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and Digital Financial Services





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Legal Access to Mobile Connectivity and Digital
Financial Services

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INTRODUCTION

These country briefs provide information on the legal situation for refugees and other displaced populations, where relevant, regarding access to mobile services, including mobile money, in each country covered. Each brief contains information on:

1. Registration and Identification of Displaced Persons
2. SIM Registration
3. Know Your Customer Rules
4. Mobile Money
5. Data Protection

Information sources cover freely published information from the relevant regulators or ministries, academic papers and other internet sources. Specific information on the practical situation in country has been provided by UNHCR local staff.

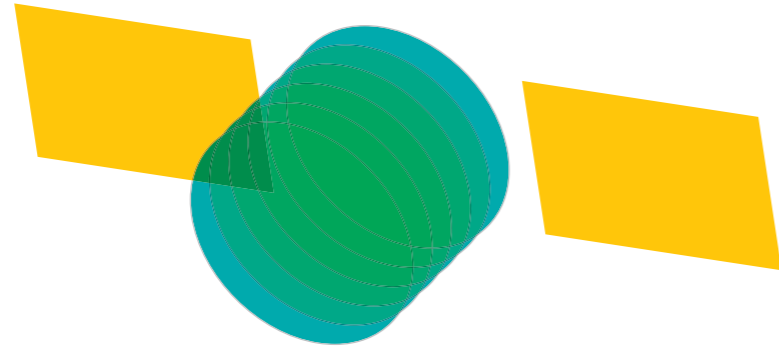
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AFGHANISTAN

73.67

ITU Regulatory Tracker Overall Score

78.81

GSMA Mobile Money Regulatory Index

Yes

Party to the 1951 Refugee Convention

No

Data Protection and Privacy Legislation

Registration and Identification of Displaced Persons

Since 2002, over 6 million Afghans have returned to Afghanistan, including over 5.2 million refugees assisted under UNHCR’s facilitated voluntary repatriation programme. The majority have returned from Pakistan (4.3 million) and Iran (0.92 million), followed by smaller numbers from other countries. Return movements have occurred in all 34 provinces and nearly 400 districts across the country with the majority (61%) returned to five provinces: Kabul (1.3 million), Nangarhar (1 million), Kunduz (326,000), Baghlan (276,000) and Kandahar (186,000).

Returnees are issued with a Voluntary Repatriation Form (VRF) by UNHCR in their host country to facilitate provision of assistance (cash grants) and reintegration interventions including enrolment in schools and the government land-allocation scheme. The VRF is not an identity document and returnees should apply for an Afghan national ID card (*tazkira*) upon return. According to UNHCR’s returnee monitoring, in 2017 94% of interviewed returnees had been issued a *tazkira* (compared to 90% among respondents from the general population who were also interviewed during this exercise). *Tazkiras* do not include address information, and generally the records held by issuing authorities are not accessible as there is no national online registration database, though this is something the government intends to introduce with the *e-tazkira*.¹

There are currently 75,548 refugees from Pakistan’s North Waziristan Agency residing in Khost and Paktika provinces, as well as 527 refugees and asylum seekers registered with UNHCR in urban areas, mainly living in Kabul, Herat, Kandahar, Balkh, and Jalalabad. UNHCR issues identification certificates to refugees and asylum seekers among the urban population, though at present no documentation is issued to Pakistani refugees in Khost and Paktika (as the government has declined to authorize the issuance of documentation to this population). The lack of formally-recognized documentation prevents a refugee or asylum seeker from travelling abroad or finding legal employment in Afghanistan.

UNHCR estimates there to be roughly 2 million IDPs displaced by conflict and natural disasters across Afghanistan, including some 550,000 who have been displaced since the beginning of 2018. These figures include only IDPs in areas under government control, as reliable figures are not available on displacement in areas under the control of anti-government elements.

SIM Registration

SIM registration is required by law in Afghanistan according to the country’s *Telecommunications Law*. Overseen by the Ministry of Communication and Information Technology and managed by the Afghanistan Telecom Regulatory Authority, the SIM registration procedure requires subscribers to provide a copy of a national ID card (*tazkira*) or passport, a photograph, and a signature.

¹ The introduction of the e-tazkira linked to a national registration database is currently on hold due to a number of political sensitivities.

In the absence of national refugee legislation, asylum seeker and refugee certificates are not accepted by mobile network operators as proof of identity for the purposes of registering a SIM card, though in practice it is common for these populations to purchase SIMs informally without registration at local shops.

For returnees (as Afghan nationals) the availability of civil documents – e.g. a *tazkira* or Afghanistan passport – is required to obtain a SIM card. After joint UNHCR and IOM advocacy efforts, in November 2017 the Government of Afghanistan agreed to allow mobile service providers to issue SIM cards to returnees at UNHCR or IOM returnee processing centers based on UNHCR and IOM return documents (UNHCR VRF or IOM return certificate). However, returnees must complete the registration process by presenting their identity document (*tazkira*) within 3 months of arrival in their area of origin or intended destination; if they fail to do so, their SIM will be deactivated.

Know Your Customer Rules

Afghanistan is an Associate Member of the Asia/Pacific Group on Money Laundering (APG). Da Afghanistan Bank's *AML/CFT Responsibilities and Preventative Measures Regulation* is the key regulation for KYC/CDD in which *Chapter 2: Customer Identification Requirements Article 7* and *Annex II - Customer Identification Requirements for Customers* spell out the specific requirements. Financial institutions must obtain the following information and documents from customers:

1. full name,
2. sex,
3. national registration card, citizenship card or passport,
4. permanent address and mailing address,
5. date of birth,
6. nationality,
7. occupation,
8. income and source of income,
9. phone number (if any), and
10. photograph.

For asylum seekers and refugees, opening bank accounts is not possible without a passport. Moreover, establishing proof of address for refugees and asylum seekers is challenging as the available documentation does not list the address of the individual for security reasons. UNHCR does have address information for the refugee population in proGres,² but as many urban refugees and asylum seekers live in makeshift accommodation or move often, it is difficult to maintain accurate records. This legal access issue may eventually be resolved through a national refugee law, which is currently in draft form. A refugee law task force has been established, of which UNHCR is a member, providing a forum in which to raise KYC/CDD-related issues in advance of the law being enacted.

For returnees (as Afghan nationals) a bank account is accessible to those with the appropriate civil documentation, e.g. a *tazkira* or passport.

² Since 2004, UNHCR has used the proGres electronic registration and case management system to facilitate the ongoing registration of refugees and to record their personal details digitally.

Mobile Money

According to the World Bank's Global Findex database, Afghanistan's mobile money penetration (in terms of account ownership for 15+ years old) is 0.91%. The main regulation governing mobile money is the *Electronic Money Institution's Regulation*, which endorses a risk-based approach to KYC/CDD, but only for customer-to-customer transactions. The low risk category of mobile money transaction only requires "simple customer ID", which includes the following (emphasis added):

- Any government-issued document or identity card that is specific as to the holder thereof;
- Any privately-issued document that adequately portrays the individual identity of the bearer thereof;
- Any device or practice, whether customary or otherwise, that specifically distinguishes or identifies an individual; or
- Otherwise consistent with relevant AML/CFT regulations.³

This would potentially open up legal access to mobile money for asylum seekers and refugees, but because mobile connectivity is a prerequisite to mobile money and these populations are unable to obtain SIM cards in their own name, mobile money remains largely inaccessible.

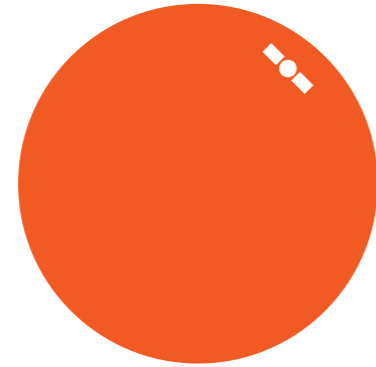
As with bank accounts, returnees can activate a mobile money wallet once they obtain a *tazkira*.

Data Protection

Afghanistan currently lacks a comprehensive data protection legal framework.⁴

³ https://www.aba.org.af/pdf_view_server.php?file=/uploaded/pdf/regulations/Money%20Service%20Providers

⁴ https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/CountryDetail.aspx?country=af



BANGLADESH

75.50

ITU Regulatory Tracker Overall Score

70.70

GSMA Mobile Money Regulatory Index

No

Party to the 1951 Refugee Convention

No

Data Protection and Privacy Legislation

Registration and Identification of Displaced Persons

As of 31 August 2018, Bangladesh had a Rohingya refugee population of 891,878, only 4% of which is registered with UNHCR. UNHCR is in the process of an exercise to assign unique identification numbers to these refugees, which will result in an ID card being issued to individuals over the age of 12, as well as a family attestation that includes photographs and biographical information for all family members. These documents are issued jointly by the Government of Bangladesh and UNHCR. In addition, while not intended for identification purposes, approximately one-third of the Rohingya population has a SCOPE card issued by the World Food Programme (WFP). Refugees may also hold other documents, such as cards issued by the Ministry of Home Affairs, family counting cards, and ration cards. There is considerable duplication across these documents and the Government of Bangladesh/UNHCR registration process aims to deduplicate these identities whilst providing a single identity token.

SIM Registration

SIM registration is required by law in Bangladesh as specified in the *Cellular Mobile Phone Operator Regulatory and Licensing Guidelines, 2011* (see section 38 on Registration of Subscribers). Overseen by the Bangladesh Telecommunication Regulatory Commission (BTRC) within the Posts and Telecommunications Division, Bangladesh's SIM registration process requires subscribers to provide a copy of their national ID card or passport, as well as fingerprint biometrics verified against a national database (as of late 2015)⁵ in order to activate a mobile connection.

It is prohibited to register more than 15 SIM cards using the same identity document. In 2017 the BTRC proposed to reduce the number of SIM cards that can be registered to any one person from 20 to 5, but mobile network operators strongly objected on the grounds that many legitimate connections would be affected. The regulator and industry subsequently negotiated a compromise of the current cap (15 SIMs per person). The BTRC regularly blocks SIM cards that have been registered in excess of this cap against the same identity document.⁶ The BTRC imposes a \$50 fine for each unregistered SIM.⁷ A 2016 legal challenge against biometric SIM registration, based on privacy grounds and concerns about access by foreign entities, was unsuccessful.⁸ In January 2019, BTRC launched an IMEI database to reduce the use of illegally imported devices.⁹

5 <https://bdnews24.com/bangladesh/2015/12/16/bangladesh-launches-registration-of-mobile-phone-sims-with-biometric-details>

6 <https://www.telecomasia.net/content/bangladesh-block-3m-registered-sims>

7 <https://www.thedailystar.net/frontpage/sim-re-registration-must-139189>

8 <https://www.dhakatribune.com/bangladesh/2016/04/13/biometric-sim-registration-legal>

9 <https://www.thedailystar.net/business/telecom/bangladesh-telecom-regulator-mobile-phone-imei-database-launched-legal-import-mobile-handset-1691311>

Legal access to SIM cards by refugees in Bangladesh is extremely challenging, namely due to a lack of access to required forms of identification. The BTRC has explicitly banned the sale of SIMs to Rohingya refugees and has criminalized the provision of previously registered SIMs to Rohingya.¹⁰ Individuals have been arrested for selling both mobile devices and SIMs to Rohingya¹¹ and mobile network operators have been warned not to provide connections to refugees in contravention of the law.¹² It has been reported that the government is currently developing a process to sell SIM cards to the Rohingyas.

Know Your Customer Rules

Bangladesh participates in the Asia/Pacific Group on Money Laundering (APG), which is an Associate Member of the Financial Action Task Force. Bangladesh's key regulation driving KYC requirements is the *Money Laundering Prevention Act, 2012*, which defines basic Customer Due Diligence requirements including customer identification and identity verification based on one of three documents: national ID card, citizenship certificate, or a driving license/passport, as well as proof of address.¹³ The Bangladesh Financial Intelligence Unit, situated within the Bangladesh Bank (the country's central bank), is responsible for enforcing compliance with the regulation. Bangladesh Bank is set to introduce an electronic Know Your Customer (eKYC) system through which bank accounts can be opened without completing paper documents.¹⁴

As with access to SIM cards, refugees in Bangladesh face severe challenges in accessing financial services. As Myanmar does not recognise their citizenship, Rohingyas have never received any form of official document from their home country to attest their identity (e.g. a passport). The Bangladesh Bank has indicated that the ID card that comes out of the UNHCR verification exercise would be sufficient to meet KYC requirements, but until the government allows refugees access to cash, this is stalled. Likewise, the WFP SCOPE platform may be deemed satisfactory for KYC, but legal restrictions on cash remain. A small number of cash pilots have been permitted on a very targeted and narrowly scoped basis.

¹⁰ <https://bdnews24.com/bangladesh/2017/09/23/bangladesh-regulator-bans-selling-mobile-sims-to-rohingya-refugees>

¹¹ <https://www.thedailystar.net/rohingya-crisis/5-rohingyas-jailed-selling-mobile-sims-1487776>

¹² <https://www.thedailystar.net/business/operators-selling-sims-rohingyas-face-action-govt-1466884>

¹³ <https://www.humanitarianresponse.info/en/operations/bangladesh/document/addressing-customer-due-diligence-obligations-promote-rohingya>

¹⁴ <https://www.thedailystar.net/business/electronic-kyc-june-1540792>

Mobile Money

According to the World Bank's Global Findex database, Bangladesh's mobile money penetration (in terms of account ownership for 15+ years old) is 21.25%. Bangladesh Bank has issued guidance for mobile money: *Regulatory Guidelines for Mobile Financial Services (MFS) in Bangladesh, 2015*, which reiterate the KYC and CDD requirements for bank accounts. In 2018, the Bangladesh Financial Intelligence Unit formed a focus group with participation from regulators, government agencies, and service providers to develop a study paper, *AML/CFT Regulations for Mobile Money: Policy Options for Bangladesh*, which identifies money laundering and terrorist financing risks for mobile money, and suggests policy recommendations, including the possibility of tiered KYC/CDD requirements.¹⁵

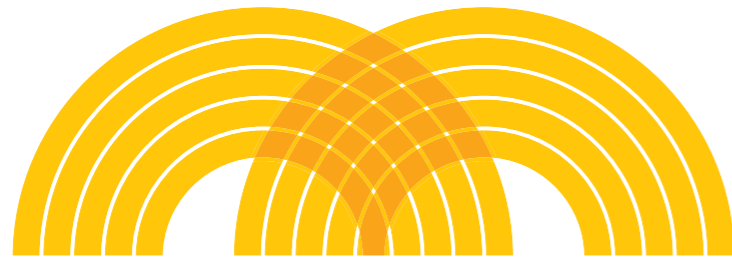
Since refugees in Bangladesh cannot legally access mobile connectivity or financial services, legal access to mobile money is also severely limited.

Data Protection

Bangladesh currently lacks a comprehensive data protection legal framework.¹⁶

¹⁵ <https://www.afi-global.org/blog/2018/08/amlcft-regulations-mobile-financial-services-mfs-policy-options-bangladesh>

¹⁶ https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/CountryDetail.aspx?country=bd



BRAZIL

91.50

ITU Regulatory
Tracker Overall
Score

79.28

GSMA Mobile
Money Regulatory
Index

Yes

Party to the
1951 Refugee
Convention

Yes

Data Protection
and Privacy
Legislation

Registration and Identification of Displaced Persons

As of mid-year 2018, the main recognized refugee populations in Brazil were: Syrian (3,164), Congolese [Democratic Republic] (1,497), Colombian (1,291), Angolan (1,128), and Palestinian (514). At the same time, the backlog of asylum claims stood at some 86,000 pending applications against 10,150 recognized refugees by the end of 2018. The asylum-seeker populations were composed mainly of the following nationalities: Venezuelan (46,776), Haitian (10,540), Senegalese (6,943), Cuban (5,670), and Angolan (4,892). The profiles of these persons of concern vary greatly.

