

UNDERSTANDING 'LEGAL IDENTITY'

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REPUBLIC OF KENYA

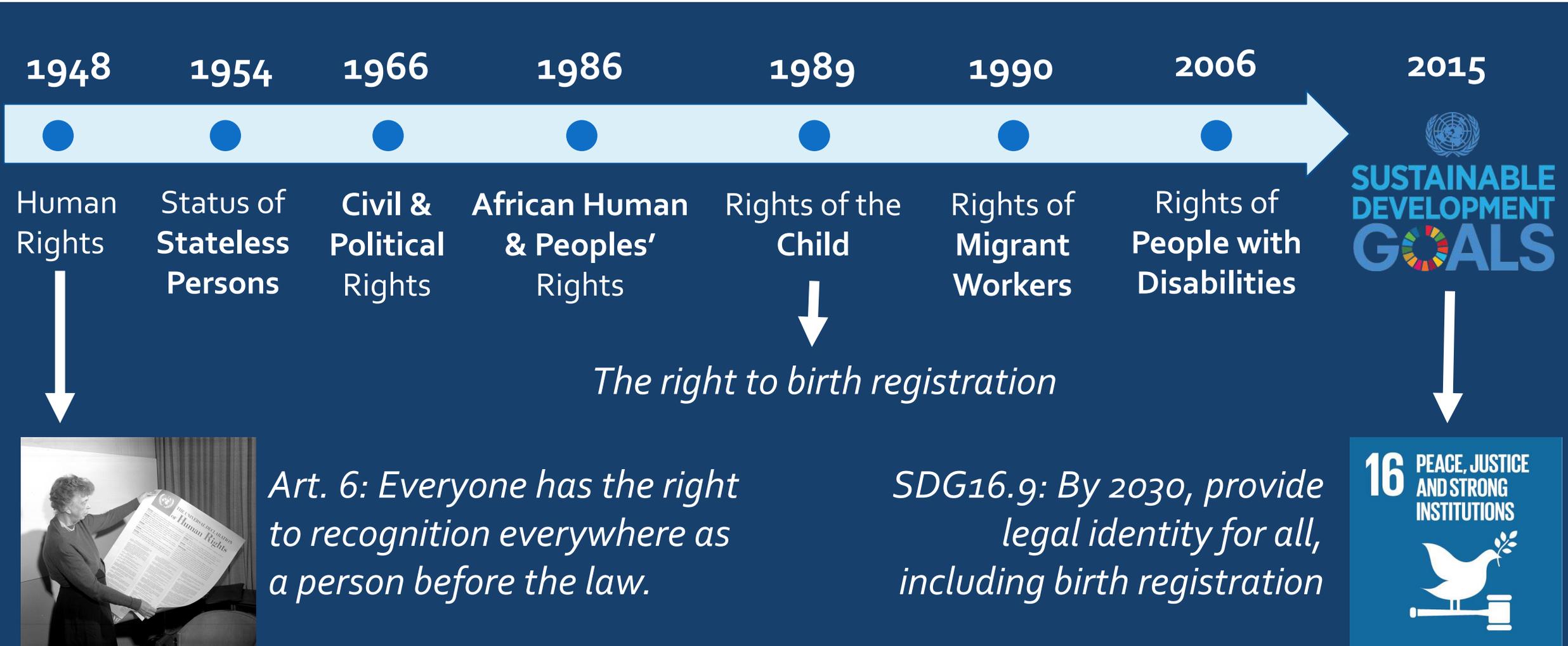
CERTIFICATE OF BIRTH

Birth in the Kisumu West		District in the Nyanza	
		Province	
Entry No:		White Born	Name
Date of Birth		Sex	Name and Surname of Father

KEY POINTS

1. There is no international **or regional** consensus on what 'legal identity' is (e.g. definitions, standards etc.)
2. There is no internationally- or regionally-agreed indicator to **comprehensively** measure achievement of SDG16.9
3. Civil registration is essential for SDG16.9 and **robust and sustainable** national ID systems, but not by itself

INCREASING INTERNATIONAL IMPORTANCE



GLOBAL MOMENTUM FOR 'CRVS'

- Global and regional initiatives since 2010
- Recognition that civil registration is an important source of vital statistics
- Generating awareness and political commitment
- Challenge of linking with ID initiatives



ATTEMPTS TO DEFINE LEGAL IDENTITY

ADB (2007)

*"A human being's legal (as opposed to physical) personality. Legal identity allows persons to enjoy the legal system's **protection** and to enforce their **rights** or demand redress for violations by accessing state institutions such as courts and law enforcement agencies."*



IADB (2010)

*"Legal civil status obtained through birth registration and civil identification that **recognizes** the individual as a subject of law and **protection** of the state."*

Official, government-issued and recognized identity documents—documents that include basic information attesting to the holder's identity and age, status, and/or legal relationships.

