOs
- United Nations agencies
- Groups supporting the homeless
- Groups supporting failed asylum seekers
- Groups supporting religious minorities

When establishing referral mechanisms, ensure that those services with which you wish to formalize relations have similarly high ethical standards.

See 9.5 Referrals and 4. Building Key Relationships for guidance on setting up such partnerships.

Immigration detention or border transit centers

Stateless and undocumented persons who have crossed international borders are at great risk of detention. Access to detention centers may be limited—in some contexts to lawyers only—so seeking to display contact information and basic facts about statelessness may allow affected individuals to understand their situation and if possible reach out to you.

Mobile registration initiatives

Mobile clinics, in which paralegals travel to a community to raise awareness and offer assistance, are a popular mode of bringing services to clients. Paralegals may travel to distant locations to gather a large number of application forms at once, and then transmit these themselves to the relevant government office—though projects should carefully consider whether this kind of activity might undermine genuine client empowerment. Paralegals may also organize mobile courts or mobile documentation drives in conjunction with authorities, bringing officials into a community to process applications; this type of mobile exercise can promote empowerment by ensuring all applicants directly interact with the government.

CASE STUDY

Innovations and Reform Center Georgia (IRC) hired a consultant to help them with outreach to the Roma community. Based on the consultant's advice, the project helped organize a Roma cultural festival, where people who made successful documentation requests with the project's support received their birth certificates and ID documents. This led others to seek their services.

IRC also showed interest in issues affecting the community apart from documentation. For example, they have provided school supplies to children.

≠ DISCRIMINATION

✊ EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

⊗ Mobile clinics organized in collaboration with the government often have greater flexibility with evidentiary standards and fees required in documentation applications, or reduced processing times. These collaborative efforts can be important opportunities for mutual education and relationship-building between your program, donors, and government officials. Mobile clinics not only bring services directly to the community, but they may also reduce processing times for obtaining documentation because of the temporary concentration of government resources. The immediate impact can energize the community. However, they raise practical issues such as management of community expectations, crowd control, and paralegal security, and require extra resources (e.g. transportation or meals for participating paralegals and/ or registrars). In addition, mobile exercises are rarely sustainable because of the resources required, and should go hand in hand with advocacy aimed at improving government outreach through more permanent, structural mechanisms.

Ensure you do no harm. Paralegals should not assist with mobile clinics if they will discourage governments from fulfilling their duties to ensure provision of documentation to all, rather than serving as examples to push governments to do more. If government becomes reliant on civil society to pay for mobile events, for example, encouraging greater government accountability for outreach and service provision in the future may become more difficult.

Information campaigns through the media

Outreach through radio, TV, social media, websites, roadshows, or other mass communication techniques can cover a larger area and reach many people. Yet impact is hard to measure, especially in the case of TV and radio. Projects that use these modes of outreach should have a well thought-out communications plan. If possible, a marketing specialist could play a role so that you invest resources wisely in such campaigns. Every communications strategy should be tailored to each target group, using local languages and channels. If you seek to serve children, use child-friendly ways of conveying complex information, for example through cartoons.

8.2 Case Categories

Most projects categorize clients and their needs when they first seek assistance, and case forms typically have categories. Categories are an organized way of deciding how your project will help particular clients. Keeping track of the numbers in each category can help you determine the major issues populations face and how your project should distribute resources and strategies. These facts can also be useful for advocacy messages.

RELATED RESOURCE

Stateless Persons in Detention: A tool for their identification and enhanced protection, UNHCR

Ways of categorizing cases include:

- Thematically (e.g. birth registration, ID card, statelessness status, access to rights).
- Type of application (e.g. obtaining document for the first time, renewal, replacement).
- By stage in the application process.

Case categories may change over time. For example if your project initially addresses only one issue, such as birth registration, and then starts to take on additional types of cases, the categories may expand. Or if changes in the law or government practices mean that some issues no longer require paralegal assistance, the number of categories may decrease.

Clients may have multiple case types. Often they pursue these cases in a sequence. For example, a client who needs help with a passport application may need help with a nationality certificate first. A client who needs help with birth registration may need help with getting a civil status document of a parent first. Some clients may need to be freed from detention before paralegals can help them get a document. It is wise to create a record-keeping or case management database that lets paralegals move cases from one category to another or indicate the client is seeking assistance with more than one case.

Examples of case types paralegal projects use include:

The nature of the problem:

- Discrimination
- Birth registration
- Marriage registration
- Death registration
- Other civil status documentation
- Nationality determination
- Nationality documentation
- Naturalization
- Detention or deportation
- Stateless status application
- Effective citizenship rights

Action:

- Lodging application for document or status
- Gathering supporting documents
- Assistance with fees
- Correct errors in an existing document
- Replacement of document
- Inclusion in strategic litigation case
- Join with other cases for collective action
- Advocacy actions

RELATED RESOURCE

- How to plan mobile legal clinics, Refugee Rights Toolkit, Asylum Access

- Mobile birth registration as a tool of ending statelessness and the role of paralegals, Global Legal Empowerment Network: Community Discussions, Namati

SOME CLIENTS MAY NEED TO BE FREED FROM DETENTION BEFORE PARALEGALS CAN HELP THEM GET A DOCUMENT.

Complexity of case:

- Straightforward (paralegal can resolve)
- Complex (involve lawyer)

These case types may be too broad, and you may wish to classify your caseload based on other themes, depending on your project and context.

◐ Creating broad client categories may also help you determine how a paralegal should work with a client. For example, illiterate clients or clients with disabilities may need more help. Many databases or record-keeping systems allow you to filter according to case and client types, which is useful for understanding your caseload and assessing paralegals.

Categories based on client profile:

- Never had birth registered. This can be categorized by the reason, e.g., "denied" or "distance from filing agency"
- Undocumented
- Undetermined nationality
- Long-term residents adversely affected by state succession
- Stateless
- Low income / vulnerable / special needs client
- Cross-border population
- Foundling

8.3 Prioritizing Effectively

Some projects can take all cases that come to them. However, prioritizing may be necessary where there is overwhelming demand and you do not have enough paralegals or resources to assist everyone. This begins with screening: create a list of categories of persons needing assistance and which ones should be prioritized. It is also possible to prioritize cases by a lottery system. Paralegal training should cover these procedures. Over time, a project's approach to prioritizing may change, as paralegals' knowledge increases and the communities they work with also gain knowledge. Paralegals may begin referring simpler cases to members of the community and provide assistance only on complex cases. Sometimes, the main work that paralegals do is screening. If all cases require a lawyer, either because they involve litigation or because it is illegal for non-lawyers to advise on matters of immigration and status, paralegals can be involved in filtering cases that require the assistance of a lawyer. Communities should be consulted on any proposed systems, in order to ensure that any concepts of vulnerability or urgency are appropriately tailored.

⬚ **Projects might also deal with overwhelming need by grouping similar cases into collective cases for coordinated action. See guidance on this approach under 9.6 Collective Cases.**

How to develop criteria for paralegal assistance

Screening policies are an optional tool that can help decide whom to serve, when to serve them, and how. While projects generally have a target group, they often serve other groups as well, for various reasons. Serving the majority population can be a way to demonstrate balance and promote acceptance in the community. It also may be part of your own efforts to better understand and raise awareness of the problems your target group faces. They may be less likely to consider such cases urgent, but projects often have a "fast-track" in which urgent cases come to the top of the pile. You may be able to save time and resources by addressing simple cases through group meetings or written materials. In setting screening policies, ensure that your criteria is as objective and bias-free as possible.

Once you have defined your criteria, the project should decide on an appropriate procedure for paralegals to follow to assess clients. This would take place after initial interviews with persons seeking assistance. In some cases, the type and scope of assistance to be provided is already determined. In others, a few questions can allow paralegals to prioritize cases.

The sections below describe sample criteria that existing projects have used.

Vulnerability factors

Many projects give priority to clients with a greater number of vulnerability factors, from social to political to economic traits. Assessing vulnerability may not be easy. Questioning potentially fearful individuals about situations that may have affected them psychologically requires sensitivity and paralegal training should focus on how to do this politely. Some factors existing projects have used include:

- Level of risk of exclusion
- Level of risk of statelessness
- Ineffective nationality
- Young or old age
- Gender
- Single-parent households
- Poverty
- Illiteracy
- Displacement
- Conflict zone
- Health status
- Orphans
- Racial/ethnic disadvantage
- Individuals outside tribal structures
- Disability

CASE STUDY

ADC Memorial's paralegals prioritize the most vulnerable clients in Russia and other former USSR countries. In Roma communities this is often young women and girls, who may be married before reaching the age to obtain a passport, or may be sent to another country for marriage.

DISCRIMINATION

EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

IF YOUR PROJECT IS TARGETED TO STATELESS PERSONS, YOU MUST THINK CAREFULLY ABOUT WHAT WILL HAPPEN IF YOU FIND THAT A CLIENT OR POTENTIAL CLIENT IS NOT STATELESS.

- Homelessness
- Unemployment
- Detention risk or detained
- Mixed origin/parentage
- Undocumented
- Pregnant women
- Trafficked
- Insecure migration/residency status
- Unaccompanied or separated minors or elderly
- Child laborer
- Born to unmarried parents
- Parents undocumented

Risk of statelessness is a complicated type of vulnerability. People with this risk are vulnerable to being left without a nationality, but are not necessarily stateless today. Confirming whether a person is stateless according to the state is not possible in a client interview. It may be useful to think of statelessness on a continuum. For example, if a client has no proof of his or her nationality, and is likely to experience difficulties getting proof, but has not yet tried to get it, they are not yet stateless, but they may have a high risk of statelessness. Other vulnerability factors can increase risk of statelessness. Groups particularly at risk of statelessness, especially if they are undocumented, include nomadic or pastoral groups with links to two or more countries; border-dwelling groups; ethnic, religious, or linguistic minorities; displaced populations; and irregular migrants and their descendants, among others. Determining someone's nationality or statelessness status might involve contacting consulates of countries to which an individual has links. Care must be taken to ensure that clients—or potential clients—understand the implications of this before consenting to such processes, particularly when they are benefiting from international protection.

If your project is targeted to stateless persons, you must think carefully about what will happen if you find that a client or potential client is not stateless. Nationals who lack documentation can face the same everyday reality and barriers to accessing rights as those without a nationality, so you may not wish to disqualify people who have a nationality but lack documentation, which can indeed expose individuals to a risk of statelessness.

Urgency

Paralegal projects often consider cases to be urgent based on the following criteria:

- Cases involving violence
- Pressing need to access service, e.g. healthcare
- Birth registration or citizenship application cut-off date approaching
- Pregnant woman

- Child or young person requiring documents for exams, enrollment, etc.
- Eligible under temporary law with imminent cut-off date
- Detention or deportation cases
- Risk of child being separated from parents, e.g. due to poverty and absence of integration as a result of a parent's marginalized status.

Greatest impact

Projects naturally want to give priority to the cases where they expect to have the greatest impact. Some criteria that can help determine impact include:

- Cases with a high level of urgency and vulnerability factors
- Cases likely to create real change
- Cases that are too complicated for community members to help with
- Clients who face particular difficulty seeking documentation, such as those who are illiterate or cannot afford fees
- Clients in distant or inaccessible locations

Alignment with strategic litigation themes

Section 10.9 has additional information about strategic litigation. A project that is devoting considerable time to strategic litigation may prioritize cases that can be pursued through strategic litigation, where clients consent to be involved in such cases.

Balance

Projects may wish to serve clients according to how common their issue is among the client community. For example, if 25% of the clients they screen need help with a death certificate, they may seek to make sure 25% of the people they help have that issue. This is a way to avoid bias. This might be done by counting the number of cases in each category of case you log, or it can be done through more sophisticated randomized evaluations.

Strength of case

Some projects prioritize the cases they feel are the most likely to succeed.

☝ If your project prioritizes easy cases, evaluations of its success rate should take this into account. Increasing the number of cases you take may decrease your success rate if you have been focusing on easy cases. Also keep in mind that in order to generate the understanding of how the system works in practice to support evidence-based advocacy, paralegals should not only take simple or easy cases; consider instead a focus on where your project can have the largest potential impact on moving difficult cases forward.

CASE STUDY

Anyone who comes to the Lawyers for Human Rights clinic in South Africa receives advice, and anyone who is stateless or at risk of statelessness will be interviewed and receive an appointment for follow-up. If the client has a disability, the organization will always try to assist on the same day so the client need not return a second time for an interview.

RELATED RESOURCE

See UNHCR's Handbook on protection of stateless persons for further guidance.

8.4 First Meeting with a Client: How to Do Intake

◑ Once you decide to take on a client, the paralegal will need to talk with him or her to find out more details about the case, and work out together what course of action might be appropriate. This initial consultation is a critical moment for capturing information about cases, which can be used as baseline data in project evaluations or to inform advocacy. It is important to create a welcoming atmosphere during the intake discussion, in order to encourage clients to speak openly. Paralegals should do things in line with cultural norms that put people at ease, such as asking after the client's family. Paralegal projects often use a comfortable, private room for intake.

During an initial consultation or interview, paralegals should cover the following topics:

✔ Who the paralegal project/organization is, what it does, and why

✔ Empathy with the difficulties faced by the community

✔ Confidentiality, binding both the paralegal and the interpreter, if present

✔ Reassurance that the consultation is a "safe space," where there will be no discrimination or judgment

✔ Confirmation that the service is free

✔ What paralegals can do for the client (being clear that they are not lawyers)

✔ How the client can give feedback on paralegal services

✔ Confirmation that the person accompanying a minor to a consultation is the parent or legal guardian; reminder that the client can speak alone if desired

✔ Confirmation to go ahead with an interview: client/guardian's informed consent

✔ Asking questions in order to clarify what problem they face

✔ Information on relevant laws, policies, and procedures

✔ Reminder of any relevant consequences of using fraudulent documents

✔ Possible courses of action, and their advantages and disadvantages, including the authorities that would be contacted

✔ Expected next steps if case is opened

✔ Confirmation to open a case: informed consent of the client or the parent or guardian if a minor and discussion of next steps in the process

✔ ✊ Asking whether the client can commit to sharing the information they have learned from the consultation, and what they will learn from any upcoming actions. This can motivate a client to learn the steps he or she will navigate to obtain documentation, and spread this information among the community, furthering empowerment. Projects often ask if clients will share information with two people.

RELATED RESOURCE

For inspiration on drawing up and applying vulnerability criteria, see:

• Identifying and addressing vulnerability: a tool for asylum and migration systems, UNHCR and the International Detention Coalition.

If at any time a client does not wish to continue an intake, the paralegal must respect this. This may be because the client becomes concerned about divulging certain information. For example, surveyed projects reported that undocumented street children involved in crime who fear giving fingerprints during ID document applications often end intake interviews before they are finished. If this happens often, it may mean that outreach efforts should be improved or increased or that you should conduct advocacy for a tailored approach with authorities.

Your project may develop a variety of forms to use during first contact with clients, such as:

- Sign-up sheets for consultations (for use during group activities)
- Registration form (for initial screening prior to intakes with selected clients)
- Reception form (for the waiting room; may invite clients to indicate requests such as gender preference of interviewer/interpreter)
- Detailed intake interview or case form (for use during intake and for later updates throughout the case's progress).

Even if paralegals will not handle a particular client's case, an intake may still be conducted to provide advice, involve the client—and their case information—in further advocacy objectives, or join a strategic litigation case. Paralegals must clearly communicate that the project will use client data in this way and obtain consent. When data is kept for a long period, as may occur during litigation before higher courts, projects must follow-up with minor clients who become adults. At this time they must give their informed consent regarding the continued use of their personal information.

Analysis of intake information

☘ Well-constructed intake questionnaires can greatly assist paralegals in analyzing cases and deciding the appropriate course of action. Some case management software may even automate case categorization and instructions for next steps, based on the answers to particular questions. Intake forms may include a section for the paralegal to summarize the key element of the case and indicate the action to be taken; depending on the context, these may serve just as a record of the paralegal's activity, or they may be the basis of internal discussions regarding the next steps for a case.

📑 See 5.3 Collecting, Managing, and Using Data for advice on developing case intake forms to facilitate intake, and discussion of structuring data collection to enable statistical analysis.

