



BRIEFING NOTE

AUGUST 2021

Civil Documentation for IDPs in Mozambique

Introduction

Access to an identity document is fundamental to help persons be recognized before the law and fully exercise their human rights. **The right to a legal identity is enshrined in international law and part of international humanitarian law** whereby all persons affected by humanitarian crisis **should be entitled to civil documentation**.¹

This briefing note will focus on both birth certificate and national identity cards (in Mozambique known as the *Bilhete de Identidade*, or simply “BI”). By issuing these documents, the State recognizes the existence of a person as its citizen and allows for the person to enjoy fundamental rights, namely a name, parentage, citizenship and consequently nationality and other rights. **Failure to register a birth is a violation of the person's inalienable human right to identity and the UN Convention on the Rights of the Child.**

2) *State Parties shall ensure that internally displaced persons shall be issued relevant documents necessary for the enjoyment and exercise of their rights, such as passports, personal identification documents, civil certificates, birth certificates and marriage certificates.*

3) *State Parties shall facilitate the issuance of new documents or the replacement of documents lost or destroyed in the course of displacement, without imposing unreasonable conditions [...]*

*Kampala Convention, Article 13
Mozambique has both signed and ratified the Kampala Convention*

45%

IDPs in five districts of Cabo Delgado have no civil documentation

Of those: 69% documents had been burned or destroyed; 26% had no time to collect it; 6% never had civil documentation even before their flight. (Protection Cluster Assessment 2020)

Main concerns in Mozambique

In recent years, Mozambique has faced large scale internal displacement resulting from conflict induced violence and recurrent disasters. There are over 800,000 IDPs in northern Mozambique, due to violence in Cabo Delgado². The tropical cyclones that hit the central regions in the country also displaced some 130,000 persons. In contexts of both conflict and disasters, the sudden nature of displacement obliges IDPs to flee in haste with no time to choose what belongings to take along – in this process, civil documents are often forgotten, lost and/or destroyed. **Once these are gone, several obstacles to exercise basic rights arise, such as: to move freely, to vote, to access education, employment, healthcare, bank services and access to humanitarian aid.** The lack of civil documentation also hinders IDPs' self-sufficiency, therefore, limiting

access to durable solutions as access to the formal labour market is not possible.³

¹ These include identity documents, birth and death certificates, marriage and divorce certificates among others, which key for citizens to enjoy fundamental rights. The Sustainable Development Goals (SDG) #16.9 aims that by 2030, states will provide legal identity for all citizens, including free birth registrations. SDG 10 is also relevant for advocacy on access to civil documentation. Furthermore, Principle 20 of the Guiding Principles on Internal Displacement also mentions “*the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement.*” Finally, Mozambique is also a state party to both the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

² Of those, over 630,000 have moved to Cabo Delgado, 64,000 to Nampula, and the remaining 2,500 in the provinces of Niassa, Sofala and Zambezia. The majority of IDPs (79 per cent) are hosted by local communities while others are in formal and informal IDP sites. 43 per cent of the IDPs are children.

³ For more information on Durable Solutions, see IASC Framework on Durable Solutions, [IASC Framework on Durable Solutions for Internally Displaced Persons, April 2010.pdf \(interagencystandingcommittee.org\)](https://interagencystandingcommittee.org/wp-content/uploads/2010/04/IASC-Framework-on-Durable-Solutions-for-Internally-Displaced-Persons-April-2010.pdf)

The Protection Cluster has identified that lack of civil documentation may result in serious protection concerns in Mozambique, such as:

- **Freedom of movement:** Unable to move across villages, districts and provinces due to the need to provide personal identification.
- **Harassment:** in a situation of conflict, individuals that cannot provide personal documentation may be subjected to harassment, extortion, physical violence, gender-based violence.
- **Access to education:** Unable to enroll their children in school. Some students may face issues in enrolling, particularly those after Grade 7.
- **Access to basic services:** Important acts that can have an impact on someone's life, such as opening a bank account or having a mobile phone may be difficult, including aid from government.
- **Discrimination:** lack of civil documentation might increase vulnerability to discrimination and for the individual to be accused of being "insurgents", "prostitutes", "criminals" or somehow "strangers in their own land." Negative perception of IDPs and fear of possible association with the Non-State Armed Group (NSAG) are exacerbated for those with no proof of documentation.
- **Gender-based violence:** women and girls are particularly vulnerable to harassment while moving with no documentation as well in case of sexual violence girls cannot prove that they are minors and perpetrators can take advantage of this.
- **Land, housing and property:** housing, land and property rights are limited, preventing a legally effective access to basic rights. A child also needs a birth certificate to inherit property from a deceased parent.
- **Family separation:** In case of separation from family during disasters, the absence of a birth registration could mean that the reunification of children with their families becomes more difficult.
- **Child protection:** children who are not registered and, therefore, cannot "prove" their age, are more vulnerable to various age-related abuses, including early marriage, child labor, military conscription, sexual exploitation, detention in adult prison facilities and adult conviction.
- **Risk of statelessness:** Lack of documentation and other means to prove one's identity can have serious consequences for individuals and communities, including trigger or increase the risk of statelessness.

