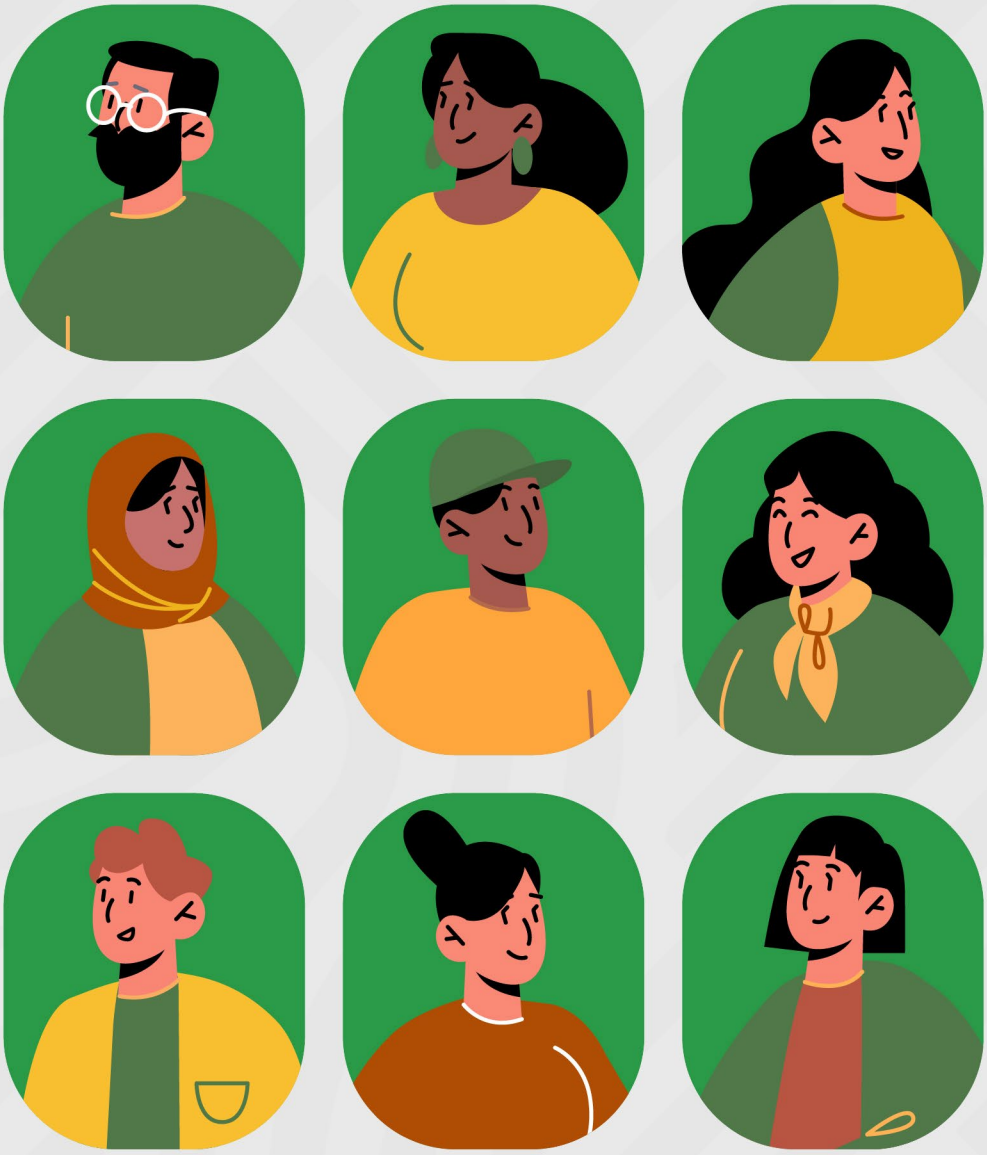

Policy Brief: Digital IDs in Angola, Central African Republic and Democratic Republic of Congo