In terms of location, asylum-seeker and refugee populations are spread throughout the country, concentrating mainly in urban areas such as São Paulo, Rio de Janeiro, Brasília, and Curitiba. Venezuelan asylum seekers mainly enter through the land border of Roraima state, Northern Brazil, where most are concentrated.

Many of these persons of concern will arrive to Brazil with identity documents from their country of origin, including passports, birth certificates, national IDs, and voter registration cards. Upon arrival to Brazil, asylum seekers receive an asylum seeker certificate (proof of refugee registration), tax identification numbers (Cadastro de Pessoa Física [CPFs]), and a work permit. As per Federal Decree No. 9277/18, upon requesting asylum, asylum seekers should receive a proof of identity called a Provisional Document of the National Migration Registry. In addition, recognized refugees are issued an identity document, formerly known as the RNE Card, which has been renamed the Carteira de Registro Nacional Migatorio.

The Government of Brazil is fully responsible for issuing these documents. The Federal Police is the national migratory authority in Brazil and is legally responsible for issuing the asylum seeker certificate, ID card, and travel documents to recognized refugees. The Ministry of Labour is responsible for issuing work permits (carteira de trabalho). The Ministry of Treasury is responsible for issuing CPFs.

Proof of address is a constant challenge for those living in irregular settlements in urban areas where formal rent is rarely attained given the high price of accommodation and extensive requirements (documents and guarantors). In the context of the Venezuela situation, where temporary shelters have been established in the state of Roraima, Northern Brazil, it is a challenge to provide proof of address for those living in such shelters (these are similar to camps but, for political reasons, the Government of Brazil has adopted a different terminology of shelters). UNHCR and partner organizations managing the shelters are issuing letters ensuring proof of address, but some banks have also asked for other documents such as proof that the partner NGO is duly managing the shelter, electricity/water bills of the shelter under the name of UNHCR or partner NGO, etc. UNHCR is working to advocate and raise awareness of the issue among banking institutions.

SIM Registration

SIM registration is legally required in Brazil following *Lei nº 10.703, de 18 de julho de 2003*, a federal law. The federal law has been followed up by state laws with additional requirements.¹⁷ A user can activate a SIM card by providing an ID number and valid CPF (for prepaid accounts). A second rule, resolution No. 477/2007 from the National Telecommunications Regulatory Agency (Agência Nacional de Telecomunicações) requires mobile service providers to also collect the user's address. Those without a CPF (e.g. foreign visitors) can contact the mobile operator's special service for non-Brazilian residents, which requires personal information such as a passport number and home address to register a SIM. Certain mobile network operators have opposed SIM registration mandates. For example, the National Association of Cell Phone Operators appealed to Brazil's Federal Supreme Court challenging the law of the state of São Paulo.¹⁸

While some persons of concern who lack a CPF may rely on friends or acquaintances to register a SIM on their behalf, in general proving identity is not the main barrier to SIM access in Brazil as most possess the required identity credentials. The biggest challenges relate to additional documentary requirements such as proof of address. Lack of awareness of legal requirements among mobile operator agents is also a barrier to access.

Know Your Customer Rules

Brazil has been a Full Member of the Financial Action Task Force since 2000. The key regulation driving AML/CFT requirements is *Lei Nº 9.613, de 3 de março de 1998*; which was updated by *Lei nº 12.683, de 2012*. *Carta Circular Nº 3.813, de 7 de abril de 2017* specifies which forms of government-issued identity documentation are required to be presented as part of the KYC/CDD process.¹⁹ The main regulatory actors are the Central Bank of Brazil and Council for Financial Activities Control (Conselho de Controle de Atividades Financeiras).

To open a bank account in Brazil, an individual must provide proof of residency (with a valid registered address), an ID number, and a CPF. While Brazilian law states that both asylum seekers and refugees should be provided with an ID number and a CPF, being formally registered to an address by way of paying rent or purchasing property remains a challenge to many persons of concern.

¹⁷ See, for example, the requirements for São Paulo: <https://www.al.sp.gov.br/repositorio/legislacao/lei/2016/lei-16269-05.07.2016.html>

¹⁸ <http://www.telesintese.com.br/operadoras-vao-ao-stf-contra-lei-de-sp-que-obriga-cadastro-de-comprador-de-celular/>

¹⁹ https://www.bcb.gov.br/pre/normativos/busca/downloadNormativo.asp?arquivo=/Lists/Normativos/Attachments/50360/C_Circ_3813_v1_O.pdf

According to the Central Bank of Brazil, as specified in *Carta Circular Nº 3.813*, the asylum-seeker certificate issued by the Federal Police is a valid proof of identity to open a bank account. However, in Brazil such documents consist of an A4 black and white piece of paper, and do not convey the appearance of officialness, creating practical challenges for asylum seekers seeking to open a bank account. It is expected that the aforementioned Federal Decree No. 9277/18 will change this situation.

In addition, UNHCR has established formal partnerships with banks in Brazil in order to facilitate access to banking services. Such partnerships aim at providing information on refugee issues and refugee law to bank agents so they are better equipped to assist this population.

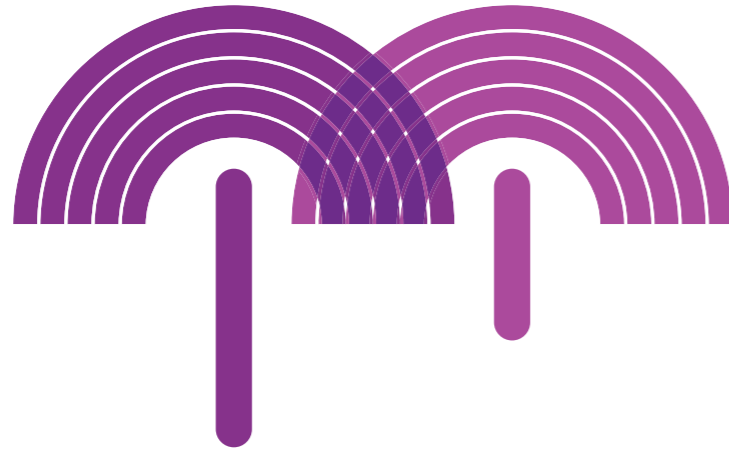
Mobile Money

According to the World Bank's Global Findex database, Brazil's mobile money penetration (in terms of account ownership for 15+ years old) is 4.84%. In 2013, Law nº 12865 and associated regulations permitted non-banks to issue e-money as payments institutions, however at present no mobile network operator in Brazil offers a traditional mobile money service.

Data Protection

As of August 2018, Brazil had a comprehensive data protection legal framework in place.²⁰

²⁰ <https://www.insideprivacy.com/international/brazils-new-general-data-privacy-law-follows-gdpr-provisions/>



BURUNDI

70.00

ITU Regulatory
Tracker Overall
Score

Yes

Party to the
1951 Refugee
Convention

75.03

GSMA Mobile
Money Regulatory
Index

No

Data Protection
and Privacy
Legislation

Registration and Identification Displaced Persons

As of 30 June 2018, there were 72,609 total refugees in Burundi (amounting to 17,638 families). The vast majority of these refugees are from the Democratic Republic of Congo (71,255 individuals). There are also 40,287 returnees (13,285 families) who have been repatriated to Burundi.

Asylum seekers will be issued a temporary residence permit by the *Commisariat General des Migrations* (CGM). The National Office for the Protection of Refugees and Stateless Persons (ONPRA in French) — UNHCR’s counterpart in the Burundi Government — issues refugee ID cards to refugees. Returnees are provided an *attestation de rapatriement* by the Department of Repatriation. Approximately 25% of returnees will hold a national ID card and 29% have a birth certificate. All heads of household receive a Voluntary Repatriation Form. All three entities (CGM, ONPRA and the Department of Repatriation) depend on the Ministry of Interior.

SIM Registration

SIM registration is required by law in Burundi and is supervised by the *Agence de Regulation et de Controle des Telecoms*. The various requirements can be found across different circulars, including:

1. *Circulaire relative à la vente des cartes SIM aux personnes non identifiées par les opérateurs mobiles,*
2. *Circulaire relative à l’enregistrement des abonnés de la téléphonie mobile; and*
3. *Circulaire relative à la désactivation des cartes SIM non enregistrées.*

According to the regulations, subscriber information must include first and last name, complete address, and the place and date of birth. A subscriber must also provide a photocopy of their national identity card or passport. Subscribers must be physically present for registration. Violation of the rules exposes a network operator to a fine of 1% of annual turnover for the previous year. If, after this financial penalty, the operator does not remedy the situation, the regulator reserves the right to suspend the operator’s license. In July 2015, all unregistered SIM cards in Burundi were blocked. In March 2016, Burundi adopted a law (Ministerial Law No. 540/356) prohibiting possession of two SIM cards from the same network operator. Article 1 of this law mandates that any person who requires dual SIM cards to seek special authorization from the regulator.²¹

Both the refugee ID card and *attestation de rapatriement* are sufficient to register a SIM card in Burundi.

²¹ <https://www.article19.org/data/files/medialibrary/38816/Joint-submission-to-the-Universal-Periodic-Review-of-Burundi-by-ARTICLE-19-and-others.pdf>

Know Your Customer Rules

Burundi is only an observer (i.e. not a full member) of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), which itself is an Associate Member of the Financial Action Task Force. Law No. 1/02 (enacted February 2008) addresses issues of AML/CFT by mandating banks and other financial institutions to report suspicious transactions.²²

In 2015, the US Department of State reported that Burundi is not considered a significant center for money laundering or terrorist financing, but cautioned that “the Government of Burundi has enacted AML/CFT legislation and become a party to relevant conventions, but has yet to commit funding, provide training, implement policies, or demonstrate the political will to counter money laundering in practice. The Bank of the Republic of Burundi, the country’s central bank, supervises and examines financial institutions for compliance with AML/CFT laws and regulations. A law requiring banks to report large deposits or transactions to authorities is not enforced. Neither the Financial Crime Unit (FCU) of the Burundian National Police nor the Financial Intelligence Unit (FIU) of the Ministry of Finance has conducted any financial investigations. Reliable information indicates the FIU is not operational and that no personnel have been assigned to the unit. Burundian law enforcement officials lack training and expertise in investigating financial crimes.”²³

An October 2017 UNHCR assessment of financial services providers in Burundi determined that refugees and returnees can access financial services with their refugee ID card and *attestation de rapatriement*, respectively.

Mobile Money

There is no data for mobile money account ownership for 15+ years old in Burundi in the World Bank’s Global Findex database. No relevant mobile money regulations have been identified. However, it is reported that a refugee ID card or *attestation de rapatriement* is sufficient to open a mobile money account in the country.

Data Protection

Burundi currently lacks a comprehensive data protection legal framework.²⁴

SIM registration is required by law in Burundi. In July 2015, all unregistered SIM cards in Burundi were blocked. In March 2016, Burundi adopted another rule prohibiting possession of two SIM cards from the same network operator.

²² https://unctad.org/en/PublicationsLibrary/dt1stict2012d2_en.pdf

²³ <https://www.state.gov/j/inl/rls/nrcrpt/2015/supplemental/239156.htm>

²⁴ https://link.springer.com/chapter/10.1007/978-3-319-47317-8_14



CAMEROON

56.00

ITU Regulatory Tracker Overall Score

Yes

Party to the 1951 Refugee Convention

72.2

GSMA Mobile Money Regulatory Index

No

Data Protection and Privacy Legislation

Registration and Identification Displaced Persons

As of 31 July 2018, Cameroon hosted 692,094 persons of concern, including 261,245 Central African refugees and 98,640 Nigerian refugees. Most of the Central African refugees live in the rural areas of the East, Adamaoua and North Cameroon (243,314), while the others (17,931) are based in the urban cities of Yaounde and Douala. 96,727 Nigerian refugees live in the Minawao Camp and in the host communities of the Far North, and 1,913 in urban areas. In addition to these refugee populations, there are also 7,659 asylum seekers, 238,099 internally displaced persons and 83,141 returnees in Cameroon. Humanitarian actors estimate that 160,000 persons are displaced in the North-West and South-West Regions.

In Cameroon, refugees are issued with refugee identity cards (acronymized as CIRs in French) by UNHCR. They thereby enjoy the same rights as Cameroonians, with the exception of the right to vote. CIRs are issued to adults aged 18 and over. The cards do not specify the exact address of the refugee, only the city in which the refugee was registered.

The head of refugee household may also receive a UNHCR-issued Family Composition Certificate (ACF in French), which is an identification document for refugee families. For travel purposes within Cameroon, an Acquis de Droit may be issued by UNHCR. A Convention Travel Document (CTD) for travel outside the country of asylum can be issued by the General Delegation for National Security. Asylum seekers have an UNHCR-issued asylum seeker's certificate, which also provides them a proof of identity and ensures their international protection.

According to Article 9 the Law of July 27, 2005,²⁵ the Cameroonian Government recognizes the documents issued by UNHCR authorizing refugees and asylum seekers to stay legally in Cameroon. These documents are the only ones refugees and asylum seekers possess as proof of identity. They are not required to produce a national identity card, passport or residence card.

SIM Registration

SIM registration is mandated by law in Cameroon. The various requirements for SIM registration can be found across a number of different texts, including:

1. *Loi 2010/013 du 21 décembre 2010 régissant les communications électroniques au Cameroun, Décret N° 2012/1637/PM du 14 Juin 2012 fixant les modalités d'identification des abonnés et des terminaux;*
2. *Décret N° 2015/3759 du 03 septembre 2015 fixant les modalités d'identification des abonnés et des équipements terminaux des réseaux de communications électroniques,* and
3. *Décision 112-2016/ART/DG/DT du 15 juin 2016 définissant la procédure de dérogation à la limitation du nombre de modules d'identité d'abonné.* Registration of SIMs is overseen by the *Agence de Regulation des Telecommunications.*

²⁵ <https://www.iiste.org/Journals/index.php/JLPG/article/viewFile/23516/23922>

Valid documents for SIM registration include a national identity card (or receipt for an application thereof), passport, residence permit or refugee identity card (CIR). Thus, those refugees who have been issued with a CIR can legally register a SIM. By law, subscribers are allowed to register up to three SIM cards per operator.²⁶ Orange and MTN reportedly deactivated close to 3 million SIM cards in 2016.²⁷ Nonetheless, in 2017, the regulator fined MTN \$6.6m USD for infringing SIM registration regulations, in addition to reducing its operating licence by one year.²⁸

Know Your Customer Rules

Cameroon participates in the *Groupe d'Action contre le blanchiment d'Argent en Afrique Centrale* (GABAC), which is an Associate Member of the Financial Action Task Force. Cameroon's AML laws came into effect in 2005. Its KYC requirements include the verification of the identity and address of the customer by reference to official identification documentation. Identity documents are photocopied after a visual check — independent verification is not required.²⁹ The relevant regulator is the *Banque des États de l'Afrique Centrale (BEAC)*, which is a central bank that serves six central African countries. The US Department of State has recommended that “The Government of Cameroon, including the National Agency for Financial Investigation, Cameroon's financial intelligence unit, should continue to work with GABAC to implement an effective AML/CFT regime in line with international standards.”³⁰

While the *CIR* has been deemed a legally valid form of identity documentation for opening a bank account in Cameroon, refugees often face difficulties with some banking institutions. Refugees and asylum seekers' complaints relate to the lack of knowledge by financial institutions regarding the validity of refugee documentation. As a result, some have not been able to conduct transactions with banks or money transfer institutions.

Mobile Money

According to the World Bank's Global Findex database, Cameroon's mobile money penetration (in terms of account ownership for 15+ years old) is 15.14%. The BEAC's *Reglement N° 01/11 CEMAC/UMAC/CM Relatif a L'Exercice de L'Activite D'Emission de Monnaie Electronique* governs the use of mobile money in the country.

