

Implementation of the **United Nations Legal Identity Agenda**

United Nations Country Team

Operational Guidelines



*Empowered lives.
Resilient nations.*



United Nations

DESA
Statistics Division



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These guidelines will be revised based on country level implementation of the United Nations Legal Identity Agenda.

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TOOLS AND RESOURCES

Section 1

Introduction

Purpose

1. Everyone has the right to be recognized as a person before the law, as enshrined in Article 6 of the Universal Declaration of Human Rights and several international human rights instruments.¹
2. Consequently, the 2030 Agenda for Sustainable Development, agreed by all Member States in September 2015, established a specific target within the Sustainable Development Goals Target 16.9: “legal identity for all, including birth registration, by 2030.”
3. As civil registration provides an official record of the existence of the person and the recognition of that individual before the law, it has been the fundamental means of granting legal identity.² Furthermore, civil registration is recognized as the ultimate source for production of comprehensive, regular and reliable vital statistics.³ Concerned by the fact that the coverage of civil registration is not universal and complete in all countries of the world, the 2030 Agenda for Sustainable Development established indicator 17.19.2 – proportion of countries that have achieved 100 per cent birth registration and 80 per cent death registration.
4. Legal identity is acknowledged to be catalytic for achieving at least 10 of the Sustainable Development Goals. Data generated from civil registration and population registers support the measurement of over 60 Sustainable Development Goal indicators. As civil registration establishes the existence of a person under law, it has traditionally been the fundamental means of granting legal identity. Legal identity has a critical role to ensure the global community upholds its promise of leaving no one behind, as espoused in the 2030 Agenda and should be inclusive of all people from birth to death.
5. To ensure coherence between civil registration and legal identity initiatives within the United Nations system, at the request of the Secretary-General, the Deputy Secretary-General’s office convened United Nations entities to develop a common approach to the broader issue of registration and legal identity, taking into account the importance of preventing statelessness.⁴
6. Recognizing that the issue of legal identity for all is of paramount importance in terms of fulfilling the Agenda for Sustainable Development, the United Nations Deputy Secretary-General initiated the establishment of the United Nations Legal Identity Expert Group in September 2018, co-chaired by the Department of Economic and Social Affairs of the United Nations Secretariat, United Nations Development Programme and the United Nations Children’s Fund (UNICEF).
7. The essential purpose of the United Nations Legal Identity Expert Group was to solicit expertise from the whole of the United Nations system and develop a framework to ensure a homogeneous, harmonized and coordinated approach of all United Nations agencies and programmes in providing advice and support to Member States to ensure a holistic installation and development of civil registration, vital statistics and identity management systems, starting with developing United Nations operational definition of legal identity.

1. 1948 Universal Declaration of Human Rights, Articles 6 and 15; 1951 Convention on the Status of Refugees, Articles 25 and 27; 1954 Convention on the Status of Stateless Persons, Articles 25 and 27; 1961 Convention on the Reduction of Statelessness, Articles 1–4; 1965; 1969 International Convention on the Elimination of All Forms of Racial Discrimination, Article 5(d)(iii); 1966 International Covenant on Civil and Political Rights, Article 24; 1979 Convention on the Elimination of All Forms of Discrimination Against Women, Article; 1989 Convention on the Rights of the Child, Articles 7–8; 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, Article 29; 2006 Convention on the Rights of Persons with Disabilities, Article 18.

2. *Principles and Recommendations for a Vital Statistics System*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 286.

3. *Principles and Recommendations for a Vital Statistics System*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 279.

4. United Nations Executive Committee Decision, 17 January 2018.

8. The major accomplishment of the United Nations Legal Identity Expert Group is related to defining the United Nations Legal Identity Agenda and lining up all United Nations Legal Identity Expert Group members behind it. To put it concisely, the United Nations Legal Identity Agenda calls on all Member States to ensure universal civil registration of all vital events, translated into regular, reliable and comprehensive vital statistics, and resulting in legal identities for all.
9. One of the four pillars of the United Nations Legal Identity Expert Group work focused on a coordinated approach for implementation of the holistic approach to civil registration, vital statistics and identity management, and it called upon United Nations Legal Identity Expert Group to develop this guide, along the lines of the United Nations Sustainable Development Cooperation Framework (UNSDCF).
10. This operational guide is intended to support a cohesive approach across the United Nations system, in cooperation with partners who are working in countries on supporting national strengthening of civil registration, vital statistics and legal identity systems. Particularly in the context of United Nations Sustainable Development Cooperation Framework, this guide will articulate the common and collective responsibilities of the United Nations system in supporting an integrated approach to civil registration, vital statistics and other legal identity systems programming.
11. This guide further provides advice on how to integrate support for legal identity systems into the United Nations Sustainable Development Cooperation Framework. It includes how best to reflect the risks and opportunities related to all forms of exclusion as result of lack of legal identity in the Common Country Analysis⁵ and the United Nations Sustainable Development Cooperation Framework.
12. The support to Member States in addressing the lack of legal identity through an integrated approach to legal identity systems will be delivered through:
 - Mainstreaming: assisting governments to operationalize and contextualize the United Nations Legal Identity Agenda at national and local levels, ultimately reflecting the agenda in national plans, strategies and budgets; including mapping the initiatives and processes already in progress, shifting priorities and focus, while continuing to sensitize national stakeholders about the agenda
 - Acceleration: supporting governments and national stakeholders to identify available resources and taking advantage of synergies, trade-offs and interoperability across sectors
 - Support: providing coordinated, harmonized, comprehensive policy and technical support to countries, drawing on the expertise and programmatic experience of each part of the United Nations

BOX 1. United Nations Sustainable Development Cooperation Framework

The UNSDCF represents the United Nations Development System's collective offer to support the country in addressing key SDG priorities and gaps. It begins and ends with an analysis of the country's development landscape and SDG priorities, including through the lens of the imperative to leave no one behind.

The UNSDCF serves as the core accountability tool between the United Nations Country Team and the host government, as well as between and among United Nations Country Team members for collectively owned development results. It is supported by independent and high-quality UNSDCF evaluation and mandatory evaluation management response.

5. The Common Country Analysis shifts from a one-off event to a 'real-time' core analytical function, to be more agile and reflective of the evolving country context. Periodic updating of the Common Country Analysis will also reduce the period for formulating a new the United Nations Sustainable Development Cooperation Framework.

Scope

13. This guide is intended to support United Nations Country Teams and their participating agencies to better understand the implications of the lack of legal identity for the implementation of Sustainable Development Goals, including ongoing efforts on global and regional level to address legal identity agendas. More specifically, the guide is intended to provide better understanding in terms of specific interventions critical for addressing the lack of legal identity and opportunities arising from the existing expertise of United Nations agencies in specific areas. Ultimately, the guide highlights the added value that emerges from the collaborative action of United Nations Country Team participating agencies in addressing an identity management system as a whole, rather than targeting its specific aspects. To that end, this operational guide is divided into six sections.
14. Section 1 is the introductory section, providing brief statements on the purpose of the guide, as well as its target audience. In addition, operational definitions are provided, with reference to the key terms and concepts elaborated on throughout the guide.
15. Section 2 elaborates on the importance of legal identity as an entry point to the exercising of a wide range of basic human rights. It also highlights the critical importance of the state legally recognizing all individuals, and of accurately reflecting changes in information pertaining to an individual's legal identity in order to accurately plan and deliver services. This section further provides the estimated proportion of the global population that is without any form of legal identity.
16. Section 3 provides an introduction to, and key features of, the identity management system at a national level, and its responsibilities related to conferring legal recognition of identity from birth until death. It highlights key points of intervention for United Nations system to ensure a holistic approach to civil registration, vital statistics and legal identity systems and, in the process, support the development of a range of functional registers operated by the state to cater for the specific needs of the population. Finally, this section elaborates on the benefits and risks associated with the development of contemporary digitized legal identity systems operating as part of a state-wide, interoperable Information and Communication Technology platform.
17. Section 4 accounts for a range of initiatives at the global, regional and national levels, bringing member states and regional organizations, including those from the United Nations system, to generate political commitment on regional and national levels, and accelerate civil registration and legal identity systems reforms to meet Sustainable Development Goal Target 16.9. The section also elaborates on the work of other development partners and the World Bank in particular, highlighting synergies and opportunities for coordinated action.
18. Section 5 highlights the strengths and comparative advantages of agencies that are part of the United Nations system in addressing specific aspects of civil registration and legal identity systems. By setting out the range of interventions that individual agencies can provide, this section underlines the opportunities that arise from a coordinated and collaborative approach of United Nations agencies in assisting countries with the implementation of a holistic approach to identity management.
19. Section 6 is structured according to the four steps of the United Nations Sustainable Development Cooperation Framework preparation and implementation, each of which should be adapted to the specific country context.