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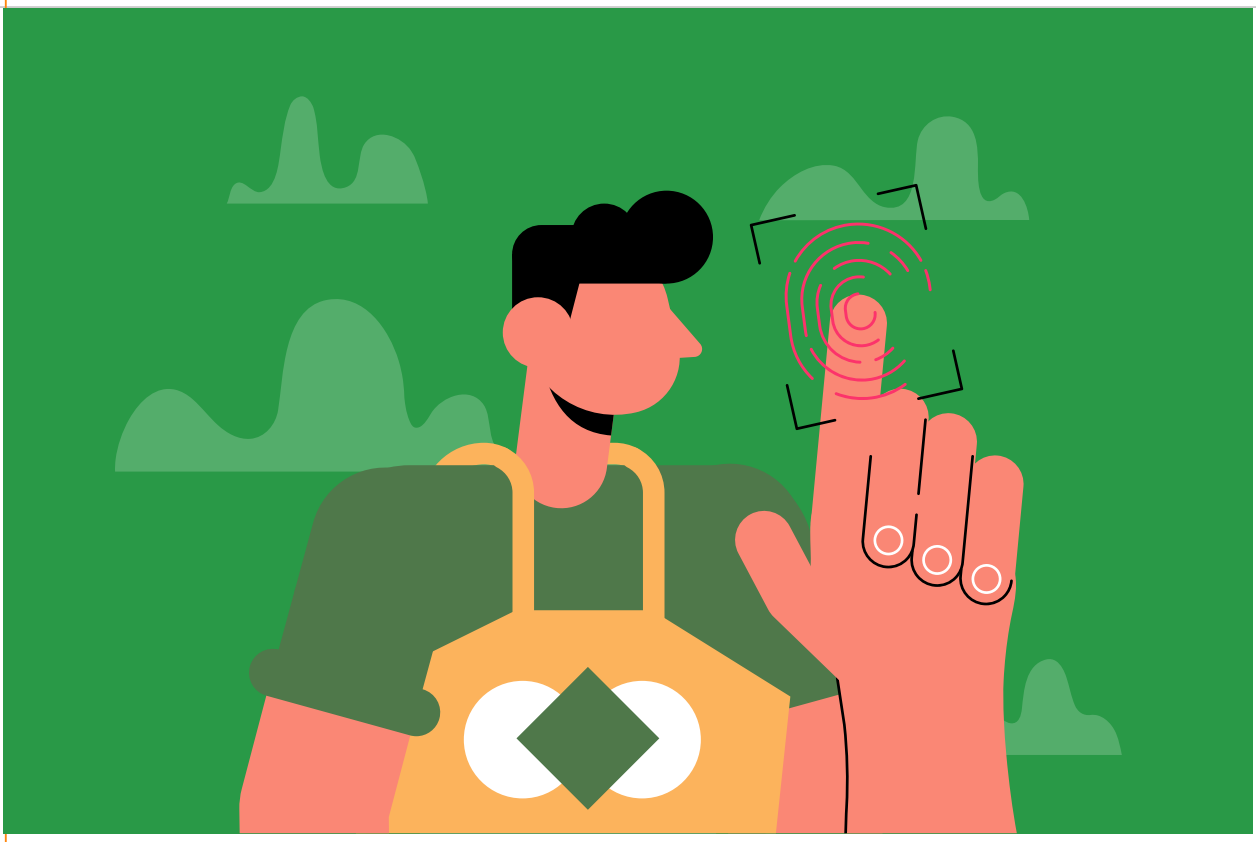

Policy Brief: Digital IDs in Angola, Central African Republic (CAR) and Democratic Republic of Congo (DRC)

This Policy Brief highlights the importance of safeguarding human rights in the use and deployment of digital identity systems (Digital IDs) and assesses digital IDs in Angola, CAR and DRC.

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Introduction

A digital identity is created for purposes of identification and authentication both offline and online enhancing, among others, access to digitised government systems or commercial services and mobile banking services. While digital identification systems or services (digital IDs) present benefits, they also have the potential to alienate those without access to digital technologies and to pose a threat to those whose data is captured by them. An assessment of digital IDs in Angola, Central African Republic (CAR) and the Democratic Republic of Congo (DRC) illustrates the potential of digital IDs to enhance identity-related services while threats to human rights are presented. Digital IDs have in some instances enhanced birth registration systems yet further marginalised those in rural areas without access to digital technologies to be able to access automated digital IDs. This causes unfair discrimination against the requirements of international standards. In other cases, where the data protection legal regimes are not adequate, data breaches result in privacy breaches.