Refugees in Cameroon tend to transact through mobile money centers that agree to register them based on the *CIR*. When mobile money registration is refused on identification grounds, UNHCR sometimes intervenes to advocate on behalf of refugees.

Data Protection

Cameroon currently lacks a comprehensive data protection legal framework.

²⁶ <https://www.art.cm/fr/content/foire-aux-questions>

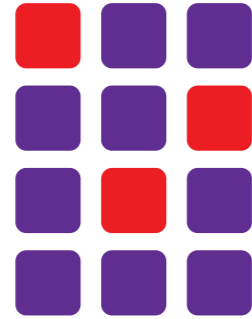
²⁷ <https://www.businessincameroon.com/telecom/0907-6365-since-1st-july-2016-orange-and-mtn-cameroun-deactivated-close-to-3-million-unregistered-sim-cards>

²⁸ <https://www.businessincameroon.com/telecom/0312-7612-telecom-regulator-imposes-mtn-cameroon-a-cfa3-5-billion-fine-and-reduces-its-license-s-duration-by-a-year>

²⁹ <https://www.pwc.com/gx/en/financial-services/publications/assets/pwc-anti-money-laundering-2016.pdf>

³⁰ <https://www.state.gov/j/inl/rls/nrcrpt/2014/supplemental/227748.htm>

Refugees in Cameroon often face difficulties with banking institutions lacking knowledge of the validity of refugee ID documentation. As a result, some have not been able to conduct transactions with banks or money transfer institutions.



CENTRAL AFRICAN REPUBLIC

51.33

ITU Regulatory
Tracker Overall
Score

Yes

Party to the
1951 Refugee
Convention

70.72

GSMA Mobile
Money Regulatory
Index

No

Data Protection
and Privacy
Legislation

Registration and Identification Displaced Persons

As of 30 November 2018, there were 6,947 refugees and asylum seekers in Central African Republic (CAR), of which 2,574 were from South Sudan, 1,790 were from the Democratic Republic of Congo (DRC), 1,709 were from Chad, 530 were from Sudan, and 344 were from other countries. These persons of concern mainly live in six cities as follows: Bangui: 2,317 (33.35%), Obo: 2,607 (37.53%), Ndele: 1,427 (14.88%), Bambari: 205 (2.95%), Mboki: 359 (5.17%), Rafai: 32 (0.46 %).

From January to November 2018, the UNHCR office in CAR facilitated the voluntary repatriation of 3,724 Central African refugees (3,536 from Congo Brazzaville, 86 from Benin, 45 from Cameroon and 57 from other countries). At the same time, a total of 103,841 Central African refugees spontaneously repatriated and have been registered by UNHCR field offices, coming from Cameroon and Chad.

Refugees are provided with an ID card once recognized by the National Eligibility Commission or after their registration (i.e. South Sudanese under 'prima facie' arrangements), while an attestation de demandeur d'asile is given to asylum seekers until they receive their recognition decision. The refugee ID card is a biometric document with a barcode that includes the holder's personal data. Both the refugee ID card and attestation de demandeur d'asile are official CAR identity documents (bearing a UNHCR logo).

Returnees will arrive in possession of a UNHCR-issued Voluntary Repatriation Forms (VRF), which will be collected by UNHCR upon their arrival to CAR. Returnees who do not hold a CAR national ID card upon arrival are provided with a déclaration de perte de carte d'identité for an initial period of three months to enable them to apply for a new ID card.

SIM Registration

SIM registration is required by law in Central African Republic as mandated in *Decision N° 012/2015/ART/DG of 03 November 2015*³¹. A further notice, issued by the Ministry of Post and Telecommunications in 10 July 2017, outlines the process for disconnecting unregistered SIMs: *Portant désactivation des numéros d'utilisateurs de cartes SIM non identifiées en République Centrafricaine*. SIM registration compliance is supervised by the *Agence de Régulation des Télécommunications*.

When SIM registration was first mooted in 2014 for national security reasons, the initiative faced a particular challenge: many citizens in rural areas lacked any form of identification. At the time, to circumvent such problems, it was suggested that Azur (the country's largest MNO) allow those subscribers without an ID to register their details as long as they were accompanied by a sponsor with identity documentation.³²

³¹ The document is not publicly available, making it very difficult to identify the exact identification requirements for SIM registration in CAR

³² <https://www.telegeography.com/products/commsupdate/articles/2014/07/31/sim-registration-process-gets-underway-in-the-car/>

The refugee ID card can be used to activate a SIM card. Returnees who have been issued a national ID card may also register a SIM. The *declaration de perte de carte d'identité* may also be used to buy a SIM, which can be subsequently registered.

Know Your Customer Rules

Central African Republic participates in the *Groupe d'Action contre le blanchiment d'Argent en Afrique Centrale (GABAC)*, which is an Associate Member of the Financial Action Task Force. The relevant regulator is the *Banque des États de l'Afrique Centrale (BEAC)*, which is a central bank that serves six central African countries.

In 2015, the U.S. Department of State observed that: "Oversight and enforcement of AML laws and regulations are lax in most areas of governance in the Central African Republic. The government lacks the capacity and political will to supervise financial activity and enforce legislation, and the responsibility to do so is ill-defined among the relevant enforcement bodies. The CAR has taken steps to establish a financial intelligence unit, but it is not operational due to lack of funding and staff. There is little expertise to investigate financial crimes. The Gendarmerie does have a financial crimes investigation unit, but it is unclear how many cases it processes in a given year."³³

The refugee ID card can be used to open up a bank account in CAR. Returnees who have been issued a national ID card may also open a bank account.

Mobile Money

There is no data for mobile money account ownership for 15+ years old in CAR in the World Bank's Global Findex database. The BEAC's *Reglement N° 01/11 CEMAC/UMAC/CM Relatif a L'Exercice de L'Activite D'Emission de Monnaie Electronique* governs the use of mobile money in the country.

Currently in CAR, only one of four MNOs (Orange) provides mobile money accounts to customers. UNHCR is currently not using the mobile money modality for cash-based interventions.

Data Protection

CAR currently lacks a comprehensive data protection legal framework.

When SIM registration was first mooted in 2014 for national security reasons, the initiative faced a particular challenge: many citizens in rural areas lacked any form of ID. To circumvent such problems, it was suggested the country's largest MNO allow subscribers who did not have an ID to register their details if they were accompanied by a sponsor with ID credentials.

³³ <https://www.state.gov/j/inl/rls/nrcrpt/2015/supplemental/239162.htm>



CHAD

58.67

ITU Regulatory Tracker Overall Score

Yes

Party to the 1951 Refugee Convention

71.80

GSMA Mobile Money Regulatory Index

Yes

Data Protection and Privacy Legislation

Registration and Identification Displaced Persons

As of 31 November 2018, there were 657,999 persons of concern in Chad. 454,664 of these were refugees and asylum seekers, and 162,755 were returnees and Internally Displaced Persons (IDPs) from Lake Chad. The majority of refugees in Chad are Sudanese (338,591), who are mainly based in the East, and Central African (103,499), who are located in N'Djamena and camps in the South.

The main forms of identification issued to asylum seekers and refugees in Chad are refugee attestations (a family-level document), refugee ID cards (issued to adult individuals), and asylum seeker attestations issued to asylum seekers. All these documents are issued by the *Commission Nationale d'Accueil de Réinsertion des Réfugiés et des Rapatriés* (CNARR), part of the Chad Government, in collaboration with UNHCR. UNHCR works closely with the Chadian government to issue national ID cards to returnees located in the South of Chad.

As of September 2018, advocacy was ongoing to persuade the government to treat refugee ID cards like Chadian national ID cards, thus satisfying KYC requirements for opening bank accounts. Two financial institutions have started to accept the refugee ID card as meeting KYC requirements.

SIM Registration

SIM registration is required by law in Chad. The relevant regulation is *L'arrêté N°040/MPTIC/10 du 12/11/2010*³⁴. The *Ministère des Postes et des Nouvelles Technologies de l'Information* and the *Autorité de Régulation des Communications Électroniques et des Postes* are involved in oversight of SIM registration.

While details of the exact regulatory requirements are sparse, a 2016 GSMA report notes that in Chad it is possible to register a SIM in one's name without providing proof of identity as long as someone with a formal identity document is willing to serve as a sponsor. This is due to the fact that very many people lack sufficient identity documentation. There is also a requirement to provide a photocopy of one's identity document. While the availability of identity documents is often a concern, producing photocopies is arguably more challenging, particularly outside urban areas where access to both electricity and photocopiers can be severely limited.³⁵

Previously, refugees were not allowed to obtain SIM cards using their refugee ID card and were thus forced to resort to informal methods such as having a local sponsor register on their behalf. However, it is now the case that mobile network operators accept refugee ID cards as valid proof of identity. Refugees who lack a refugee ID card can be endorsed by those who have a refugee ID card at the family level for SIM card registration. Asylum seekers have no access to SIM cards. Returnees can access a SIM card only if they have been issued with a national ID card.

³⁴ The document is not publicly available, making it very difficult to identify the exact identification requirements for SIM registration in Chad.

³⁵ https://www.gsma.com/publicpolicy/wp-content/uploads/2016/04/GSMA2016_Report_MandatoryRegistrationOfPrepaidSIMCards.pdf

Know Your Customer Rules

Chad participates in the *Groupe d'Action contre le blanchiment d'Argent en Afrique Centrale* (GABAC), which is an Associate Member of the Financial Action Task Force. The relevant regulator is the *Banque des États de l'Afrique Centrale (BEAC)*, which is a central bank that serves six central African countries.

In 2015 the U.S. State Department noted that: “Chad’s financial services sector is small and relatively underdeveloped. Chad’s economy is predominantly cash-based, with relatively few transactions passing through formal financial institutions. Only five percent of the Chadian population uses formal banking services.”³⁶

Until recently, no financial institution in Chad accepted refugee ID cards in order to open a bank account. Refugees could only open an account if they still possessed a passport or national ID card from their country of origin. However, two financial institutions (UBA and ECOBAN) now accept the refugee ID card as proof of identity for financial services.

Mobile Money

According to the World Bank’s Global Findex database, Chad’s mobile money penetration (in terms of account ownership for 15+ years old) is 15.23%. The BEAC’s *Reglement N° 01/11 CEMAC/UMAC/CM Relatif a L'Exercice de L'Activite D'Emission de Monnaie Electronique* governs the use of mobile money in the country.

Mobile money accounts are not well-developed in Chad, but mobile network operators have created ways to transfer and receive money via mobile phone numbers. Mobile money is an option included in SIM card packages. Airtel Money and Tigo Cash are the options adopted by mobile operators to allow money transactions, such as mobile money accounts and transferring/receiving cash, without any additional proof of identity.

Data Protection

Chad has a data protection legal framework, *Law 007/PR/2015 on the Protection of Personal Data*³⁷, which regulates and provides some protections for the public and private sector processing of personal information.³⁸

Until recently, no financial institution in Chad accepted refugee ID cards in order to open a bank account. Refugees could only open an account if they still possessed a passport or national ID card from their country of origin. However, two financial institutions now accept the refugee ID card as proof of ID for financial services.

³⁶ <https://www.state.gov/j/in/rls/nrcrpt/2015/supplemental/239163.htm>

³⁷ https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/CountryDetail.aspx?country=td

³⁸ <https://juriafrique.com/eng/2016/11/16/chad-sets-up-a-personal-data-protection-device/>



DEMOCRATIC REPUBLIC OF CONGO

79.33

ITU Regulatory
Tracker Overall
Score

Yes

Party to the
1951 Refugee
Convention

73.70

GSMA Mobile
Money Regulatory
Index

No

Data Protection
and Privacy
Legislation

Registration and Identification Displaced Persons

As of September 2018, the Democratic Republic of Congo (DRC) had a refugee population of 536,221, comprised of 217,766 Rwandans, 176,654 Central Africans, 93,995 South Sudanese, 46,512 Burundians, 658 Congolese (Republic of Congo), 490 Angolans, and 146 Sudanese. It also had 20 returnees.

These persons of concerns have uneven access to a wide range of identification documentation depending on their nationality. These documents include pre-registration tokens (jointly issued by the National Commission for Refugees (CNR) and Directorate General for Migration), refugee attestations/certificates (jointly issued by CNR and UNHCR), refugee ID cards (jointly issued by CNR and UNHCR), UNHCR/WFP ration cards, birth certificates (issued by CNR), national ID cards from their home country, passports from their home country, voter cards from their home country (namely those from the Central African Republic), UNHCR Voluntary Repatriation Forms for Congolese returnees, and household proof of registration (issued by Commissioner for Refugees/Ministry of Home Affairs and UNHCR).

Only the refugee ID card permits refugees legal access to mobile connectivity and financial services in DRC. UNHCR started issuing these ID cards last year. In 2017, they covered Burundians and other nationalities and have focused on Central Africans in 2018. They will cover South Sudanese in 2019.

SIM Registration

SIM registration is required by law in the Democratic Republic of Congo. The Ministère des Postes et Nouvelles Technologies de la Communication issued Arrêté ministériel n° CAB/VPN/MIN/PNTC/LKNG/vx/023/2012 du 08 mars 2012 relatif à la lutte contre la fraude Télécoms en République Démocratique du Congo, which states in Article 4 that operators are required to record and archive a proof of identity that is legally valid for any new mobile subscription.

In 2015, the DRC government forced Vodacom to disconnect millions of unregistered SIM cards. This saw Vodacom lose almost 3.3 million customers quarter-on-quarter in the country, costing the operator about \$300,000 USD a month in lost revenue. As at 31 March 2016, Vodacom had 8.5 million customers in the DRC, a 24% drop from the year before.³⁹

Refugee ID cards are sufficient to legally prove identity to register a SIM card, as are national ID cards, passports, and voter cards (from refugees' home countries).

Know Your Customer Rules

The Democratic Republic of Congo participates in the Groupe d'Action contre le blanchiment d'Argent en Afrique Centrale (GABAC), which is an Associate Member of the Financial Action Task Force. The key regulator is the Central Bank of Congo.

³⁹ <https://www.itweb.co.za/content/2j5alrvQElevpYQk>

A 2015 U.S. Department of State report noted that: “The National Financial Intelligence Unit (CENAREF), the DRC’s financial intelligence unit, is responsible for analyzing, investigating, and disseminating information regarding suspected cases of money laundering or terrorism financing. CENAREF also conducts periodic studies and advises the Government of the DRC on how to advance its AML/CFT regime. Limited resources hamper the DRC’s ability to enforce AML laws and regulations, and local institutions and personnel lack training and capacity. A weak judicial system also impedes enforcement of AML regulations.”⁴⁰

Refugee ID cards are sufficient to legally prove identity to open a bank account, as are national ID cards and passports (from refugees’ home countries).

Mobile Money

According to the World Bank’s Global Findex database, DRC’s mobile money penetration (in terms of account ownership for 15+ years old) is 16.10%. In December 2011, the Central Bank of Congo released a regulatory framework on electronic money: Directive #24 Relating to the Issuance of Electronic Money and Electronic Money Institutions.⁴¹

As of 2014, according to the GSMA, the maximum value that could be stored in a mobile money account in DRC was \$3,000 USD, with maximum daily transaction limits of \$100 USD or \$500 USD (depending on the account type) and a \$2,500 USD monthly limit. As the DRC does not have a national identification system in place, KYC procedures were developed based on a two-tier system for customer due diligence (CDD). Tier one account holders can transact up to \$100 USD (or a maximum amount set by the operator below the legal limit of \$500 USD) without full due diligence. CDD is based on the Mobile Subscriber Integrated Services Digital Network Number (MSISDN) and information stored by the MNO during SIM registration. When the customer signs up for the entry level mobile money account, s/he self-certifies an identity and the provider records the person’s name and address. Full CDD is required to transfer up to the maximum legal limit of \$500 USD per day. Customer identification documents, such as a passport, voter card or driving licence must be physically verified and customers are required to complete an application form and attach a copy of their photo ID.⁴²

Refugee ID cards are also sufficient to legally prove identity to open a mobile money account, as are national ID cards, passports and voter cards (from refugees’ home countries).