Paralegals often improve at identifying the main issue in a case over time and with practice. In many contexts, client stories will reflect long and convoluted administrative processes and attempts to obtain documentation or be recognized as a citizen. Clients may be living with trauma and psychological distress that may impact the way they explain their stories, which requires sensitivity on the part of the paralegal

PARALEGALS SHOULD DO THINGS IN LINE WITH CULTURAL NORMS THAT PUT PEOPLE AT EASE, SUCH AS ASKING AFTER THE CLIENT'S FAMILY. PARALEGAL PROJECTS OFTEN USE A COMFORTABLE, PRIVATE ROOM FOR INTAKE.

≠ DISCRIMINATION

✊ EMPOWERMENT

♲ SUSTAINABILITY

◕ DATA

🎁 RELATED RESOURCES (EXTERNAL)

↗ RELATED SECTIONS (WITHIN)

(and interpreter). It also further complicates the process of getting the necessary information to address the case. Consulting the documents clients bring with them and checking with other sources such as civil status offices can be necessary to ascertain client information and get a more complete sense of the case.

8.5 Determining Case Action

Once the paralegal has listened to a client and helped identify the problem, he or she must decide, along with the client, what to do next. Most cases can be addressed in a variety of ways. In addition to the client's profile and preferences and the nature of the issue, the safety context will influence action. Screening policies, discussed earlier, may also determine when to apply the more resource-intensive strategies for assisting clients, such as accompaniment and support with fees, and when to limit the paralegal's intervention to just sharing information.

📑 **See 8.3 Prioritizing Effectively for how to guide paralegals in making choices about case strategies prior to intake.**

✊ Whichever action a project takes, empowerment should be a guide. Paralegals should not do what clients could do for themselves, and should give clients as much information and support as possible so that they can resolve their cases by themselves. A key element of this can be offering emotional support: paralegals should listen and provide empathy, and refer those in need to professional psychological support where possible.

📑 **For more information on how to put this into practice, see 1.3 Assistance that Empowers Individuals and Communities.**

Examples of strategies paralegals might apply include:

- Information-sharing, advice-giving, consultations. All strategies include this, but in some cases it may be the only service paralegals provide.
- Accompaniment, facilitation, support. This goes beyond providing information, but the client still takes the lead, with paralegal support. It might include:
  — Demonstrating the steps involved, then the client takes the lead.
  — Being present and answering questions or giving advice when clients fill in forms and submit applications or write to authorities or service-providers.
  — Paying fees that the client cannot.
  — Accompanying clients to government or service-providers' offices.
  — Setting up or attending clients' meetings with officials.
  — Following up on applications in person. This frequently makes sense when a client has difficulty traveling to the relevant government office.
- Advocacy. This involves meeting with government officials to seek a particular outcome. It might involve:

SAMPLE COUNSELING GUIDE FOR INTERVIEWERS, BASED ON DHRRA MALAYSIA'S GUIDE

Volunteer introduction:

My name is ….

I am a volunteer for [project name]. I will conduct an interview with you today and note down your details in the registration form so that [project name] can look into the best ways to assist you with your documentation application to the government of [project country].

Services provided free of charge:

[Project name]'s main purpose is to help people apply for documentation from the government. We offer registration and case assistance to applicants on the basis of their needs and irrespective of their race, religion, political opinion, or gender. Please note that the services of [Project name] are free of charge.

[Project name] information leaflet read and understood.

Role and duty of the volunteer and mobile device capture

After I fill out this registration form together with you, we will take your photo, record some of your details in our system, and issue you a unique case registration number. This will help us track and follow-up on your case in our system. If you contact us to follow-up on our application later on, it helps if you tell us this registration number.

Confidentiality of the interview

The information you provide us during the interview with will be kept confidential. We will only share the final information with the government when we submit your case for nationality documentation.

Post-interview process

Following this interview, it might take up to one year for us to contact you with further assistance. However, please do not doubt that once you are registered with [project name], we will do our best to assist you as soon as we can.

Potential outcomes of the interview and waiting periods

Once your registration information is referred to our caseworkers for further assistance, you will be contacted for an additional interview. Please do not forget to bring the originals of all the concerning documents when the caseworkers contact you for this interview.

If you already submitted your documentation application to the authorities on your own before we contact you, please tell us your case reference number with [name of government authority] and time of application so that we can further follow it up.

If you provide false information regarding your current nationality documentation and status in another country and we find out, your registration records will be inactivated in our system. Please be aware that [name of authorities] will check your details with the relevant country authorities in [project country] before processing your application for nationality documentation.

— Generating empathy so an official uses his or her discretion in the client's favor.

— Sharing a back-story, e.g. why supporting documents are impossible to obtain.

— Explaining that denial violates local, national, or international law.

— Convincing an official that it is in his or her best interest to resolve a case.

• Litigation. Where cases cannot be resolved administratively, paralegals may need to support litigation—generally run by lawyers. Paralegals might gather client testimony, assist with drafting documents, or attend hearings, among other things.

• Referrals. Sometimes only lawyers or non-legal service providers will be able to assist.

• Collective cases. Paralegals may group similar cases to resolve them together, such as by collecting an entire village's application forms and taking them to a regional office, setting up group meetings with officials, accompanying leaders to meetings, or assisting community groups in drawing up an advocacy plan. Collective cases can be ideal when the same issues come up repeatedly—such as multiple clients experiencing excessive delays, wrongful rejections, or the same arbitrary requests from officials—or when resources are limited. This should not be confused with collective litigation, which may also be a tool that your project considers using to address patterns of unlawful activity that paralegals uncover through their casework.

📑 **See also 9.6 Collective Cases and 10.9 Advocacy Strategy: Supporting Strategic Litigation**

• ✊ Empowerment initiatives. These might include "know your rights" workshops, participatory theatre, or leadership coaching.

The next chapter explains each of these categories in detail. Some of these strategies can be used either with an individual case or with a group of cases. Litigation and advocacy can be used to help individuals or to resolve a series of claims, often with the aim of legal or policy reform.

Questions to ask when choosing a course of action might include:

• ✊ What can the client do him or herself to resolve a case? What additional information can we provide to make that possible?

• Does the project have enough time and money to take the course of action?

• What approach might be most likely to make it easier to work with authorities?

• Do referral options exist for problems the project cannot help with?

• Have many clients come with the same issue? If so, can we resolve multiple cases together?

<div style="sidebar">

RELATED RESOURCE

Related resources to help guide organizations in decision-making about expansion:

• "Scaling up Services," Refugee Rights Toolkit, Asylum Access

• See the box on Kenya's CONCISE coalition in section 9.7

</div>

- ✊ Can I address the issue at a higher level through advocacy to fix it permanently? Can I help community members to conduct this advocacy themselves?
- ✊ Why does this issue recur? Might information-sharing on a group level, via workshops, be more effective than individual advice-giving?
- Should I flag this case for litigation?

⮕ **See 10. Changing a System for litigation and advocacy strategies for wider scale change.**

9. HELPING CLIENTS

THIS CHAPTER GIVES AN OVERVIEW OF THE SERVICES THAT PARALEGAL PROGRAMS CAN PROVIDE. It covers the provision of a range of services, including information-sharing, accompaniment, advocacy, litigation, and referrals.

9.1 Meeting Clients' Needs in Different Legal Contexts

There is considerable variation in how countries design and administer civil registration and identification systems, and in procedures for establishing or confirming nationality and identifying stateless persons. This section gives basic guidance in thinking through how paralegals can provide assistance in different national and local settings. It is complementary to earlier sections on needs assessments [section 2.2] and legal and policy frameworks [section 2.4]. The remaining sections in this chapter focus on specific types of services that may address particular situations.

Birth registration is generally the most important document for accessing rights and services. By itself, it may not always be enough to access the full panoply of rights, but it is often necessary. Clients who seek marriage or death registration may be using it in order to obtain birth registration, and these documents may present challenges in their own right. Death registration documentation may also be important for activating inheritance rights. Birth certificates are often called "breeder documents" because other forms of identity documents rely on birth registration and birth certificates to verify and authenticate a person's identity.

Here are some reasons that clients may have difficulty getting these key documents:

- ≠ Prejudiced officials—or those who believe, incorrectly, that birth registration will provide nationality—refusing to register births.
- A late or non-standard birth registration requires court proceedings (e.g. for orphans or abandoned children) that were never completed.
- The government requires documents that the client cannot get, such as parents' IDs or witnesses of the circumstances of the birth, in order to register a birth.

CASE STUDY

MYLA has a policy of helping elderly and illiterate clients to fill out forms and sometimes accompanies them, but all other clients receive verbal guidance only.

≠ DISCRIMINATION

✊ EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

BIRTH REGISTRATION IS GENERALLY THE MOST IMPORTANT DOCUMENT FOR ACCESSING RIGHTS AND SERVICES.

- Cross-border cooperation is required to obtain evidence, proof, or copies of documents.
- Officials refuse to register marriages between people of different ethnic backgrounds, nationalities, or religions.
- The parents' marriage was never registered officially. If the spouses are dead, their children may have a need for the certificate and may not know it does not exist.
- Divorce papers may be difficult to get in countries where there are discriminatory attitudes against women seeking divorce.
- In situations of conflict or natural disasters, civil registration systems can break down, records may be destroyed, and temporary, informal solutions may take their place.

These actions can help individuals get birth certificates:

- Empowering people to register births on time. This avoids emergencies later and may also avoid fees that states usually attach to late registration.
- Sharing information regarding late registration procedures, which may differ from on-time birth registration.
- Accompanying clients through the registration process. Judicial authorities may be intimidating and the process may be complicated.
- Helping clients overcome practical difficulties. This might include paying fees and other costs or traveling to take an application from a client's home to an administrative center.
- Communicating with consular authorities or the Ministry of Foreign Affairs or of Diaspora Issues (which might keep records of births of nationals abroad, declared in consulates), to obtain proof of births, marriages, or deaths that took place outside the country. However, to ensure that confidentiality requirements are respected, note that consular authorities or countries of origin should not be contacted if the person is a refugee or going through an asylum claim.
- Asking non-state entities such as UNHCR for help when assisting former refugees/returnees. These agencies may be able to facilitate access to official forms of legal identity documentation.
- ID documents are a beginning, not an ending, but they are a very important beginning.

📖 **For discussions concerning contacting consular or country of origin authorities in international displacement settings, and of possible tensions between birth and marriage registration, see 7.4 Ethical Issues.**

Assisting clients in countries with restrictive approaches to granting nationality

≠ Descendants of migrants (including second, third, or more generations back) who do not retain ties to their ancestors' territory are at risk

of statelessness in countries which only grant nationality on a very restrictive basis or which actively discriminate against such groups. Paralegals' role in helping will depend in part on whether such exclusion is clearly and explicitly written in law, or whether it arises due to lack of clarity in the law or its implementing decrees and regulations, or due to bad practices. Paralegals' options to help may include:

- Working with lawyer-led legal aid or programs that bring litigation challenging the law and regulations.
- Advocating at the local level that child protection or due process standards require a more inclusive definition, and arguing that officials should apply those laws instead of more exclusive citizenship rules.
- Advocating for registration on the basis of international conventions on birth registration, statelessness, and the right to a nationality. If a state has ratified a treaty but retains domestic laws that violate it, international law should take precedence if the state is required to follow international law over domestic law. There may be recourse to international courts or tribunals or other human rights protection mechanisms in such cases.
- Participating in organized, collective political action, which may be effective in pushing for the community's inclusion.

Assisting clients in more inclusive nationality regimes

When states that have inclusive nationality laws—for example unrestricted *jus soli* laws or progressive naturalization procedures for adults—but nonetheless have denied clients nationality, advocacy strategies may target local decision-makers. Paralegal programs can increase their impact through the following:

- Focusing client work on providing information about documentation, accompanying clients through administrative procedures, and handling many cases.
- Describing citizenship as an issue of human rights, humanitarian assistance, or development—whatever leads to acceptance of citizenship rights.
- Letting clients know about processes that might apply to their situation and how to access them. Some states have created specialized naturalization procedures to address known gaps in an inclusive set of laws, and many clients may not know the procedures exist or how to use them.

Protecting clients whose strongest ties are to another country

Relatively few stateless people in the world live in a country while having their strongest ties with another country. However, some programs target this group. Paralegals may focus for example on ensuring that clients have access to civil registration or other forms of identity registration and documentation in the country where they are, without reference

---

CASE STUDY

Many Syrian refugees in Jordan are unable to get birth certificates for their children because they do not have marriage certificates, which is a prerequisite for obtaining a birth certificate. Sometimes these have been lost or destroyed in the conflict; in other cases, parents have had a "sheikh marriage" in Syria that is not formally registered. Without birth certificates, children are often unable to access health services, attend school, obtain social assistance services, remain legally resident in Jordan, or prove their Syrian nationality. NRC Jordan provides paralegal assistance to refugees, including referring cases to legal aid lawyers for court representation so that refugees can obtain a "marriage ratification order" confirming their marriage. This allows the children to obtain birth certificates.

DISCRIMINATION

EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

to acquisition of citizenship. Some aspects of paralegals' work in such programs include:

- Working with consular authorities of the country of origin and/or UNHCR, or border commissions.
- Proof of nationality is often a prerequisite to obtaining protections in the country of residence, and many countries do not accept consular cards as proof. If only a judge in the country of origin can issue a nationality certificate, clients may have little opportunity to gain such certificates.
- For stateless refugees, accessing protections for refugees is critical. Most countries have more developed protections for asylum seekers than for stateless persons. Further, international law protects refugees from forced return and contains protection against *refoulement*, which is essential.
- Lack of nationality may complicate asylum claims. Paralegals should help asylum seekers who are also stateless to have the state of residence recognize their statelessness. If their asylum claim fails, statelessness status may offer other protections.
- Many states have no official procedure for confirming statelessness and will only respond to correspondence from another state.
- Dedicated statelessness determination procedures may result in a protective legal status of stateless person and put individuals on a pathway to citizenship. However, other procedures may only confirm statelessness, grant a few core rights, and leave the individual without a path to naturalization, despite international principles that states should help stateless people to become naturalized.

Protecting socio-economic rights

 Sometimes it may be more effective for projects to focus on undocumented and under-documented persons' socio-economic rights, such as access to schooling, before working on recognition of their citizenship. This might happen in contexts where nationality and identity are contested issues and systemic discrimination is driving differences in access to legal identity documents, but education is open to those without such documents. Open-ended interviews and focus groups may be a key way to explore a wide range of health, education, livelihood, and related issues.

Sometimes individuals prefer to remain undocumented, for example if the only documentation available to them would enshrine a status that they don't want, such as an ID card stating the holder is a foreigner. Focusing on socio-economic rights prior to legal and citizenship status may produce quicker results and create space for more constructive relations with government actors on less politically sensitive topics than citizenship (such as school drop-out rates or population healthcare status). Improving access to services may in turn increase community demand for access to legal identity documentation.

However, because lack of citizenship often justifies rights violations, addressing them in isolation will not resolve root problems with legal identity or nationality and clients will not be able to access full citizenship rights.

9.2 Information Sharing

✊ Knowledge is power. Sharing the information that may allow clients to seek solutions to their documentation or citizenship rights issues by themselves is a key aspect of community legal empowerment. This should therefore always be the first course of action with any client, and it is good to use any situation in which the paralegal has contact with the community to share information.

Information can be shared in person, at community meetings, at outreach events, and door-to-door. It can be written or verbal. Some common ways that projects share information include:

- Know your rights workshops
- Events targeted to subsections of the community such as parents of school-age children or women
- Participatory theater
- Roadshows
- A table at a fair or other community event
- Mass communication channels
- Poster in public places
- Social media
- Radio call-in shows
- Consultations after workshops or outreach events
- Telephone or text informational helplines

Some topics you might cover include:

- People's rights and the state's obligations to protect those rights.
- How to apply for documents or access rights.
- How to get the supporting documents you will need for an application.
- How government officials may act, and what is illegal or discriminatory and what is not.
- How to address common problems, e.g. bringing copies of the law to show to officials, especially where regulations are new, and bringing extra supporting documents in case of arbitrary requests.
- Information that is not readily available in a local language, e.g. the content of laws.
- Sources of help for other issues, e.g. organizations clients can approach for assistance with non-legal matters such as shelter or gender-based violence.