Target Audience

20. This guide targets a broad audience within the United Nations development system at regional and national levels, specifically:
 - United Nations Regional Commissions
 - Regional Offices of United Nations Agencies
 - United Nations Resident Coordinators
 - United Nations Country Teams and all programme staff, including United Nations Network Chairs and Focal Points

Definitions

21. This section presents the definitions that are pertinent in the implementation of the holistic approach to identity management. As the methodological framework for this holistic

approach is based on the existing international standards and principles for civil registration and vital statistics, those definitions are sourced in relevant publications and cross-referenced. In the case of legal identity, the definition is an operational one, as developed and agreed upon by the United Nations Legal Identity Expert Group and the World Bank Group. Some definitions are in the process of being internationally developed, and they are presented here in their current versions.

22. Legal identity is defined as the basic characteristics of an individual's identity, e.g., name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth. In the absence of birth registration, legal identity may be conferred by a legally recognized identification authority; this system should be linked to the civil registration system to ensure a holistic approach to legal identity from birth to death. Legal identity is retired by the issuance of a death certificate by the civil registration authority upon registration of death.⁶
23. In the case of refugees, Member States are primarily responsible for issuing proof of legal identity, including identity papers.⁷ The issuance of proof of legal identity to refugees may also be administered by an internationally recognized and mandated authority.⁸
24. Civil registration is defined as the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation in accordance with the legal requirement in each country. Civil registration is carried out primarily for the purpose of establishing the documents provided by the law.⁹
25. Vital events are defined as follows:
26. Live birth refers to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such separation, breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached; each product of such a birth is considered live born (all live-born infants should be registered and counted as such, irrespective of gestational age or whether alive or dead at the time of registration, and if they die at any time following birth, they should also be registered and counted as deaths).¹⁰
27. Death is the permanent disappearance of all evidence of life at any time after live birth has taken place (postnatal cessation of vital functions without capability of resuscitation). (This definition excludes foetal deaths, which are defined separately below.)¹¹
28. Foetal death¹² refers to death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such separation the foetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles (note that this definition broadly includes all terminations of pregnancy other than live births, as defined above).¹³
29. Marriage is the act, ceremony or process by which the legal relationship of spouses is constituted. The legality of the union may be established by civil, religious or other means as recognized by

6. United Nations operational definition of legal identity. Source: United Nations Legal Identity Expert Group.

7. 1951 Convention on the Status of Refugees, Article 27.

8. 1951 Convention on the Status of Refugees, Article 25.

9. *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales Number E.13.XVII.10, New York, 2014, paragraph 279.

10. *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales Number E.13.XVII.10, New York, 2014, paragraph 2.

11. Ibid.

12. Including legally induced abortions; also referred to as 'dead-born foetus' or 'stillbirth'.

13. The legal requirements for the registration of foetal deaths vary from country to country. It is recommended that dead foetuses weighing 500 grams or more at birth (or those of 22 completed weeks of gestation or crown-heel body length of 25 centimetres or more if weight is not known) be registered. In addition, for statistical purposes, it is recommended that such terminology as 'abortion', 'early foetal death' and 'late foetal death' be replaced through the use of weight-specific measures, e.g., the foetal death rate for foetuses of 1,000 grams or more or the foetal death rate for foetuses weighing between 500 and 1,000 grams, etc.). See World Health Organization, *International Statistical Classification of Diseases and Related Health Problems, Eleventh Revision (ICD-11)*, June 2018.

the laws of each country. Countries may wish to expand this definition to cover civil unions if they are registered; in that case, registered partnership usually refers to a legal construct, registered with the public authorities according to the laws of each country, that leads to legal conjugal obligations between two persons.¹⁴

30. Divorce is the final legal dissolution of a marriage, that is, separation of spouses which confers on the parties the right to remarry under civil, religious and/or other provisions, according to the laws of each country. In case a country recognizes registered partnerships, a legal dissolution of a registered partnership refers to the legal final dissolution of such a partnership, according to national laws, conferring on the parties the right to re-enter into another partnership or marriage.¹⁵
31. Annulment refers to the invalidation or voiding of a marriage by a competent authority, according to the laws of each country, which confers on the parties the status of never having been married to each other.¹⁶
32. Separation, judicial, is the disunion of married persons, according to the laws of each country, without conferring on the parties the right to remarry.¹⁷
33. Adoption is the legal and voluntary taking and treating of the child of other parents as one's own, insofar as provided by the laws of each country.¹⁸
34. Legitimation refers to the formal investing of a person with the status and rights of a person born in wedlock, according to the laws of each country.¹⁹
35. Recognition is the legal acknowledgement, either voluntarily or compulsorily, of the paternity of a child born out of wedlock.²⁰

36. Vital statistics constitute the collection of statistics on vital events in a lifetime of a person, as well as relevant characteristics of the events themselves and of the person and persons concerned. Vital statistics provide crucial and critical information on the population of a country.²¹
37. Proof of legal identity is defined as a credential, such as birth certificate, identity card, travel document or digital identity credential that is recognized as proof of legal identity under national law and in accordance with emerging international norms and principles.²²
38. Population register is defined as an individualized data system, that is, a mechanism of continuous recording, or of coordinated linkage, of selected information pertaining to each member of the resident population of a country in such a way to provide the possibility of determining up-to-date information concerning the size and characteristics of that population at selected time intervals.²³ The population register is the product of a continuous process, in which notifications of certain events, which may have been recorded originally in different administrative systems, are automatically linked on a current basis. The method and sources of updating should cover all changes so that the characteristics of individuals in the register remain current. The establishment, operations and maintenance of the population register require legislative authority and strict definitions regarding access and retrieval of individual information. For the purpose of this guide, population register is understood as a repository of information regarding individuals' basic characteristics, such as date of birth, sex, place of birth, place of residence and date of death, operated by national authorities authorised under the law to register and manage legal identity information.

14. *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales Number E.13.XVII.10, New York, 2014, paragraph 2.

15. Ibid.

16. Ibid.

17. Ibid.

18. Ibid.

19. Ibid.

20. Ibid.

21. *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales Number E.13.XVII.10, New York, 2014, paragraph 1.

22. Operational United Nations definition. Source: United Nations Legal Identity Expert Group.

23. *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales Number E.13.XVII.10, New York, 2014, paragraph 454.

- 39.** While there is no internationally agreed definition of legal identity management, the term refers to the issuance of a proof of legal identity to each individual by a government-authorized entity and the maintenance of systems for managing information and documents associated with such identity. It also comprises verification, registration, management and conservation of personal data of citizens as well as non-citizens on the state territory, with the goal of establishing unique legal identity credentials within the jurisdiction. Identity management usually includes all data from the civil registration of a person and may include other attributes such as a unique number and/or biometric data, including identification credentials issued by an identity management agency that serve as a basis for the verification of identity (i.e., passport or national identification cards).
- 40.** Functional registers are established or authorized by the government to ensure efficient service delivery and discharging components of the governing mandate, as a part of the administrative data systems in specific sectors. Those registers can, in general and generic terms, be designated as 'functional' registers, since their purpose is directly linked to the discharging of government responsibilities under a specific function. Personal information in the functional registers should reflect legal identity as registered in the legal identity management system.

Section 2

Legal identity for all: fulfilling the promise to leave no one behind

41. Everyone has the right to be recognized as a person before the law, as enshrined in Article 6 of the Universal Declaration of Human Rights and Article 16 of the International Covenant on Civil and Political Rights. Several international human rights instruments, such as Article 7 of the Convention on the Rights of the Child and Article 24(2) of the International Covenant on Civil and Political Rights also recognize the child's right to birth registration.²⁴ The 2030 Agenda for Sustainable Development, agreed by all Member States in September 2015, established a specific target within the Sustainable Development Goals – Target 16.9 – “legal identity for all, including birth registration, by 2030.”
44. Proof of legal identity may be requested when accessing formal education and health services, and is a precondition for buying, selling, registering or inheriting property, and protecting rights deriving from family law. Without proof of legal identity, individuals are not able to obtain travel documents, leave their country or return to their country, or to travel internationally.
45. Proving legal identity is generally a precondition for exercising the right to vote and to be elected.
46. In addition, robust legal identity systems are a precondition to travel-document security and border integrity. If national legal identity systems are weak, they can be exploited to unlawful effects such as trans-border crime or terrorism, regardless of efforts and investment put into increasing passport integrity and border security.