Data Protection

The Democratic Republic of Congo currently lacks a comprehensive data protection legal framework.⁴³

Refugee ID cards are sufficient to legally prove identity to register a SIM card, open a bank account, and activate a mobile money wallet.

⁴⁰ <https://www.state.gov/j/inl/rls/nrcrpt/2015/supplemental/239169.htm>

⁴¹ See Annex 1 of this GSMA report: <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2014/04/Enabling-Mobile-Money-Policies-in-the-Democratic-Republic-Of-Congo.pdf>

⁴² <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2014/04/Enabling-Mobile-Money-Policies-in-the-Democratic-Republic-Of-Congo.pdf>

⁴³ <https://cipesa.org/2017/06/dr-congo-parliament-urged-to-pass-laws-that-support-citizens-rights-online/>



ETHIOPIA

26.00

ITU Regulatory
Tracker Overall
Score

Yes

Party to the
1951 Refugee
Convention

65.83

GSMA Mobile
Money Regulatory
Index

No

Data Protection
and Privacy
Legislation

Registration and Identification of Displaced Persons

As of 31 July 2018, the main refugee and asylum-seeker populations in Ethiopia comprised of 446,711 South Sudanese (48.1% of the population), 256,929 Somalis (27.7%), 172,798 Eritreans (18.6%), 44,414 Sudanese (4.8%), 1,872 Yemenis (0.2%), and 5,939 other nationalities (0.6%). These persons of concern will hold a UNHCR proof of registration (a family-level document), and in some cases those over the age of 14 years old will have been issued a refugee ID card jointly issued by the Administration for Refugee-Returnee Affairs (ARRA) and UNHCR. ARRA takes the lead role and is responsible for the printing, issuing, reprinting, and verification of refugee ID cards. UNHCR is responsible for the referral of eligible refugees and provides material and technical support, as required.

The card has a validity of three years and contains biographical information (including an ID number, full name, year of birth, sex, nationality, place and date of issuance, expiry date, and address) and a photograph. To date, only 2% of individuals aged 14 years and above have been issued a refugee ID card; possession of ration cards is much more common. UNHCR intends to continue referring eligible refugees for ID cards through 2020, with a view to including biometrics from 2021.

SIM Registration

SIM registration is required by law as captured in *Proclamation No. 761/2012: Telecom Fraud Offence* (see section 10 on Other Offences). Overseen by the Ministry of Communication and Information Technology and executed by the state monopoly telecommunications provider, EthioTelecom, SIM registration rules require individuals to provide their full name, address, government-issued identification number, and a photograph upon purchase of a SIM from EthioTelecom or an authorized reseller.

These efforts are ongoing in conjunction with an IMEI registration program known as the national Equipment Identity Registration System (EIRS). In 2017, it was estimated that over 4m devices would be disconnected as a result of the implementation of the EIRS.⁴⁴ A Freedom House report from 2017 suggested that “EthioTelecom’s database of SIM registrants enables the government to terminate individuals’ SIM cards and restrict them from registering for new ones.”⁴⁵

In this context, only refugees and asylum seekers who have been issued with an ARRA/UNHCR ID card can legally register a SIM card. Advocacy is ongoing to encourage EthioTelecom to continue to accept the ID card for the purpose of legally obtaining a SIM. In practice, however, informal workarounds are common and refugees find ways of accessing mobile connectivity.

⁴⁴ <https://www.thereporterethiopia.com/content/new-system-make-4-mln-mobile-phones-defective>

⁴⁵ <https://freedomhouse.org/report/freedom-net/2017/ethiopia>

Know Your Customer Rules

Ethiopia participates in the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), which is an Associate Member of the Financial Action Task Force. Overseen by the National Bank of Ethiopia, the country's key regulations driving KYC requirements are the *Prevention and Suppression of Money Laundering and the Financing of Terrorism Proclamation No. 657/2009 and Customer Due Diligence of Banks Directives No. SBB/46/2010*. Section 4 of the latter regulation outlines the Customer Identification and Due Diligence requirements, including verification of the customer's identity based on "as much as possible reliable, independent source documents, data or information". Identification requirements for natural persons include at a minimum:

1. given or legal name and all other names used;
2. permanent address;
3. telephone number, fax number and e-mail address, if available;
4. date and place of birth, if possible;
5. nationality;
6. occupation, public position held and/or name of employer;
7. type of account, and;
8. signed statement certifying accuracy of the information provided.

In October 2017, the European Union blacklisted Ethiopia due to money laundering and terrorist financing concerns.⁴⁶

Opening bank accounts has been relatively easy for Addis urban refugees as they collect their monthly allowance from the Commercial Bank of Ethiopia using accounts in their own name.

Mobile Money

According to the World Bank's Global Findex database, Ethiopia's mobile money penetration (in terms of account ownership for 15+ years old) is .32%. The National Bank of Ethiopia has issued guidance relevant to mobile money: *Regulation of Mobile and Agent Banking Services Directives No. FIS/01/2012*, which reaffirms the KYC and CDD requirements found in *Prevention and Suppression of Money Laundering and the Financing of Terrorism Proclamation No. 657/2009* and *Customer Due Diligence of Banks Directives No. SBB/46/2010*.

Opening a mobile money account in Ethiopia is a multi-step process. Prospective clients must first obtain an EthioTelecom SIM. Once a SIM is purchased, clients then apply for their account with the bank or MFI that offers mobile money services. This process requires presentation of a second copy of a national ID document and a photo. These processes dissuade clients with a casual interest in the service, or who lack required documentation.⁴⁷

Data Protection

Ethiopia currently lacks a comprehensive data protection legal framework.⁴⁸

⁴⁶ <https://addisfortune.net/articles/eu-lists-ethiopia-over-money-laundering>

⁴⁷ <https://www.mercycorps.org/research/can-e-transfers-promote-financial-inclusion-emergency-three-case-studies>

⁴⁸ https://link.springer.com/chapter/10.1007/978-3-319-47317-8_7

Opening bank accounts has been relatively easy for Addis urban refugees as they collect their monthly allowance from the Commercial Bank of Ethiopia using accounts in their own name.



JORDAN

82.50

ITU Regulatory
Tracker Overall
Score

86.96

GSMA Mobile
Money Regulatory
Index

No

Party to the
1951 Refugee
Convention

Draft

Data Protection
and Privacy
Legislation

Registration and Identification of Displaced Persons

As of December 2018, UNHCR had registered 761,100 persons of concern in Jordan, including 671,074 Syrians, 67,425 Iraqis, 14,104 Yemenis, 5,885 Sudanese, 799 Somalis, and 1,813 other nationalities. The total asylum seeker population is 48,490, mainly comprised of Iraqis and Yemenis. The total refugee population is 709,902, mainly comprised of Syrians and Iraqis. Eighty-one percent of Syrians are based in urban locations while the remaining 19% of Syrians are located in camps. Other groups are predominantly located in Amman: Iraqis (88%), Sudanese (87%), Somalis (94.6), Yemenis: (75%), and other nationalities (79%).

Syrians based in camps will possess a proof of registration (issued by UNHCR) and those in urban settings commonly hold asylum seeker certificates (also issued by UNHCR), as well as Ministry of Interior cards (issued by the Syrian Refugee Affairs Department within the Jordanian Ministry of Interior) and, in some cases, a Syrian national identity card or passport. Work permits are an additional form of documentation for Syrian refugees who were given access to formal work in Jordan in 2016. As of 31 November 2018, over 125,000 work permits have been issued by the Ministry of Labor (or one of its Employment Centers) to Syrian refugees since February 2016. Each worker will have a unique number recorded in the Ministry of Labor database, in addition to other fields, including their UNHCR identification number.

Non-Syrians may hold asylum seeker certificates (issued by UNHCR) or passports or other identity documents from their country of origin.

SIM Registration

SIM registration is required by law in Jordan as detailed in the *Instructions for Regulating the Function of Points of Sale of Mobile Phone Lines (2015)* and subsequent amendments (2017, 2018). Overseen by the Telecommunications Regulatory Commission, the requirements differ for Jordanians and non-Jordanians. Jordanian citizens must provide a national ID or proof of military service, and a photograph. Non-Jordanians must provide one of the following documents, also with a photograph:

1. Work permit, residence permit or active passport;
2. identity card or active passport for people from the Gaza Strip;
3. tourist visa or active passport for tourists;
4. active security card or passport for citizens of exempt states (including Syria) of the Residential and Foreign Affairs Law, or;
5. entry permits for workers in the ocean transport sector coming from Aqaba's borders.

Non-Jordanians may only register up to three lines in their name from each operator, whereas a Jordanian can register 10 lines in their name per operator. Jordan is in the process of upgrading its SIM registration procedure to include biometrics.⁴⁹

⁴⁹ https://trc.gov.jo/DetailsPage/TRC_AR/TenderAr.aspx?ID=127

Based on the above-mentioned requirements, refugees may legally obtain a Jordanian SIM card if they provide a passport, work permit, residency permit or a Ministry of Interior (MOI) card (issued to Syrian refugees only). For new arrivals who lack identity documentation, these requirements prolong the process for acquiring a SIM card. Asylum seekers of other nationalities are not provided with MOI cards and often lack passports or other forms of identification beyond the UNHCR registration certificate (asylum seeker certificate). This creates a barrier to legally accessing mobile connectivity. Another obstacle to SIM access in Jordan relates to pricing schemes. In most cases, it is cheaper to purchase a new SIM than it is to top up an existing one, which means that a person's mobile number will frequently change.

For purposes of connectivity and communication, in 2014 UNHCR began distributing a dedicated SIM card to all persons of concern. This SIM does not expire, even if it is not recharged. Refugees can use the SIM to receive messages from UNHCR or to contact the UNHCR's call center for free, without needing credit on the account. The SIM card is owned by UNHCR with the individual's name listed on a sub-account, to identify the account holder and to allow the user to upgrade services and data as desired.

Know Your Customer Rules

Jordan participates in the Middle East and North Africa Financial Action Task Force (MENAFATF), which is an Associate Member of the Financial Action Task Force. Jordan's key regulation driving KYC requirements is the *Anti-Money Laundering and Counter Terrorist Financing Law*. The *Anti-Money Laundering and Counter Terrorist Financing Instructions No. 51/2010* specify procedures for identifying and verifying the identity of a natural person, to include a consideration of the following: full name of the customer, nationality, permanent address, phone number, work address, type of activity, purpose of business relationship and its intended nature, names and nationalities of persons authorized to manage the account and any information the bank deems necessary. KYC regulations are overseen by the Central Bank of Jordan and monitored by the Anti Money Laundering & Counter Terrorist Financing Unit.

Jordanians need a national ID card as well as a utility bill as a proof of address to open a bank account. Non-Jordanians need a valid passport. However, in practice, due to minimum balance requirements to access services, the share of Jordanian adults with an account is 33.1% and refugees have much lower access and usage levels at 7.5%.⁵⁰

Most refugees and asylum-seekers do not own valid (non-expired) passports, therefore refugee access to bank accounts is limited. UNHCR and other humanitarian agencies providing cash assistance in Jordan resort to opening virtual accounts for refugees. These accounts are legally owned by the agencies and the virtual account acts as a cash transfer mechanism. No other banking services are offered under a virtual account. While this facilitates cash assistance and enhances financial literacy (i.e. how to use debit cards and ATMs), such an approach falls short of being financially inclusive as it does not allow for management of the family's budget, nor does it provide access to broader financial services.

⁵⁰ Financial Inclusion Diagnostic Study in Jordan, 2017 <http://www.cbj.gov.jo/EchoBusv3.0/SystemAssets/PDFs/2018/Financial%20Inclusion%20Diagnostic%20Study%20in%20Jordan%202017.pdf>

Mobile Money

According to the World Bank's Global Findex database, Jordan's mobile money penetration (in terms of account ownership) in 2016 was 1.06%. Prior to 2013, mobile money services had to comply with the Central Bank of Jordan's 2010 circular on mobile payments, which was quite restrictive.⁵¹ The Central Bank published a new regulatory framework for mobile money in December 2013, which came into effect in March 2014 and was amended in June 2017. Uptake of mobile money is still low.

Non-Jordanians need to present a valid passport or a Ministry of Interior (MOI) card to register for a mobile wallet account. The Government of Jordan provides the MOI card only to Syrian refugees, allowing Syrians to open a mobile wallet account through one of the five licensed payment service providers in Jordan. Asylum seekers from other countries of origin are not provided with an MOI card, and therefore if they do not possess a valid passport, they cannot access a mobile wallet account.

Data Protection

Jordan currently lacks a comprehensive data protection legal framework, though the Ministry of Communications did submit a draft data protection bill in 2014.⁵²

⁵¹ https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2016/12/GSMA-case-study_Jordan_2016.pdf

⁵² <https://privacyinternational.org/state-privacy/1004/state-privacy-jordan#dataprotection>



KENYA

87.50

ITU Regulatory
Tracker Overall
Score

79.24

GSMA Mobile
Money Regulatory
Index

YES

Party to the
1951 Refugee
Convention

DRAFT

Data Protection
and Privacy
Legislation

Registration and Identification of Displaced Persons

As of 30 September 2018, Kenya hosted 468,261 registered refugees and asylum seekers located across three areas: Dadaab (a camp with a population of 208,595), Kakuma (a camp with a population of 186,384), and urban areas (namely Nairobi; population: 73,282). These people have been displaced from a number of different countries, including: Somalia (256,300), South Sudan (114,862), Congo (40,214), Ethiopia (27,553), Burundi (13,020), Sudan (10,090), Uganda (2,376), Rwanda (1,706), Eritrea (1,477) and elsewhere (663).

Few refugees in Kenya hold passports or ID cards from their countries of origin.⁵³ A plethora of other identity documents may be available to these populations, all of which are issued by the Refugee Affairs Secretariat: new asylum seekers may hold a Government of Kenya proof of registration document, an asylum seeker pass, and/or a movement pass. Likewise, new refugees may hold a Government of Kenya proof of registration document, minor pass, proof of application for a refugee ID card, and/or a movement pass.

The most significant document in terms of facilitating legal access to different services is the refugee ID card, which is processed by the National Refugee Bureau through the Refugee Affairs Secretariat and issued to officially recognized refugees over the age of 18. The refugee ID card is sometimes referred to an alien card. Previously, UNHCR had issued a Mandate Refugee Certificate (MRC) in the absence of Government of Kenya documentation, but has since stopped and handed the responsibility of issuing identity documentation to the Kenyan Government.

It is worth noting that the National Registration Bureau does not retain the same ID number when renewing or reissuing a refugee ID card, creating problems for card holders.

SIM Registration

SIM registration is required by law in Kenya as specified in the *Kenya Information and Communications (Registration of SIM-Cards) Regulations, 2015*. The policy is overseen by the Communications Authority of Kenya. Identity requirements for prepaid subscribers differ based on one's nationality.⁵⁴ Kenya citizens must provide one of the following proofs of identity: original identity card, original and valid passport, original service card for a member of the Kenya Defense Forces, or original birth certificate. For a Kenyan citizen not in possession of an original identification document, a police abstract and a certified copy of an identification document will suffice. For East African residents, an original national identity card, original passport, original East African passport or any other original and valid registration documents acceptable as national identification documents in the country of domicile will suffice. For foreign nationals, an original and valid passport or original alien card is required.