CASE STUDY

After the 2008 Bangladesh High Court decision confirming the citizenship of the Bihari community, the government gave national ID cards to most Bihari people. However, when Bihari people bring their ID to service providers they are sometimes told "you aren't a citizen; your ID isn't valid and you aren't eligible for this service." Paralegals from local NGO Council of Minorities have found that clients seeking trade licenses and passports often experience this, and occasionally those opening bank accounts do as well. Paralegals now take on cases to assist clients in using their ID and citizenship documents to access these rights and services.

In some contexts paralegals may not be able to give advice on legal action. Be clear about the content of any potential advice, and the qualifications that may be required of those who give such advice. Generally giving advice on administrative processes such as to how to make legal applications or introduce appeals will not be restricted to lawyers or give your project any legal responsibility for the results. Making sure clients make all decisions regarding legal proceedings themselves will protect projects and is an essential part of an empowerment approach.

To be sure you are sharing accurate, current information, monitor legal and policy changes, court decisions, and international developments in order to keep communities informed of laws and processes that may affect them.

How to ensure that information empowers clients

- Paralegals should check that information given has been fully understood and can be used by the community. This might involve practicing with role-plays or giving quizzes during workshops.
- Using rights-based language.
- Involve former clients with successful cases in information-giving sessions, whether in person or through video testimonies. Real life examples will encourage individuals in attempting processes themselves.
- Do not lecture clients or communities: approach workshops or rights trainings as a process of mutual sharing. Participants can provide crucial information about their own experiences that help paralegal projects improve.
- Ask questions to encourage clients to think about the information shared and how it can be used.
- Deliver all information in as simple a way as possible, particularly when complex procedures or laws are involved, and provide written materials as reminders of the information shared.
- Have people commit to helping a specific number of other people by sharing the information they now have. You can ask people to raise their hand if they know two people they can help with the information they have learned.
- Monitor the results of information sharing. When following up with clients, ask if they remember the information, whether they shared it, and whether the person they told used the information.
- Ask clients about their experiences with government authorities, to increase the project's knowledge of state practices and problems they faced, and set up a mechanism for paralegals to record that information.

Information sharing has value even if your project cannot do anything else for a particular client. Sometimes clients can address their issue themselves with appropriate information. Even if they cannot, and information is the only thing your project has to offer a particular client,

information sharing increases awareness of fundamental human rights in the community, and may make collective action or community-led advocacy or litigation processes possible in the future. Informing communities about events in other places may encourage them to seek change in their own context.

⏩ **See 10.8 Advocacy Strategy: Working with International, National, and Regional Human Rights Bodies, Campaigns, and Social Movements for further ideas on sharing international information.**

⏩ **See 2. Determining the Need for and Opportunity to Help for further guidance on legal information.**

9.3 Accompaniment

Accompaniment has three basic types: helping clients fill out forms and other documents, providing financial resources, and physically accompanying clients as they attempt to access documentation, nationality, or other rights or services.

For many projects, accompaniment is the activity that paralegals most commonly do, and projects should budget and plan for this. Accompaniment is generally more resource-intensive than giving information, giving referrals, or pursuing collective cases.

Authorities can see accompaniment as a threat, and they may feel paralegals are watching them. While corrupt or abusive officials may behave better because of this, they may also refuse to collaborate with the project on other activities if they felt uncomfortable with how paralegals behave. Building good relationships with authorities is key to avoiding such problems, and being as polite and tactful as possible always helps. As always, do not take any action that violates the "do no harm" principle.

Helping clients fill out forms and other documents

✊ If a client is able to fill out a required form or write a letter, paralegals should not complete it themselves, unless the client is illiterate or has a disability preventing them from completing the form. The paralegal can help a client by offering corrections or tips for improvement. Paralegals might also assist by collecting documents from a remote area and delivering them to the relevant office, if the cost of travel or distance from the office is a problem for the client. Such an approach should only be used where communities are unable to take on document submission themselves, as it is important to encourage community involvement and demand for documentation, especially since the paralegal will not always be available for such assistance. Paralegals may also share template submissions and letters with clients, in order to further facilitate the client's engagement with decision-makers via written means.

CASE STUDY

The University of Liverpool Law Clinic advises clients that statements they make in statelessness determination procedures must match any they made in asylum procedures, or they can be refused documentation on credibility grounds. Inconsistencies or changes in history must be addressed prior to making an application. Credibility is paramount in a process where many people are undocumented and many facts are impossible to check due to distance and time.

≠ DISCRIMINATION

✊ EMPOWERMENT

🧭 SUSTAINABILITY

◔ DATA

📦 RELATED RESOURCES (EXTERNAL)

🔀 RELATED SECTIONS (WITHIN)

CASE STUDY

In the Dominican Republic, the NGO ASCALA has its paralegals advise clients to first attempt a process themselves. Often they report back to ASCALA that government officials asked inappropriate questions. Then paralegals accompany the client to apply again and often have greater success. At times, documents have been issued immediately.

Financial support

Not all projects provide financial support to clients. This will be an important choice to make for budgeting [section 3.6], fundraising [sections 3.2-3.5] and sustainability [section 6.2].

Costs that projects may consider supporting include:

- Documentation application fees, including late/penalty fees.
- Travel to government offices.
- Costs related to supporting documentation (e.g. witness' travel fees).
- Official ID photos.

◑ Projects should clearly define and regulate what costs they can support, and explain the criteria for providing financial support to the community. It is important to establish procedures that ensure the correct application of criteria, such as requiring a receipt or proof of expenditure. Donors may require such information. To keep track of costs, case forms should capture information on the amounts given to a client, when, for what purpose, and whether a receipt was provided.

Physical accompaniment

When accompanying clients to the offices of a service provider or government authority, paralegals should remain in a support role, so that clients lead in any meetings. This might involve preparing clients before the meeting to answer questions and negotiate or advocate for themselves. It may be useful to debrief afterwards with clients, in order to discuss the experience and learn from it, even if they experience arbitrary treatment or rejection.

Deciding whom to accompany

≠ Accompaniment may be useful for individuals navigating new procedures, or for those following less common procedures (e.g. securing documents from abroad via a consulate) where the potential for trickle-down learning is high: it can show clients how a procedure should run, equipping them with a reference point that will allow them to assist others. Individuals who have already had a bad experience may benefit particularly from accompaniment. This includes those who have experienced discrimination in the same procedure in the past— for example, cases where documentation applications were previously denied arbitrarily. Accompaniment for one part of the process may give clients the confidence to continue with their claims alone. Clients who do not speak the language and require translation and those who need help with writing can also benefit from accompaniment.

ADVANTAGES AND DISADVANTAGES OF FINANCIAL SUPPORT

ADVANTAGES OF SUPPORTING CLIENTS FINANCIALLY	DISADVANTAGES OR CHALLENGES OF SUPPORTING CLIENTS FINANCIALLY
⊕ Can overcome barriers that prevent clients from accessing documentation, improving project outcomes. ⊕ Can ensure positive working relations with the community.	⊖ Expensive. ⊖ May generate tensions among the community if criteria are not understood, or if this reduces engagement with other NGOs that are unable to offer financial support.

✊ *How to ensure accompaniment is empowering*

- Never fill in forms for a client unless they are unable to read and write in the relevant language.
- Only cover administrative fees as a last resort. If possible, suggest alternative methods of funding, such as by establishing communal contribution boxes for birth registration and community supervision of on-time birth registration.
- Have the client lead as much as possible to motivate communities into taking a proactive role in matters of birth and nationality documentation.
- Do not speak for the client during meetings with authorities; instead discuss beforehand what the client might say to resolve their issue.
- Only take action on behalf of a client where they are unable to themselves.
- Check in with clients throughout the process to ensure they understand what is happening and what officials are doing.
- Seek commitment from a client that he or she will help two or more people in their community with the same process after they receive help.

9.4 Advocacy

When it proves difficult to obtain a positive outcome for a client, paralegals might ask decision-makers for help directly, giving them information and arguments that may enable them to resolve the issue. Targets for advocacy will vary depending on the location, context, and nature of the issue you are seeking to resolve. They might include, for example:

- Local officials involved in issuance of documentation.
- Village chiefs (requesting a fee for their services as a witness).
- Providers of services that undocumented clients cannot access.
- Security forces (mistreating or extorting those without papers at check points).

MEDIATION

Mediation is a method of resolving disputes through discussion. It is intended to identify problems, clear up misunderstandings, explore solutions, and eventually reach an agreement that satisfies both sides. It may be useful if a client requires supporting documents, such as a parent's birth or nationality certificate, from someone unwilling to provide them.

Mediation between affected community members and dominant communities may also be useful to combat discrimination by non-state actors, or exclusion from socio-economic rights, such as issues of land, access to services or employment, and discrimination. But be careful not to damage the program's reputation for impartiality.

A paralegal might set up a meeting with relevant actors and adopt approaches such as:

- Encouraging them to see an issue from the client's point of view.
- Explaining why their actions are unlawful or unreasonable, and what standards apply.
- Appealing to the stakeholder's own motivations or interests to show how they would benefit from resolving a client's case.
- Making them aware of the situation of stateless persons.

Many of the techniques for local-level advocacy with the aim of resolving individual cases are similar to those used in "Advocacy meetings" as part of a wider push for systemic change, and are therefore covered in section 10.4.

How to ensure local-level advocacy is empowering

- Involving clients in meetings and having them speak for themselves.
- Letting clients shape the process by deciding on strategies you will use and arguments you will make.
- If they can do so safely, encouraging clients to speak to the media about their experiences in order to generate support for their cause in a way that amplifies their own voices.

9.5 Referrals

At times, the project will be unable to assist clients with certain non-legal needs, or with more complex legal cases. Paralegals should still be able to give referrals, either by telling clients about other organizations or service-providers that can help, or, if appropriate and the client approves it, contact the organization in order to refer the client.

If referring a client to a lawyer, paralegals may provide support for the lawyer(s) working on a case. Paralegals might handle most communication with the client, for example. These partnerships can develop paralegals' skills, if they are involved in the legal strategizing and shadowing casework or if they assist with research. In some projects, paralegals concentrate on identification work and refer the majority of affected persons to lawyers. Paralegals may be excluded from assisting clients in detention, due to procedural rules, but might be able to serve as guarantors in the community for bail applications.

Checklist of organizations, service providers or individuals to include in a referral directory:

- ✔ Doctors, midwives, pharmacists, psychologists
  - Some projects may refer clients for psychological counseling, knowing that living invisibly has an impact on mental health.
- ✔ Shelters, including women's shelters
- ✔ Food banks or soup kitchens

- ✔ Religious groups, places of worship
- ✔ Cultural organizations supporting individuals of a particular background
- ✔ Language classes
- ✔ Skills training NGOs
- ✔ Microfinance or microcredit institutions
- ✔ Interpreters or translators
- ✔ Projects working on community integration and reconciliation such as sports / creative initiatives
- ✔ CSOs that specialize in supporting particular groups, e.g. migrants, refugees, children, women
- ✔ Humanitarian assistance organizations

Projects should build relationships with referral organizations, community groups, or service providers. Formal written or online systems for referral can be useful. Your project can also educate other organizations on statelessness and documentation difficulties, so that they can identify these problems more readily. Such partnerships may benefit from initial meetings to explain paralegals' activities and discuss how they can refer clients—on what issues, and what follow-up system to use to determine the outcome of referrals. It may be useful to sign a Memorandum of Understanding or contract with referral organizations, and conduct joint trainings of staff on how to handle referrals.

See 4. Building Key Relationships for information on building strong, collaborative networks.

Follow-up on the outcome of referrals made is important, in order to ensure CSOs and service providers are correctly receiving clients, although this may necessitate opening files for individuals you do not otherwise take on as clients. Simplified intake forms—with just contact information and a summary of the issue—might be adapted for this purpose.

How to ensure referrals contribute to empowerment

- Partner with organizations or service providers that support equality and non-discrimination.
- When training other organizations or service providers to whom you will refer clients, or who will refer clients to you, ensure training covers an empowerment approach.
- Create partnerships with referral organizations that can further empower clients through skills training, access to employment opportunities, literacy, and so on.
- Partner with lawyers who will make sure casework and decision-making is client-led.

CASE STUDY

The Project for the Registration of Children as British Citizens (PRCBC) provides assistance to children whose lack of financial resources bars them from accessing British nationality, to which they are otherwise entitled. Volunteers, including both solicitors and non-lawyers regulated by the Office of the Immigration Services Commissioner, advise and represent these children, who have been born in the United Kingdom but were not born British citizens. Casework can involve pressing the authorities to deal with citizenship applications correctly, and to use flexibility and discretion if all the documents which they might expect to see or request are not available. The NGO also advocates for government departments to liaise with each other to share information which they have but which they will not reveal to outside individuals for data protection reasons.

DISCRIMINATION   EMPOWERMENT

SUSTAINABILITY   DATA

RELATED RESOURCES (EXTERNAL)   RELATED SECTIONS (WITHIN)

In Rangpur, Bangladesh, a paralegal working in a Council of Minorities program on citizenship in the Urdu-speaking community noticed that Ward Councillors were often refusing to sign applications for birth certificates, preventing people from being able to apply for citizenship. The Ward Councillors were unsure whether Urdu-speakers were entitled to the documents. Instead of contacting the councillors directly about individual clients, the paralegal and several affected clients went to the mayor's office. They showed the mayor a publication the project had created for general informational purposes—a copy of the 2008 High Court decision that confirmed the citizenship rights of the community in the local Bangla language. The mayor of Rangpur called all of the Ward Councillors to clarify the situation and the legal rights of the community. Now, both paralegal clients and other community members are able to get the signatures required for application without a challenge.

9.6 Collective Cases

≠ If a group of people suffers the same documentation, nationality, or citizenship rights violations, especially if it is the result of discrimination, paralegals may pursue solutions with authorities for all of these clients' cases at once, rather than on a case-by-case basis. This can amplify and bring together clients' voices, attracting authorities' attention to the problem and increasing the chance it will be resolved. Collective cases fall somewhere between communal initiatives, such as advocacy or strategic litigation, and individual casework for individual outcomes. They benefit multiple clients but do not necessarily seek to change the system.

Paralegal projects often begin with individual cases and only later start doing collective cases as the caseload increases. Almost all of the methods described thus far can be employed in group cases. Examples might include:

- Meeting with a village chief to negotiate an end to the practice of requesting a bribe from community members seeking a witness in documentation applications.
- Writing a letter to authorities to raise the situation of multiple individuals at once.
- Writing a letter or submitting a complaint to national authorities on behalf of a group of affected individuals whose case has not been addressed at the local level.
- Gathering a set of forms together from an entire village and bringing them to the nearest regional authority for submission.
- Advocating before local service-providers to eliminate barriers to access for a particular group.

✊ *How to ensure collective cases empower clients*

- Make sure clients involved in group cases understand and agree to this approach, particularly when cases come from individuals in different communities.
- Have affected groups of clients meet with authorities or service providers themselves, with any necessary skills training beforehand.
- Use collective cases as a springboard for community organizing by facilitating contact between the clients involved.
- When facilitating submission of applications for a group, where possible involve at least one community member in coordinating the processes and traveling with the paralegal to the regional office, in order to demystify the process and enable the community to carry out group submissions autonomously in the future.

9.7 Collective Action

Some collective cases on recurrent issues may be addressed through organized community action, which the paralegal can play a key role in facilitating. Such action may take place within the community, such as setting up a system to make sure no child's birth registration deadline is missed, or it may be aimed at external targets, through community-led advocacy. Collective action should be community-led not only because it will be more empowering but also because it will be more effective.

Paralegals should play a facilitating, supportive role, sharing skills and guidance in order to increase the chances that the group's voice and case is heard. Note though that where paralegals themselves are part of the community, projects should think through how authorities will perceive paralegals' involvement in these more politicized acts of mobilization or concerted lobbying of decision-makers. There may also be laws and regulations on paralegal service delivery that complicate the situation.