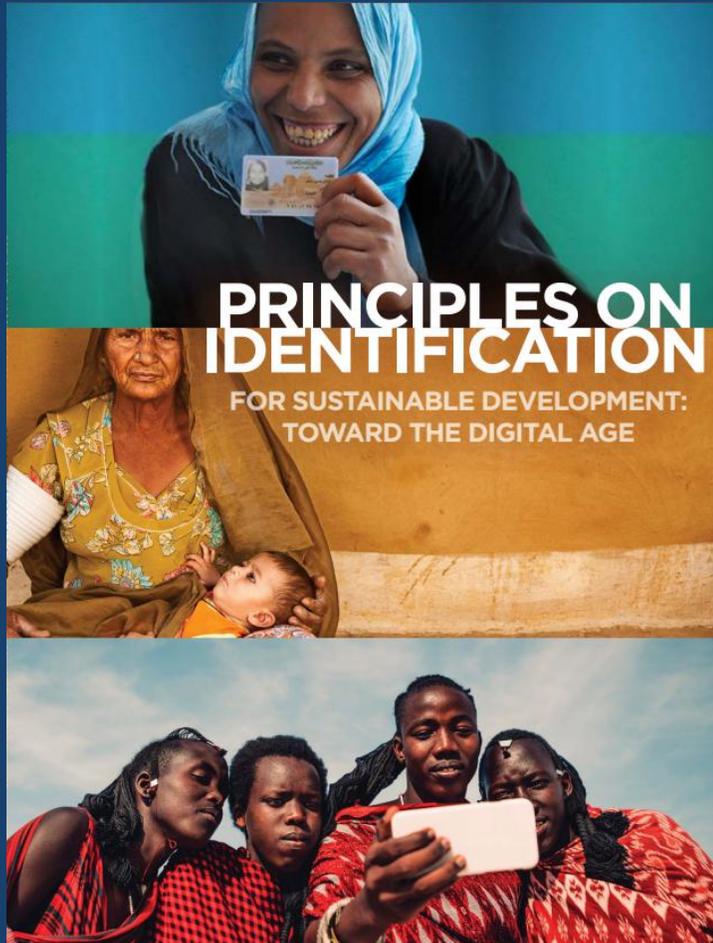
ESCAP, UNDP, UNICEF, UNHCR and Plan (2014)

*"**Recognition** of a person's existence before the law, facilitating the realization of specific **rights** and corresponding duties."*

HAS TECHNOLOGY DISRUPTED LEGAL IDENTITY?

Principles on Identification for Sustainable Development: Toward the digital age (endorsed by 18 organizations since 2017)

"Government-recognized credentials (e.g., identifying numbers, cards, digital certificates, etc.) that can be used as proof of identity."



SOURCES OF PROOF OF LEGAL IDENTITY

- Legal identity begins from birth, regardless of the existence of proof.
- Whatever the definition of 'legal identity', *proof of* legal identity is generally accepted as being:
 - **Civil registration** documentation (e.g. birth certificates)
 - **National IDs**, ideally based on civil registration
 - Some **official functional IDs** (e.g. voter card, driving license, passport, resident and refugee cards), typically in the absence (or denial) of the other two
 - Emerging trend: **National IDs for children** (e.g. Senegal, Rwanda, Uganda, Malaysia, Thailand, Indonesia)

MEASURING PROGRESS TOWARDS SDG16.9

Target:

By 2030, provide legal identity for all, including birth registration

Indicator (16.9.1):

Percentage of children under age 5 whose birth is registered with a civil authority

- Governments obligated to report statistics on progress including disaggregations (e.g. sex, age, rural / urban, wealth quintile, vulnerable groups)
- Current indicator alone is not comprehensive: **it does not measure legal identity for all** (i.e. people over age 5)
- Ambiguity of 'legal identity' creates challenge to develop appropriate indicator, but there is still a need for an additional one
- ID4D Dataset first attempt to do this globally

TWO-PRONGED APPROACH TO PROVIDING LEGAL IDENTITY FOR ALL

The Flow

Annual 140 million births globally
(Est. 26 million in Africa unregistered or 65% of the total)

