**AFRICA REGIONAL OFFICE**

**Citizenship Portfolio Review**

March 26, 2014

Elements

Topic: Citizenship / Right to a nationality (AfRO Concept: to get a protocol on the right to a

nationality adopted at the African Union)

The portfolio review will explore the following questions:

* Do we have the right design and set of tools to achieve our objective?
* How best do we strengthen capacity and build upon regional/national partner efforts?
* Are there ways we can enhance collaboration with our internal partners?

Strands of work:

* Direct engagement with the African Union’s independent experts' report enquiring into the desirability of a citizenship protocol called for by the African Commission on Human and People’s Rights resolution on the right to nationality in Africa, and influencing its recommendations.
* Building a constituency of support among key governments and civil society actors for an African Union citizenship protocol.

**Tools**

***Advocacy***

AfRO (via former stand-alone units: Africa Governance Monitoring and Advocacy Project and Africa Union advocacy) has conducted extensive advocacy in its own name including:

1. Advocacy with the African Commission on Human and Peoples’ Rights (ACHPR) on the human rights violations attached to the absence of a clear right to nationality in many African countries and the necessity to fill the gaps through a Protocol to the African Charter on the right to nationality;
2. Advocacy with the African Union Political Affairs Department to consider effective right to nationality as part of solution to denationalization and chronic conflicts resulting from it and to collaborate closely with the ACHPR and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on the issue;
3. Advocacy to ACERWC on implementation of the decision on Nubian Children rights to nationality and the adoption of a General Comment to interpret the content of Article 6 of ACERWC on Child birth registration, name and nationality;
4. Advocacy with specific countries to adopt positive provision on nationality: Kenya, Tanzania, Zambia, Zimbabwe, Sudan, Senegal, Mauritania;
5. Mobilize United Nations High Commissioner for Refugees to support the African Union organs and institutions’ initiatives on the right to nationality;
6. Advocacy for governments and NGOs to respond to the questionnaire prepared by the ACHPR on the status of right to nationality in Africa;
7. Mobilizing CSO’s working close to ACERWC to get involved in the drafting and the implementation of the General Comment on Article 6 of the ACRWC and support the initiative of the ACHPR and the African Union Commission on the right to nationality;
8. Mobilize and convene CSOs to support the initiatives of the ACHPR and the ACERWC on the right to nationality in the continent.

***Research***

*Citizenship Law in Africa: A comparative Study - Summary and Recommendations* 2010 by Bronwen Manby[[1]](#footnote-1) <http://www.afrimap.org/english/images/report/OSF_Citizenship_Law_in_Africa_Summary.pdf>

*Struggles for Citizenship in Africa 2009 by Bronwen Manby*

<http://www.afrimap.org/english/images/report/Struggles-for-Citizenship-Ch1-print.pdf>

*International Law and the Right to a Nationality in Sudan 2011 by Bronwen Manby*

<http://www.afrimap.org/english/images/report/OSF_Sudan_nationality.pdf>

*The Right to a Nationality and the Secession of South Sudan 2012 by Bronwen Manby*

<http://www.afrimap.org/english/images/report/OSIEA_Sudans_Nationality_April2012_summary.pdf>

*Africa Governance Monitoring and Advocacy Project website*

<http://www.afrimap.org/ReportTheme/Citizenship>

***Grant-making***

Grant # OR2010-31051

International Refugee Rights Initiative

$192,552 1/1/11 – 12/31/11

To support research on social membership and citizenship conflicts and redesign of Citizen Rights in Africa website. It can be previewed at: <http://citizenshiprightsinafrica.org/category/crai-publications/>

Grant # OR2009-25632

International Refugee Rights Initiative

$100,000 4/1/09 – 4/1/10

To support policy-relevant research and advocacy on issues of citizenship and displacement in the Great Lakes region

***Technical support***

*Strengthening Popular Participation in the African Union: A Guide to AU Structures and Processes*<http://www.afrimap.org/english/images/report/AfriMAP-AU-Guide-EN.pdf>

1. Technical Support to African human rights bodies
   1. African commission on Human and Peoples’ Rights (ACHPR):

b. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC):

1. Technical support to African States
   1. Senegal: in collaboration with the Open Society Initiative for West Africa, AfriMAP commented on the draft Bill prepared by the Ministry of Justice.
   2. Nigeria: AfriMAP prepared a working document for the debate organized in the country with the aim of modifying the current constitutional and legislative norms on the right to nationality within the Federal system of Nigeria.
   3. Tanzania: meetings were held with civil society organizations to discuss the reframing of citizenship provisions of the Constitution as part of their contribution to the drafting of the new Constitution.

***Litigation*** (OSJI led and in collaboration with AfRO, OSIEA and OSIWA)

1. African Commission: two cases
2. **People vs. Cote d’Ivoire**

Discriminatory denial/deprivation of citizenship

<http://www.opensocietyfoundations.org/litigation/people-v-c-te-divoire>

1. **Ali vs. Kenya**

Discrimination in access to citizenship for Kenyan Nubians <http://www.opensocietyfoundations.org/sites/default/files/audit_20040727.pdf>

1. Committee on the Rights and Welfare of the Child
2. **Nubian minors vs. Kenya** regarding the discrimination in access to Discrimination in access to citizenship for Nubian <http://www.opensocietyfoundations.org/sites/default/files/ACERWC-nubian-minors-decision-20110322.pdf>

***Regional and Continental partners:***

Africa foundations (OSIEA, OSIWA, OSISA, OSF-SA); Open Society Justice Initiative; Citizenship Rights for Africa Initiative (CRAI); International Refugee Rights Initiative (IRRI); AU member states; African Commission on Human and People’s Rights; African Committee of Experts on the Rights and Welfare of the Child; African Union Commission (AUC) on International Law; Department of Political Affairs of the AUC;

***International partners:***UNHCR.

1. Bronwen Manby was former senior program advisor with AfriMAP (Africa Governance Monitoring and Advocacy Project) until it became part of the Africa Regional Office in 2013 when she transitioned to work with AfRO until her resignation effective January 31, 2014. [↑](#footnote-ref-1)