UNDERSTANDING ‘LEGAL IDENTITY’

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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
Art. 6: Everyone has the right to recognition everywhere as a person before the law.

SDG16.9: By 2030, provide legal identity for all, including birth registration.
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.”

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.”

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.
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."
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)
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 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)

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.

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

Sources of proof of legal identity
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