Legal identity matters

42. Exclusion takes many forms, but one of its common and determining factors is the lack of legal identity. Due to low birth and death registration coverage, millions of the most vulnerable are being born and dying unregistered, invisible and uncounted by the state.
43. States require information on legal identity in order to identify people under their care and to cater for their fundamental, civil and socio-economic rights. Individuals without a legal identity are invisible to the state and cut off from the legal and administrative protection framework that is there to protect their legal rights. People without legal identity are unable to enter into legal transactions with public authorities or other individuals, or to access a wide range of commercial services.
47. In the socio-economic sphere, persons without legal identity will generally face difficulties with entering into contractual agreements with commercial entities, experience restricted access to educational opportunities, not be able to open a bank account, enrol in a health insurance plan or qualify for grants and cash transfers. Proof of legal identity is increasingly a precondition for entering the work force and being enrolled as a taxpayer. In many countries even essential services such as the purchase and registration of mobile phone SIM cards is conditioned by presenting proof of legal identity.
48. As much as individuals rely on their legal identity to exercise many rights and to gain access to services, state authorities rely on anonymized legal identity information obtained from an appointed registration authority to produce vital

24. 1951 Convention on the Status of Refugees, Articles 25 and 27; 1954 Convention on the Status of Stateless Persons, Articles 25 and 27; 1961 Convention on the Reduction of Statelessness, Articles 1–4; 1969 international Convention on the Elimination of All Forms of Racial Discrimination, Article 5(d)(iii); 1966 International Covenant on Civil and Political Rights, Article 24; 1979 Convention on the Elimination of All Forms of Discrimination Against Women, Article; 1989 Convention on the Rights of the Child, Articles 7–8; 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, Article 29; 2006 Convention on the Rights of Persons with Disabilities, Article 18.

statistics along with economic, demographic and social information, and disaggregated data, particularly with respect to gender and small area statistics. These data are also important for the development of public policies, implementation and targeting of social programmes and services, to prevent fraud, as well as to effectively track their progress in areas such as maternal and child mortality. In the case of social protection programmes, the ability to identify programme beneficiaries is fundamental for tracking benefits and ensuring access to acquired rights and a well-functioning delivery system. Marriage registration is essential for ensuring that women can access alimony in case of divorce or widows can claim survivors' benefits in the case of death of a spouse. Furthermore, accurate data on the number of marriages and unions, which civil registries provide, can help the state with effective family planning and the provision of sexual and reproductive health services.

49. Information on, and the authentication of, legal identity is used by a range of public administration authorities for compiling or verifying functional registers of beneficiaries and users of specific services. Verification of legal identity information may also be required by commercial services. As a result of the introduction of Information and Communication Technology for processing of legal identity data, coupled with increased options for data sharing among interoperable Information and Communication Technology public administration platforms, compiling of government-operated functional registers is increasingly easier to achieve. Where this is the case, government-operated functional register can be limited to only the part of legal identity information that is required for the purpose defined by law, or has been permissioned by the individual.
50. This digital shift has given prominence to concepts such as 'digital identity' for all individuals, building on the original notion of individual identity, which was primarily analogue in nature and expressed in the form of such physical documents as birth and death certificates. The computing power available nowadays to both public and private institutions enables the extremely fast and efficient manipulation and processing of those digitized identities for a large number of different purposes, including taxation, education, conscription and state security, to name just a few.
51. From the birth of an individual, the knowledge of the legal identity of that individual is important for the state in order to be able to plan and deliver services for that person, whether education, health or other services that cater for the well-being of newborns, mothers and adolescents. Proving legal identity is often required by the state to enrol and gain access to these services.
52. Registering children at birth is the first step in securing their recognition before the law, safeguarding their rights, and ensuring that any violation of these rights does not go unnoticed. Later in life, the lack of legal identity can mean that a child may not enter the labour market or be conscripted into the armed forces, a girl may be forced to marry or be a victim of human trafficking, before the legal age. Children of migrants born in transit or in the destination country often face issues in accessing legal identity documentation due to barriers to birth registration or conflicts of applicable domestic laws.
53. At the point of becoming adult, or at a nominated age, individuals may be further enrolled in other legal identity systems supplementing their legal identity information with unique biometric data (i.e., facial image, fingerprints, iris scan) and are being provided with an identification credential in the form of a secure token (identification card). This credential is used not only to convey legal identity information, but to ensure that the legal identity belongs to the person who is claiming it.
54. Retirement of legal identity following registration of death triggers a legal basis for exercising inheritance rights by descendants and immediate family. For the state, this information is used to terminate all services, as well financial transfers to which the individual as a living person was entitled.
55. For many individuals, information forming part of their legal identity conferred through birth registration, is supplemented throughout their lifetime with additional layers of personal information, reflecting the occurrence of events vital to that individual. For instance, many persons after marrying change their name. An individual's name can also change several times, as a result of divorce and remarriage. The same applies to gender identity. An individual's decision to change their name or sex also affects legal identity. Finally, the name of the person's place of birth or even the name of their state of birth may change

over time, adding new layers of information pertaining to legal identity.

56. From birth until death, individuals depend on the state administrative systems to reflect all new layers of information that constitute their legal identity. Without the ability to accurately, timely and permanently reflect these changes, the state's system of services planning and delivery and the ability to protect constitutional rights will be affected. The severity of issues that can arise is related to the lack of sufficiently developed administrative systems to reflect changes in legal identity from birth until death in a timely way.
57. Migrants – adults and, particularly children who are unaccompanied – and migrants' children who are born abroad often have difficulties in keeping or receiving civil status documents and birth registration. As a result, migrants encounter difficulties in exercising their basic rights, and in accessing basic services. Many migrants, especially those in irregular status, report serious difficulties in securing birth registration for their children in the host country. Consular authorities or the country of origin play a critical role to remedy these obstacles, particularly as they can act as a civil registrar.

Nationality and statelessness

58. The key international human rights instruments that provide for the right of all persons to be recognized as a person before the law and for the right to birth registration, also provide for the right to a nationality.²⁵ In particular, the widely ratified Convention on the Rights of the Child specifically identifies 'nationality', along with 'name' and 'family relations' as integral attributes of a child's identity. A stateless person is someone without the nationality of any state. Without any nationality, stateless persons are among those in society who are the furthest left behind, as lack of nationality seriously impacts their ability to enjoy basic human rights and leaves them vulnerable to abuse and exploitation.

59. Target 16.9 calls upon states to provide legal identity for all, including birth registration. This target is relevant to addressing statelessness because nationality (which is the solution to statelessness), can be a basic characteristic of legal identity (along with other basic characteristics such as name, sex, place and date of birth. See operational definition of 'legal identity').²⁶ Nationality, as recognized or conferred by a competent authority, encompasses both a person's status as a national, as well as their formally recognized status as a stateless person where a person has no nationality.
60. 'Legally recognised identification authorities' (see operational definition of 'legal identity')²⁷ for the purposes of recognition or conferral of nationality refers to the competent authorities for nationality matters in a given country. Competence in this context relates to the authority responsible for: conferring or withdrawing nationality from individuals; clarifying nationality status where nationality is acquired or withdrawn; issuing proof of nationality;²⁸ and undertaking formal statelessness determination.²⁹
61. As nationality is a basic characteristic of legal identity, proof of nationality is a type of 'proof of legal identity' (see operational definition of 'proof of legal identity' above). Proof of nationality can take a number of forms including nationality identity cards or numbers, nationality certificates, consular cards, passports and, in certain *jus soli* regimes, birth certificates. Proof that a person is formally recognized as stateless is also a type of proof of legal identity and can take the form of a written decision, document or other credential issued by the competent authority that officially recognises the individual to be stateless.
62. Individuals can be at risk of statelessness if they have difficulty proving that they have links to a state, and a lack of birth registration can create such a risk. The registration of a child's birth is the first step in establishing his or her legal identity and usually includes key information – such as the identity of the child's parents, and

25. Article 15(1), Universal Declaration of Human Rights; Article 24(3) of the International Covenant on Civil and Political Rights; and Article 7(2) of the Convention on the Rights of the Child.

26. See para 23 above.

27. Ibid.

28. See paras 27–3, United Nations High Commissioner for Refugees, Handbook on Protection of Stateless Persons, 30 June 2014, available at: <https://www.refworld.org/docid/53b676aa4.html>

29. Paragraph 65, Ibid.

the date and place of birth – that will establish the child’s nationality under the law of the state where he or she is born or under the law of other states to which the child has a relevant link. Consequently, birth registration is critical to realize the child’s right to a nationality and help prevent statelessness.