KEY RECOMMENDATIONS

- **CIVIL DOCUMENTATION:** Authorities should make special efforts to provide or replace civil documentation to IDPs and establish facilitated procedures for issuing or reissuing essential documentation to IDPs, including use of alternative forms of evidence available to IDPs. Separate civil documentation is not recommended as being an internally displaced person (IDP) is not a legal status as IDPs are still under the jurisdiction of their own government.
- **PROCEDURES SHOULD BE FREE:** IDPs should not need to pay fees in order to renew or access civil documentation.
- **RAISING AWARENESS:** Both authorities and humanitarian partners should look into tailored campaigns and information sessions for IDPs should be organized to raise awareness on their rights to civil documentation, relevant procedures and necessary set of documents. Information sharing should explore community-based approach in order to reach IDPs who might not have access to a phone and require particular accessibility or high support needs such as persons with disabilities.
- **SIMPLIFIED PROCEDURE:** Expand the coverage of the ongoing simplified procedure for verifying identity during the issuance and renewal of identity documents to cover more districts where IDPs are residing.
- **REMOTE AREAS:** In hard to reach or isolated areas in Mozambique, such as the districts of Mueda and Ibo in Cabo Delgado where there is a reduced presence of authorities and humanitarian organizations, IDPs may be more exposed to protection risks such as physical assault, GBV including rape, denial of access to livelihoods among others. Therefore, measures should be explored to ensure that these areas are prioritized and receive tailor made support.
- **ACCESSIBILITY:** Access to civil documentation for IDPs should also be tailor made to look into accessibility challenges and support needs that IDPs with different disabilities might be facing.

Annex I: General Procedures to access civil documentation in Mozambique

Registo de Nascimento (Birth Registration)

- **What is it:** In Mozambique, it is mandatory to declare the birth of an individual before the civil authorities so that the new born receives legal recognition of rights as citizen before the law. Birth registration is free within 4 months of birth (first 120 days), after which a penalty late fee is charged of 50 Meticais.⁴
- **Government Agency responsible:** The National Directorate of Registry and Notary under the Ministry of Justice Constitutional and Religious Affairs is responsible for birth registration. The legal framework is law: 8 December 2018.
- **Application process:** Issuance of birth certificate happens at the registry office or civil registration office in the location of birth or habitual residence of the person to be registered. Some hospitals also provide registration services so the child is registered immediately upon birth. For orphaned or abandoned children, the child's *weight card* (also known as “*yellow card*”), the declarant's identification, and witnesses are also needed. One can register after the deadline, although no longer at the hospital once the deadline is passed (hospitals normally have registration posts and not conservatories)⁵. If the person is 14 years of age or above, (s)he needs to be registered at the Civil Registration Office and justify the reason for late registration.⁶
- **Costs:** Usually there are travel costs associated as most civil registration facilities are in the capital city of the District, the loss of time at employment or even in the farm can have a cost association. Costs related to this process are around 840,00 Mts, and other associated to transport to conservatories, which can be found at district level.

Bilhete de identidade (Identity Card):

- **What is it:** The *Bilhete de Identidade* (BI), is the national ID card of Mozambique. The Biometric Identity Card is regulated by Decree No.11/2008, of 29 April, of the Council of Ministers.
- **Relevant Government Agency:** The *Serviço Nacional de Identificação Civil* (National Civil Identification Service - SNIC⁷) is a public agency, part of the Ministry of the Interior, and oversees the Civil Identification of citizens in Mozambique.
- **Eligibility:** For those born before the aforementioned Decree, one needs to present either the older identity document or the birth document. For those born after, one needs to present proof of birth.
- **Validity:** The Identity Card is valid for 5 or 10 years, depending on whether it was issued before or after the holder reaches 40 years of age, and is valid for life when issued after the holder reaches 50 years of age.
- **Application process:** In order to apply for a “BI”, one requires a valid birth certificate. However, a birth certificate is not required if one is renewing a “BI” within six months of its expiry. If renewing within six months after expiry, only the old card and a new photo is required. For IDPs who have lost their “BI” or have had it destroyed during their flight, a new application must be made and so both a birth certificate and photo are required.
- **Costs:** According to the Mozambican Government online portal⁸, the following fees are charged for granting, renewing or replacing the Biometric Identity Card, children under 18 years of age: 90.00Mts; and for over 18 years of age: 180.00Mts.
- **Issuance:** At Provincial level, the BI is issued by the Provincial Civil Identification Service located in the provincial capital, such as in Pemba for Cabo Delgado or Nampula city for Nampula.

⁴ <https://civil.registos.gov.mz/crvs/Home/Ajuda>

⁵ The civil registration activity is decentralized. The country is divided into provinces, district and administrative posts or villages. There are one or more Registration Offices or Conservatories in each district. Under each Conservatory in a province or district, there could be 4 to 5 Civil Registration Posts (Postos). The lowest administrative units where registration of vital events is conducted is in an Administrative Post. There is a total of 509 Administrative Posts in the country, of which 164 are classified as urban and 345 are in rural areas. Civil registration posts also operate in some of the big health facilities.

⁶ <https://civil.registos.gov.mz/crvs/Home/Ajuda>

⁷ http://www.mint.gov.mz/index.php?option=com_content&view=article&id=57&Itemid=424

⁸ <https://www.portaldogoverno.gov.mz/por/Cidadao/Servicos/Identificacao-Civil/Bilhete-de-Identidade>