⁵³ https://hrp.law.harvard.edu/wp-content/uploads/2017/11/recognising-nairobis-refugees_nrc_ihrc_november2017_embargoed.pdf

⁵⁴ <https://africa.airtel.com/wps/wcm/connect/africarevamp/Kenya/home/customer-care/Customer-registration/>

In 2018 the Communications Authority of Kenya conducted a ‘forensic audit’ of SIM registration⁵⁵ across different mobile network operators, which led to the deactivation of hundreds of thousands of incorrectly registered SIM cards.⁵⁶ At the time, the regulator warned⁵⁷ that “telcos who will not have complied with the directive risk fines of up to 0.2 per cent of their annual sales.”

In this context, only displaced persons who hold an official refugee ID card are able to legally register a SIM. Those lacking the required identification often obtain SIMs through proxies such as Kenyan friends and neighbors. It has been reported that some people still use the UNHCR Mandate Refugee Certificate, which remains widely recognized by institutions despite no longer having legal validity.

Know Your Customer Rules

Kenya participates in the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), which is an Associate Member of the Financial Action Task Force. Supervised by the Central Bank of Kenya, the key regulation driving KYC requirements is *The Proceeds of Crime and Anti-Money Laundering Act 2009*, which was last revised in 2014. Section 4 sets out the obligations to verify customer identity requiring “an official record reasonably capable of establishing the true identity of the applicant”, which lists as examples: a) birth certificate, b) national identity card, c) driver’s licence, d) passport or e) “any other official means of identification as may be prescribed”. Proof of address is also verified by a referee or utility bill. Compliance with these rules is enforced by the Financial Reporting Centre.

The Kenyan Government-issued refugee ID card should be sufficient for refugees to open a bank account in Kenya, however in practice many face challenges due to varying bank/financial institution policies and practices, including requiring applicants to provide a work permit and/or Kenya Revenue Authority (KRA) PIN. This is sometimes resolved by UNHCR approaching these institutions to clarify the legal requirements. At least one financial institution (Equity Bank) has created special procedures for refugees to be able to access financial services in Kakuma.⁵⁸ It has been reported that some refugees who cannot access formal banking services have resorted to “banking at home” (i.e. keeping cash hidden in their homes, thereby increasing their vulnerability to theft).⁵⁹

55 <https://ca.go.ke/wp-content/uploads/2018/09/Press-Statement-on-Forensic-Audit-on-SIM-Card-Registration1.pdf>

56 <https://www.nation.co.ke/business/Telcos-switch-off-thousands-of-fraudulent-SIM-cards/996-4774238-nv5xvu/index.html>

57 <https://www.nation.co.ke/business/Telcos-switch-off-thousands-of-fraudulent-SIM-cards/996-4774238-nv5xvu/index.html>

58 <https://businesstoday.co.ke/equity-banks-kakuma-refugees/>

59 https://hrp.law.harvard.edu/wp-content/uploads/2017/11/recognising-nairobis-refugees_nrc_ihrc_november2017_embargoed.pdf

Mobile Money

According to the World Bank’s Global Findex database, Kenya’s mobile money penetration (in terms of account ownership for 15+ years old) is 72.93%. The Central Bank of Kenya has issued guidance for mobile money: *E-money Regulation, 2013*, which states that “issuers shall put in place systems to maintain accurate and complete records of... the identity of e-money holders”. Safaricom’s M-PESA KYC procedure lists the alien card as an acceptable proof of identity.⁶⁰

Data Protection

On 3 July 2018, a draft *Data Protection Bill* was introduced that would establish a comprehensive data protection regime in Kenya. The bill would require “banks, telecommunications operators, utilities, private and public companies, and individuals” to obtain data subjects’ consent before collecting and processing their personal data. It would also impose certain data security obligations related to the collection, processing, and storage of data, while placing restrictions on third-party data transfers.⁶¹

60 <https://safaricom.amlawareness.com/documents/Safaricom%20M-PESA%20KYC%20procedure.pdf>

61 <https://www.lexology.com/library/detail.aspx?q=9d6d54da-b907-4495-a7e6-116ca884d76c>



LEBANON

41.67

ITU Regulatory
Tracker Overall
Score

No

GSMA Mobile
Money Regulatory
Index

No

Party to the
1951 Refugee
Convention

No

Data Protection
and Privacy
Legislation

Registration and Identification of Displaced Persons

Lebanon hosts refugees and asylum seekers mainly from Syria, and in smaller numbers, from Iraq and other countries. As of the end of July 2018, there were 976,002 Syrian refugees and asylum seekers in Lebanon (amounting to 222,412 households) and 20,039 people from other countries (amounting to 7,714 households).

The majority of refugees and asylum seekers in Lebanon approach UNHCR carrying official identity documents from their country of origin, namely national ID cards and/or passports, in addition to family booklets and individual civil extracts, especially in the case of refugees and asylum seekers from Syria. Those newly born in the country of asylum (Lebanon) will be issued Lebanese birth certificates.

In addition, UNHCR issues refugees and asylum seekers from Syria and other countries either a registration, asylum seeker or refugee Certificate depending on their nationality and/or legal status with UNHCR. All refugees and asylum seekers are also granted a barcode token, including their case number and corresponding barcode, which assists partners with their rapid identification in the Assistance Information System as persons known to UNHCR. The aforementioned certificates and barcode tokens are not considered official identity documents, but rather proof of registration with UNHCR Lebanon.

SIM Registration

SIM registration is required by law in Lebanon and is overseen by the Telecommunications Regulatory Authority. By law, subscribers are required to present an ID card or passport and have a photo taken when purchasing a SIM. The government is considering introducing a biometric verification component to SIM registration.⁶² IMEI registration requirements also exist in parallel but have been sporadically enforced.⁶³

While identification requirements for SIM registration are regularly enforced in official Alfa or Touch shops, it is common practice to purchase SIM cards from agents without providing proof of identity, for both Lebanese and foreigners.

The main barrier to accessing mobile connectivity in Lebanon is the high fees of maintaining a SIM. Lebanon's mobile charges are the highest in the MENA region. In 2017, the Minister of Telecommunications announced new prices for activating certain mobile SIM cards. A basic prepaid SIM card on either Touch or Alfa networks can now be bought for \$3 to \$5 USD compared to the previous initial cost of up to \$25 USD. The reduced fee has made access to connectivity easier and fewer refugees are changing SIM cards (and phone numbers) compared to 2016. However, depending on the SIM bundle purchased, the costs can remain high. On average, a package of only 500 MB costs around \$10 USD, while a 5 or 10 GB package can cost \$30 to \$50 USD.

⁶² <https://www.plus961.com/2017/12/lebanon-to-introduce-biometric-verification-for-sim-cards/>

⁶³ <https://www.plus961.com/2018/09/dual-sim-phones-and-mandatory-imei-registration-in-lebanon>

In 2015, UNHCR approached the Ministry of Telecommunication to propose a reduced package for refugees with a SIM card provided by UNHCR, mainly to allow refugees to keep their phone numbers and maintain permanent contact with the agency. However, the proposal was not considered. With the lower fees announced by the Government in 2017, fewer refugees are changing their phone numbers and, through ongoing awareness-raising efforts, since October 2017 some 22,000 families have informed UNHCR of a change of phone number through a specific call center managed in partnership with WFP.

Know Your Customer Rules

Lebanon participates in the Middle East and North Africa Financial Action Task Force (MENAFATF), which is an Associate Member of the Financial Action Task Force. Lebanon's key regulations driving KYC requirements are *Law 318 Fighting Money Laundering*⁶⁴ and *Basic Circular No. 83 Addressed to Banks and also to Financial Institutions*. Article 3 of Section II of *Basic Circular No. 83* addresses relations with customers and due diligence measures, including identification requirements, which specify that a passport, identity card, individual civil registration or residence permit must be provided, as well as proof of address.

Populations of concerns regularly face obstacles in opening bank accounts aside from proving their identity: requirements for proving sources of income and residency have proven to be barriers. For this reason, UNHCR has facilitated access to banking services by issuing prepaid cash cards to beneficiaries under the name and control of UNHCR. The card can be used by designated agencies to provide assistance, however there are restrictions on the range of permissible transactions, which exclude the following: receiving deposits from other individuals, receiving remittances, online purchases, transferring funds to other accounts, etc.

Mobile Money

There is no data for mobile money account ownership for 15+ years old in Lebanon in the World Bank's Global Findex database. No mobile money-specific regulation has been identified for Lebanon, though *Intermediate Circular No. 393* bans all banking operations from being executed through portable or fixed electronic devices between clients of different banks unless they are to receive money transfers. These money transfers cannot take place using an application or any other program installed on the client's device but can only be executed through the traditional SWIFT (Society for Worldwide Interbank Financial Telecommunication) network adopted by commercial banks.⁶⁵ Currently, neither of Lebanon's mobile network operators (Alfa and Touch) offer cash wallets within the SIM that would enable the transfer of cash or use of mobile to pay to merchants. Mobile payments are offered by some banks but they are directly linked to individual bank accounts.

Data Protection

Lebanon currently lacks a comprehensive data protection legal framework.⁶⁶

⁶⁴ <https://www.emeraldinsight.com/doi/abs/10.1108/13685201311318467>

⁶⁵ <https://blog.blominvestbank.com/8573/central-bank-of-lebanon-regulating-electronic-money-transfers/>

⁶⁶ https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/CountryDetail.aspx?country=lb

Populations of concerns regularly face obstacles in opening bank accounts aside from proving their identity: requirements for proving sources of income and residency have proven to be barriers.



MAURITANIA

75.00

ITU Regulatory
Tracker Overall
Score

Yes

Party to the
1951 Refugee
Convention

33.25

GSMA Mobile
Money Regulatory
Index

No

Data Protection
and Privacy
Legislation

Registration and Identification of Displaced Persons

Malian refugees in Mauritania are recognized on a prima facie basis, as per a regional agreement. These refugees are mostly accommodated in one camp in the Hodh Elchargui region (Wilaya) in the arid southeastern corner of the country. At the end of November 2018, Mbera refugee camp, situated in the department (*moughataa*) of Bassikounou, hosted a total of 55,866 refugees. During the first six months of 2018 alone, UNHCR registered more than 5,000 new arrivals at Mbera camp. No voluntary return to Mali has been facilitated since November 2017. Given the current security environment, UNHCR considers that the conditions in Mali are not conducive to promote the return of refugees.

In urban areas UNHCR assists and protects some 2,504 asylum seekers and refugees (as of the end of November 2018) in Nouakchott and Nouhadibou (mainly from Cote d'Ivoire, Syria, and the Central African Republic). Since 2014, the numbers of new asylum seekers have risen by approximately 600 new arrivals annually and by more than 900 in 2018.

In the absence of national legislation, UNHCR continues to register all asylum applications in urban settings and conduct refugee status determination. At the end of registration, the office issues a certificate of asylum application valid for six months pending finalization of the Refugee Status Determination procedure. If, at the end of this procedure, the person is recognized as a refugee, they will obtain a refugee ID card valid for one year renewable.

In Bassikounou, UNHCR has worked with the Government of Mauritania to agree to jointly issue IDs to the Malian refugees of Mbera camp, a decision that UNHCR expects to be extended to urban refugees in 2019. In the meantime, UNHCR issues asylum seeker certificates and refugee ID cards in urban areas (Nouakchott and Nouadhibou). It is important to note that urban refugees face challenges obtaining National Identity Numbers. Some who have been in Mauritania for an extended period have managed to get one, but it is an inconsistent practice, particularly for recent arrivals.

As yet, there is no asylum law in Mauritania, so refugees are not officially recognized by the government. This impacts on their capacity to fully and effectively enjoy their rights.

SIM Registration

SIM registration is required by law in Mauritania. The relevant legal mandate is the *Decision du Conseil National de Régulation N° 38*.

Overseen by the *Autorité de Régulation*, SIM registration requires the presentation of a valid identification document with the subscriber's photo or an official document bearing the National Identity Number and the exact address at the time of subscription. One may only register a "reasonable number" of SIM cards in one's name. In 2017, three Mauritanian MNOs (Mauritel, Mattel and Chinguitel) were fined a combined \$1.2m USD for SIM registration errors. As of February 2017, nearly 400,000 unregistered SIMs had been deactivated by the MNOs.⁶⁷

Persons of concern can legally register a SIM card if they have been issued a National Identity Number, though informal workarounds for accessing SIMs are common. However, these unregistered SIM cards are often only valid for a few months and the risk is that the Mauritanian authorities suddenly decide to deactivate all unregistered SIMs.

Know Your Customer Rules

Mauritania participates in the Middle East and North Africa Financial Action Task Force (MENAFATF), which is an Associate Member of the Financial Action Task Force. The key financial regulators are the Central Bank of Mauritania, Office of the Inspector General of the State and the Financial Information Analysis Commission (CANIF), the country's financial intelligence unit.⁶⁸

A May 2018 MENAFATF mutual evaluation report was fairly critical of KYC/CDD measures in Mauritania's financial sector, noting that "Mauritania's due diligence measures are basic." The implementation of procedures varies across banks, but have been deemed generally deficient. Although the proportion of foreign residents living in Mauritania is low, it was also found that banks lack the necessary identification and verification procedures in the case of foreign customers.⁶⁹ The US Department of State has recommended that "the Government of the Islamic Republic of Mauritania should take steps to expand reporting and KYC requirements to additional financial and non-financial entities, as well as take steps to enforce compliance with existing mandatory reporting requirements."⁷⁰

Persons of concern can legally open a bank account if they have been issued a National Identity Number and can provide proof of address. It is worth noting that those who live in a camp will have a recorded address in UNHCR's databases. Those based in urban settings are expected to provide their current address to UNHCR, though traditionally this population has proven to be more mobile. One bank (La Poste) sometimes agrees to open bank accounts for foreigners who do not hold a National Identity Number, but do possess a valid passport.

67 <https://www.telegeography.com/products/commsupdate/articles/2017/02/17/mauritanian-cellcos-fined-for-sim-registration-errors/>

68 <https://www.state.gov/j/in/rls/nrcrpt/2015/supplemental/239256.html>

69 https://www.menafatf.org/sites/default/files/Newsletter/Mauritania.MER_en_.pdf

70 <https://www.state.gov/j/in/rls/nrcrpt/2015/supplemental/239256.html>

Mobile Money

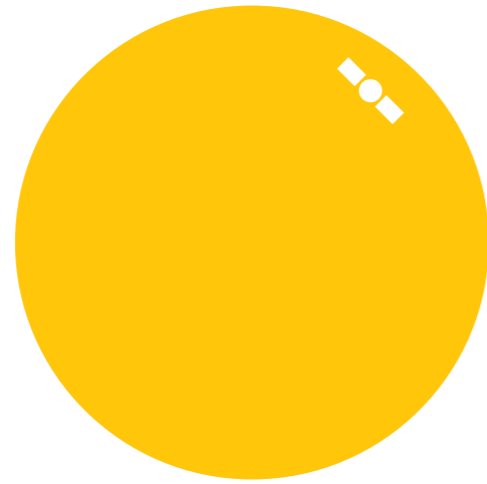
According to the World Bank's Global Findex database, Mauritania's mobile money penetration (in terms of account ownership for 15+ years old) is 4.01%. Mobicash – the only mobile money service in Mauritania, launched in 2015 by Mauritel – is used only by a small segment of the population since there exist faster and more effective informal ways to transfer money. No relevant mobile money regulations were identified through the research.

Data Protection

Mauritania currently lacks a comprehensive data protection legal framework⁷¹, though the Law of July 11, 1999, on Telecommunications does make a reference to data protection.⁷²

71 https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/CountryDetail.aspx?country=mr

72 <https://wipolex.wipo.int/en/text/475490>



NIGER

23.00

ITU Regulatory Tracker Overall Score

79.96

GSMA Mobile Money Regulatory Index

Yes

Party to the 1951 Refugee Convention

Yes

Data Protection and Privacy Legislation

Registration and Identification Displaced Persons

As of July 2018, the Malian refugee caseload registered in Niger was 58,035 individuals with the following breakdown by location: 11,250 in Tabareybarey Camp, 16,152 in Abala Camp, 8,294 in Mangaize Camp, 18,071 in the Intikane area, 3,766 in Niamey, and 502 in Ayorou town.