- 63. Individuals may also be left stateless if they cannot acquire documents that prove their nationality. In some countries, possession of a valid national identity card is, in practice, regarded as indicating an entitlement to nationality under the law. This means that those who may have an entitlement to nationality under the law, but who are unable to obtain a national identity card to prove that entitlement (often due to discrimination or a lack of a birth certificate), are treated as non-nationals and excluded from the benefits that flow from having a nationality.
- 64. In the case of stateless persons in a migratory context (including refugees who may be stateless), Target 16.9 can also be helpful to identify and protect stateless persons through their formal recognition as stateless and documentation proving that status until they are able to acquire a nationality.³⁰

Migration, forced displacement and the proof of legal identity

- 65. Refugees, internally displaced persons, migrants and returnees face particular challenges in proving their legal identity as identity credentials are often lost or destroyed during displacement. Ensuring that the forcibly displaced and returnees have proof of their legal identity is a key element of ensuring that they are not left behind in realising Sustainable Development Goal Target 16.9.
- 66. The Global Compact on Refugees, which was affirmed by the United Nations General Assembly on 17 December 2018, recognises the key role that the registration and documentation of asylum seekers and refugees has in facilitating the provision of humanitarian assistance, protection

and solutions. States are primarily responsible for registering and providing proof of legal identity to refugees, but may be supported by the United Nations High Commissioner for Refugees to do so where required. Legal identity systems are often established that are exclusively focused on registration and provision of identity credentials to asylum seekers and refugees, often linked to refugee status determination and casework linked to protection and solutions. It is important that the identity credential issued by such systems provide legally recognised proof of legal identity for asylum seekers and refugees. Where states are establishing legal identity systems which include the resident population, refugees should be able to be enrolled in such systems to prevent discrimination.

- 67. In addition, the births of refugee children and the deaths of refugees should be registered in the civil registration system of the host state. Civil registration is also a tool which can facilitate protection and solutions for refugees and migrants as well as internally displaced persons. While birth registration does not necessarily lead to the conferral of nationality to the children of refugees and migrants, it helps to recognise their legal identity and prevent the risk of statelessness.³¹
- 68. The United Nations Guiding Principles on Internal Displacement include a specific provision to ensure that internally displaced persons are recognised as persons before the law and are issued with all the identity credentials necessary for the enjoyment and exercise of their rights.³² Returnees also require proof of legal identity in order to facilitate their return and reintegration, and mitigate the risk of further displacement.
- 69. Providing proof of legal identity to forcibly displaced persons and returnees can help to bridge the humanitarian and development divide. It can increase livelihood opportunities and economic inclusion, allowing refugees to contribute more to host communities. These are all key goals of the Global Compact on Refugees.

30. United Nations High Commissioner for Refugees, *The Sustainable Development Goals and Addressing Statelessness*, March 2017, available at: <https://www.refworld.org/docid/58b6e3364.html>

31. United Nations Global Compact on Refugees, para 82.

32. United Nations Guiding Principles on Internal Displacement, Principle 20.

70. Migrants may leave documents behind when fleeing, lose them during the journey, or see them confiscated by smugglers or corrupt officials. Records may be destroyed by conflict or disaster, complicating access to proof of identity. Therefore, migrants may struggle to prove their civil status and, consequently, their nationality when they have difficulties in keeping or obtaining documents such as marriage or birth certificates, and other legal identity documents. Such documents, especially when issued via late procedures, may rely on witness testimony from the community of origin or birthplace: this is often harder for migrants to access, due to lost ties and practical barriers to communication over time. Even where frameworks for universal birth registration are in place, officials may refuse to register the birth of migrant children, whether the parent's migratory situation is regular or not, under the belief that this confers nationality – even in cases when it does not.

Scope of the problem

71. The number of individuals worldwide without legal identity is certainly considerable, taking into account the lack of universal coverage of civil registration systems in a number of countries. Based on different approaches, the number of people without legal identity varies. Irrespective of the sources of such estimates, in all cases a substantial number of people are unable to prove their identity and, accordingly, to gain access to a number of services, including both government and private sector services. For example, according to the World Bank's most recent estimates,³³ approximately one billion people around the world – half of whom are in Africa – lack legal identification to prove who they are. More specifically, 81 per cent of them live in Sub-Saharan Africa and South Asia, 47 per cent are below the national identification age in their country, 63 per cent live in lower-middle-income economies, while 28 per cent live in low-income economies. Furthermore, UNICEF estimates that around 50 million newborns worldwide are not

registered or conferred with a birth certificate/legal identity in any given year.

Migrants, displaced and stateless persons

72. By the end of 2017, there were 258 million international migrants, or people living in countries other than those of their birth.³⁴ In 2018, there were 70.8 million forcibly displaced persons worldwide, including 25.9 million refugees, 3.5 million asylum seekers and 41.3 million internally displaced persons.³⁵ There is currently no authoritative data available on the proportion of refugees and internally displaced persons who do not have proof of legal identity.³⁶

73. By the end of 2018, there were 3.9 million people reported to be stateless, although this is likely to be a significant underestimate. States responsible for providing proof of legal identity to stateless persons on their territory (please see sub-section on nationality and statelessness above).

74. The Global Compact on Migration, which was affirmed in December 2018, expresses as one of its objectives (Objective 4) the commitment of states to provide all migrants with proof of their legal identity and adequate documentation as a way to ensure effective migration procedures, efficient service provisions and improved public safety. Based on the text accompanying Objective 4, its realization sits primarily with the state of nationality, although states in general have to issue migrants with adequate documentation and civil registry documents as a way to empower them to effectively exercise their human rights. The realization of this objective is further broken down into seven distinct actions that encompass improving civil registry systems to harmonizing travel documents, to providing access to consular services and documentation, to reducing statelessness and ensuring that the delivery of services is not impaired by a persons' lack of legal identity or proof of nationality, to introducing

33. Desai, Vyjayanti T, Anna Diofasi and Jing Lu, 'The global identification challenge: Who are the 1 billion people without proof of identity?', World Bank, 2018, available at:

<https://blogs.worldbank.org/voices/global-identification-challenge-who-are-1-billion-people-without-proof-identity>

34. United Nations Department of Economic and Social Affairs International Migration Report 2017, available at: https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf

35. United Nations High Commissioner for Refugees, Global Trends Report 2018, available at: <https://www.unhcr.org/5d08d7ee7.pdf>

36. United Nations High Commissioner for Refugees, Global Trends Report 2017, available at:

<https://www.unhcr.org/statistics/unhcrstats/5b27be547/unhcr-global-trends-2017.html>

alternatives to standard documents certifying nationality or legal identity.

75. States of origin must assist their nationals and ensure that their consular authorities are providing adequate assistance to persons in need with regard to legal identity.

Section 3

Pillars of legal identity system

Civil registration system

76. Civil registration refers to the entire administrative, legal and institutional framework, including the personnel, the registration network, the various procedures, the processes of record-keeping and retrieval, issuing of certificates, preparation of outputs, transfer of data, provision of services to other agencies, and all other activities pertaining to civil registration in a country (or state, or province). The civil registration system, therefore, encompasses both the registration method and all institutional, technical and legal settings associated with it. Civil registration is central to legal identity and is defined as continuous, permanent, compulsory, universal recording of occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation, in accordance with the legal requirements in each country, with full respect for the rules regulating the protection and privacy of individual information.³⁷

Identity management system

77. While there is no internationally agreed definition of identity management, the term most commonly refers to the issuance of a proof or legal tender of identity to each individual and the maintenance of systems for managing information and documents associated with such identity.³⁸ The identity management system is operated by legally recognized authorities and it refers to the entire administrative, legal and institutional framework, including the personnel, the registration network, the various procedures, the processes operated for issuing the secure identity credentials used for identification of a person; oftentimes this process would also entail collecting a unique biometric identifier (i.e., facial image or fingerprints).

Holistic approach to legal identity system

78. Working hand-in-hand these two systems constitute the foundation of a legal identity system that caters for registration of legal identity, the issuance of a proof of legal identity to each individual and the maintenance of systems for managing information and documents associated with such identity.

79. A holistic approach to a legal identity system implies that every new legal identity is introduced in the identity system when birth is registered, and it is retired in the system right after death.

80. Consequently, in the contemporary paradigm, civil registration provides both the certification of identity for a newborn child and also the critical entry into the legal identity system, whether through the stand-alone civil or population register or, in the case where population registers are subsumed by the identity management system, directly into it.