States parties should only promote the use of digital identification systems that enable all newborn children to have their birth registered and officially recognised by the national authorities, to facilitate access to services, including health, education and welfare. In the context of children's rights to birth registration, the United Nations Committee on the Rights of the Child (the Committee) stipulates in the General Comment No. 25 (2021) on children's rights in relation to the digital environment (General Comment 25) that 'State parties should use up-to-date technology, including mobile registration units, to ensure access to birth registration, especially for children in remote areas, refugee and migrant children, children at risk and those in marginalised situations, and include children born prior to the introduction of digital identification systems.' While the Committee recommends the use of technology to enhance birth registration, it also highlights the need for robust privacy and data protection frameworks to safeguard children. Where access to government services can only be accessed through a digital identity, this poses a barrier particularly for individuals without such digital identities making digital

IDs a potential tool to exclude sections of a population and consequently deny them other fundamental rights and freedoms such as social services where applicable. The human rights impacts can range from violation of privacy, access to information, freedom of expression, the right to health and the right to food, among others.

The African Union Convention on Cyber Security and Personal Data Protection (Malabo Convention) came into force in June 2023 after receiving the 15th signatory from Mauritania. There has been a low commitment from most African governments to ratify the treaty. The treaty has reference to the protection of personal data that can be relied on as guidance to the adoption of data protection laws ensuring that digital IDs are compliant with human rights. At African Union level, the Digital Transformation Strategy for Africa (DTS) 2020-2030, aims to see 99.9% of people in Africa with a digital legal identity as part of a civil registration process by 2030. This is an ambitious move in view of the digital divide in most African countries but demonstrates the consideration of Digital ID systems as an important component of digital transformation. The DTS identifies that many African citizens do not have a legal identity with under-resourced civil registration and identification systems. As such critical recommendations are made which highlight the importance of securing fundamental rights, of which inclusive Digital IDs which secure privacy is key. The AU Interoperability Framework for Digital ID highlights that digital IDs should be trusted and inclusive to achieve development outcomes.

An Extract from the African Union DTS on Digital Identity[1]:

Policy Recommendations and Proposed Actions

1. Ensure inclusion, security, privacy and data ownership in digital identity systems.

2. Develop legal and regulatory frameworks covering data privacy, security, and user rights.

3. Design and implement digital identity systems that are inclusive and with the rights and interests of Africa's citizens at the center.

4. Design and implement digital identity systems that incorporate strong security.

5. Design and implement digital identity systems that empower individuals and protect online privacy as a fundamental right.

6. Ensure Digital identity data belongs to, and remains in the control of Africans.

1. https://au.int/sites/default/files/documents/38507-doc-dts-english.pdf

Angola

Overview

Angola is a country in Southern Africa with a population of 33,08 million with poverty estimated at least 13.5 million Angolans living on less than $2.15 a day[2]. Angola ratified the Malabo Convention and enacted Law 22/11 on the Protection of Personal Data[3] in 2011 making it one of the 36 African countries with a Data Protection Act. The Angolan Data Protection Agency[4] was established in October 2019, to oversee the collection and processing of personal data, enforce data protection legislation and, when necessary, apply sanctions in line with Article 32 of the Constitution of the Republic of Angola (2010)[5]. Article 19 provides for the right to identity and privacy. Angola is among African countries that have introduced national IDs with electronic components such as microchips or machine-readable barcodes. However, of the 33 million Angolans projected by the National Institute of Statistics (INE), only 14 million have an identity card which is known as the 'Bilhete de identidade de cidadão nacional (BI)'. To alleviate this challenge, Angola has made technology investments by extending services to the diaspora and using the Identity Card - BI platform, which allows interoperability with several public platforms[6]. In addition, Angola Presidential Decree No. 202/11 on the Regulation of Information Society Technologies and Services provides for a nationally recognised and publicly available solution to issue secure and legally binding electronic signatures[7]. In 2021, in preparation for its elections, Angola, through the Na-

2. World Bank 'Angola Overview'. https://www.worldbank.org/en/country/angola/overview (Accessed on 2 July 2024)
3. Data Gudiance 'Ante-Projecto de Lei da Protecção de Dados Pessoais' https://www.dataguidance.com/sites/default/files/lei_de_proteccao_de_dados_pessoais_v.pdf (Accessed on 18 June 2024)
4. Agencia de Protectao de dados. https://www.apd.ao/ao/ (Accessed on 17 June 2024)
5. Constitute Project. Consitution of Angola. https://www.constituteproject.org/constitution/Angola_2010.pdf?lang=en (Accessed on 17 June 2024)
6. Ministry of Justice and Human Rights. National Identification Day celebrated. http://www.servicos.minjusdh.gov.ao/noticias/695/comemora-se-hoje-5-de-janeiro-o-dia-do-identificador-nacional?ref=search (Accessed on 18 June 2024)
7. Ministry of Telecommunications, Inofmrationa Technologies, and Social Communication. Presidential Decree No. 202/11. https://minttics.gov.ao/ao/documentos/decreto-presidencial-n-202-11/