Niger also has a caseload of asylum seekers and refugees from other nationalities, who are mainly based in Niamey, where Refugee Status Determination is carried out. Within the context of mixed migration, the caseload of asylum seekers is expected to increase with the referral system in place between UNHCR and IOM. In 2018, UNHCR strengthened its presence in Agadez following the opening of a sub-office and individually registered 2,013 persons of concern as others of concern (88%) and asylum seekers (12%).

Towards the end of 2017, UNHCR Niger and UNHCR Libya opened a new chapter in the Emergency Transit Mechanism (ETM), which allows released persons of concern from Libyan detention centres to be relocated to Niger. Hence, by mid-year 2018, 1,536 asylum seekers had found refuge in Niamey under the ETM process.

Since the beginning of 2018, the region of Tillabery has witnessed gradually forced displacement of nationals in the communes bordering Mali. There were 1,500 IDPs in the beginning of the year, reaching 15,000 in July. This caseload is expected to be registered at individual level to ease protection and assistance activities. Registration in proGres and biometric enrolment is expected whenever the budgetary and security situations permit.

Registration and biometric enrolment of the forced displacement in the Diffa region, targeting over 250,000 persons of concern, started in September 2017 and stopped in March 2018 with a coverage of 80% of the initial figures. According to the latest government figures, in July 2018, 118,868 refugees, 104,288 IDPs, 25,731 returnees, and 940 asylum seekers reside in the Diffa region.

In this context, persons of concern will be issued with different documents depending on their status: IDPs and returnees will be issued a UNHCR proof of registration that includes a photograph and biographical data for all members of a household. Asylum seeker certificates are issued to asylum seekers; all members of a household appear individually on the certificate with photographic and biographical data. These certificates are issued by UNHCR for cases of the Emergency Transit Mechanism (ETM) and by the Government of Niger for the rest of the caseload. A refugee attestation lists all members of a refugee household including their photographs and biographical data. These are issued jointly by the Government of Niger and UNHCR, except the 'mandate' refugee attestation, which is issued only by UNHCR.⁷³ Finally, a Government of Niger-issued refugee ID card is available to all refugees above 13 years old.

⁷³ So far in Niger, this attestation has only been issued to a very few cases recognized as refugees by UNHCR Libya

SIM Registration

SIM registration is required by law in Niger. The key regulation from the *Ministre de la Communication et des Nouvelles technologies de l'information* is *Décret N° 2012-433/PRN/MC/NTI/MISP/D/AR/MJ of October 4, 2012*, which calls for the following subscriber information to be recorded at the point of sale: 1) first and last name, 2) address, 3) date and place of birth, 4) type of identification provided, 5) identification number and date of issue, and 6) the authority which issued the document. A copy of the identification document provided during registration must also be archived. SIM registration is overseen by *Autorité de Régulation des Télécommunications et de la Poste*.

In November 2013, the regulator disconnected one-third of Niger's mobile phone connections (1.7 million of 5.4 million mobile subscriptions), which had not been registered by deadline of the government mandate.⁷⁴

Mobile network operators accept Niger Government-issued refugee attestations and refugee ID cards as proof of identity. In the case of the ETM response, where refugees are not from ECOWAS countries and are only in Niger on a very temporary basis, UNHCR registers SIMs in the organization's name and then distributes the cards to beneficiaries in order to facilitate access to communication and mobile money. UNHCR is the official custodian of these SIM cards. The SIM card can be reallocated whenever the person leaves Niger.

Know Your Customer Rules

Niger participates in the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), which is an Associate Member of the Financial Action Task Force. Supervised by the *Banque Centrale des États de l'Afrique de l'Ouest (BCEAO)*, specific details on Niger's KYC regulations have been hard to discern from public sources. That said, a 2015 U.S. Department of State report notes that "the Government of Niger's AML/CFT laws are not in full compliance with international standards. Although addressed in the AML/CFT laws, customer due diligence procedures for designated non-financial businesses and professions (DNFBPs) have not been implemented. The Government of Niger should continue to improve its AML/CFT regime in conjunction with regional partners and international donors. It also should ensure its laws are fully implemented, to include the enforcement of KYC and reporting requirements for all DNFBPs."⁷⁵

As with SIM cards, financial service providers accept Niger Government-issued refugee attestations and refugee ID cards as proof of identity to open a bank account.

⁷⁴ <https://www.telecompaper.com/news/niger-cuts-off-one-third-of-mobile-phone-users-to-curb-crime--982456>

⁷⁵ <https://www.state.gov/j/inl/rls/nrcrpt/2015/supplemental/239273.html>

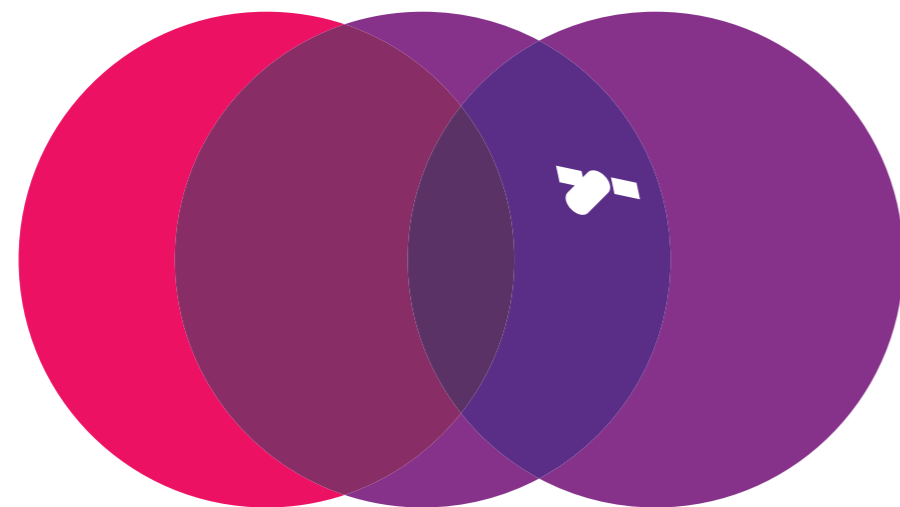
Mobile Money

According to the World Bank's Global Findex database, Niger's mobile money penetration (in terms of account ownership for 15+ years old) is 8.72%. No relevant mobile money regulations were identified during the research. Mobile money providers accept Niger Government-issued refugee attestations and refugee ID cards as proof of identity.

Data Protection

Niger has a data protection law: *Loi sur la protection des données à caractère personnel*.⁷⁶

⁷⁶ https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/CountryDetail.aspx?country=ne



NIGERIA

78.33

ITU Regulatory Tracker Overall Score

65.67

GSMA Mobile Money Regulatory Index

Yes

Party to the 1951 Refugee Convention

Yes

Data Protection and Privacy Legislation

Registration and Identification Displaced Persons

Nigeria's urban refugee population totals 2,063 and has the following profile: 619 Congolese (Democratic Republic), 414 Central African, 191 Syrians, 162 Turkish, 139 Cameroonians, and 538 other nationalities. These refugees are located across Lagos, Ijebu-Ode, Abuja, Kano, and other cities.

As of 15 November, 2018, there were also 30,933 Cameroonians located in Cross River, Benue, Taraba, and Akwa-Ibom.

The Nigerian returnee population is 30,945 and is mainly located in Borno State. UNHCR is aware of other returnees in locations in the Akwa Ibom, and Cross River States in the Southern parts of the countries as well as in Kano, North West Nigeria, but their figures have yet to be captured.

In this context, persons of concerns may possess different forms of identity documentation based on their country of origin and status. Apart from passports issued by the country of origin of some refugees (which they may still hold), the Nigerian Government (namely the National Commission for Refugees, Migrants and Internally Displaced Persons) and UNHCR jointly issue refugee certificates and refugee ID cards to refugees. National Identity Numbers (NINs) have been issued to a small group of urban refugees in Lagos State (310 to date). As of January 2019, a NIN is a legal requirement for accessing mobile connectivity and financial services.⁷⁷

SIM Registration

SIM registration is required by law in Nigeria. The *Nigerian Communications Commission (Registration of Telephone Subscribers) Regulations, 2011* provide the legal mandate for SIM registration in the country. While the regulation itself is rather vague as concerns specific identification requirements, in practice subscribers are expected to provide a valid form of ID and biometrics to register a SIM card. Confusingly, the exact MNO requirements differ slightly across operators, which is partly the result of Nigeria not having a widely adopted national identity system. For example, MTN accepts any of the following documents for SIM registration: International Passport, Voter's Card, Driver's License, National ID Card, Valid Student ID Card, E-tax Card, or a letter of authentication by a traditional ruler/community leader.⁷⁸ A January 1, 2019 deadline has been set by the Federal Government for the mandatory use of the National Identification Number (NIN) for SIM registration.⁷⁹

⁷⁷ <https://guardian.ng/technology/nimc-operators-strategise-on-january-2019-nin-deadline/>

⁷⁸ <https://mtnonline.com/simregistration>

⁷⁹ <https://guardian.ng/technology/nimc-operators-strategise-on-january-2019-nin-deadline/>

MTN Nigeria was famously fined \$5.2 billion USD in October 2015 for failing to deactivate more than 5 million unregistered SIM cards. The fine was later reduced after a prolonged negotiation with both the regulator and federal government.⁸⁰ Despite these huge penalties, lax SIM registration practices persist in Nigeria, raising national security concerns.⁸¹ In addition, the Nigerian Communications Commission has publicly chastised the use of unregistered SIMs to facilitate a form of telecommunications fraud known as SIM boxing by which calls made through the Internet are redirected onto mobile networks via machines that house SIM cards (thereby avoiding payment of call termination fees).⁸² To address these various concerns, in November 2017 the NCC initiated a task force to investigate SIM registration irregularities.⁸³ Further regulatory activity in this area is to be expected.

For refugees, a refugee identity card is legally sufficient identity documentation to register a SIM card (though in practice often no identity document is requested by agents). However, due to persistent uncertainty as regards which forms of identification are legally valid for SIM registration, particularly for refugees, in September 2018, the National Commission for Refugees, Migrants and Internally Displaced Persons sent a letter to the National Communications Commission (NCC) requesting that the NCC invoke its power under Section 5384 of the Nigerian Communications Act to issue a directive to mobile service providers to accept for the purpose of SIM registration the valid identity cards issued to refugees. In its October 2018 response, the NCC clarified that National Identification Number (NIN) legal requirement also applies to displaced persons.

Know Your Customer Rules

Nigeria participates in the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), which is an Associate Member of the Financial Action Task Force. Supervised by the Central Bank of Nigeria, the key regulations driving KYC requirements are the *Money Laundering (Prohibition) Act, 2011* and *Money Laundering (Prohibition) (Amendment) Act, 2012*.

A January 2013 circular (FPR/DIRCIRGEN/02/001) introduced three-tier KYC requirements for access to financial services in Nigeria “in order to promote financial inclusion”. The circular lists the customer identification requirements for low-value accounts as follows: 1) passport photograph, 2) name, place, and date of birth, and 3) gender, address, telephone number, etc. Importantly, it explicitly notes that “evidence of information provided by customer or verification of same is not required”. Medium-value and high-value accounts have more stringent identification requirements, including identity verification against official databases (the circular explicitly lists the following databases against which identities can be verified: NMIC [National Identity Management Commission], Independent National Electoral Commission, Voters Register, Federal Road Safety Commission, etc.). Compliance with KYC rules is enforced by the Nigerian Financial Intelligence Unit.

80 <https://www.itnewsafrica.com/2018/02/mtn-still-owes-609-million-of-nigerian-mega-fine/>

81 <https://guardian.ng/business-services/sale-use-of-pre-registered-sim-cards-booms-despite-fines-arrests/>

82 <https://thenationonlineng.net/un-masking-calls/>

83 <https://www.premiumtimesng.com/business/business-news/248108-ncc-sets-taskforce-improper-sim-registration.html>

84 Section 53 states that the NCC may issue directions in writing to any person regarding the compliance or non-compliance of any licence conditions or provisions of the Act or its subsidiary legislation.

To open a bank account, a refugee identity card is normally sufficient. This follows complaints from refugees about difficulties in opening bank accounts, which triggered one of UNHCR’s livelihood partners to make representations to certain banks, which now allow urban refugees to open bank accounts with refugee identity cards. For the persons of concern under the SO Calabar operation, one of the banks opens accounts without any identification documentation. Discussions with banks facilitated by UNHCR in conjunction with the National Commission for Refugees, Migrants and Internally Displaced Persons are underway to address KYC requirements and barriers for displaced persons.

Mobile Money

According to the World Bank’s Global Findex database, Nigeria’s mobile money penetration (in terms of account ownership for 15+ years old) is 5.61%. A 2018 report on mobile money in Nigeria noted that “financial inclusion in Nigeria... has gone backward as the regulator blocked network operators from applying for mobile-money licenses that would allow cash transfers without the need for a bank account.”⁸⁵

The *Regulatory Framework for Mobile Money Services in Nigeria and Guidelines on Mobile Money Services in Nigeria* provide regulatory guidance on mobile money. As far as KYC requirements are concerned, the relevant document is Circular FPR/DIRCIRGEN/02/001, which also applies to mobile money. The maximum mobile money transaction limits increase as one moves from low-value to high-value accounts.

Persons of concern who possess SIM cards are also able to obtain mobile money accounts upon request.

Data Protection

Nigeria currently lacks a comprehensive data protection legal framework⁸⁶, though a draft *Data Protection and Privacy Bill, 2018* has been proposed.⁸⁷

85 <https://www.bloomberg.com/news/articles/2018-07-18/nigerians-bury-cash-in-backyard-banks-as-mobile-money-stumbles>

86 <https://www.dlapiperdataprotection.com/index.html?t=law&c=NG>

87 https://www.justice.gov.ng/images/Justice_doc/DATA_PROTECTION_AND_PRIVACY_BILL_2018.pdf



RWANDA

70.33

ITU Regulatory
Tracker Overall
Score

Yes

Party to the
1951 Refugee
Convention

88.93

GSMA Mobile
Money Regulatory
Index

Yes

Data Protection
and Privacy
Legislation

Registration and Identification of Displaced Persons

As of 30 September 2018, Rwanda had a displaced population of 150,604, of which 145,311 were refugees and 5,293 were asylum seekers. The main countries of origin for displaced persons in Rwanda are Burundi (47.3%) and the Democratic Republic of Congo (52.3%), with 0.4% originating from elsewhere.

The extent to which refugees hold documents issued by their country of origin varies and depends on the refugee profile (originating from rural or urban areas) and the time of displacement (recent or protracted caseload). Refugees in Rwanda hold a proof of registration issued by UNHCR through the proGres database. Some refugees hold refugee ID cards issued by the Government of Rwanda (i.e. the National Identification Agency (NIDA)). At the moment, 40% of Congolese refugees and 1% of Burundian refugees hold a Rwandan Government-issued refugee ID card.

An ongoing verification exercise is being carried out jointly by UNHCR and the Government of Rwanda (including the following government bodies: Ministry of Disaster Management and Refugee Affairs, Directorate General of Immigration and Emigration, and NIDA), and is planned to be finalized during the first trimester of 2019. The exercise has been completed in Kigali, Huye and Gihembe, is ongoing in Nyabiheke, and is pending in Kigeme, Kiziba, Mahama, and Mugombwa. Once the refugee population is verified by UNHCR and the Government of Rwanda, new refugee ID cards will be issued by the Government of Rwanda (NIDA). Refugees who have obtained Rwandan national IDs during their displacement to Rwanda may also use the verification exercise to clarify their legal status.