81. Moving on from there, the legally recognized identity management authority, in due course, adds layers of additional and relevant information, as prescribed by law, including facial image, fingerprints and other biometric elements. These layers allow for unambiguous identification of persons and the corresponding legal identity. The issuance of identity cards gives individuals access to government and private services, together with other documents, such as drivers' licences, passports, bank cards and so forth.

82. At any point, as a result of registration of other vital events such as marriage, divorce or change of name, other layers of information relevant to legal identity are reflected in the legal identity system. At the other end of the life cycle, civil registration also plays a critical role in notifying the occurrence

37. *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales No. E.13.XVII.10, New York, 2014, para. 279.

38. *Handbook on Civil Registration and Vital Statistics systems: Management, Operation and Maintenance, Revision 1*, United Nations, New York, 2018, para. 80, available at: <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>

of deaths to the civil or population register and the identity management system, so that the records can be amended accordingly, and those identities are withdrawn or marked as 'deceased'.

Implementation of legal identity system - general norms

83. The United Nations Legal Identity Agenda (see above) refers to the holistic approach to civil registration of all vital events, production of vital statistics, the establishment and maintenance of population registers and identity management apparatus from birth to death, and there should be full interoperability³⁹ between these functions in a simultaneous manner, according to international standards and recommendations and in compliance with the human rights of all people concerned, including the right to privacy. All Member States should adopt and implement this agenda as a systematic and perpetual mechanism for ensuring legal identity for all.
84. In their efforts to establish the legal identity of all persons on their territory, Member States should promote the inclusion of otherwise marginalized and poor communities and should not leave them further behind in the spirit of implementing the essential principle of universal civil registration as per international standards.
85. Member States also have the responsibility to recognize all individuals present on their territory as a person before the law, without prejudice to nationality (or lack thereof), legal status, gender or duration of stay. In the case of displaced persons whose proof of legal identity may have been lost, destroyed or confiscated in the course of conflict or natural disasters, states should issue proof of legal identity. For refugees, Member States are primarily responsible for issuing proof of legal identity, including identity papers,⁴⁰ however, the issuance of proof of legal identity to refugees may also be administered by an internationally recognized and mandated authority⁴¹ such as the United Nations High Commissioner for Refugees under its refugee protection mandate. In these circumstances, Member States should recognise

the identity credentials issued by the United Nations High Commissioner for Refugees to asylum seekers and refugees as proof of legal identity.

86. Protection of personal data and the rights of the individual to privacy and consent with how their data is processed, managed and accessed by both public and private bodies is of fundamental importance. Since the collection, use, sharing, accessing, merging and other processing of personal data in legal identity systems constitutes an interference with the right to privacy and other rights, states must demonstrate that each of these acts has a legitimate objective and is a necessary and proportionate means to achieve that objective. All Member States should adopt comprehensive data protection and privacy laws that secure the identity data of individuals held by states, allow individuals to see how their data are collected, used, shared, merged, accessed and otherwise processed by public and private bodies and for what purpose, and give individuals the right to object to the processing of personal data, where this does not frustrate the purpose of providing legal identity, as well as to the rectification or deletion of irrelevant or false personal data.

Implementation – specifics

87. In implementing the holistic approach to civil registration, vital statistics and identity management, Member States need to guarantee the universal recording of all vital events occurring in the country, primarily births and deaths. This requires ensuring that the network of civil registrars covers the entire country and that civil registrars, in their role as civil servants, deliver the registration services in a continuous, mandatory and confidential manner. The two major components refer to the updated legal framework for civil registration and extending the network of civil registrars to cover all the regions – both clearly identified as government functions and responsibilities.
88. In countries where the civil registration system has been neglected for prolonged periods of

39. Interoperability in this context refers primarily to ensuring that systems are using the same set of definitions, classifications and methodology, as well as technologically compatible platforms allowing for full harmonization of interfaces and access protocols. Interoperability between functions does not infer allowing full access and manipulating records and content of any single system.

40. 1951 Convention on the Status of Refugees, Article 27.

41. 1951 Convention on the Status of Refugees, Article 25.

time, the identity management agency, if it has subsumed the civil registration function, will initially have to respond to a particularly substantive challenge: issuing identity cards to living individuals, both adults and children, whose birth was never registered or who never received their birth certificates. Thus, the agency will have to develop mechanisms to ensure the registration of every single birth – and death – in the country, while at the same time issuing identity documents to those who have never had them. This particularly affects late birth registrations, which need to be tabulated separately from current birth, or death registrations. It is important to have provisions in the law that allow for the registration of deaths of individuals whose births have never been registered. Ultimately, however, it is expected that the agency will turn its operations into routine procedures for issuing birth and death certificates and identity cards.

89. Another challenge faced by an identity management agency, in particular if it has subsumed the civil registration function, will be to ensure the production of regular, accurate and reliable vital statistics. All the information regarding the occurrence of the event and the characteristics of the relevant stakeholders as per international statistical standards need to be incorporated into the reporting protocols and procedures. Establishing regular channels of communication with the national statistical authority is yet another critical component of the whole process of instituting a holistic civil registration, vital statistics and identity management system at the national level.
90. Where civil registration is not subsumed to the identity management agency, establishing a regulatory framework for cooperation and data sharing between the responsible authorities is a precondition for the implementation of a holistic approach to the legal identity system. Part of this agreement is also the authority over the population register. This authority can be vested in one or more of the agencies responsible for civil registration or identity management, while countries can also opt to create a new agency specifically tasked with the maintaining of the

population register.⁴² Regardless of the choice of authority in charge of the population register, the authority to add and update specific personal information in the population register remains strictly with the authority appointed by the law to register that information.

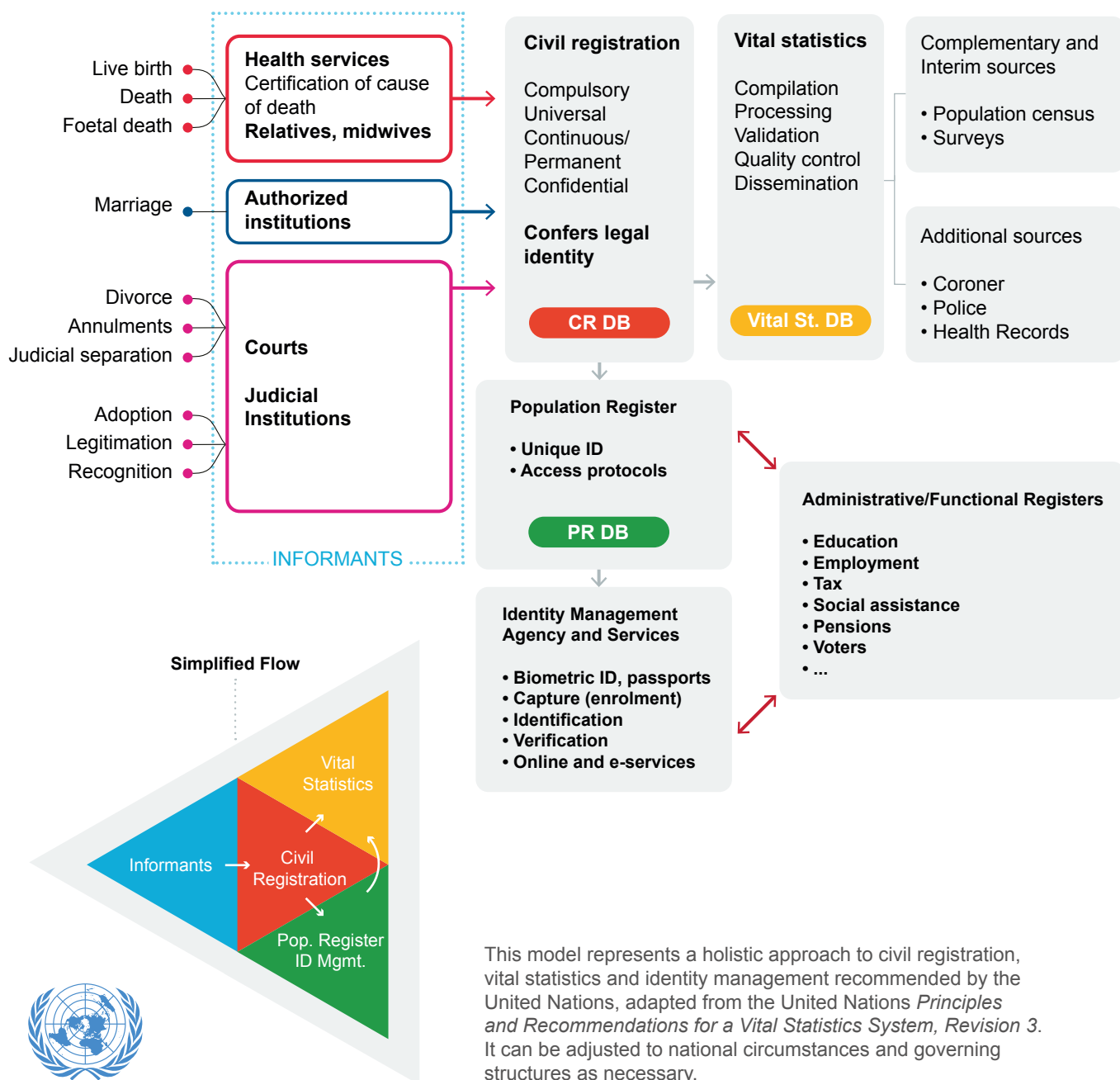
91. The graph below represents the model of a holistic approach to civil registration, vital statistics and identity management recommended by the United Nations, adapted from the United Nations *Principles and Recommendations for a Vital Statistics System, Revision 3*.
92. The establishment, operation and maintenance of a population register based on an unambiguous legal mandate provides a necessary mechanism for a number of administrative and statistical purposes. In practice, a population register cannot be described as such without being linked with the registration of vital events, which constitute information fundamental to its updating, together with changes of address. In this respect, population registers are a kind of continuous census, encompassing the structure of the population at any given point in time, with all modifications occurring within it on a moment-to-moment basis.
93. The essential premise of population registers and their functioning is that the civil registration system is uniquely positioned to provide legal identity data to be entered into the population registers, including additional layers of identity data as a consequence of registration of vital life events throughout an individual's lifetime.
94. Specifically, population registers are initially established from an inventory of information on the inhabitants of a certain area (often census information). In many countries, the population register is established from the data collected as part of mass enrolment in the national identification programme, at which point legal identity has been either proved based on civil registration certificates presented or, in absence of civil registration records, established through a due process of conferring legal identity.