tional Electoral Commission (CNE), implemented a technological platform for registering and identifying participants in the electoral process[8]. This system included issuing and distributing identification cards to election candidates, international observers, journalists and electoral police. Angola's CNE selected Promosoft Group in Angola to provide a registration and identification solution. Following the August 2022 elections, the African Union Election Observation Mission issued a preliminary statement[9] noting that Angola took measures to ensure digital inclusion of women, the elderly and persons with disabilities. The mission observed that assisted voting services were provided to voters with disabilities including using fingerprints by voters unable to read or write, while ensuring secrecy of the ballot.

In 2017, banks such as Banco Postal became pioneers of fintech solutions in Angola by developing the Xikila Money[10] which is a mobile money application that provides a platform for users to perform financial transactions at no cost to the user by scanning users' documents and collecting biometric data. Despite such strides, the Ministry of Justice and Human Rights highlighted that the ID card is not issued within 48 hours in line with Article 27 of the Identity Card Law (Law 4/09) which stipulates that the minimum period for processing of ID cards is 48 hours and the maximum period is 30 days[11]. The delays are often due to centralised processing of IDs.

The Presidential Decree 46/18 of 2018[12] approved the National Plan for Global Architecture for the Interoperability of Central and Local State Administration

8. Zetes. Angola implements technological platform for the registration and identification of participants in the electoral process. https://peopleid.zetes.com/pt/reference/angola-implementa-plataforma-tecnologica-para-o-registo-e-identificacao-dos-intervenientes (Accessed on 17 June 2024)
9. Reliefweb. Preliminary statement of the African Union Election Observation Mission. https://reliefweb.int/report/angola/preliminary-statement-african-union-election-observation-mission-24-august-2022-general-elections-republic-angola-luanda-26-august-2022 (Accessed on 18 June 2024)
10. Xikila Money. Download. https://xikila-money.en.softonic.com/android?ex=RAMP-2005.2 (Accessed on 17 June 2024)
11. Ministry of Justice and Human Rights. One million tickets issued in one year. http://www.servicos.minjusdh.gov.ao/noticias/638/um-milhao-de-bilhetes-emitidos-em-um-ano (Acessed on 17 June 2024)
12. Ministry of Telecommunications, Information Technology and Social Communication. National Plan for Global Architecture for the Interoperability of Central and Local State Administration (PNAGIA) https://minttics.gov.ao/fotos/frontend_10/gov_documentos/plano_nacional_de_arquitectura_global_de_interoperabilidade_da_administracao_central_do_estado-pnagia_1__15289524825f18810ab529e.pdf (Accessed on 18 June 2024)

(PNAGIA) which is expected to facilitate data and information sharing between government agencies to improve the proximity of services to Angolans and increase the efficiency of services. In 2019, Angola launched SEPE (Portal dos Servicos Publicos Electronicos do Governo de Angola)[13], an electronic service platform that seeks to provide a one-stop shop for government information and services. The platform encourages interoperability between public sector systems. Currently, SEPE provides access to services ranging from licensing of imports, handling requests for credit support, scheduling face-to-face services, consultations on citizenship documents including securing of the social security number, and setting up a company among others. Despite significant progress in managing the platform, implementing PNAGIA is still work in progress as not all government services have been integrated and have reached communities in underserved and remote areas.

In 2019, the Civil Registration and Identity Card Attribution Project launched the Integrated Civil and Criminal Identification Management Platform, to increase coverage rates of birth registration and identity cards. Angola has also expanded its use of public digital platforms by introducing front-end and back-end systems applications and services for Angolans. However, access to these platforms remains challenging as online user identification and basic proof of identity using the identity card BI platform is not accessible for all Angolans. According to the Ministry of Justice and Human Rights, the BI coverage rate is slightly above 30 percent. In line with the customer identity verification performed by service providers such as banks, limited identification coverage means that those without identity cards are excluded from accessing services, thus limiting the country's potential to unlock the digital economy, especially in the financial services sector.