A shift towards community organizing becoming an effective means of resolving cases might take place as the community becomes more aware and empowered to deal with rights violations. Collective action is therefore both a product of, and driver of, community legal empowerment.

How to organize collective action to address documentation and nationality rights

- Coordinating or providing technical expertise to community action plans.
- Supplying locally-led campaigns with helpful statistical evidence to support claims, taken from casework data.
- Setting up group meetings with officials or service providers.
- Accompanying community groups to such meetings, taking notes or acting as facilitator.
- Running legal empowerment or negotiations skills sessions with community representatives ahead of meetings with authorities.
- Guiding the creation of community savings pots to address issues such as late birth certificate fees as a community.
- Guiding communities in establishing a system to ensure on-time birth registration of all newborns.
- Helping communities invite officials to visit their area and understand how living without documentation affect peoples' everyday lives.
- Using media platforms to build public support, in consultation with a communications specialist or the project manager, in order to ensure no harm is done.

CASE STUDY

IRC Georgia assists stateless and undocumented persons through both casework and referrals in which multiple actors cooperate to resolve documentation and nationality issues.

IRC has trained social workers, representatives of educational and medical institutions, local government bodies, CSOs, community leaders, and representatives of prisons to provide paralegal services. This includes consultations on citizenship, statelessness, birth registration, and identification documents. These paralegals identify individuals who require further legal assistance and refer them to the project.

The paralegal service providers are evaluated based on the number of cases referred to the project, whether the case was correctly identified, and the satisfaction of the client.

This model has been working for years without written procedures, based on a common understanding of rules, predefined roles and functions, and the common objective of revealing and resolving a problem. However IRC is working to formalize the referral procedure and make it more sustainable through a written standard operating procedure that everyone would follow.

A group of paralegal organizations in Kenya, known as the Coalition on Nationality, Citizenship and Statelessness Empowerment, or CONCISE, wrote a letter to members of the Kenyan Parliament recommending changes to a draft Registration of Persons bill in 2016. Legal empowerment NGO Namati helped turn their requests into a petition, which CONCISE members and their paralegals showed to members of communities in several parts of Kenya that face discrimination in access to registration and confirmation of citizenship. Over 2,000 people mobilized to sign the petition, which was then submitted to Parliament and distributed through two MPs' caucuses.

✊ *How to ensure that collective action results in empowerment*

- Share knowledge of campaigning or negotiation techniques with communities, so they can put their own plans into action more effectively.
- Ensure representative participation in any collective actions, including perspectives from women, children, disabled, minority, elderly individuals, and other marginalized groups.
- Encourage communities to reflect on actions that did not work and how to improve.
- Consider providing ongoing training on legal or other matters to community members who express an interest in this work: you may build up a network of volunteers or future paralegals.
- If collective action is successful at reducing barriers to accessing documentation, help communities access the rights that documentation should make available.

9.8 Litigation

In some contexts, a paralegal might not be able to resolve a case without going to court. This will generally mean involving a lawyer, whether from within the organization or through a referral. Paralegals may support the lawyer and the client in these ways:

- Helping them strategize.
- Gathering information about a case.
- Preparing—or helping clients prepare—the necessary written submissions.
- Accompanying a client to court.
- Acting as an interpreter between the client and the lawyer.
- In some jurisdictions, where paralegals have the right training and a lawyer's participation is not necessary in all situations, for example leading a client's case before a juvenile or magistrate's court.
- Implementation of a judgement obtained through litigation.

Lawyers may be available to act in human rights cases on a pro bono basis, and relationship-building at the start-up stage should take this into account and target such partnerships.

✊ *How to make litigation empowering*

- Let clients make the decisions after detailed and open discussion of the advantages and disadvantages of each option.
- Use the opportunity to train clients on the law, and ask them to tell at least two people in their community what they learned.
- Prepare clients thoroughly for court appearances, so that they understand what will happen and feel confident.

See 10.9 Advocacy Strategy: Supporting Strategic Litigation for more detailed guidance on the role paralegals can play in litigation processes, which is similar for both strategic and individual litigation. Many "strategic" cases grow out of litigation to resolve issues that arise in the ordinary course of running your program, so it's important not to draw too formal a distinction between the two categories.

9.9 Empowerment Initiatives

As well as incorporating empowerment into project design and paralegal casework, some projects may wish to run specific community empowerment activities to build capacity or enhance autonomy with the aim of accessing rights. Empowerment activities can be helpful even if your paralegal project can do little to achieve real change. Sensitizing communities to their rights can be empowering and eventually lead to change. This should be done with a conflict-sensitive approach because attempting to address power imbalances through such initiatives may be seen as controversial or even have a negative effect in certain climates. Paralegal safety should never be put at risk.

These strategies might include:

- "Know your rights" workshops, aimed at the community in general, or a specific demographic such as women, parents of school-age children, historic migrants, failed asylum seekers, etc.
- "Comprehensive justice" workshops, which address the psychological consequences of injustices like denial of legal identity papers, in order to allow clients to grow and move on, regardless of legal outcomes, particularly when these can take years to materialize.
- Public events to spread awareness of rights on a mass scale. These events should invite audience participation in order to increase debate and use of empowering information. Strategies might include participatory theater sessions or call-in radio shows.
- Leadership programs in which paralegals train volunteers who have an interest in helping their communities. Successful community organizing depends on strong local leaders, which such events can build. You might wish to select leaders from specific groups of concern, such as young women.
- Creative or cultural initiatives, such as "theatre of the oppressed" which empowers people to communicate and analyze sensitive or complex topics.
- Practical measures to help people access rights, such as convincing local employers to hire individuals your project targets, convincing healthcare providers to treat individuals denied healthcare coverage free of change, or convincing schools to educate children without official proof of identity.

CASE STUDY

PRCBC opposes the prohibitively high fees charged by the UK Home Office for children who are entitled to register as British citizens, as this effectively negates their right. The organization has litigation pending to urge that only a fee equivalent to the authorities' administrative expenses should be charged. PRCBC also opposes the "good character" requirement for children, and how it is implemented. They have fought this through litigation and advocacy, and helped convince the Independent Chief Inspector of Borders and Immigration to investigate Home Office practice.

RELATED RESOURCE

The International Refugee Rights Initiative's pro bono legal aid directory covering most countries may help locate legal support, particularly in displacement contexts.

≠ DISCRIMINATION

EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

In order to build legal awareness, ADRA Thailand runs three-hour "Rights and Nationality" workshops with stateless communities. Through interactive activities such as role playing, question and answer sessions, and case studies, they cover the following topics:

- Why are nationality and legal status important?

- How to apply for nationality or a legal status

- How to prepare documents and witnesses and obtain supporting information.

RELATED RESOURCE

- "Know Your Rights" trainings, which projects can adapt to their field, Refugee Rights Toolkit, Asylum Access.

- For an explanation of comprehensive justice, see the Spanish-language report "Justicia Integral: Mujeres refugiadas y violencia basada en género" by Asylum Access Ecuador, as well as a summary in English of the concept.

For ideas on evaluating the impact of empowerment initiatives, see 5.2 Monitoring and Evaluating Your Work. If possible, develop evaluation methods to measure workshop quality, paralegal performance, and participant satisfaction. Evaluation methods should account for literacy levels, time constraints, and other obstacles, and may use happy/sad faces or other means of giving feedback that do not require literacy skills, in addition to written feedback forms.

9.10 Closing a Case

Projects should establish clear guidelines regarding when and how to close a case opened by a paralegal. Governments may establish timeframes for issuing decisions and documents, yet claims can go on for months or even years beyond official time limits, sometimes without ever obtaining a resolution, especially if public services are underfunded. In addition, clients can become unreachable. Undocumented and stateless persons are often on the move, live in no-signal rural areas, or lack a mobile phone. Closing such cases and what paralegals must do when they close a case will vary according to context and case type.

When to close a case

Some common standards for closing cases include:

- Establishing a time limit. If follow up is impossible, after a certain time period with no action the paralegal closes the case.
- Preparing cases for a supranational court that requires proof that they have exhausted all domestic remedies. A case may stay open for a long time.
- Keeping a case open even after a client has received a document and making sure they have been able to exercise the rights it should give them.
- Establishing a checklist of actions at the beginning of each case and closing it once all actions are complete. The "Case action checklist" box provides an example.

For discussions of how to plan, monitor, and evaluate impact— including at what stage in the case to do this, see 5.2 Monitoring and Evaluating Your Work.

How to close a case

If possible, clients should be notified when their case is closed. They should also be informed during intake of the timeframes for case closure. The paralegal should then update any files, both in a database or in physical records if relevant. In many contexts, projects should offer referrals to service-providers for clients who have received documentation, to ensure their effective access to rights.

Monitoring and evaluation

☕ Closure of a case normally indicates some measure of outcome monitoring is possible (e.g. successful decision to register a birth, issue status or nationality, grant access to a service). At this stage, projects may ask clients to respond to a satisfaction survey, or give verbal feedback.

Case closure could also be the right moment to determine whether the process helped empower the client. Paralegals might ask questions about knowledge acquisition, use, and sharing, client perceptions of their own capabilities, or use of the documents obtained in order to access rights and services. However, empowerment may be a long-term goal. You may wish to emphasize to the client that you hope they will remain connected to the project and keep contact information current, so that your project can follow-up and provide further help if it is needed.

≠ **DISCRIMINATION**	✊ **EMPOWERMENT**
🜨 **SUSTAINABILITY**	◔ **DATA**
📖 **RELATED RESOURCES (EXTERNAL)**	⤵ **RELATED SECTIONS (WITHIN)**

CASE ACTIONS CHECKLIST

✔ Intake: Listen to the client and learn all details about their case, share all relevant information the client can use to resolve the case; discuss and decide together on action to take.

✔ Fraud prevention: Explain the consequences of fraudulent documents, such as the program's inability to help and the possibility of criminal prosecution.

✔ Informed consent: Ensure any client agreement forms are signed authorizing the chosen course of action, once this has been discussed and the client demonstrates an understanding of the pros and cons of each option available. This procedure should also allow for consent to be given or withdrawn by individuals who are illiterate.

✔ Check whether the case has strategic litigation themes.

✔ Check database for past engagement with client.

✔ Casework: Undertake actions agreed upon with client, e.g. help fill out forms, write letters, hold meetings, get supporting documentation or testimonies, disburse funds, and submit application/s.

✔ Problem solve:

• Unavailability of supporting documentation. E.g., attempt mediation with family members to gain documents. Advocate with authorities for the acceptance of an alternative document.

• Difficulties remaining in contact with client. E.g., create incentives for clients to remain in contact, phone or visit any secondary contacts listed or village chiefs or community leaders.

• Lack of progress despite all avenues pursued. Persistence may be the most important thing. Trial and error can work.

✔ Record-keeping: Document all steps and their outcomes in the case management system.

✔ Follow-up: Check in with authorities and/or service providers for decision, log any progress, maintain communication with client.

MAKING LASTING CHANGE

WHO WE ARE
SERVING AND WHY

1

START UP

4

2

IMPLEMENTATION

3
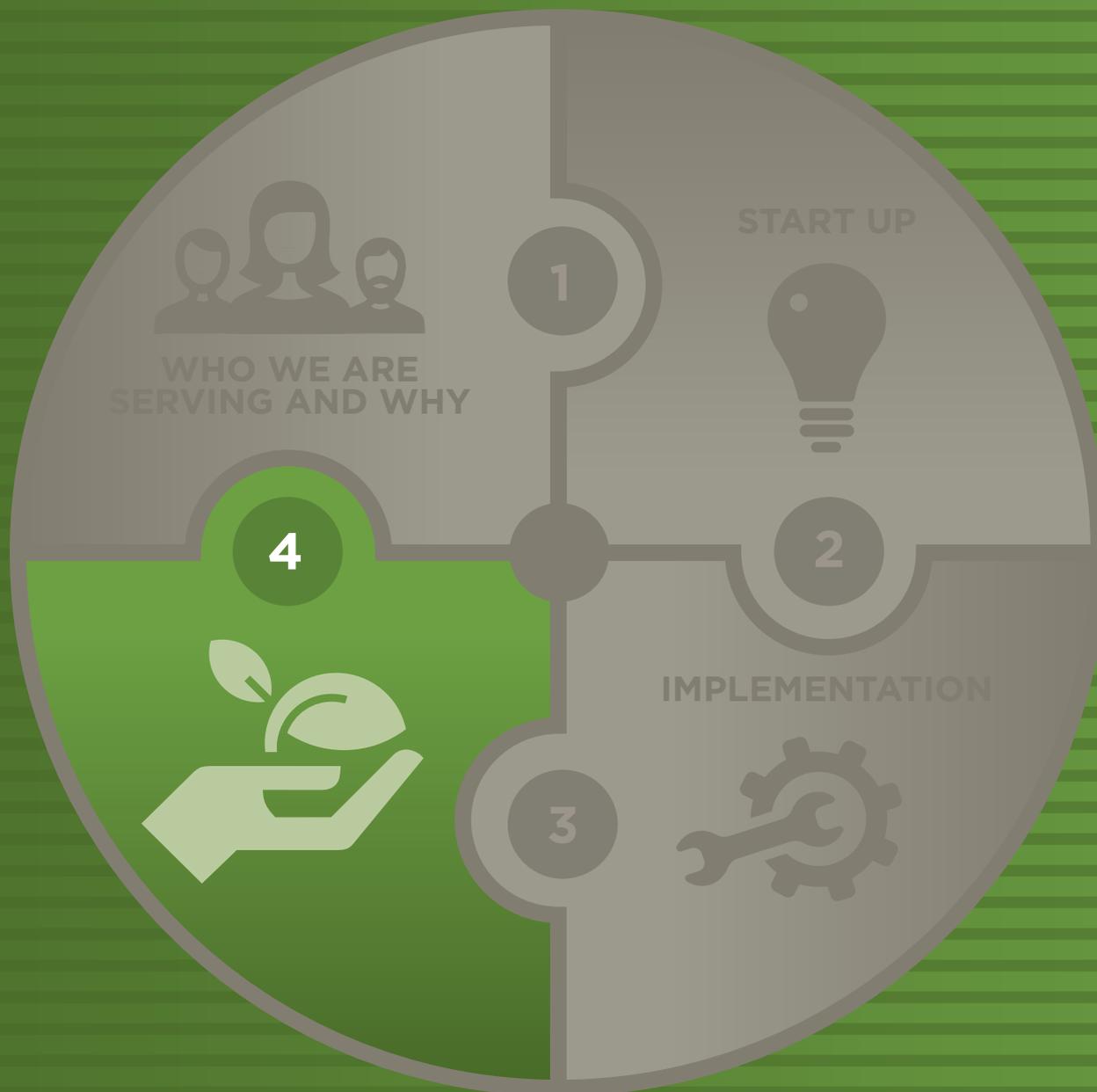
10. CHANGING A SYSTEM

✊ **THE INFORMATION AND DATA GATHERED** by paralegal projects is invaluable, and has great potential to change laws and policies. Paralegal projects can do far more than help individuals, and many have. Changing the system can be a consequence of helping individuals, by creating increased empowerment in clients' wider networks or the community. Information-sharing alone can leave communities better able to resolve documentation, nationality, and citizenship rights cases themselves.

◗ This chapter looks at how projects can be intentional and effective in supporting system-wide reform. Your project has a large amount of data on rights violations and their socio-economic consequences that can be used for out-of-court advocacy messages and legal claims. It is often most effective if communities drive their own campaigns for legal and policy reform, but paralegal projects can provide significant help.

This chapter covers advocacy for changes to laws, policies, or government practices, but many of the tactics are similar to those used in advocacy to resolve a specific case problem, or a group of cases. Put simply, advocacy is the process of influencing decision-makers. Your project might decide to try to influence decision-makers to support and implement laws, policies, and procedures aimed at increasing access to nationality documentation, civil registration, and effective citizenship rights.

Examples of paralegal projects' advocacy work on documentation and citizenship rights:

- Setting up a coalition of CSOs to advocate together on nationality and documentation issues.
- Meeting with legislators to discuss necessary legal reforms and share information about the impact of current laws.
- Contributing to a shadow report highlighting violations of legal identity documentation rights ahead of the country's review before international or regional human rights bodies.
- ◗ Producing a report based on paralegal casework data showing the gaps in the existing legal framework.