42. It should be outlined that a population register does not necessarily imply centralised database. In a number of countries, a federated approach is applied, whereby the establishment, maintenance and operation of a population register is the responsibility of the administration of a major civil division and the updates are subjected to specific protocols between those separate registers. Such arrangements allow for adding content to the population register that is particularly relevant for a specific major civil division, on top on those that are compulsory by the law of the land.

95. Once established, legal identity information within the personal record in the register is subject to continuous updating of events such as births, deaths, adoptions, legitimations, recognitions, marriage, divorce, annulments and judicial separations, change of name or sex, and change of residence. An efficient connection with the civil registration authority is therefore a fundamental element of the proper functioning of the population register.
96. Other than legal identity information, a population register usually stores information on registered address of residence. This information is used for delivery of services, taxation purposes, creation of voter lists, etc. The address registration function may be implemented by the same local authorities responsible for civil registration, as a separate function and regulated by a specific law, or by designated authorities. While address of residence is an important element of personal record in a population register, it carries limited relevance in terms of the legal identity of a person.
97. In the recent practice of countries and areas introducing and maintaining population registers, assigning a unique identifier – most commonly referred to as a unique identification number – to each individual upon birth, and retiring it only after the individual's death, has proved to be an effective instrument for ensuring the quality of individual information, the linkages between various registers, the avoidance of duplication and more reliable control of the quality of the register's content.
98. However, it should be noted that unique identification numbers carry particular risks as they can facilitate the linking of personal information across all databases that use these unique identification numbers, allowing comprehensive profiling of the persons concerned.⁴³ Hence, strong legal, institutional and technical safeguards are required to protect the unique identification number against unauthorized access and limit their use to the extent necessary for the delivery of public services and prevent their overly intrusive use. It is further recommended that numbers be encoded to allow for deliberate matching between systems when appropriate/ authorised, without propagating a single number across systems, to minimize potential risks.
- Function creep, for instance, into private sector use, should be avoided. Measures to prevent its use to match individuals across multiple organizations where there is no legal basis to do so should be taken.
99. From the point of view of generating regular, accurate, timely and reliable vital statistics, the introduction and functioning of population registers represents a substantial step in the right direction. As noted above, population registers are operated by the government for administrative purposes. This approach results in systematic procedures where all the protocols and responsibilities of all involved institutions (public and private health institutions, registrars, population registers' operators, official statistical offices) are well developed and integrated as everyday routine. Population registers used as a source of vital statistics ensure up-to-date access to individual information, together with an opportunity to link individual information with other sources of data, enhancing the quality of the information in the process.
100. The figure below presents a model currently being introduced and implemented in a number of countries developing holistic approaches to this process by linking the civil registration function, identity management and vital statistics function. By its very nature, the civil registration function, in terms of its legal implications, is still distinct as its procedures for issuing legal tenders related to the civil status of individuals, by definition, require adequate and strict protocols. The establishment and maintenance of population registers, in this model, go hand-in-hand with the civil registration function. The vital statistics function remains with the national statistical authority, which is responsible for producing regular vital statistics based on records submitted by the population register or the civil registration agency. The identity management function is firmly incorporated by accessing the population registers and issuing biometric identity credentials at different points in the lifetime of an individual.

43. See the constitutional ban of unique identification numbers that could be applied across all sectors in Germany and Hungary. Other countries have found useful and effective mechanisms that do not require unique identification numbers or at least their storage in a central database.

Figure 1. Civil registration, vital statistics and identity management system



This model represents a holistic approach to civil registration, vital statistics and identity management recommended by the United Nations, adapted from the United Nations *Principles and Recommendations for a Vital Statistics System, Revision 3*. It can be adjusted to national circumstances and governing structures as necessary.

Key:

- CR DB: Civil Registration Database
- PR DB: Population Register Database
- Vital St. DB: Vital Statistics Database

Note: The arrow between the population register and administrative/functional register does not indicate a free flow of complete information between these two components. It actually indicates facilitating and ensuring querying either end in terms of confirming the validity and accuracy of the information. Similarly, the same applies to the interoperability between the identity management agency and administrative/functional registers.

101. This holistic model ensures that a mechanism is established for conferring legal identity to all in a continuous, universal and inclusive manner, from birth to death, which also allows for building upon the interoperability of the system in terms of providing access to all the services in an effective and equal fashion and developing other registers for different purposes using the same definitions, classifications and overall methodology. Countries are advised to adopt this longitudinal solution of simultaneous build-up of civil registration and vital statistics and identity management systems based on unique legislative foundations and overall methodology.

Legal identity for asylum seekers and refugees

102. Registration of refugees is key for the persons concerned, as well as for states to know who has arrived. It also facilitates access to basic assistance and protection, including for those with specific needs. It is an important tool in ensuring the integrity of refugee protection systems and preventing and combating fraud, corruption and crime, including trafficking in persons. Registration is therefore a key component in the protection of displaced populations.⁴⁴

103. The responsibility for registering asylum seekers and refugees and providing them with proof of legal identity lies with states.⁴⁵ In support of concerned countries, the United Nations High Commissioner for Refugees, in conjunction with states and relevant stakeholders, will contribute resources and expertise to strengthen national capacity for individual registration and documentation, including for women and girls, regardless of marital status, upon request. This will include support for digitalization, biometrics and other relevant technology, as well as the collection, use and sharing of quality registration data, disaggregated by age, gender, disability and diversity, in line with relevant data protection and privacy principles.⁴⁶

104. The United Nations High Commissioner for Refugees' own systems, capacity and expertise in refugee registration, including in emergency contexts and situations of mass influxes, can provide effective support to states, in accordance with established standards.⁴⁷ States are increasingly taking greater responsibility for refugees' registration and identity management, with the United Nations High Commissioner for Refugees providing technical assistance to ensure responsible transitions, which will lead to improved protection and expanded access to rights. It is important that principles of refugee protection, including relating to confidentiality, data protection and privacy are reflected in national law and practice and that the identity credentials issued to asylum seekers and refugees are legally recognized as proof of legal identity in national law. This can facilitate access to public and private sector services (such as mobile connectivity and banking services). It can also support the provision of cash-based humanitarian assistance as well as greater economic inclusion, allowing refugees to contribute more to host communities.

105. States that are party to the 1951 Convention on the Status of Refugees should also provide refugees who are lawfully staying on the territory with travel documents that permit international travel.