In 2023, Angola signed a United States (US)$139 million financing agreement[14] with a Hungary-based security printing firm called ANY Security Printing Company that will supply passports to the Angolan Ministry of Interior and Migration and Foreigners Services for ten years. Under the agreement, the firm

13. Portal dos Serviços Públicos Electrónicos do Governo de Angola. https://www.sepe.gov.ao/ao/ (Accessed on 19 June 2024)
14. Any Security Printing Company. Press Release: ANY contracts with Angola to supply a biometric passport issuing system. https://www.any.hu/wp-content/files_mf/1685601637ANY_Press_release_20230601_Angola.pdf (Accessed on 17 June 2024)

will be responsible for setting up biometric enrolment stations, designing and producing passport booklets and building a local personalisation facility. According to media reports[15], the construction of the local personalisation facility is underway and nearing completion, with support from the Migration and Foreigners' Service.

Recommendations to the Government of Angola

1. Strengthen the privacy of the data of assisted voters to ensure the secrecy of the ballot.
2. Ensure that the processing of electronic passports is expedited and decentralised to ensure the inclusion of people in remote areas.
3. Provide easy access to assistive technologies to cater for persons with disabilities who will use the services.
4. Improve identity card BI rate so that all Angolans access financial solutions without limitations.
5. Increase ID production within reasonable time to improve citizen's inclusive and secure access to digital services.

15. Menosfios. Government with no set date for implementing electronic passport. https://www.menosfios.com/en/governo-sem-data-definida-para-implementar-passaporte-eletronico/ (Accessed on 18 June 2024)

Central African Republic

Overview

Central African Republic (CAR) is a country in Central Africa with a population of CAR is one of the poorest countries in the world with an estimated 71% of the population living below US $1.90 per day. The government has not ratified the Malabo Convention and while Article 16 of the Constitution provides for privacy, CAR does not have a comprehensive data protection law. The National Electoral Agency (ANE) in CAR has the largest digital identity database in the country with almost close to 2 million records as reported by the World Bank in 2023. The birth registration process in CAR is conducted manually in line with the Law No. 97-013 on the Family Code of 1997[16]. The civil registry archives in CAR were destroyed between 2013 – 2015 largely because of conflict and violence in 2013 and internal displacements[17]. CAR civil registries lost many birth records and have a long way to go to address birth registration challenges in the country. This has an adverse impact on the process of accessing national identity cards and passports, a process depending on the birth registration process. the World Bank recommends a digital identification system[18] to enhance birth registration in the country which would also be ideal in safeguarding critical data for purposes of reliable and efficient service delivery. This would also account for citizens, addressing statelessness.

CAR received resources from the African Development Bank Group to implement a Central African Fibre Optic Backbone (CAB) project and in 2020 engaged an organisation called Sofrecom to conduct an inventory of the personal identification system and a feasibility study regarding the development

16. https://www.legal-tools.org/doc/9f969e/pdf
17. https://www.nrc.no/globalassets/pdf/reports/car/car-education-briefing-note-final.pdf
18. https://documents1.worldbank.org/curated/en/917381634623050532/pdf/ID4D-Country-Diagnostic-Central-African-Republic.pdf

of a reliable digital identity system (NDIS) and assess its potential to enhance service delivery across a wide range of services[19]. With regards financial services, there are mobile banking systems in CAR with the telecommunications services regulated by the 'Autorité de Régulation des Communications Electroniques et de la Poste de la République Centrafricaine' while electronic payment services are regulated by the regional regulator COBAC. The companies Orange, Telecel and Mouv provide mobile money services[20] in CAR to their clients in CAR and have improved efficiency and yet those without access to mobile technologies remain at the margins of this financial service.

Recommendations to the government of CAR

1. Enact data protection legislation.
2. Implement a secure digital identity system to enhance birth registration.
3. Ratify the Malabo Convention.
4. Take meaningful steps to increase internet penetration in the country to enable access to digital services through online platforms.

19. https://www.sofrecom.com/en/news-insights/sofrecom-sets-up-a-digital-identity-system-in-cab.html
20. https://carnegieendowment.org/research/2023/05/securing-digital-finance-in-post-conflict-central-african-republic?lang=en

Democratic Republic of Congo

Overview

The DRC is a country in Central Africa with a population of 103.9 million in January 2024 an internet penetration rate of 27.2 percent[21]. According to the World Bank, the DRC, the DRC was one of the five poorest countries in the world in 2023 with an estimated 74.6% of its people living on less than $2.15 per day[22]. This reflects on its resource constraint to implement robust digital IDs in the country and the need to increase internet penetration to ensure any digital IDs accessible online are within the reach of everyone in the country. Democratic Republic of Congo (DRC) entrenches in Article 31 of its Constitution[23] the right to privacy, secrecy of correspondence, telecommunications and any other form of communication, among other rights. The Digital Code of 2023 provides for data protection although the is yet to be a data protection authority to oversee implementation of the data protection component of the law, which also includes cybersecurity related provisions. The DRC is yet to ratify the Malabo Convention.