Community preferences should guide your project's choice of strategies to achieve systemic change. Other factors to consider include the chance of success, the timeframe for change, whether the solution would be long-lasting, and the potential risks of each pathway—litigation, advocacy, or a combined approach—for affected persons. Organizations' capacity, or links to litigators and campaign specialists, may also influence the strategy selected. Your advocacy should always take care to *do no harm* and empower affected communities, who should steer the initiative and learn skills in the process.

CASE STUDY

ASCALA is using paralegal casework data to call attention to various groups in the Dominican Republic that face difficulty getting documents because of a long history of discrimination against Dominicans of Haitian descent, including denial of their citizenship. One of these groups, who are in theory Dominican nationals under a 2014 law, includes around 55,000 individuals identified by the Dominican government. Another group consists of young people who are unable to study or work because they cannot access birth registration and those over 18 cannot acquire a national identity card. Some civil society groups and UNHCR are gathering records of these cases to reveal the scale of denial of nationality and facilitate engagement with the government and advocacy for concrete solutions.
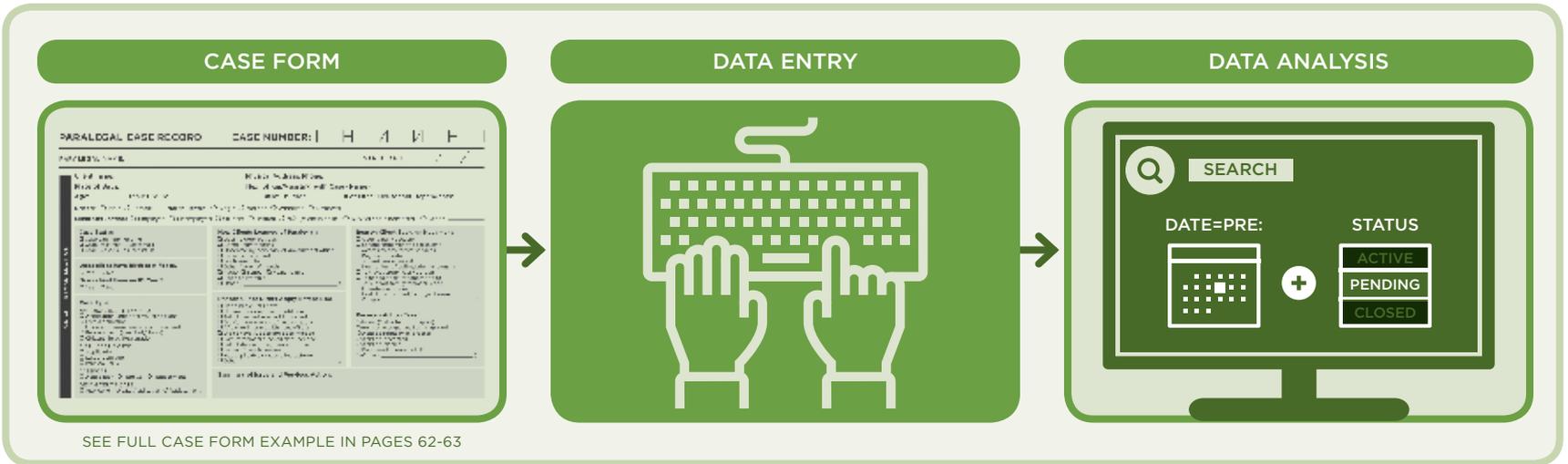
≠ DISCRIMINATION

✊ EMPOWERMENT

☻ SUSTAINABILITY

◗ DATA

▣ RELATED RESOURCES (EXTERNAL)

⇄ RELATED SECTIONS (WITHIN)

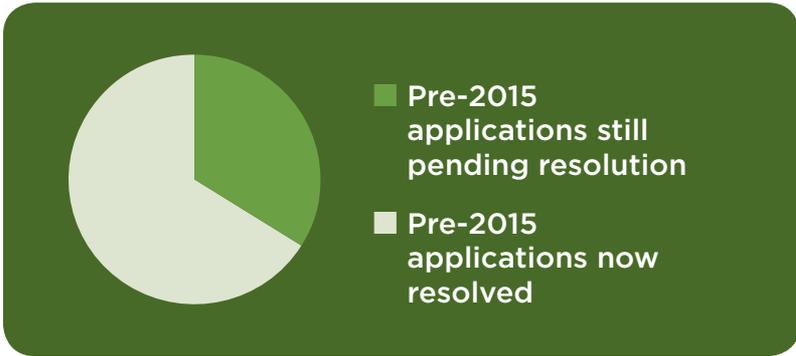# IDENTIFYING PATTERNS TO ADDRESS WIDESPREAD INJUSTICES

CASE FORM

PARALEGAL CASE RECORD   CASE NUMBER:

SEE FULL CASE FORM EXAMPLE IN PAGES 62-63

DATA ENTRY

DATA ANALYSIS

SEARCH

DATE=PRE: STATUS

ACTIVE
PENDING
CLOSED

SEARCH CRITERIA

DATA REPORT

SEARCH

DATE THE CLIENT APPLIED FOR AN ID CARD = BEFORE 2015

+

STATUS OF APPLICATION

■ Pre-2015 applications still pending resolution

■ Pre-2015 applications now resolved

SEARCH

LATE BIRTH CERTIFICATE APPLICATIONS = PENDING

(DISPLAY BY GENDER)

NO. OF CASES

PENDING LATE BIRTH APPLICATIONS

■ Female applicants

■ Male applicants
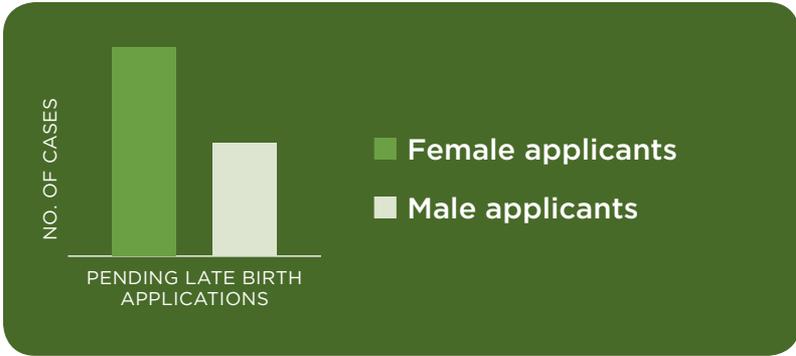
SEARCH

COUNTRY OF BIRTH

+

NUMBER OF SUPPORTING DOCUMENTS REQUESTED FOR DATALANDIA RESIDENCY PERMIT

NO. OF SUPPORTING DOCUMENTS REQUESTED

DATALANDIA   NEXTDOORLANDIA   ALL OTHER COUNTRIES
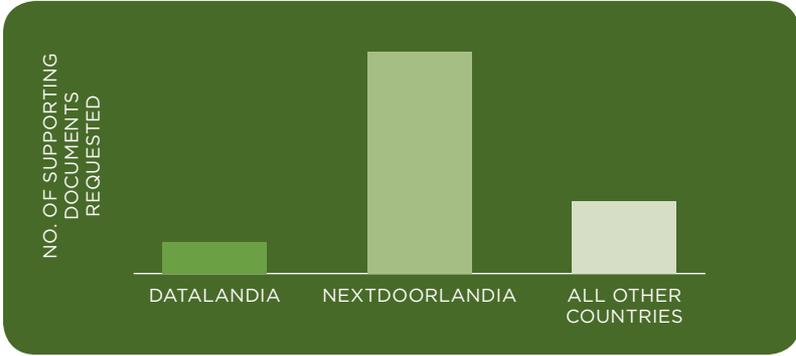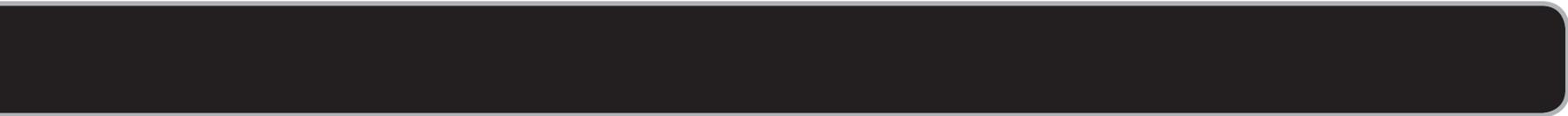
INTERPRETATION

POLICY BRIEF

Government timeframes for issuing documents are too slow.

This violates timeframes in the government's own service charter.

SDG 16.9 highlighted in national development agenda.

ALLOCATE MORE RESOURCES TO MEET TARGETS FOR ID DELIVERY OR RISK NATIONAL DEVELOPMENT PLAN FALLING BEHIND.

More pending cases belong to female applicants.

But this data shows the distribution in the paralegal caseload, not a broader trend. More woman may be applying than men, or more women approaching paralegals

A new data report could look at cases that began more than 1 year ago: what % of those female clients resolved vs. pending cases, and what % of those male clients have resolved cases vs. pending cases. The analysis would provide a better comparison of difference by gender.

Clients from Nextdoorlandia must provide 5 x more supporting documents than applicants from any other country.

This may block them from registering their residency, leaving them with irregular migration status.

Clear evidence of discriminatory treatment.

NEXTDOORLANDIA NATIONALS FORCED INTO ILLEGALITY: RESIDENCE PERMITS POSSIBLE ON PAPER, IMPOSSIBLE IN PRACTICE.

In Kenya, paralegal case data from Nubian Rights Forum, Haki Centre Organization, Haki na Sheria, and Wajir Human Rights Network is now stored and managed via the same database. This allows these partner organizations to compare and combine the data, providing a much deeper understanding of the problems clients face nationwide than one project could provide alone.

These organizations used data to demonstrate how a proposed law, which stated that those who failed to register births would be liable for a fine and/or jail, would not solve the problem. It showed that there were many late birth registrations in the year, including in the capital city, confirming that such a bill would be inappropriate given the current situation of communities in both rural and urban areas.

UNHCR Kenya holds a monthly roundtable with national registrars and a monthly working group with a wider range of government authorities. These are opportunities to present the data for discussion in the form of easily digestible graphics and regional trends. The meeting also allows UNHCR to tell the central administration about problems paralegals identify, such as documents requiring corrections above the authority of local registry officials, and how they might solve them quickly.

10.1 Preparing to Use Data for Advocacy

Paralegal projects can play an important role in detecting or confirming widespread patterns of injustice, social exclusion, discrimination, and other rights violations, administrative obstacles, and other barriers to exercising citizenship rights. They can use their unique insight and casework data to push for solutions through advocacy and strategic litigation. Statelessness and documentation denial are often invisible problems, and government officials often do not understand them or deny they exist. The data you gather can be used to address this resistance. If officials or others see the problem as small, paralegal projects can provide information about the number of people affected and how much they are affected. If officials or others think that including the group that your project serves is a threat, paralegal projects can provide information about how manageable the problem is.

Detecting trends across a large number of cases can be greatly facilitated by the use of digital record-keeping. Even a spreadsheet can be useful, but a tailored case management database makes it easy to analyze data for patterns. Of course, accurate and complete data entry is vital to making good use of these tools.

≠ In addition to simply monitoring levels of possession of documentation, your project might monitor indirect types of discrimination and exclusion. Barriers to accessing socio-economic rights may be the clearest indicators of exclusion and discrimination, as opposed to asking clients to positively identify arbitrary treatment. Some may consider it to be normal. Answers to questions about services used, educational attainment, and ability to move around freely can reveal patterns of discrimination. Communicating data effectively will invite a range of decision-makers to understand issues and support the solutions you propose.

As discussed under 5.2 Monitoring and Evaluating Your Work, the data your project collects from clients can be used to detect patterns of mistreatment and exclusion. Community-wide data collection will give even more information. It can be used to support individual stories of discrimination, and reveal whether clients' experiences are common.

Many types of statistical analyses can be useful in providing information about the links among documentation, nationality status, and client well-being, and access to services and rights. Exploring case data does not require expert statisticians, but be careful not to claim that data proving a trend proves what causes that trend. For example, it may be difficult to prove that discrimination caused a particular pattern of exclusion. Comparative data from outside your caseload (whether public such as census data, or obtained via freedom of information requests, or gathered by your project from populations that do not suffer documentation or nationality issues), can be helpful in suggesting the causes of discrimination. Using data in combination with other strategies of persuasion, such as human-interest stories, can often be

useful. In some legal systems, statistical information that suggests a pattern of discrimination may be sufficient to trigger an obligation on state authorities to prove that the measure or practice is not motivated by discrimination. This is known as shifting the burden of proof. A similar effect may be possible outside of court, where case data alone is sufficient to launch discussion or an investigation leading to reform.

Note that the use of data must never compromise client confidentiality, and it is particularly important to be careful to do no harm when sharing data with governments. Remember that even aggregated data may not be completely anonymous if the government or other actors have a means of linking it with personal information about your clients.

📑 **For help with building case forms in order to make data-driven advocacy possible, and with managing data, see 5.3 Collecting, Managing, and Using Data, and find guidance on using them under 8.4 First Meeting with a Client: How to Do Intake.**

10.2 Developing an Advocacy Plan

Projects may wish to develop an advocacy plan at the beginning of operations, or create one when they are ready. Members of the affected community should be involved in this process. Your projects should have dedicated consultations before and during any advocacy campaigns in addition to regular outreach, relationship-building activities, and needs assessments, to ensure that the plan remains participatory and in line with community priorities.

Key steps in drawing up an advocacy plan can include:

✔ Identify the problem to address.

✔ Identify evidence-based solutions you hope will be implemented.

✔ Identify specific advocacy targets with leverage over nationality and/or civil registration issues (e.g. village head, president, legislators, unionists, ombudsmen).

✔ 📑 Analyze each target group's interests and motivations. See 4. Building Key Relationships for further guidance.

✔ 📑 Develop messages for each target group that are likely to convince them or maximize their ability to make change. See 3.5 Key Ideas for Fundraising Messages for a guide to describing statelessness and identity documentation in line with a range of interests.

✔ Develop tools, such as videos, radio content, social media posts, and flyers.

✔ Decide strategies that you will use, including but not limited to:
- Advocacy meetings
- Relationship-building and education, e.g. trainings for people in the target groups
- Documenting issues and sharing the findings with people in the target groups

CASE STUDY

Serbian NGO Praxis has used many advocacy strategies to improve prospects for undocumented, stateless, and at-risk persons, such as:

- **Story-telling based on real-life case studies to make the issue of unregistered persons visible and demonstrate that the legal framework is not working.**

- **Theatre of the oppressed, which makes plays based on client case studies that point to issues in the legal framework, then performs them in public places.**

- **Addressing the ombudsperson in individual cases and for cooperation in advocacy activities.**

- **Using international treaty monitoring mechanisms that contain requirements related to prevention of statelessness.**

- **Using constitutional complaints and constitutional review of laws to improve protection against statelessness and ensure birth registration of the Roma.**

- **Launching an advocacy campaign with a network of 124 CSOs, requesting the adoption of a separate law that would resolve the issue of late birth registration**

After more than seven years of working on the issue, Praxis's advocacy resulted in the adoption of a simple, quick court procedure for late birth registration of those previously unable to register via the administrative procedure. This represents the most significant progress made towards resolving the problem of legally invisible persons in Serbia.

DHRRA Malaysia participates in advocacy on birth and nationality documentation issues with local and national government agencies and international groups. This required identifying the causes and consequences of statelessness as a first step. For two years, paralegals went door-to-door to register stateless persons in DHRRA's online database and assist them with nationality documentation applications.

After years of registration, casework, and meetings with leaders and politicians, DHRRA was in a position to invite high-level officials and ministers to see their data on statelessness and propose a solution to the problem. Key patterns from the database, along with realistic recommendations for legal amendments, were shared with government agencies in the form of a policy paper made available on the organization's website. The organization shared human-interest stories in the local newspaper every week. The policy paper was revised during advocacy meetings to take decision-makers' interests into account.

The government's 2017 "**Malaysian Indian Blueprint**" policy, committing to resolve statelessness and documentation issues in the Indian community within five years, included DHRRA data. This is the first time that a document authorized by the state of Malaysia has acknowledged the issue of statelessness.