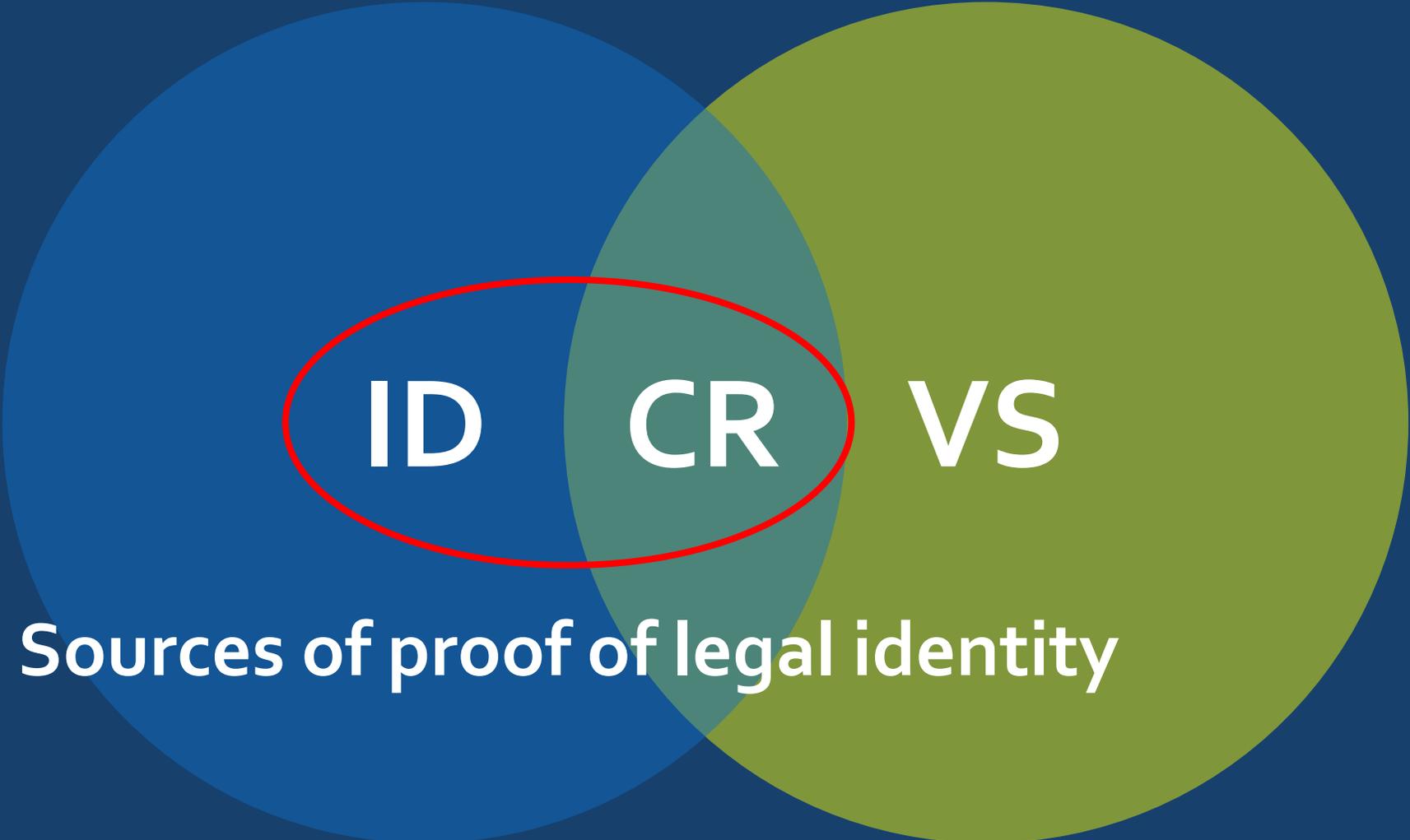
Establish birth and death registration to record and document these events as they occur, which will strengthen the sustainability of ID systems.

The Stock

7.5 billion people on earth
(Est. 1.1 billion w/o proof of legal identity (492 million in Africa or 43% of the total))

Establish robust and trusted ID systems to register people and provide them with a unique identity and the ability for that to be reliably verified.

THE LINK BETWEEN LEGAL IDENTITY AND CRVS



KEY POINTS

1. There is no international **or regional** consensus on what 'legal identity' is (e.g. definitions, standards etc.)

Why don't we develop one? ID4Africa and the Conference of African Ministers Responsible for Civil Registration are perfect opportunities

2. There is no internationally- or regionally-agreed indicator to **comprehensively** measure achievement of SDG16.9

As above, global SDG processes also an opportunity

3. Civil registration is essential for SDG16.9 and **robust and sustainable** national ID systems, but not by itself

Think long-term and holistically; build integrated CR and ID systems