Returnees receive their Rwandan national IDs issued by the Government of Rwanda (NIDA) upon arrival to Rwanda and following successful verification. This can take on average 3-5 months.

SIM Registration

SIM registration is required by law in Rwanda as specified in the *Regulations on SIM Card Registration* and is supervised by the Rwanda Utilities and Regulatory Authority (RURA). For Rwandan nationals, a valid national ID is required, listing the following details a) name, b) date of birth, c) sex, d) ID number, and e) place of issue. For foreigners, an “original travel document” is required according to the regulation. MTN, one of the main network operators, thus captures a subscriber’s a) name, b) date of birth, c) nationality, d) travel document type, e) validity, and f) place of issue, along with a copy of the document.⁸⁸ Notably, the English version of the MTN SIM registration form for foreigners includes “Refugee (without ID card)” as a customer type, as well as an option for UNHCR identification document number (as a travel document). From January 31, 2019, RURA will not allow subscribers to register more than three SIM cards in their name.⁸⁹

⁸⁸ <https://www.mtn.co.rw/Content/Pages/191/index.php>

⁸⁹ <https://www.newtimes.co.rw/opinions/editorial-limiting-number-sim-cards-fine>

As regards refugee access to SIM cards, in practice the situation differs across urban and camp settings. In urban settings, refugees are able to buy a SIM card at the MTN centers using their UNHCR proof of registration. MTN centre staff in Kigali and Huye explained that it is not possible for refugees to buy SIM cards from the agents operating on the streets with their proof of registration or with any foreign document (including passports), because agents can only register documents issued by the Rwandan authorities, e.g. Rwandan IDs and refugee ID cards (issued by NIDA).

For this reason, some refugees are believed to resort to asking others to buy a SIM card under their name. No such challenges appear to be present in and around camps. For example, in Mahama, MTN agents inside and around the camps sell SIMs to refugees who only hold proof of registration. In the host community around Mahama camp, the MTN agents collect the photocopies of the proofs of registration of refugees who want to buy SIM cards and deliver them to the nearest MTN center, so that the SIM card can be activated.

For returnees who have yet to receive their national ID card, UNHCR conducts a bulk activation of Airtel SIM cards registered in the organization's name. Once the returnee obtains the ID card, they are informed that they need to go and present it at an Airtel location to update the registration data.

In light of growing SIM-related fraud, including SIM boxing⁹⁰, identity fraud, and phishing, the Rwanda Utilities and Regulatory Authority has announced that it will introduce new SIM card registration regulations. The current regulation does not sufficiently restrict the maximum of SIMs a person can register in his/her name — a perceived loophole. Other concerns relate to lax registration practices by MNO agents.⁹¹

Know Your Customer Rules

Rwanda participates in the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), which is an Associate Member of the Financial Action Task Force. Supervised by the National Bank of Rwanda, the key regulations driving KYC requirements are the *Guidelines to Banks on Anti-Money Laundering and Combating Financing Terrorism* and *Directive 001/FIU/2015* of the Financial Investigation Unit. The Directive list the identification requirements for opening a bank account, including a national ID card, passport or driving license for residents. Non-residents must provide a passport, laissez-passer or ID “where applicable” (see Appendix 2).

In this context, refugees face difficulties in opening bank accounts with their proof of registration. Only Equity Bank accepts the proof of registration for opening a bank account, and in any case only upon confirmation by UNHCR, which verifies that the profiles exist and are active.

⁹⁰ ‘SIM boxing’ is a form of telecommunications fraud by which calls made via the Internet are redirected onto mobile networks via machines that house SIM cards (thereby avoiding payment of call termination fees)

⁹¹ <https://www.newtimes.co.rw/section/read/228159>

While refugee ID cards are normally accepted by banks, there are reported cases in which refugees met barriers when attempting to use these forms of identification to open accounts. Moreover, since very few refugees have such documents, barriers remain, though it is hoped that the ongoing verification exercise will result in refugee ID cards being distributed to all verified refugees, thereby improving access to banking services.

UNHCR has been partnering with Financial Sector Deepening Africa, which recently released the report “Refugees and their Money”.⁹² The study demonstrates the business case for financial service providers to profitably serve refugees in the country and encouraged a number of providers to pilot financial products and services for refugees in camps. The Government of Rwanda has been supporting the process by informing stakeholders of the validity of refugees’ proof of registration as a valid document to satisfy KYC requirements and open bank accounts.⁹³

Mobile Money

According to the World Bank’s Global Findex database, Rwanda’s mobile money penetration (in terms of account ownership for 15+ years old) is 31.11%. The National Bank of Rwanda has enacted *Regulation No. 08/2016 Governing the Electronic Money Issuers*⁹⁴, which reiterates the core identification requirements for opening a bank account above. “MNOs are required to respect KYC rules prior to opening accounts — in practice a national identification card is required to register for mobile money.”⁹⁵

As such, refugees continue to face barriers to accessing mobile money. Mobile money agents from different operators are present in all the camps. However, while cash assistance to returnees is still based on mobile money transfers, UNHCR and WFP no longer use mobile money, but rather smart cards, for cash assistance in refugee settings.

Data Protection

Rwanda currently lacks a comprehensive data protection legal framework⁹⁶, though the country’s ICT law does include some privacy protections.⁹⁷

⁹² <https://www.fsdafrica.org/knowledge-hub/documents/refugees-and-their-money-assessing-the-business-case-for-providing-financial-services-to-refugees/>

⁹³ <https://www.afi-global.org/blog/2018/06/advancing-financial-inclusion-refugees-through-inclusive-market-system-approach>

⁹⁴ <https://juriafrigue.com/eng/2017/01/27/rwanda-national-bank-the-governor-enacts-new-standards-for-issuers-of-electronic-money/>

⁹⁵ <https://www.theigc.org/wp-content/uploads/2013/08/Argent-Et-AI-2013-Working-Paper.pdf>

⁹⁶ <https://privacyinternational.org/sites/default/files/2017-12/PI%20Rwanda%20submission.pdf>

⁹⁷ <https://www.newtimes.co.rw/section/read/207958>



TANZANIA

80.00

ITU Regulatory
Tracker Overall
Score

78.17

GSMA Mobile
Money Regulatory
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No

Party to the
1951 Refugee
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Registration and Identification of Displaced Persons

As of 30 November 2018, Tanzania had 327,723 persons of concern registered by UNHCR (amounting to 100,980 households), mainly from Burundi (74.1%) and the Democratic Republic of Congo (25.7%). 285,078 of these were based in three camps across northwest Tanzania (Nyarugusu, Nduta, and Mtendeli). Asylum seekers and refugees will have been issued a proof of registration jointly by UNHCR and the Tanzanian Ministry of Home Affairs, which governs the refugee camps.

The Tanzanian National Identification Authority (NIDA) is currently rolling out a national identity scheme intended to become Tanzania's foundational identification system. NIDA has piloted registration of 8,000 Congolese refugees in Nyarugusu Camp in preparation for the issuance of ID cards. However, the roll out of ID cards has been suspended reportedly due to the lack of funding. In the interim, advocacy is ongoing to encourage the Tanzanian Government to recognize proof of registration as a legally valid document for accessing mobile connectivity and certain forms of financial services.

SIM Registration

SIM registration is required by law in Tanzania as laid out in *The Electronic and Postal Communications Act, 2010*. Section 93 specifies the registration requirements for SIM cards as follows: (a) the full name of the potential subscriber, (b) identity card number **or any other document which proves identity of the potential subscriber**, and (c) address. In practice, potential subscribers are expected to provide one of the following forms of identification to register a SIM: Tanzania national ID, Tanzania voter ID, Tanzania driver's license, passport, or a Zanzibar residential ID.

In July 2017, the Tanzania Communications Regulatory Authority fined six network operators for violating subscriber registration rules.⁹⁸ The Authority is considering implementing biometrics within the SIM registration program to combat fraud and crime⁹⁹, with a pilot ongoing.¹⁰⁰

While the proof of registration has been used to register SIMs inside camps, these lines are regularly deactivated following a grace period of 30 days presumably due to documentation issues. Agents are reportedly informing refugees that they can no longer accept proof of registration to satisfy identification requirements for SIM registration and have advised refugees to ask Tanzanian nationals to register phone lines on their behalf, a practice that could expose persons of concern to harm.

⁹⁸ <https://www.itnewsafrika.com/2017/07/six-tanzanian-operators-fined-for-flouting-sim-registration-rules/>

⁹⁹ <https://allafrica.com/stories/201803020351.html>

¹⁰⁰ <https://www.planetbiometrics.com/article-details/i/6905/Desc/tanzania-launches-biometric-sim-registration/>

Know Your Customer Rules

Tanzania participates in the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), which is an Associate Member of the Financial Action Task Force. The key regulation driving KYC requirements is the *Anti-Money Laundering Act, 2006*. The country's Financial Intelligence Unit has issued *Guidelines for the Verification of Customers' Identities*, which specify in considerable detail the identification requirements for opening bank accounts (Chapter 2).

Among these requirements are "official documents such as passport, birth certificate, identity card, voter registration card, driving license, business license, affidavit/assurance from government official, attorney, magistrate, **or any other document with such information obtained from any other credible independent source**". The *Guidelines* also state that in case a person is unable to produce an official identity document, "reporting persons must be satisfied that the customer has an acceptable reason for being unable to produce an official identity document" and "may accept any other alternative valid and unexpired documents of an equivalent nature which may be produced as satisfactory evidence of customers' identity bearing a) a recent photograph of that person and b) official letter or document issued by a government official or advocate adequately identifying that person". Proof of permanent address is also confirmed in a similar fashion ("utility bills, bank statement, a letter from a public authority or embassy or consular office, recent lease or rental agreement **or any other document which bear [sic] such information and which is obtained from any credible independent source**"). The applicant's Tax Identification Number must also be verified by comparing the number with a document issued by the Tanzania Revenue Authority.

As with connectivity, refugees in Tanzania are unable to open a bank account in their own name due to their lack of recognized identification documentation. Nonetheless, two commercial banks present in Kasulu, CRDB and NMB, have expressed interest in extending services to refugees. CRDB has presented a new service called M-Wallet to UNHCR, WFP, and NGO partners, while NMB's Kasulu branch has visited the Nyarugusu Common Market and confirmed ample business opportunity to provide banking services if the regulatory framework were to allow refugees to open a bank account.

Along this line, in March 2018 UNHCR Tanzania was approached by CRDB, which proposed to introduce a payment system for refugee incentive workers and beneficiaries of cash-based interventions (CBI) to receive payment through a CRDB bank account. CRDB had negotiated with the Ministry of Home Affairs, which was in favor of CRDB's move towards electronic transfer of payment. Discussions between UNHCR and CRDB have focused on such details as such as transaction fees for refugees at cash-out, data protection, as well as the list of refugees to be given a bank account. CRDB is now authorized to provide bank accounts and to undertake payments for these refugees. Funds received from UNHCR and its partners will be credited to refugees' bank account and the recipients will be able to cash out via CRDB agents or cash machines. The aim is for CRDB to further provide a prepaid card to refugees, with which the card holders will be able to shop at pre-identified retail shops in and around the camps, which will be given a card reader. In order to satisfy KYC requirements, the WFP's ration card is being used along with a fingerprint, as per negotiations between CRDB and the Government of Tanzania. It is important to note that this appears to be an ad-hoc measure as opposed to a general policy change that would apply to other banks or all refugees in Tanzania.

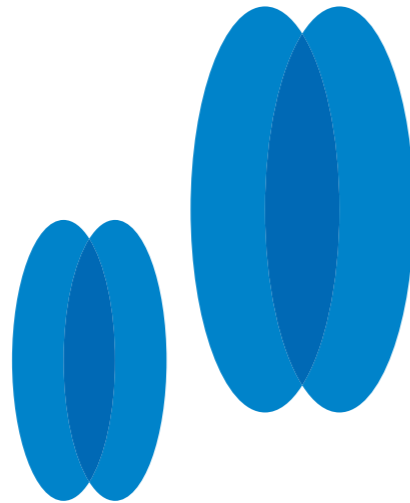
Mobile Money

According to the World Bank's Global Findex database, Tanzania's mobile money penetration (in terms of account ownership for 15+ years old) is 38.54%. The Bank of Tanzania has issued *Electronic Money Regulations, 2015*, which enumerate KYC/CDD requirements. Similar to access barriers to SIMs, access to mobile money is severely limited for refugees due to their lack of officially recognized identity documentation. For example, cash-out transactions require one of the following forms of "acceptable photo ID": national ID, voter's registration card, employment ID, social security ID, or a letter from a ward/village executive. Nevertheless, mobile money has been used in the camps due to the presence of refugee mobile money agents who have managed to open shops through facilitation of a Tanzanian national.

Data Protection

Tanzania currently lacks a comprehensive data protection law, though in December 2017 it was reported that the government is in the process of drafting legislation.¹⁰¹

¹⁰¹ <https://allafrica.com/stories/201712210571.html>



TURKEY

94.50 No Data

ITU Regulatory
Tracker Overall
Score

GSMA Mobile
Money Regulatory
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Yes

Party to the
1951 Refugee
Convention

Yes

Data Protection
and Privacy
Legislation

Registration and Identification of Displaced Persons

As of September 2018, there were 3,559,262 Syrians granted temporary protection in Turkey, the majority of which (95%) live in urban locations. The remainder are based in 14 temporary accommodation centers (camps) located in the southeastern part of the country. Syrians under temporary protection can reside in 81 provinces across Turkey pursuant to legislation. According to Directorate General of Migration Management (DGMM) statistics, the majority of Syrians reside in Istanbul, followed by Sanliurfa, Hatay Gaziantep, Adana, and Mersin.

As for asylum seekers and refugees from other countries, according to UNHCR statistics as of 31 July 2018, there were more than 350,000 individuals registered with UNHCR from Afghanistan, Iraq, Iran, and Somalia. Per the relevant provisions of the *Law on Foreigners and International Protection*, they are required to reside in 62 designated provinces across the country.

This Law also regulates the issuance of identity documents to individuals under international protection; i.e., international protection applicants and status holders (refugees, conditional refugees, and beneficiaries of subsidiary protection) and temporary protection once they apply and register with Provincial Directorates of Migration Management.

DGMM issues a range a documentation to asylum seekers and refugees, including:

- International Protection Applicant Registration Document
- International Protection Applicant Document
- International Protection Status Holder Document
- Temporary Protection Registration Document
- Temporary Protection Identity Document

Each of these contains the identity information of the individual concerned, including a photograph and a foreigner identification number appointed through the Turkish civil registry system. A foreigner identification number is a unique identifier that provides access to rights and services in the country, including to asylum seekers and refugees.

SIM Registration

SIM registration is required by law in Turkey and is regulated by the *Electronic Communications Law No. 5809*. The lead regulator for SIM registration is the Information and Communication Technologies Authority (BTK in Turkish). Mobile subscribers are required to physically visit a designated point of sale and provide proof of identification.¹⁰² The regulator has also implemented an IMEI registration requirement.¹⁰³

¹⁰² https://www.gsma.com/publicpolicy/wp-content/uploads/2013/11/GSMA_White-Paper_Mandatory-Registration-of-Prepaid-SIM-Users_32pgWEBv3.pdf

¹⁰³ https://turkeytravelplanner.com/details/Communications/registering_mobile_phones_in_turkey.html

GSMA has reported that the identity verification process for SIM registration remains open to exploitation by people presenting fake or stolen identity documents. As a result, BTK has imposed monetary penalties on all three network operators claiming they had failed to keep proper records of their customers' identities.¹⁰⁴

According to Article 26 of Temporary Protection Regulation, individuals under temporary protection can access communication services, including mobile subscriptions. In principle, the official identity documents issued by DGMM should be recognized by operators. However, in practice, asylum seekers and refugees with valid DGMM-issued identity documents regularly face challenges in obtaining SIM cards. Mobile operators may seek valid passports as well as proof of address (e.g. landline phone bill, certificate of residence, etc.). Therefore, barriers persist for asylum seekers and refugees who do not possess valid passports.