- Writing and/or publishing reports about a topic
- Media campaigning
- Connecting with national, regional and international human rights bodies
- Joining forces with wider campaigns and social movements

✔ Establishing goals, targets, timeframes, and an activity plan to put strategies into action.

✔ Identifying and mitigating any risks related to the selected advocacy activities.

✔ Consulting with affected communities throughout the design and implementation of an advocacy strategy, so they play a central role in bringing about change. Aim for coordination with any community action plans underway or in development.

✔ Bringing on board allies to support your cause and campaign, e.g. other affected populations, sympathetic leaders and MPs, formerly stateless individuals, celebrities.

Advocacy plans should usually cover multiple years. Campaigns can be long and can be affected by political conditions. Multi-year planning—and grant cycles—provide flexibility. Communicate to involved clients, the community, and funders that projects can take a long time to show effects.

10.3 Ensuring Paralegals and the Community Have Agency

✊ Client and community involvement is of central importance to successful advocacy strategies. Not only can this be empowering for persons whose rights have been violated, but the advocacy may be more successful because it will not be seen as political in the same way that a CSO or paralegal project's actions will be. Advocacy strategies can include a leadership model, or by building teams in which paralegals work with community members on an equal footing. Your project should be careful to include members of the marginalized community who may be marginalized within it. This will promote solutions that are inclusive, and therefore effective.

Maximizing paralegals' and communities' roles as advocacy agents might entail:

- In-person meetings with decision-makers and media in order to voice requests for change.
- Developing communities' understanding and use of data as a powerful advocacy tool.
- ◐ Giving communities compelling statistics regarding the issues affecting them that they can share alongside personal narratives.
- Coaching community members to be active and effective actors in forums or task forces.
- Consulting community members before formalizing agreements or events with government co-participation.

- Involving other community members in campaign initiatives, e.g. petitions, public events.
- Paralegal and community participation in monitoring the implementation of any relevant decisions or policies adopted.

Participation in advocacy can have risks for community members by making their situation obvious to government officials. It is important to consider these risks and seek to minimize them. Coalition advocacy, which underscores the widespread nature of, and interest in, the issues being raised, can be a way to minimize risk. Working with community representatives who are aware of and comfortable with exposure to such risks, such as community appointed leaders, is another possible approach.

Considering how an advocacy message can include the potential benefits for communities outside the project's target community, as well as for the government itself, can also minimize risk while having strategic benefits. Poor people who have access to documentation, for example, may still have difficulty accessing the rights that documentation is supposed to unlock. Including their concerns and difficulties in any advocacy measures may be strategic. Many obstacles to accessing documentation are not related to identity-based discrimination, and fixing problems in government systems can benefit all citizens in a country. Projects should consider forming or joining broad advocacy coalitions, made up of different constituencies.

10.4 Advocacy Strategy: Meetings

Making an argument in person can be highly effective, with the right preparations. Meetings can take place among paralegals and/or affected individuals and any group that affects their access to rights, such as

RELATED RESOURCE

- For further guidance on developing an advocacy plan, see "Advocacy Toolkit: A guide to influencing decisions that improve children's lives," UNICEF.

- Sample advocacy strategy: Birth Registration in Emergencies advocacy guide, BRiE Toolkit, Plan International.

DISCRIMINATION

EMPOWERMENT

SUSTAINABILITY

DATA

RELATED RESOURCES (EXTERNAL)

RELATED SECTIONS (WITHIN)

CASE STUDY

The Makonde community in Kenya, which migrated to present-day Kenya prior to the country's independence, were never recognized as Kenyan and remained stateless until 2016. Their own advocacy efforts proved essential to resolving their statelessness. The community's advocacy work included:

- Letters to the Kenyan president (see next page for an example).
- Convincing regional authorities to advocate for them before the national government, to demonstrate that local governments had already accepted them.

- Attending forums where they could tell their stories to government officers and legislators.
- Speaking to the media about the issue.
- Participating in awareness-raising events through cultural displays.
- A four-day protest march in October, 2016, that led to a law giving them the right to nationality.

Various NGOs supported the community's efforts. Kenya Human Rights Commission empowered the Makonde with legal with knowledge; Haki Centre helped them form leadership structures and to explain the history of how they came to be stateless in Kenya.

MAKONDE COMMUNITY LETTER TO THE PRESIDENT OF KENYA

Dear Mr. President,

RE: "THE GREAT TREK FOR NATIONALITY" A WALK ORGANISED BY MAKONDE COMMUNITY AT THE COAST OF KENYA

Your Excellency, we refer to the above matter and our previous letter dated **27th July, 2016 and 24th August, 2016**.

As the Makonde people, we have patiently waited for your correspondence and/or audience to no avail. With the deadline having passed on 30th August 2016, we have come to agreement as the Makonde Community to walk from Kwale to State House, Nairobi with the intention of seeking your audience. The walk shall commence on **10th October, 2016** and we shall be arriving in Nairobi on **13th October, 2016**.

300 of us shall be walking to seek audience with you Mr President; to tell you of our agony being without legal identity Citizenship. We will be accompanied by lawyers, medics, and other supporters to our cause as well as ambulances and vehicles to assist those who might be unable to walk for the entirety of the walk. It is our sincere hope that you will receive us and hear us upon arrival in Nairobi on **13th October, 2016 and the plans by your government on the registration of stateless persons**.

Your excellency, as you may be well aware this matter was brought to your attention by the Kwale County Assembly who believe and know we belong to Kenya. For this reason the trek will be flagged off bu Hon Governor Mvurya of Kwale, who empathizes with our plight.

legislators, ministers, local officials, employers, and directors of service providers. Meetings can also involve potential allies, such as heads of UN and donor agencies. They are an opportunity to educate people about how issues that stateless or undocumented people experience may also affect the ability of people with documentation to exercise their rights. In some contexts, the creation of a forum or working group bringing together relevant stakeholders is conducive to advocacy, targeting many entities at a time and showcasing multiple perspectives on an issue. In others, progress may be best made in one-on-one meetings, or by inviting your advocacy targets into the community or to take part in your initiatives.

⤵ **Before participating in advocacy meetings, know the interests of stakeholders and prepare your message to align with their motivations. For more information on aligning documentation and nationality issues with a wide range of interests, from development to human rights to security, see 3.5 Key Ideas for Fundraising Messages.**

⤵ **Larger meetings might be structured as trainings or information sessions that feature the work of paralegals and shed light on the difficulties and exclusion encountered in the field. Section 4.1 With and Within the Community addresses such events. As an advocacy strategy, these meetings highlight the solutions that are possible and tell participants what actions they can take to address the problems described.**

✊ *How can advocacy meetings drive empowerment?*

Advocacy meetings provide a chance to empower communities and paralegals. The following suggestions can help ensure advocacy meetings foster community empowerment:

- Conduct skills trainings with all those planning to meet with authorities, so they are ready to negotiate, speak in public, and tell stories that are persuasive.
- Involve communities in deciding on the messages to communicate.
- Before the meeting, discuss with community members what to do, depending on how people in the meeting react to the messages.
- After the meeting, discuss it and reflect on how to improve advocacy techniques in the future.
- It may be helpful to take notes during meetings to have a record of any commitments officials make. There may also be a need to remove confidential details from such notes, or to protect them carefully.
- Where appropriate, consider inviting officials to meet in the community, so communities feel more comfortable approaching them or using their services.

CASE STUDY

In Sudan, AMVO's paralegals conducted advocacy at the South Sudanese embassy to facilitate the process of granting South Sudanese nationality to 1,000 primary school students unable to pay the required fees. As a result of the embassy's cooperation, these students can now participate in exams and continue their education.

CASE STUDY

DHRRA Malaysia had each of its paralegals visit all national registry offices in their area of coverage at the very start of the project in order to engage with officers in charge and understand their needs. These meetings were beneficial later, when DHRRA paralegals followed up on cases with officials.

≠
DISCRIMINATION

✊
EMPOWERMENT

⊘
SUSTAINABILITY

◔
DATA

🎁
RELATED RESOURCES (EXTERNAL)

⤵
RELATED SECTIONS (WITHIN)

CASE STUDY

In Georgia, IRC successfully resolved two issues through cooperation with state bodies: The state now issues temporary identification documents to stateless persons, and the state accepts these IDs instead of a birth certificate to support applications for a residency permit.

10.5 Advocacy Strategy: Relationship-Building and Education

Good relations with the target decision-makers, such as people in justice, health, and education ministries, the judiciary, civil registry officials, healthcare workers and teachers, police or border officials, and national human rights commissions are important. Sustaining these relationships over time is very useful in advocacy. Such relationships can be a basis for education towards creating change. Key ways of creating such relationships include:

- Organizing or delivering regular training sessions on civil status and nationality laws for local officials and the judiciary, and ensuring these cover topics like unconscious bias, gender, diversity, and tolerance.
- Organizing joint training sessions, e.g. inviting officials to workshops where your program is training its own paralegals or support staff. This can create closer relations, understanding of the problems your program addresses, and an understanding of administrative problems. Training is generally a non-confrontational learning environment.
- Strategizing with authorities about how to ensure other government officials understand the law and how to apply it. This might include requesting that your program provide education to their colleagues.
- Inviting your advocacy targets to attend or participate in your events. This might include providing a training session or workshop for low-level officials or community members.

CASE STUDY

When faced with denials of birth registration for camp-based individuals from the Bihari community in Bangladesh, paralegals from the Council of Minorities met with local authorities to inform them that High Court decisions from 2003 and 2008 establish Bihari citizenship.

Local authorities still refused to issue birth certificates to Bihari in camps, so the paralegals then met with the city mayor and shared a copy of the most recent High Court judgement on the matter. The mayor then instructed the local officials to change the practice.

In another area covered by the project, local officials rejected passport applications for camp-based Biharis, claiming that the camp address was not valid. A local

official informed paralegals that he had received written instructions to deny passports to this population, even though they had national identity cards. He refused to show them a copy of the instructions. Paralegals referred the matter to their coordinators, who decided—in consultation with researchers, lawyers, and civil society members—to submit an official request under the Right to Information Act to the Home Ministry to ask whether the instruction existed. When the ministry did not respond, the project lodged a complaint. Ultimately, the project received a written response from the Home Ministry confirming Biharis' passport rights. While the local officials denied the reapplications at first, showing them the Home Ministry's letter was effective.

- Running joint events with authorities, such as radio shows or mobile courts or registration drives.
- Organizing regular meetings to share updates on your program or tell them about any new issues you have identified.
- Emphasizing that many states are dealing with the issue of statelessness. This context will help people accept your criticism of their government's actions.
- Forming an advocacy taskforce with representatives of communities and other stakeholders, including authorities. This can encourage responsibility for the issues and involves individuals in communicating advocacy messages.
- Offering to assist government officials in closing their cases by communicating information on birth registration needs in remote areas paralegals visit, taking application forms there, delivering uncollected certificates, or notifying communities that documents are ready.
- Sharing as many resources with government authorities as possible. This will create an understanding that you are there to help authorities with their challenges, too.
- Inviting government officials to comment on your written materials before you distribute them.

⤴ See 7.2 Training Paralegals and 4. Building Key Relationships for further guidance.

✊ To ensure such processes are beneficial and empowering for the affected community, consider:

- Inviting members of affected communities to talk during trainings. This is not only empowering but may address any stereotypes officials may have about the group in question.
- Developing training content with community input.
- Coaching community members to be active and effective actors in forums or task forces.
- Consulting community members before formalizing agreements or events with government co-participation.

10.6 Advocacy Strategy: Reporting or Documentation

◗ The data you gather, both case studies and statistics, can be used to develop compelling reports for advocacy purposes. Anything from paralegal casework data to arbitrary refusal decisions can be useful to such reports. Paralegals play a key role in fact-finding and documenting evidence of patterns of exclusion and rights violations, which can underpin in-depth technical reports, policy papers, academic articles, or similar documents.

Advocacy reports can be open to the public or limited to some audiences. In some contexts publicly criticizing the government is effective and in

CASE STUDY

The NGO Microjusticia Argentina signed a collaboration agreement with the Secretary of Justice of Jujuy, a border province in the north of the country, to develop a legal empowerment program to provide legal services in vulnerable and remote communities. Under the agreement, one of Microjusticia's activities is to help with birth registration for children older than 12 years, which in Argentina requires judicial action.

CASE STUDY

Praxis's 2011 report, "Legally invisible persons in Serbia: Still without a solution," explained why the law prevents the birth registration of some people born in Serbia.

≠ DISCRIMINATION   ✊ EMPOWERMENT

◉ SUSTAINABILITY   ◗ DATA

🎁 RELATED RESOURCES (EXTERNAL)   ⤴ RELATED SECTIONS (WITHIN)

CASE STUDY

NGOs affiliated with the European Network on Statelessness standardized their report format, using studies from multiple paralegal projects to bolster two calls for change: "Ending Childhood Statelessness: A study on Macedonia," and "Ending Childhood Statelessness: A study on Albania."

CASE STUDY

Lawyers for Human Rights have produced two reports based on legal aid cases, "Statelessness and Nationality in South Africa," and "Childhood Statelessness in South Africa."

CASE STUDY

NRC's policy brief, "Syrian refugees' right to legal identity," uses statistics drawn from paralegal case data. NRC also produces longer, in-depth reports looking at challenges in accessing documentation, for example in "Access to Tazkera and other civil documentation in Afghanistan."

others it is not. For publicly available reports, a formal event to introduce the report when you publish it can serve as a discussion platform. Where reports are shared with government actors only, consider holding confidential meetings to address the issues, or sending copies to ministers and other influential persons. Short summaries to highlight key issues and solutions for decision-makers can be useful.

✊ Reporting on casework data can also contribute to community empowerment, for example by:

- Coaching individuals through the process of report-writing, including selection and presentation of data and formulation of messages.
- Asking for feedback from affected community members in order to ensure the report reflects their concerns.
- Showcasing direct quotes and requests from affected persons.
- Asking community members for help in finding relevant and willing case studies to be documented in such reports.
- Discussing case studies that are included in the report in order to explain the legal significance, reasons for statelessness, etc.

📑 See 5.2 Monitoring and Evaluating Your Work for further guidance on data collection and documenting injustices.

10.7 Advocacy Strategy: Engaging with the Media

Publicizing your advocacy efforts on social or traditional media can create widespread support for your cause. Develop a communications strategy to ensure that you only participate in media outreach that fits with your advocacy goals. Some programs have a staff member or volunteer in charge of communications and media outreach, to create messages that are as convincing as possible. Some types of messages, such as videos, can have multiple purposes, from training aides to informing the public, government officials, and potential allies. Communications may be active or reactive. Programs may make statements when controversy arises in public debate or the media reports stories in a way that is damaging to your goals.

It is important that affected communities can shape any printed or digital campaign materials used in advocacy campaigns, and are at the center of choices surrounding their own representation and image; paralegals can often serve as the conduit for such discussions. All communications must adhere to strict informed consent procedures when disclosing and publicizing information about individuals and communities. Your program must analyze the risks before any media engagement and take precautions to be sure to do no harm. This is particularly important when considering children's or young people's participation in videos, interviews, or photos, and parents or guardians must be involved in deciding whether to include them.

Presenting case data in an engaging way

Paralegal case data may be complex. Presenting it in an engaging and motivating format is not always easy. The example featured, from DHRRA's statelessness program, raises awareness about the very visible gap between submitted applications and nationality documents.

CASE STUDY

DHRRA learned a valuable lesson about the difficulties and risks involved with media outreach. A group of students had volunteered for the project, wishing to raise awareness about the issue of statelessness via social media through compelling photos and stories. The organization believed it had the informed consent of those in the photos. But one child whose story and image appeared later complained of that she had been stigmatized because she had no nationality.

The project removed the image, but the damage was done, and it was difficult to rebuild the trust with the girl and her family. DHRRA concluded that they had not been careful enough to make sure that she understood the possible effects or risks.