106. Refugee registration and documentation can facilitate durable solutions, including the voluntary return and reintegration of refugees to their country of origin. Tripartite agreements between the host state, countries of origin and the United Nations High Commissioner for Refugees often stipulate the documentation that can act as travel documents. Countries of origin should be supported to provide identity credentials, including replacement documents, to returning refugees as part of measures to facilitate reintegration.

44. United Nations Global Compact on Refugees, para. 58.

45. 1951 Convention on the Status of Refugees, Article 27.

46. Global Compact on Refugees, para. 58.

47. See United Nations High Commissioner for Refugees Guidance on Registration and Identity Management, available at: <https://www.unhcr.org/registration-guidance/> and United Nations High Commissioner for Refugees *Handbook for Registration* (Provisional Release) 2003.

Legal identity in the context of statelessness

107. Where individuals have difficulty in either establishing their entitlement to nationality or proving that entitlement, they can be left stateless. In order to establish entitlement to a nationality, a person needs to demonstrate their links to the country, usually through evidence of birth on the territory and parentage. As these links are recorded through birth registration, universal birth registration is key in realizing the right to a nationality.

108. Thus, to prevent statelessness, states should ensure that they grant proof of nationality where it is required to all those who have an entitlement to nationality under the law. Again, given that the requirements for acquisition of nationality refer to links that a person has with a state, generally through place of birth or parentage, universal birth registration is crucial for realizing the right to a nationality.

109. Regarding statelessness, the 2018 Guidance Note of the Secretary-General states that the United Nations should “work with States to ensure that universal birth registration, civil registration and national identity systems are linked at the country level and to strengthen national capacity for a life-cycle approach to identity management, effective public administration and accountability in this regard.”⁴⁸ Ensuring universal birth registration can involve “creative approaches, such as through mobile registration units, or registering births and civil status in conjunction with other national campaigns, such as public-health inoculation drives, school enrollment, and social support grants, which have all been proven to markedly increase birth registration coverage.”⁴⁹ Given that birth registration does not always occur in a timely manner, advocacy with states to promote procedures for late or delayed birth registration can also be undertaken. To ensure that those with an entitlement to nationality have the documents to prove this entitlement, advocacy to address discriminatory or exclusive laws, policies and practices may be undertaken. Through capacity-building and training, competent courts and administrative authorities are in a position to

accurately confirm whether a person is a national, ensuring that all those who have acquired a nationality under the legislation of a state are recognized as nationals in practice.

110. Support to ensure effective access to civil registration often also involves activities to empower individuals. People must be aware of their rights and access to identity and nationality documentation. Public information and education campaigns are important activities to raise awareness on the importance of birth registration and some individuals may require legal assistance in order to avail themselves of such rights and procedures.

Functional registers

111. In discharging various responsibilities, governments establish different registers to ensure efficient service delivery in the discharge of its mandate of governing the people. Those registers can, in general and generic terms, be designated ‘functional’ registers since their purpose is directly linked to the discharging of government responsibilities under a specific function and there is no legal status conferred by the creation of an identity record in these systems. Examples of these registers are many in any given country, for example, tax registers, employment and unemployment registers, social security registers, business registers, student enrolment registers, pensioners registers, voters’ register, to name a few. In effect, most government administrative data systems – such as community health information systems, education information systems, social security management information systems, etc. – can be thought of as functional registers. Many of these administrative data systems specifically relate to data on children or vulnerable groups in order to provide supporting services, and as such the identity data contained therein may be particularly sensitive.

112. Linking, in a regulated environment, of civil registration and its population register with functional registers ensures that up-to-date and accurate information is uniquely available to functional registers, their content is less prone

48. United Nations Secretary-General, Guidance Note of the Secretary General: The United Nations and Statelessness, November 2018, available at: <https://www.refworld.org/docid/5c580e507.html>.

49. Ibid.

to duplication or omission, maintenance is more reliable as inputs (newborns) and outputs (deaths), both coming from civil registration, is reflected in functional registers. As noted above, a unique identification number is an important tool to facilitate this data linkage, but it should be managed so that there is a deliberate matching process (through the use of an encrypted unique identification number or intermediate matching step) in order to minimize the risk to individuals from unintended uses of data or system breaches.

What are the risks?

- 113.** While implementing legal identity systems may create powerful tools to help tackle many challenges to sustainable development and the promotion and protection of a range of human rights, it is important to fully consider all risks and negative impacts that may be linked to such systems. In this context, it should be kept in mind that the effects of legal identity systems vary considerably among countries and are highly dependent on the social, cultural, political and economic context, the design and power of public institutions, the legal frameworks and the existence or lack of avenues of public participation.
- 114.** Since legal identity systems are by design comprehensive, nationwide systems, their impacts will be experienced by everyone in the respective country. Any flaws in the implementation of legal identity systems can thus have far-reaching consequences for millions of people. The risks to the achievement of development goals and the enjoyment of human rights can be grouped roughly into two categories.
- 115.** First, legal identity systems themselves can be sources of exclusion, contrary to their purpose, if registration becomes a formal or de facto requirement to exercise rights and access services while comprehensive coverage may not be achieved. Costly or difficult registration requirements, for example, may prevent poor and disadvantaged populations from fully participating in a legal identity system. Women in
- some regions face legal or customary barriers to obtaining official identification. Technical failing or limitations also can contribute to exclusions. For example, systems that require connectivity for online authentication can create obstacles in poor or remote areas. Older persons and members of some occupational groups performing mostly manual labour may have difficulty in providing fingerprints that are clear enough for the purposes of the identity systems. Services that require authentication at the point of delivery create problems for elderly or disabled people who may not be able to travel. Trans people also may face difficulties when their name and gender are not properly reflected in the identity system. Finally, exclusion can also be the result of direct government policy or action, for example, where a particular group is given identity documents that are different from those of others.⁵⁰
- 116.** Second, legal identity systems can be linked to significant privacy risks, which in turn may lead to adverse impacts on a broad range of human rights and sustainable development. To start with, digitized legal identity systems face great challenges regarding the security of the personal data collected, stored, shared and otherwise processed. Databases with information on millions of people are highly sensitive and attractive targets for attacks by criminal actors. Data breaches of any kind can facilitate identity theft; in particular when connected with biometric information, which cannot be replaced, the consequences for the individuals concerned can be dire.⁵¹
- 117.** When not properly designed, implemented and run, digitized legal identity systems collect, analyse, share, merge and otherwise process excessive amounts of data, in particular when the purpose of the systems is not well defined from the outset and there are no or only weak legal and institutional protective frameworks in place. Overly generous accessibility of the personal data to a range of government entities (and possibly other actors) poses considerable risks. Integrated identity management systems can facilitate access to personal information across the government and enable linking of individual

50. See Gelb A., and Metz A. D., 'Identification Revolution – Can Digital ID be Harnessed for Development?' Center for Global Development 2018, pp. 127–134.

51. See United Nations High Commissioner for Human Rights, Report to the Human Rights Council on the right to privacy in the digital age, A/HRC/39/29, para. 14.

records across disparate data registers. This can lead to comprehensive profiling of individuals by governments. This risk is particularly high when a single unique identification number is propagated across systems, or data from many sectoral admin systems/functional registers are centralised. Strong legal protection should be combined with appropriate design tools such as encryption or tokenization, or the use of federated registers to minimise these risks.

118. Particular attention should be given to so-called ‘function creep’, which deepens the impacts on the rights of all registered persons over time. Function creep is the phenomenon of continuously expanding forms of use of personal data once they are collected and stored. For example, biometric data initially collected with the sole goal of issuing identification cards could, at a later point, be made accessible to law enforcement and intelligence agencies for surveillance purposes. There have also been cases where governments made identification data, including biometric information, accessible to companies for their own commercial use. Another form of function creep can be observed in some countries, where increasingly companies ask prospective customers for their state-issued unique identification number; such practices may not only deepen privacy intrusions, but also contribute to the exclusion of marginalized people even from accessing services in the private sector. Thus, the goal of mitigating and ultimately eliminating these risks is achieved by ensuring universal legal identity to all from birth to death and having in place unambiguous and robust legislative framework regulating access and proliferation of individual information.

119. In that context, it is necessary to outline that many countries implementing or considering the implementation of new legal identity systems do not have appropriate legal frameworks that protect the right to privacy of all people concerned. And even though the number of states adopting data privacy laws is rising, such laws may not be sufficient without the technical or institutional capacity to implement or enforce them. Moreover, privacy laws are missing in particular in states with a weak rule of law and a low level of political rights and civil liberties, which considerably enhances the risks described above. It is therefore vital that a high degree of diligence in conceptualizing, designing, developing,

implementing and operating such systems be applied. Since the collection, sharing and other processing of personal data in legal identity systems constitutes an interference with the right to privacy and other rights, such systems must be based in publicly available, sufficiently precise law. States must demonstrate that the system has a legitimate objective and that the particular legal identity system is a necessary and proportionate means to achieve that objective.