In this context, asylum seekers and refugees often ask others to register a SIM card on their behalf. It is also common for those leaving Turkey to resettle elsewhere to pass their SIM cards to newcomers to Turkey. Moreover, refugees holding passports often register multiple SIMs in their name and share excess cards with others. However, depending on the mobile network operator, the maximum number of SIM cards a foreigner can obtain is limited (4-5).

Know Your Customer Rules

Turkey has been a Full Member of the FATF since 1991.¹⁰⁵ The primary law driving KYC/CDD requirements in the country is *Law No. 4208 on Prevention of Money Laundering; Regulation on Measures Regarding Prevention of Laundering Proceeds of Crime and Financing of Terrorism*, which was last amended in 2014.

For foreign nationals, a passport, residence permit or other identification card determined to be valid by the Ministry of Finance is required to open a bank account, along with validation of address.

Similar to the case of SIM registration, refugees and asylum seekers should be able by law to open bank accounts in Turkey with the official identity documents issued by DGMM. However, in practice, banks have implemented various additional documentary requirements. In general, banks in Turkey require foreigners, including asylum seekers and refugees, to hold a valid passport in order to open a bank account. In some cases, banks seek a Turkish guarantor to open a bank account. Due to these persistent challenges, DGMM has taken the initiative to facilitate access to bank accounts for asylum seekers and refugees. Asylum seekers and refugees can now open accounts at Ziraat Bank (the state bank) with their DGMM-issued identity documents.

¹⁰⁴ https://www.gsma.com/publicpolicy/wp-content/uploads/2013/11/GSMA_White-Paper_Mandatory-Registration-of-Prepaid-SIM-Users_32pgWEBv3.pdf

¹⁰⁵ <https://www.fatf-gafi.org/countries/#Turkey>

Mobile Money

According to the World Bank's Global Findex database, Turkey's mobile money penetration (in terms of account ownership for 15+ years old) is 16.41%. In December 2017, in order to stop unauthorized online gambling, the Banking Regulation and Supervision Agency introduced a daily maximum of TRY 500 on transfers to mobile phone numbers and started restricting users to two transactions per day, while requiring senders to list their ID numbers on transactions.¹⁰⁶

Due to the aforementioned practical barriers to accessing mobile connectivity and bank accounts, asylum seekers and refugees are unable to access mobile money in Turkey.

Data Protection

Turkey has ratified Convention 108 of the Council of Europe and passed into law a legal framework for the protection of personal data.¹⁰⁷

¹⁰⁶ <https://www.hurriyetdailynews.com/turkish-banking-regulator-takes-action-against-illegal-betting-124106>

¹⁰⁷ <https://iapp.org/news/a/gdpr-matchup-turkeys-data-protection-law/>



UGANDA

86.00

ITU Regulatory
Tracker Overall
Score

72.5

GSMA Mobile
Money Regulatory
Index

Yes

Party to the
1951 Refugee
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Data Protection
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Registration and Identification of Displaced Persons

According to official Government of Uganda statistics, as of 31 July 2018 there were 1,505,323 asylum seekers and refugees in Uganda. The Ugandan Government and UNHCR are currently conducting a nationwide exercise¹⁰⁸ to verify these population figures and to update them, as necessary. It is expected that the exercise will result in a reduction in the figures across the settlements.

Documentation issued by the Office of the Prime Minister – Department of Refugees (OPM-DOR) includes asylum seeker certificates and refugee attestation letters – issued for prima facie refugees or after individual refugee status determination. OPM-DOR also issues refugees a refugee ID card – a form of national ID – but there is currently a significant backlog and many refugees have not yet received their cards. During the verification exercise, UNHCR also issues a proof of verification document, but it is not meant to be used as an identity document.

Refugees may have a variety of documents from their country of origin, including national ID cards and birth certificates. However, it is common for refugees to have lost these documents and registration is most frequently based on a nationality screening and assessment of family linkages through interviews.

SIM Registration

SIM registration is required by law in Uganda as specified in *The Regulation of Interception of Communications Act, 2010*. The policy is overseen by the Uganda Communications Commission (UCC). Subscribers are required to present an original national ID (for Ugandans), a valid passport (for foreigners) or a refugee ID (for refugees).

The UCC is increasingly active in its enforcement of SIM registration rules. In early 2018, it warned operators of penalties or licence withdrawal for not disconnecting unregistered SIMs.¹⁰⁹ In March 2018, the regulator imposed a temporary ban on the sale of SIMs due to concerns about lax registration practices.¹¹⁰ Operators are now required to verify the authenticity of the national ID card presented at the point-of-sale using an electronic biometric card reader, matching the applicant's live biometrics against those on the national ID card, and verifying in real time the customer's information against the National Identification and Registration Authority (NIRA) database via an Application Programming Interface.¹¹¹ For foreigners visiting Uganda, SIM cards can only be issued upon presentation of a valid passport and visa. The operator must deactivate the SIM cards upon the expiry of the customer's visa or work permit.

¹⁰⁸ <https://im.unhcr.org/uga/>

¹⁰⁹ <https://www.telecompaper.com/news/ugandan-govt-warns-operators-of-penalties-or-licence-withdrawal-for-unregistered-sims-1234262>

¹¹⁰ <https://www.itwebafrica.com/security/813-uganda/244198-ugandas-comms-regulator-lifts-sim-card-ban>

¹¹¹ <https://www.itwebafrica.com/security/813-uganda/244198-ugandas-comms-regulator-lifts-sim-card-ban>

As noted above, refugee ID cards are acceptable for SIM registration, however the majority of displaced persons in Uganda since 2016 have still not been issued these identification documents. Coping mechanisms and workarounds are common: Refugees sometimes request individuals who hold a recognized ID document to register a SIM card on their behalf.

Know Your Customer Rules

Uganda participates in the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), which is an Associate Member of the Financial Action Task Force. Supervised by the Bank of Uganda, a number of Ugandan laws and regulations address KYC requirements for opening and using bank accounts¹¹², including the *Financial Institutions Act, 2004*, *Financial Institutions (Anti-Money Laundering) Regulations, 2010*, *Anti-Money Laundering Act, 2013*, *Anti-Money Laundering Regulations, 2015*, *Registration of Persons Act, 2015*, and *Anti-Money Laundering (Amendment) Act, 2017*. Among other requirements included in the *Anti-Money Laundering Regulations, 2015*, individuals must now produce a Uganda national ID card, alien/refugee ID card or passport to open a bank account. Banks are expected to apply a risk-based approach to customer due diligence, including verification of identity and immigration status.

In the absence of a refugee ID card, an attestation letter and reference letter from OPM is sometimes accepted to open a bank account. Depending on the bank, refugees may be required to provide additional documentation such as a letter from the local council or camp commandant. A June 2018 joint UNHCR-UNCDF report notes that “some FDPs [Forcibly Displaced Persons] receive remittances through friends and family who have the required documentation.”¹¹³

The report goes on to note that: “Even after refugees have been issued an ID, many respondents report that financial service providers ask for supporting documents. This is partly because providers are unable to query the UNHCR Refugee Information Management System (RIMS) to verify IDs. Instead, they must verify identification manually by requesting additional documentation or by contacting the Office of the Prime Minister (the government entity responsible for refugee registration) directly. Even with these manual processes, providers cannot verify the photo of the refugee, leaving the verification process incomplete. Providers are especially vigilant about verifying the identification of displaced persons because AML/CFT regulations sanction South Sudan and Democratic Republic of Congo, the two countries from where most of the refugees in Uganda originate. In these cases, financial institutions are responsible for ensuring that the relevant funds are not financing conflict or involved in money laundering activities. Even when the identification is available and verified, or additional identification has been provided, some refugees report that remittances are denied because their names are either misspelled or inverted by the sender. This is common when translating names from French or when there is confusion about first/last name conventions.”¹¹⁴

112 <https://www.uncdf.org/article/2593/study-know-your-customer-requirements-dfs-uganda>

113 Executive Summary: Uganda country assessment on affordable and accessible remittances for forcibly displaced persons and host communities <https://uncdf-cdn.azureedge.net/media-manager/88675?sv=2016-05-31&sr=b&sig=wm9IHf28t4blpiAQsl8PqVWb%2BRMA8JLEGU%2FasC4kKtE%3D&se=2018-11-02T18%3A00%3A49Z&sp=r>

114 <https://uncdf-cdn.azureedge.net/media-manager/88675?sv=2016-05-31&sr=b&sig=wm9IHf28t4blpiAQsl8PqVWb%2BRMA8JLEGU%2FasC4kKtE%3D&se=2018-11-02T18%3A00%3A49Z&sp=r>

Mobile Money

According to the World Bank’s Global Findex database, Uganda’s mobile money penetration (in terms of account ownership for 15+ years old) is 50.58%. The Bank of Uganda has issued guidance for mobile money: *Mobile Money Guidelines*, 2013. According to the Guidelines, a mobile money account can be opened with a variety of identity documents, including a Uganda national ID card, passport, driving permit, voter card or local administration letter. Following the passage of Registration of Persons Act, 2015 and the issuance of several directives in 2017 by the UCC, however, a Uganda national ID number, Uganda national ID card, alien/refugee card or valid passport is required both to register a SIM and open a mobile money account.¹¹⁵

In 2017, the U.S Department of State concluded in its country report on terrorism that “while Uganda’s Anti-Money Laundering (Amendment) Act requires financial institutions to conduct comprehensive customer due diligence, it does not put the same requirements on mobile money transfers. Banking institutions do not monitor mobile money payments and transfers in Uganda; mobile money transactions are instead under the purview of the individual telecommunications company that facilitates the specific transaction.”¹¹⁶

Data Protection

Uganda currently lacks a comprehensive data protection regulation, though a draft *Data Protection and Privacy Bill* was put forward in late 2014¹¹⁷, which was presented to the Information Communication Technology (ICT) Parliamentary Committee in March 2018.¹¹⁸

115 <https://www.uncdf.org/article/2593/study-know-your-customer-requirements-dfs-uganda>

116 <https://www.state.gov/j/ct/rls/crt/2017/282841.html>

117 <https://privacyinternational.org/state-privacy/1013/state-privacy-uganda#dataprotection>

118 <https://www.techjaja.com/ministry-ict-presents-data-protection-privacy-bill-ict-parliamentary-committee/>



ZAMBIA

77.67

ITU Regulatory
Tracker Overall
Score

84.69

GSMA Mobile
Money Regulatory
Index

Yes

Party to the
1951 Refugee
Convention

Yes

Data Protection
and Privacy
Legislation

Registration and Identification Displaced Persons in Zambia

As of November 2018, Zambia hosted 47,692 refugees from Burundi (4,260), the Democratic Republic of Congo (39,622), Rwanda (752), Somalia (2,803), and other countries (255). There were also 4,393 asylum seekers from Burundi (1236), the Democratic Republic of Congo (2686), Rwanda (65), Somalia (337), and other countries (69). In addition, there are 17,851 former Angolan refugees and 4,972 former Rwandan refugees in Zambia.

The Government of Zambia issues refugees a proof of registration and/or a refugee certificate. A small percentage of refugees have been issued refugee ID cards (8%) and/or alien cards (2%). The refugee certificate in particular contains the block number allocated to the refugee household (i.e. proof of address).

SIM Registration

SIM registration is mandated by law in Zambia as specified in the *Statutory Instrument No. 65 of 2011, The Information and Communication Technologies (Registration of Electronic Communication Apparatus) Regulations, 2011*. The process is overseen by the Zambia Information and Communications Technology Authority (ZICTA).

ZICTA offers a helpful Frequently Asked Questions resource for its SIM registration program,¹¹⁹ which specifies the required documentation to register a SIM card. It notes that for Zambian nationals, one of the following in its original form is required: a) National Registration Card, b) valid passport, c) valid driver's license, or d) a voter ID. According to the FAQ, foreigners must provide a valid passport or valid work permit "in original form". Subscribers are advised to register with the service provider at the point of sale or within 24 hours (otherwise the SIM will be deactivated).

In late 2016, MTN Zambia switched off 750,000 unregistered SIMs¹²⁰ following a period of confusion regarding its registration process and concerns about the quality of its registration data.¹²¹

ZICTA has provided special permission for the use proofs of registration, refugee certificates and refugee ID cards as valid proof of identity for SIM registration.

¹¹⁹ [https://www.zicta.zm/Views/Articles/Sim%20Registration%20\(FAQ\)%20.html](https://www.zicta.zm/Views/Articles/Sim%20Registration%20(FAQ)%20.html)

¹²⁰ <https://www.telecompaper.com/news/mtn-zambia-switches-off-750000-unregistered-subscribers--1152342>

¹²¹ <https://www.itwebafrica.com/ict-and-governance/271-zambia/236405-mtn-zambia-in-trouble-over-sim-registration>

Know Your Customer Rules

Zambia participates in the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), which is an Associate Member of the Financial Action Task Force. Supervised by the Bank of Zambia, a number of regulations drive KYC requirements in the country: *Prohibition & Prevention of Money Laundering Act, 2001*, *Bank of Zambia Anti-Money Laundering Directives, 2004*; *Prohibition & Prevention of Money Laundering (Amendment) Act # 44, 2010*, *Financial Intelligence Centre Act, 2010*, and the *Bank of Zambia Anti-Money Laundering and Combating the Financing of Terrorism or Proliferation Directives, 2017*. Zambia's Financial Intelligence Centre enforces compliance with KYC requirements.

As a 2015 U.S. Department of State report notes, "*The Prevention and Prohibition of Money Laundering Act* only indirectly requires identification of customers, as part of its requirement to document transactions. The Bank of Zambia's *Anti-Money Laundering Directives of 2004* provide a direct customer identification obligation, which is applied flexibly to avoid financial exclusion in rural areas. Zambian banks have voluntarily adopted KYC rules."¹²²

In practice, Zambian nationals are expected to present a national registration card or a valid passport or driving licence to open a bank account. For foreign nationals, a national registration card or valid passport (with, where applicable, a duly issued visa, work permit and/or residence permit) is required.¹²³ In both cases, proof of address must also be provided.

For refugees who may possess them, alien cards are accepted as valid proof of identity for opening a bank account. However, because proof of address is required, bank accounts are largely inaccessible to a majority of refugees in Zambia.

Mobile Money

According to the World Bank's Global Findex database, Zambia's mobile money penetration (in terms of account ownership for 15+ years old) is 27.84%. Zambia's key regulation for mobile money is the *National Payment Systems Directives on Electronic Money Issuance, 2015*, which state as regards KYC requirements that "the e-money institution shall comply with Know Your Customer (KYC) requirements issued by the Bank [of Zambia]" (see Part VI, Section 27(1)).

Special approval has been received from the Bank of Zambia and ZICTA to use Proofs of Registration, Refugee Certificates and Refugee Cards as a valid ID for digital wallet registration (as well as SIM registration, as noted).

¹²² <https://www.state.gov/j/inl/rls/nrcrpt/2015/supplemental/239341.htm>

¹²³ <https://www.pwc.com/gx/en/financial-services/publications/assets/pwc-anti-money-laundering-2016.pdf>

Data Protection

As of June 2018, the Zambian government has approved, in principle, the introduction of the *Data Protection (Repeal) Bill, 2018*, in the next sitting of Parliament. The Bill aims to repeal and replace the *Electronic Communications and Transactions (ECT) Act, No. 21 of 2009*.¹²⁴

¹²⁴ <https://www.daily-mail.co.zm/data-protection-bill-ready-for-enactment/>



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