CASE STUDY

ADC Memorial writes reports on the status of implementation of decisions of supranational human rights organizations, including "Violations of the Rights of Stateless Persons and Foreign Citizens in Light of the ECHR Judgment in 'Kim v. Russia.'" and on the case of Noe Mskhiladze before Russia's Constitutional Court, "Imprisoned Stateless Persons in Russia: The Search for a Way Out of a Legal Dead End."

To ensure media engagement empowers communities:

- Encourage affected persons to use platforms to voice their own stories, campaign messages, and requests for help.
- Consult individuals of diverse backgrounds from within the affected population group about their representation in any human-interest stories, videos, or other depictions.
- Engage community-based storytellers to generate their own communications on the issue, for example through video editing or citizen-journalism trainings.
- Make use of community and national radio shows, in which persons affected by documentation and nationality issues can participate in debates about resolving their predicaments.

10.8 Advocacy Strategy: Working with International, National, and Regional Human Rights Bodies, Campaigns, and Social Movements

It may be difficult to connect with international processes and movements, given the difficulty of traveling. However, contact with similar movements worldwide may inspire and empower community
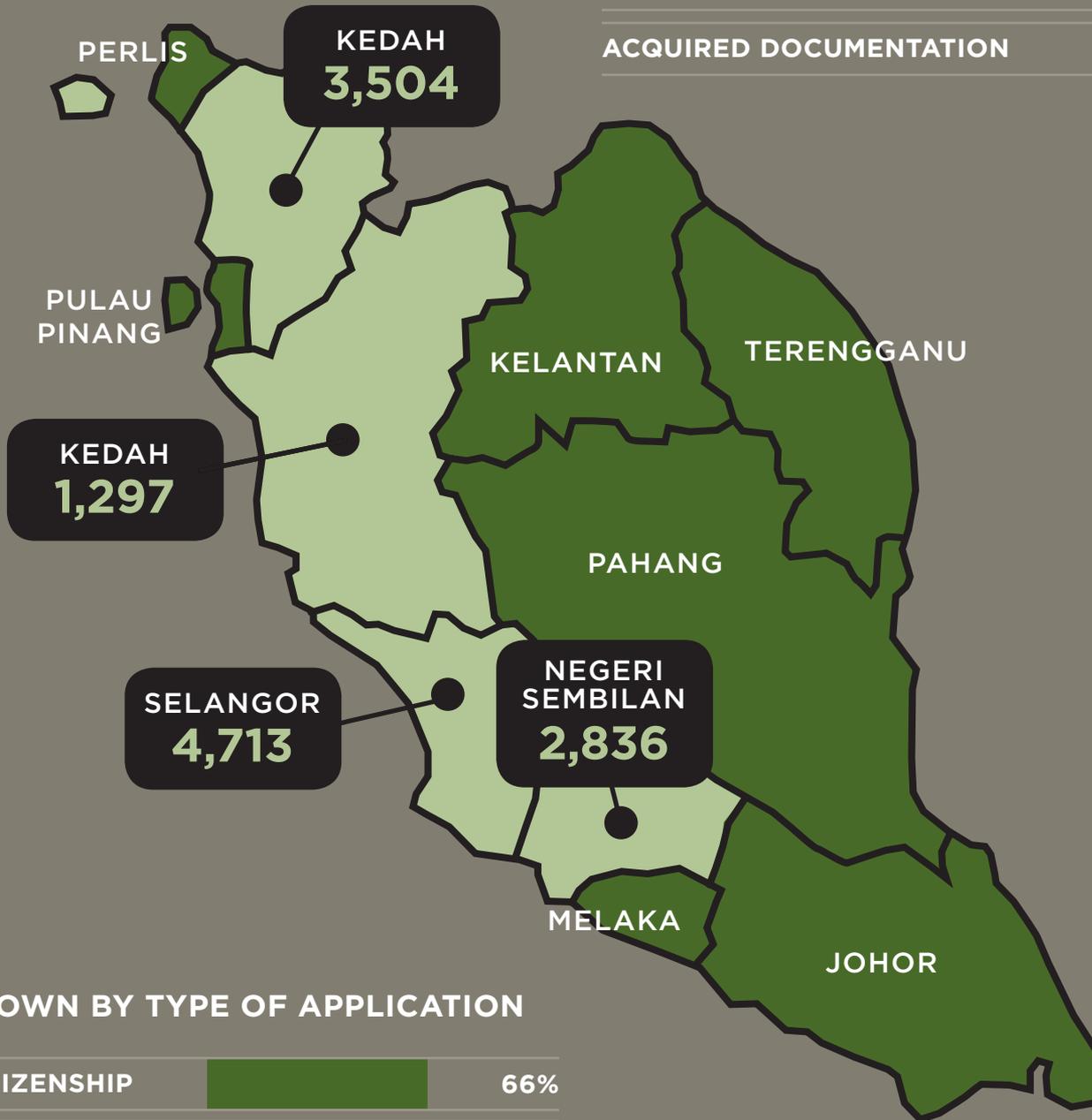
RELATED RESOURCE

• Macedonian Young Lawyers Association's video: "Let's root out statelessness!"

• UNHCR's #IBelong campaign resources, including cartoons—global and regional (West Africa)

• "Using social media to campaign for stateless children," European Network on Statelessness

PRESENTING CASE DATA IN AN ENGAGING WAY

10,847 STATELESS IN WEST MALAYSIA

TOTAL REGISTERED	12,350
SUBMITTED TO NRD	12,043
ACQUIRED DOCUMENTATION	1,503

PERLIS

KEDAH
3,504

PULAU PINANG

KEDAH
1,297

KELANTAN

TERENGGANU

PAHANG

SELANGOR
4,713

NEGERI SEMBILAN
2,836

MELAKA

JOHOR

BREAKDOWN BY TYPE OF APPLICATION

TOTAL CITIZENSHIP	66%
BIRTH REGISTRATION	26%
IDENTIFICATION CARD	8%

0   50   100
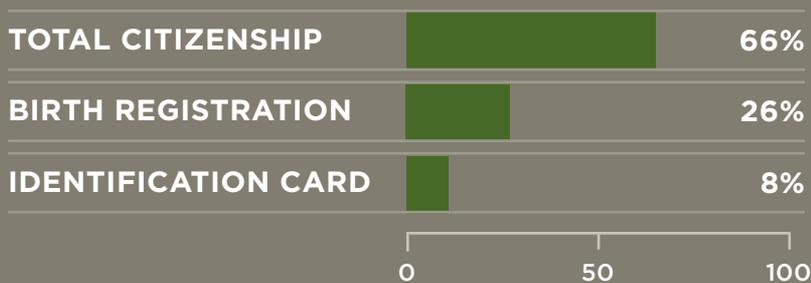
campaigners, as well as enhancing program goals. International programs that address issues related to the ones you work on can use the information you gather can be effective advocacy partners. Advocacy messages shaped by paralegals and the communities they service can be useful to movements and processes such as the Global Campaign for Equal Nationality Rights and the Universal Periodic Review (UPR). These international advocacy efforts may in turn benefit your clients, for example if they present at opportunities related to international or regional treaty body events. For example, various NGOs have run discussions and photo exhibits on the issue of statelessness at the periodic sessions of the African Commission for Human and People's Rights in Banjul.

Development organizations seeking to address problems that overlap with legal identity are potential advocacy partners, although you should be cautious about any agencies that the general population may not see in a positive light, as UN agencies do not always have the favor of the population. This might include UNICEF programs or World Bank projects on financial inclusion or maternal and child health. These are often large-scale projects, which command political support within government, but are likely to recognize the importance of legal identity and may become advocacy partners. Situating your program within the framework of the #IBelong campaign may also garner support, particularly among UN agencies and donors. However, since the UN Refugee Agency is best known for issues related to forced migration, it is important to separate the issues you address, especially with respect to *in situ* statelessness, when working with the #IBelong campaign.

Where there is no dedicated national movement for advancing the right to a legal identity, if possible form an NGO coalition in order to further amplify any advocacy message your program has, and gain national relevance.

📑 Programs are encouraged to map stakeholders and adapt this list to their own context. See 4.3 Partnering with International Organizations.

10.9 Advocacy Strategy: Supporting Strategic Litigation

Strategic litigation, also called impact litigation, is a way of achieving significant changes in law, practice, or public awareness by taking carefully-selected cases to court. Such cases may be selected to establish precedent (an example that future decisions will follow) in order to positively impact access to documentation, nationality, or rights for a large group of people. These people may not necessarily be a party in the litigation; rather, by bringing about a reform, the cases improve the legal landscape for everyone.

Cases brought by individuals or groups who face social exclusion and systematic deprivation of rights as a result of discrimination can have a strategic equalizing effect. In a legal dispute, the litigants are

CASE STUDY

Lawyers for Human Rights use international and regional treaty bodies in pursuit of their goals. In the course of their work on prevention and reduction of statelessness, they have sent submissions to the UN Committee on the Rights of the Child, the Human Rights Council (UPR and ICCPR), the African Committee of Experts on the Rights and welfare of the Child, the African Commission on Human and People's Rights, and the South African Law Reform Commission.

CASE STUDY

Kenyan paralegal groups created an NGO coalition against statelessness known as CONCISE. Member organizations work with communities that have citizenship challenges. They have found that this collective approach creates a stronger basis for change, both at the community and national levels, whereas advocating on behalf of one marginalized group might be perceived as political and result in minimal change.

FOR A CASE
TO SUCCEED,
COMMUNITY
ENGAGEMENT
WITH A LITIGATION
PROCESS IS
ESSENTIAL, AND
PARALEGALS CAN
PLAY AN IMPORTANT
ROLE IN HELPING
ENSURE THAT
ENGAGEMENT BY
SUPPORTING BOTH
THE LAWYERS
UNDERTAKING THE
LITIGATION AND
THE AFFECTED
COMMUNITY.

RELATED RESOURCE

Sample tools and resources:

HUMAN RIGHTS BODIES

• UPR Info: Resources for CSOs seeking to engage in the UPR process, including through shadow reports.

• Macedonian Young Lawyers Association's submission in the UPR process, based on the association's individual casework.

• Addressing the right to a nationality through the Convention on the Rights of the Child: A Toolkit for Civil Society, Institute on Statelessness and Inclusion.

• ADC Memorial's 2016 Alternative report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination by Ukraine.

• ADC Memorial's submission to the CRC, "Alternative information on Tajikistan's implementation of the UN Convention on the Rights of the Child in connection with the review of the state report for 2010–2015 by the UN Committee on the Rights of the Child."

INTERNATIONAL CAMPAIGNS

• "I Belong" campaign resources, UNHCR

• World Bank "ID4D," or "identification documents for development"

• Global Campaign for Equal Nationality Rights

• Citizenship Rights in Africa Initiative

• International Detention Coalition

by definition claiming rights and seeking redress in a context where they may not be understood by a majority of the population as rights-holders at all. In other words, the act of filing a case alone can have a transformative effect. Consider, too, that the threat of potential litigation, without ever filing a case, can also be a potent advocacy tool in pressing for changes to laws, policy, or practice.

A case may have one or many litigants; it is often called a class action or a collective action if it has many litigants. Individual cases by multiple litigants may be joined by request or by a court's own initiative. Cases raising constitutional rights often have a collective character as well, even if brought by individual litigants. There may also be the possibility to participate in an action as an "amicus curiae" (meaning a "friend of the court" in Latin) or to provide data that will become part of an existing case. You should also

explore whether NGOs or other groups might be able to submit claims in their own name, which is the case, for example, before African regional human rights mechanisms and in a number of national systems.

In any case that you may become involved in, it is critical to understand what powers the courts have to order different kinds of remedies. In some cases, courts can make binding decisions that require changes in legislation, in others only money damages might be available, and still others might only issue a statement that a practice or policy is contrary to the law without directing any further action by authorities to provide specific redress. With a few important exceptions, most international and regional human rights bodies issue non-binding recommendations alongside a monitoring and reporting framework that can be used to press for implementation.

For a case to succeed, community engagement with a litigation process is essential, and paralegals can play an important role in helping ensure that engagement by supporting both the lawyers undertaking the litigation and the affected community.

CASE STUDY

The Malaysian Constitution contains a statelessness safeguard for children born in Malaysia who would otherwise be stateless. However the provision has not yet been successfully applied in most circumstances.

DHRRA Malaysia's community-based paralegals have referred 90 complex cases to a committee of pro bono lawyers, four of which have been filed as strategic litigation cases to test and expand the constitutional safeguard. They chose the cases based on the fact that they represent the most common situation among the affected population, the client's willingness to pursue litigation up to the higher courts if necessary, and the likelihood of success.

RELATED RESOURCE

Select Open Society Justice Initiative litigation on citizenship, statelessness and documentation:

• *Anudo v. Tanzania*, African Court of Human and Peoples' Rights (amicus)

• *Open Society Justice Initiative v. Cote d'Ivoire*, African Commission on Human and Peoples' Rights

• *Kenyan Nubian Community in Kenya v. Kenya*, African Commission on Human and Peoples' Rights

• *Children of Nubian descent in Kenya v. Kenya*, African Committee on the Rights and Welfare of the Child

• *Zhao v. The Netherlands*, Human Rights Committee

• *Iseni v. Italian Ministry of Interior*, Italian domestic courts

• *H.P. v. Denmark*, European Court of Human Rights

• *Yean and Bosico v. Dominican Republic*, Inter-American Court of Human Rights (amicus)

• *Expelled Dominicans and Haitians v. Dominican Republic*, Inter-American Court of Human Rights (amicus)

• *Bueno v. Dominican Republic*, Inter-American Commission on Human Rights

CASE STUDY

In 2015, the legal clinics of Alberto Hurtado University, Diego Portales University, and Servicio Jesuita a Migrantes in Chile filed a landmark collective case before the Supreme Court on behalf of 167 stateless children born to migrant parents who should be Chilean nationals. The Supreme Court brokered a settlement arrangement whereby all children in a similar situation to the 167 petitioners would have access to a reconciliation procedure to reclaim their Chilean nationality. The three organizations joined with the government and other public institutions to create a joint program called "Chile Reconoce" ("Chile Recognizes") to serve these children. Chile Reconoce's first strategic goal was to find other cases that would be affected, and put this issue on the public agenda. Based on information the Civil Registry provided, they visited the northern border regions where they found similar cases of people who could now access nationality. This example demonstrates the impact of judicial decisions and how government institutions can be involved in collaborative action.

The role of paralegals in strategic litigation

Many organizations link paralegal assistance to legal aid programs already or have lawyers supervising paralegals. Others have networks of pro bono lawyers to whom cases can be referred if necessary. These relationships form the basis of paralegal support for strategic litigation. Paralegals can benefit from being involved in strategic litigation as a means of improving their own legal skills and ability to tackle more complex cases.

Paralegals' role in supporting litigation can often include:

- Supporting communication between lawyers and communities.
- Helping communities understand the litigation and inviting their input to shape the litigation strategy.
- Identifying cases with strategic litigation potential. It may be useful to create a checklist for paralegals to review during intake interviews to identify cases.
- Monitoring the implementation of any decision reached in a case so that governing authorities can address any failures. Paralegals have recently played this role for judgments in the Dominican Republic, Bangladesh, and Kenya.
- Gathering information, evidence, or additional litigants. This may be particularly important in discrimination cases where individual case data can be especially useful.
- Assisting lawyers with research and writing letters.
- Helping litigants understand what they will need to do and how to be prepared in case the case fails.
- In a few cases, serving in the court as litigants' advocates. Some jurisdictions have courts, such as children's courts, which do not require a lawyer. With the right skills training, paralegals can be involved in cases brought here.

Strategic litigation can create complications for paralegal casework, for example if the government authorities paralegals engage with regularly are directly implicated in the case. Strategies paralegals use in dealing with potential tensions might include explaining why there was no option but to litigate; highlighting any joint advocacy activities or achievements the organization has had with the government, to explain that most of the time they are working together; or even distancing themselves from the case by pointing out that litigants are the ones who decide whether to bring a court case.

✊ *How paralegal teams can ensure strategic litigation empowers communities*

- By ensuring communities understand the strategic litigation process and their role in it.