A new biometric identity card[24] was launched in the Democratic Republic of Congo in 2023. This system was finally allowing citizens to access national ID cards after the government had stopped issuing national identity cards in the 1990s[25]. This system allowed citizens at the age of voting (18 years) to access national identification between December 2022 and April 2023[26] capturing their covered photograph and a QR code for authentication. Allegations

21. https://datareportal.com/reports/digital-2024-democratic-republic-of-the-congo
22. https://www.worldbank.org/en/country/drc/overview
23. https://www.constituteproject.org/constitution/Democratic_Republic_of_the_Congo_2011
24. https://www.biometricupdate.com/202307/national-id-cards-launched-in-drc-remain-uncollected-in-ghana
25. https://www.biometricupdate.com/202307/national-id-cards-launched-in-drc-remain-uncollected-in-ghana
26. https://www.barrons.com/news/dr-congo-yearns-for-end-to-long-wait-for-new-id-cards-ff36d54f

of corruption have surfaced regarding the biometric national ID card project as there is a reported investigation by the Democratic Republic of Congo's Inspectorate General of Finance (IDF) concerning the US$697 million given to Afritech and the IDEMIA. The government of the DRC awarded a contract to Israeli firm, Pangea of more than US $70 million to develop and operate a centralised, automated criminal biometric identification system (ABIS) used to generate certificates of integrity (also known as certificates of non-criminal record) for citizens. Using this in the criminal justice systems would require that there are no biases in the digital identity system to ensure its fairness in its facial recognition capabilities[27]. The target at inception was for the system to be the digital database capturing the face, demographic, and fingerprint of offenders as well as accessible from 150 police stations. Reportedly, the biometric system will be enhanced to have encrypted biometric features and have entrenched security measures for the prevention of any duplication or other illegal activities[28].

Recommendations to the Government of DRC

1. Proper and transparent management of procurement processes and implementation of digital IDs to ensure adequate systems that have the relevant security features to safeguard rights and deliver good service.
2. Finalise an investigation into the biometric national ID project corruption allegations involving service providers, publish the report publicly and hold perpetrators accountable.
3. Allow digital IDs to co-exist with other identity systems to avoid exclusion.
4. Ratify the Malabo Convention.
5. Take meaningful steps to increase internet penetration in the country to enable access to digital services through online platforms.
6. Make significant investment in digital infrastructure, particularly in rural and underserved communities in order to drive reliable and affordable access to digital technology

27. https://www.biometricupdate.com/202211/pangea-signs-70m-biometric-contract-with-congo
28. https://www.biometricupdate.com/202211/pangea-signs-70m-biometric-contract-with-congo

Country	Ratification of Malabo Convention	Data Protection Law	Data Protection Authority
Angola	Yes	Yes	Yes
CAR	No	No	No
DRC	No	Yes	No

Conclusion

The advantages of technology to enhance services are notable. In financial services, there is a benefit of accessing fast and efficient ways to transfer and receive money. However, to access these benefits, access to digital technologies must be enhanced to ensure inclusion. Countries with a low uptake internet penetration and notable digital divide like Angola, CAR and the DRC need to prioritise bridging the digital divide and also ensuring that they provide adequate legislative frameworks to safeguard personal data and promote internet access. Adherence with international standards like the Malabo Convention demonstrates commitment to data protection and regional cooperation on safeguarding privacy. Digital IDs are useful and can enhance birth registration systems, facilitate inclusion and transparency in governance. However, many challenges remain. To optimise the promised benefits of digital identification, the government must ensure ease of access to national identity and take concrete steps to address all the issues identified.

Paradigm Initiative (PIN) is a non-profit pan-African organisation that connects under-served young Africans with digital opportunities and ensures the protection of their rights. In addition to being a convenor of the Digital Rights and Inclusion Forum (DRIF), we have directly impacted more than 150,000 youth with improved livelihoods through our digital inclusion and digital rights programs and also built online platforms that educate and serve as safe spaces for reporting digital rights violations. These mediums, in the form of reports, short films, and educational online platforms, include Ayeta, Londa, and Ripoti.