Legal Identity in Africa

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Background

- Globally, 1.5 billion people did not have legal identity documents in 2019. Declined to about 850 million as of 2023.
- The situation is worse in Africa where about 542 million people do not have identity cards. Of this number, around 95 million children under five have never had their births recorded, and 120 million children do not have a birth certificate.
- The United Nations Legal Identity Agenda 2020 –2030 (UN LIA) backed by the Deputy Secretary General, was launched as a One UN approach to support Member States building holistic, country owned, sustainable civil registration, vital statistics and identity management systems.
- Its efforts focus on closing the global identity gap with a benchmark goal of ‘more than 300 million by 2025 and, in turn, providing Member States with the vital statistics and demographic information needed for socio economic gains, better public administration, planning monitoring - Target set by DSG.
Definition: The United Nations Legal Identity Agenda refers to the holistic approach to civil registration of all vital events, production of vital statistics, the establishment and maintenance of population registers and identity management apparatus from birth to death, with full interoperability between these functions in a simultaneous manner, according to international standards and recommendations and in compliance with human rights of all people concerned, including the right to privacy.
Principles

Principle:

• Legal identity for all starting from birth is a game changer to close the global identity gap & fulfil the promise to leave no one behind and realize the 2030 Agenda for Sustainable Development.

• Everyone has the right to be recognized as a person before the law, as enshrined in Article 6 of the Universal Declaration on Human Rights and several other international human rights and humanitarian law instruments

• Without proof of legal identity, individuals may not be able to acquire a nationality & become stateless.

• This right is non-derogable—meaning it is considered such a fundamental human right that it can never be restricted nor be suspended, even in an emergency. In the context of international human rights law, all Member States have the obligation to ensure the legal recognition of individuals in their territory.
Defining Legal Identity

- **Legal identity** is defined as the basic characteristics of an individual's identity. e.g. name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth.

- In the absence of birth registration, legal identity may be conferred by a legally-recognized identification authority but it should be linked to the civil registration system to ensure a holistic approach to legal identity from birth to death.

- Legal identity is retired by the issuance of a death certificate by the civil registration authority upon registration of death.

- In the case of **refugees**, member States are primarily responsible for issuing proof of legal identity. The issuance of proof of legal identity to refugees may also be administered by an internationally recognized and mandated authority.
Lifecycle Approach:
The Vital Events Link through a Unique ID

- **Birth Certificate:** Legal recognition of an individual's identity that has civil rights
- **School Identification:** Rights to pursue a formal education
- **Birth:** Formal education
- **Revenue stream/services:** Higher education
- **Marriage:** Acquisition of assets such as housing, car...
- **Children:** Birth Certificate: Legal recognition of an individual and parents
- **Death:** Death Certificate: Important for family to claim inheritance
- **Retirement:** Documented rights to claim pension
- **Divorce:** Divorce Certificate: Rights to Alimony, Exercise parental rights, Court
- **Academic Certificates:** Rights to pursue higher education, Participate in elections, Acquire a driver's license...
- **Seek employment:** Own a business legally, Acquire a bank account...

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Life-cycle approach to identity

Supports interoperability of identity systems for the production of vital statistics

Sustainable solution to provide legal identity for all, & country-owned demographic data

Reduces dependence on sector-specific monitoring systems
Legal Identity in the Global Agenda (Sustainable Development Goals)

- **Sustainable Development Goals**
  - Target 16.9 – legal identity for all including birth registration by 2030
  - Target 17.19 (b) – countries have achieved 100 per cent birth registration and 80 per cent death registration

- To realize these targets, the DSG established the UN Legal Identity Expert Group in September 2018.
  - 13 UN agencies, under the Co-chairs - UNDP, UNICEF and the UN Department of Economic and Social Affairs

- UN Legal Identity Expert Group operationalized target 16.9 through the UN Legal Identity Agenda launched in 2019 at the 5th Lusaka Conference of Ministers responsible for CRVS
Relationship Between CRVS and the SDGs

We resolve, between now and 2030, to end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights. (...) we pledge that no one will be left behind. (...) we wish to see the Goals and targets met for all nations and peoples and for all segments of society.

Transforming our world: the 2030 Agenda for Sustainable Development

CRVS

- Is universal and inclusive
- Is a building block for an identity ecosystem
- Provides legal documents of vital events to each individual
- Provides vital statistics/population data at geographical lower level

Leaves no one behind

Helps improve service delivery to all people

Helps realize and protect human rights

Enables monitoring of policy effects

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Where are we now?.....current situation
BIRTH CERTIFICATE OWNERSHIP (Foundational Identity)
NATIONAL IDENTITY OWNERSHIP IN AFRICA
### Pillars to Increase Coverage in the New Strategic Plan

<table>
<thead>
<tr>
<th>Innovation</th>
<th>Integration</th>
<th>Decentralization</th>
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<tbody>
<tr>
<td>E-CRVS: Digitalization of recording, notification, registration, and certification of all vital events</td>
<td>Life-cycle approach accounting for people from birth to death</td>
<td>Accessibility, Availability and Affordability</td>
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<tr>
<td>Move from paper-based to digital systems that reduce the face to face interaction</td>
<td>Interoperability and real-time data sharing for efficient e-governance and e-commerce</td>
<td>Demand side: acceptability and need for legal identities</td>
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Development of CRVS & ID Systems that are Fit for Purpose

**AS IS**
- Rigid
- Slow
- Complex
- Passive
- Reactive
- Standalone

**TO BE**
- Flexible
- Agile
- Simplified
- Resilient
- Proactive
- Interoperable

Continuous analysis and re-design of CR and ID processes as needed to apply innovative technological
Way Forward......to Increase Coverage

- Through Ministerial Conferences, advocate for the political will and commitments to provide and fund legal identity as public good and service
- Advocate for adequate funding through the public fiscus for implementation of civil registration and national identities
- Member States to put in place institutional capacity amongst relevant line ministries and departments to better, plan, budget, advocate and scale up delivery of legal documents
- Member States to provide adequate infrastructure, supply and logistics chain to support service delivery
- Communities have access to information and knowledge about the availability and benefits of civil registration services
Thanks