- By helping lawyers to prepare litigants for their court appearances through skills training, e.g. public speaking.
- By helping lawyers to educate communities and litigants on the content of the law.
- By accompanying litigants to court, especially where these are distant, to ensure they get the most out of the experience and are as comfortable as possible when dealing with judicial authorities.
- By amplifying the story that the case tells in mainstream and social media to ensure that the case has a strategic impact on wider media narratives and public opinion.
- By involving the community in monitoring and implementation of decisions, through organized reporting and dissemination of any new policies or laws.

Strategic litigation processes often last many years before a case is heard and/or after it is heard and before the court reaches a decision. The real work often begins after a positive decision, when efforts must turn toward ensuring full implementation. Normally, this will mean going back to national and local government representatives to seek systemic policy reform, now with the additional leverage of a judicial decision and recourse to any available execution or follow-up mechanisms. Any organization involved in or supporting strategic litigation should have a clear long-term strategic plan, as well as a sustainable source of funding or income. This includes deciding what to do if the program reaches a point when it might stop operating before a case is concluded.

📑 ⊗ **For further guidance on long-term planning, scaling up or disengaging, and sustainability, see 5.1 Planning Strategically and 6. Ensuring Sustainability.**

RELATED RESOURCE

Laura Bingham and Liliana Gamboa, Litigating Statelessness, in Solving Statelessness (Wolf Publishers, 2017), which describes the progress and promise of using litigation to address root causes of statelessness and uphold the rights of stateless people.

RELATED RESOURCE

Delfina Lawson & Macarena Rodriguez, Addressing the risk of statelessness in Chile: From strategic litigation to #Chilereconoce.

CASE STUDY

Children of Nubian Descent in Kenya v. Kenya

In March 2011, the African Committee of Experts on the Rights and Welfare of the Child found Kenya in violation of the African Children's Rights Charter because of the discriminatory practices applied to Nubian children in the recognition of Kenyan nationality. Nubian Rights Forum data from paralegal casework with this population allowed the litigation team, represented by the Open Society Justice Initiative, to show the Committee in 2014 and in 2017

that Kenya continued to discriminate against Nubians by requiring excessive documentation and vetting for birth certificates and national identity cards. This includes having to provide official copies of a parent's ID seven times more frequently than non-Nubians. As the briefings showed the Committee, the extra cost of getting the official copy, including travel to the relevant government office, was preventing Nubians, many of whom live in extreme poverty, from accessing their right to a birth certificate.

DIRECTORY OF PRACTITIONERS

The organizations listed may be contacted for further information on any aspect of their work on nationality and legal identity documentation. Organizations can also join the Global Legal Empowerment Network to learn from peers, share tools, and engage in discussions on legal empowerment methods.

ORGANIZATION	CONTACT EMAIL
ADC Memorial	contact@adcmemorial.org
ADRA Thailand	office@adrathailand.org
Alberto Hurtado University Law Clinic for Migrants	clinicajuridica@uahurtado.cl
Almanar Voluntary Organization (AMVO)	kekendaali@gmail.com
Almogran for Legal Services	almogran.law@gmail.com
ASCALA	ascala.ascala@hotmail.com
ASKV	marlotte@askv.nl
Association des Femmes Juristes de Côte d'Ivoire	associationdesfemmesjuristes@yahoo.fr
Associazione per gli Studi Giuridici sull'Immigrazione	info@asgi.it
Asylum Access	tom.dixon@asylumaccess.org
Chiang Mai University, Legal Research and Development Center, Faculty of Law	lawcmu.research@hotmail.com
Council of Minorities	khalid.aygusc@gmail.com
Development of Human Resources for Rural Areas (DHRRA) Malaysia	general@dhrramalaysia.org.my
Diego Portales University Law Clinic for Migrants and Refugees	consultaclinicajuridica@mail.udp.cl
Egyptian Foundation for Refugee Rights	info@efrr-egypt.org
Forum for Women, Law and Development	fwld@fwld.wlink.com.np
Haki Centre Organization	info@hakicentre.org
Haki na Sheria	info@hakinasheria.org
Halina Niec Legal Aid Center	biuro@pomocprawna.org
Innovations and Reforms Center (IRC)	info@irc.ge
Kenya Human Rights Commission	admin@khrc.or.ke
Lawyers for Human Rights	liesl@lhr.org.za
Macedonian Young Lawyers Association (MYLA)	contact@myla.org.mk
Fundación Microjusticia Argentina	administracion@microjusticiaargentina.org
Namati	citizenship@namati.org
Norwegian Refugee Council (NRC)	FernandodeMedina.Rosales@nrc.no
Nubian Rights Forum	nubianrightsforum@gmail.com
Open Society Justice Initiative	info@justiceinitiative.org
Ben Oppenheim, Senior Fellow (Non-resident), Center on International Cooperation, New York University	benoppenheim@nyu.edu
Perempual Kepala Keluarga (PEKKA)	seknas@pekka.or.id

ORGANIZATION	CONTACT EMAIL
Plan International	info@Plan-international.org
Praxis	BGOffice@praxis.org.rs
Project for the Registration of Children as British Citizens (PRCBC)	prcbc2013@gmail.com
PUSKAPA Center on Child Protection and Wellbeing	santikn@puskapa.org
Servicio Jesuita a Migrantes Chile (SJM)	info@sjmchile.org
Tirana Legal Aid Society	tlas@tlas.org.al
UNHCR Côte d'Ivoire	icoab@unhcr.org
UNHCR Kenya	kenna@unhcr.org
UNHCR Malaysia	mlslu@unhcr.org
UNHCR Tajikistan	tjkdu@unhcr.org
UNHCR Thailand	thaba@unhcr.org
Statelessness Section, Division of International Protection, UNHCR Headquarters, Geneva, Switzerland	hqpr03@unhcr.org
University of Liverpool Law Clinic	clinic@liverpool.ac.uk
Wajir Human Rights Network	muktar.sheikhnur10@gmail.com

BIBLIOGRAPHY

RELATED RESOURCES REFERENCED IN THIS GUIDE

LINKS CURRENT AS OF JUNE 2018

Asylum Access, *Refugee Rights Toolkit* (2017), available online here: https://refugeerightstoolkit.org/

Asylum Access Ecuador, *Mujeres refugiadas y violencia basada en género* (2012, full report in Spanish with English summary), available online here [pdf]: https://asylumaccess.org/wp-content/uploads/2015/05/Justicia-Integral-2012.pdf

Delfina Lawson & Macarena Rodriguez, *Addressing the risk of statelessness in Chile: From strategic litigation to #Chilereconoce* (2017), available online here [pdf]: http://www.institutesi.org/WP2017_03.pdf

DHRRA Malaysia, *Resolving Statelessness in Malaysia: Strategic Plan* (January 2017), available online here: https://drive.google.com/file/d/0B9xdg718pRJCdGR3YlpFSzd6X1U/view

European Network on Statelessness, *Using social media to campaign for stateless children* (2015), available online here: https://www.statelessness.eu/blog/using-social-media-campaign-stateless-children

Global Campaign for Equal Nationality Rights, *Campaign resource page,* available online here: http://equalnationalityrights.org/

Institute on Statelessness and Inclusion, *Addressing the right to a nationality through the Convention on the Rights of the Child: A Toolkit for Civil Society* (2017), available online here [pdf]: http://www.statelessnessandhumanrights.org/Toolkit-Institute-Statelessness-and-Inclusion-CRC.pdf

International Refugee Rights Initiative (IRRI), *Pro bono legal aid directory*, available online here: http://www.refugeelegalaidinformation.org/refugee-resources

Lawyers for Human Rights, *Practitioner's Guide on Promoting Citizenship and Preventing Statelessness in South Africa* (2014), available online here: http://www.lhr.org.za/publications/promoting-citizenship-and-preventing-statelessness-south-africa-practitioner%E2%80%99s-guide

London School of Economics, FAQ 15: *What are the best ways to interview children?* Available online here: http://www.lse.ac.uk/media@lse/research/EUKidsOnline/BestPracticeGuide/FAQ15.aspx

Namati, *Global Legal Empowerment Network and Resource Library*, available online here: https://namati.org/network/

Namati, *How to develop a community paralegal program* (interactive guide), available online here: https://namati.org/resources/developing-a-community-paralegal-program/

Norwegian Refugee Council, *Update on marriage registration for refugees from Syria* (July 2016), available online here: https://www.nrc.no/resources/reports/update-on-marriage-registration-for-refugees-from-syria-july-2016/

Norwegian Refugee Council and the International Human Rights Clinic, Harvard Law School, *Securing Status: Syrian refugees and the documentation of legal status, identity, and family relationships in Jordan* (December 2016), available online here: https://today.law.harvard.edu/human-rights-clinic-releases-report-syrian-refugees-documentation-legal-status/

Norwegian Refugee Council and Tilburg University, *Statelessness and Displacement: Scoping paper* (2016), available online here: https://www.nrc.no/resources/reports/statelessness-and-displacement/

Plan International, Birth Registration in Emergencies: a review of best practices in humanitarian action (2014), available online here: https://plan-international.org/publications/birth-registration-emergencies

Plan International, *Birth Registration in Emergencies advocacy guide* (part of Plan International's BRiE Toolkit) (2017), available online here: https://www.brietoolkit.com/tools/

OHCHR, *Status of ratifications of 18 international human rights treaties*, available online here: http://indicators.ohchr.org/

OHCHR, *Minority rights legal framework and resources page*, available online here:
http://www.ohchr.org/EN/Issues/Minorities/Pages/MinoritiesIndex.aspx

The Open Society Justice Initiative, *Children of Nubian Descent in Kenya v. Kenya case resource page*, available online here:
https://www.opensocietyfoundations.org/litigation/children-nubian-descent-kenya-v-kenya

The Open Society Justice Initiative, *Anudo v. United Republic of Tanzania case resource page*, available online here:
https://www.opensocietyfoundations.org/litigation/anudo-v-united-republic-tanzania

The Open Society Justice Initiative, *Open Society Justice Initiative v. Côte d'Ivoire case resource page*, available online here:
https://www.opensocietyfoundations.org/litigation/people-v-c-te-divoire

The Open Society Justice Initiative, *Zhao v. The Netherlands case resource page*, available online here:
https://www.opensocietyfoundations.org/litigation/zhao-v-netherlands

The Open Society Justice Initiative, *Yean and Bosico v. Dominican Republic case resource page*, available online here:
https://www.opensocietyfoundations.org/litigation/yean-and-bosico-v-dominican-republic

The Open Society Justice Initiative, *Community-based Paralegals: A Practitioner's Guide* (October 2010), available online in English, Russian, Arabic and Spanish here: https://www.opensocietyfoundations.org/publications/community-based-paralegals-practitioners-guide

The Open Society Justice Initiative, *Legal Identity in the 2030 Agenda for Sustainable Development: Lessons from Kibera, Kenya* (October 2015), available online here: https://www.opensocietyfoundations.org/publications/legal-identity-2030-agenda-sustainable-development-lessons-kibera-kenya

The Open Society Justice Initiative and The Engine Room, *Technology in case management for legal empowerment work* (March 2018) available online here: http://www.theengineroom.org/wp-content/uploads/2018/04/Technology-in-Case-Management-for-Legal-Empowerment-The-Engine-Room.pdf

Save the Children, *Guidelines for interviewing children*, available online here:
http://elearning-events.dit.ie/unicef/html/unit2/2_5_5.htm

UNICEF, *Birth Registration: Right from the Start* (2002), available online in English, French and Spanish here:
https://www.unicef-irc.org/publications/330-birth-registration-right-from-the-start.html

UNICEF, *A Passport to Protection: A Guide to Birth Registration Programming*, (December 2013), available online here:
http://www.refworld.org/docid/52b2e2bd4.html

UNICEF, *Child Protection Assessment Tool*, available online here [pdf]: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/UNICEF%20Child%20Protection%20Assessment%20Tool.pdf

UNICEF Office of Research, Methodological Brief: Theory of Change (2014), available online here [pdf]: http://www.entwicklung.at/fileadmin/user_upload/Dokumente/Evaluierung/Theory_of_Change/UNICEF_Theory_of_change.pdf

Timap for Justice, *Community Paralegal Manual* (2012), available online here:
https://namati.org/resources/timap-for-justice-community-paralegal-manual/

UNHCR, *UN Conventions on Statelessness resource page*, available online here:
http://www.unhcr.org/en-us/un-conventions-on-statelessness.html

UNHCR, *Guidelines on Determining the Best Interests of the Child* (May 2008), available online here:
http://www.refworld.org/docid/48480c342.html

BIBLIOGRAPHY

UNHCR, *Guidance document on measuring stateless populations* (May 2011), available online here:
http://www.refworld.org/docid/4f6887672.html

UNHCR, Self-Study Module on Statelessness (October 2012), available online here:
http://www.refworld.org/docid/50b899602.html

UNHCR, *Child Protection Issue Brief: Birth Registration* (August 2013), available online in English, French and Spanish here:
http://www.refworld.org/docid/523fe9214.html

UNHCR, *Global Action Plan to End Statelessness: 2014-2024* (November 2014), available online here:
http://www.unhcr.org/en-us/protection/statelessness/54621bf49/global-action-plan-end-statelessness-2014-2024.html

UNHCR, *Handbook on protection of stateless persons* (2014), available online in Arabic, French, Italian, Montenegrin, Polish, Russian, Spanish and Turkish here: http://www.refworld.org/docid/53b676aa4.html

UNHCR and the International Detention Coalition, *Identifying and addressing vulnerability: a tool for asylum and migration systems* (2016), available online here: https://idcoalition.org/publication/identifying-and-addressing-vulnerability-a-tool-for-asylum-and-migration-systems/

UNHCR, *Briefing Note: The Sustainable Development Goals and Addressing Statelessness* (2016), available online here [pdf]:
http://www.refworld.org/pdfid/58b6e3364.pdf

UNHCR, *Good Practices Paper - Action 2: Ensuring that no child is born stateless* (March 2017), available online here:
http://www.refworld.org/docid/58cfab014.html

UNHCR, *Stateless Persons in Detention: A tool for their identification and enhanced protection* (June 2017), available online here: http://www.refworld.org/docid/598adacd4.html

UNHCR, *Good Practices Paper – Action 7: Ensure birth registration for the prevention of statelessness* (November 2017), available online here: http://www.refworld.org/docid/5a0ac8f94.html

UNHCR, *#IBelong Campaign resource page*, available online here: http://www.unhcr.org/ibelong/campaign-resources/

UPR Info, *Resource page on the Universal Periodic Review procress*, available online here:
https://www.upr-info.org/en?gclid=CNbgjIfp1dUCFZMYGwod8ZoGFw

World Bank, eLearning Course on Civil Registration and Vital Statistics Systems, information and registration available online here: https://olc.worldbank.org/content/civil-registration-and-vital-statistics-systems-basic-level-self-paced-format

World Bank, Identity for Development (ID4D), *Incentives for Improving Birth Registration Coverage: A Review of the Literature* (2018), available online here [pdf]: http://pubdocs.worldbank.org/en/928651518545413868/Incentives-and-Birth-Registration030518.pdf

World Health Organization, *Strengthening civil registration and vital statistics for births, deaths and causes of death: resource kit* (2013), available online here: http://www.who.int/iris/handle/10665/78917

OPEN SOCIETY JUSTICE INITIATIVE

The Open Society Justice Initiative uses law to protect and empower people around the world. Through litigation, advocacy, research, and technical assistance, the Justice Initiative promotes human rights and builds legal capacity for open societies. Our staff is based in Abuja, Brussels, Budapest, The Hague, London, Mexico City, New York, Paris, Santo Domingo, and Washington, D.C.

www.JusticeInitiative.org

OPEN SOCIETY FOUNDATIONS

The Open Society Foundations work to build vibrant and tolerant democracies whose governments are accountable to their citizens. Working with local communities in more than 70 countries, the Open Society Foundations support justice and human rights, freedom of expression, and access to public health and education.

www.OpenSocietyFoundations.org

NAMATI

Namati is building a global movement of community legal workers—also known as barefoot lawyers, or community paralegals—who empower people to understand, use, and shape the law. Together with its partners, Namati trains and deploys community paralegals to take on some of the greatest injustices of our times. Namati convenes the Global Legal Empowerment Network— over 1,500 groups from every part of the world learning from one another and joining forces to bring justice everywhere.

www.namati.org