120. Strong legal and institutional safeguards should be used to minimize the chances of abuse. Data privacy laws that are applicable both to state entities and the private sector and that meet internationally common standards need to be adopted and enforced. For instance, governments should limit the collection of data to the minimum necessary for running a legal identity system. Laws, regulations and technological solution must set clear and strict rules that limit access to databases and personal data based on what different actors require through clear regulations and legislation to those actors that need these data for clearly defined lawful purposes. A basic requirement is that personal data is processed only for the purposes defined under the law and limited only to personal information that is required to fulfil a specific service. These preconditions should be strictly enforced and regularly monitored, preferably by an independent public authority. Mechanisms for redress in cases of incorrect identification or violation of privacy, data protection and confidentiality should be clearly established and should be impartial, simple, transparent, effective and accessible free of charge for the applicant.

121. In order to ensure that legal identity systems are effective, and that they respect and promote human rights, it is vital to carry out comprehensive human rights and privacy impact assessments before moving to the implementation phase. Moreover, in line with Sustainable Development Goal Target 16.7, with its commitment to responsive, inclusive, participatory and representative decision-making, they should only be implemented based on broad, inclusive consultations with all affected stakeholders, in particular marginalized populations.

122. Another significant consideration is the cost of

different options, the risk of overspending on inappropriate technology, and duplication across programmes and over time. In international practice, there are many examples of high-cost, proprietary packages being chosen instead of more cost-effective substitutes that may offer more adequate technological solutions.

Section 4

The United Nations Legal Identity Agenda

123. Various iterations of global principles and recommendations for vital statistics systems have been developed by the United Nations Statistics Division since 1954, when the first version of the Handbook of Statistical Organization, was published. This publication serves as the international standard and guidelines for the generation of vital statistics from civil registration systems. However, siloed programming, sector-specific financing, and narrow interpretation and implementation of legal identity across the development continuum have done little to address lack of coordination, duplication and skewed investments in various forms of identity systems at the implementation level.

124. In many instances, scale-up of national identification systems is carried out in parallel with, and to the detriment of civil registration systems, and most often is limited only to the adult population for the use of voter registration. This approach has been proven to be limited in its scope and utility, resulting in governments not establishing comprehensive 'birth-to-death' identity management systems that provide for the full enjoyment of rights derived from proof of legal identity.

125. The lack of coordination, standardization and interoperability of systems has resulted in a proliferation of parallel and fragmented registers. While functional registers serve important purposes, monitor child health outcomes and enable the provision of social support to poor populations, they are most often sector-specific and do not provide the comprehensive protection conferred from legal identity.

Global, regional and national coordination

126. The United Nations Executive Committee, during its meeting on 17 January 2018 on reduction and prevention of statelessness, noted the complex and interrelated development landscape on dimensions of legal identity, and made the

following decision: "The Deputy Secretary-General's office to convene United Nations entities to develop, in collaboration with the World Bank Group, a common approach to the broader issue of registration and legal identity, taking into account the importance of preventing statelessness, in support of the Sustainable Development Goals and the overall vision of leaving no one behind." The United Nations Legal Identity Expert Group operating under the purview of the United Nations Sustainable Development Group's Strategic Results Group on Sustainable Development Goal Implementation was established to spearhead the discussions on the joint United Nations collaborative response of the United Nations system to the legal identity agenda including in collaboration with the World Bank.

127. The United Nations Legal Identity Agenda, backed by the Deputy Secretary-General was launched to bring the United Nations Development System together in support of Member States in building holistic, country-owned, sustainable civil registration, vital statistics and identity management systems. The United Nations Implementing Partners will build on their collaborative advantage to provide knowledge and expertise to Member States in support of the implementation of nationally owned, holistic and interlinked civil registration, vital statistics and legal identity systems.

Global coordination

128. It is widely recognized that a universal, fully functional legal identity system will enable the effective and efficient planning and administration of public services and transparent policy decisions. It is also fundamental to the accurate measurement of development progress of the most marginalized communities and achieving the 2030 Agenda goal to leave no one behind.

- 129.** Recognizing the importance of the agenda, since the adoption of the Sustainable Development Goals, Target 16.9 has generated significant global momentum, forged new partnerships, and galvanized resources and interest from governments, international financial institutions, civil society organizations, academia and the private sector, all seeking to advance the agenda of legal identity and Target 16.9.
- 130.** In January 2018, the World Bank outlined that financing the identification for all agenda will require an estimated \$12 billion. To advance this agenda, the World Bank will allocate \$750 million to investments in identity-related projects in the next three years in close collaboration with the United Nations, government, private sector and civil society.
- 131.** Investments in identification systems alone, however, will not completely address the target of legal identity for all. The non-adult population in almost all cases is not enrolled in identification credentials programmes. In addition, identification programmes are not designed to reflect changes in legal identity information in a timely way. Therefore, efforts are being made on a global level to reframe the current fragmented process and ensure a unified approach to the legal identity agenda through a holistic approach to legal identity management from birth until death.
- 132.** Central to these initiatives is the assumption that recognition of legal identity is a sovereign prerogative of the state. Other innovative platforms for digital identification currently being discussed globally, under the umbrella of 'Digital ID', are assumed to be built on top of legal identity as registered by the legally appointed state authority.

Regional coordination

- 133.** For many decades, initiatives and efforts relating to strengthening otherwise weak civil registration systems in Africa were dominated by isolated project-based and ad hoc exercises. The situation has changed radically following the first Conference of African Ministers Responsible for Civil Registration, held in Addis Ababa on 13-14 August 2010. Since the conference, several responses and actions have been stimulated, including the institutionalization of the Conference

of African Ministers as a permanent forum under the auspices of the African Union Commission.

- 134.** The Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics is a regional programme developed following the political commitment and policy directives of the ministers in charge of civil registration to reform and improve Civil Registration and Vital Statistics systems on the continent. At the regional level, the programme is guided by a Regional Civil Registration and Vital Statistics Core Group led by the Economic Commission for Africa in partnership with the African Union Commission, African Development Bank, Secretariat of African Symposium on Statistical Development, United Nations Children's Fund, World Health Organization, United Nations High Commissioner for Refugees, United Nations Population Fund, INDEPTH Network, Plan International and PARIS21. The Secretariat of the Programme is based in the African Center for Statistics at ECA.
- 135.** The Regional Steering Group for Civil Registration and Vital Statistics in Asia and the Pacific guides the implementation of the Regional Action Framework and acts as the custodian of the Asia and Pacific Civil Registration and Vital Statistics Decade (2015–2024). Membership in the Regional Steering Group is based on government nominations and represents a balance of both geography and sectors including civil registration, statistics, health and planning. The current composition of the Regional Steering Group includes 30 members, 22 member states and 8 development partners, and was endorsed by the Economic and Social Commission for Asia and the Pacific at its seventy-first session in May 2015.

Coordination with development partners

The World Bank

- 136.** Since its inception in 2014, the World Bank Group's Identification for Development programme has become an important initiative in addressing legal identity gap, and a trusted source of knowledge and advisory services for building inclusive and trusted identity management systems. The programme has been developed on the premise that digital identity and civil registration systems are

instrumental for strengthening development prospects and accelerating progress towards the Sustainable Development Goals. Identification for Development provides support through three key pillars of activity: thought leadership, global convening and regional action.

- 137.** Based on its cross-cutting knowledge, and driven by strong demand from the countries for the development of identity systems through implementation of digital identification and civil registration systems, the World Bank provides support in designing and financing the implementation of identity systems. As of 2018, the World Bank has supported 46 countries with assessments, technical assistance and financing for identification and civil registration. By 2018, there was approximately US\$1 billion actively being spent or awaiting approval to be spent on financing of identification and civil registration projects and implemented by governments.
- 138.** Projects financed by the World Bank are critical for building identity systems, with notable successes in mitigating legal identity gaps through state-wide enrolments in national identification programmes, and delivery of identification credentials to the adult population. Through its tough leadership platform, the World Bank promotes a holistic approach to identity management emphasising in that context the importance of civil registration. Nevertheless, civil registration systems remain underfunded as national authorities prioritize issuance of national identity cards.
- 139.** Identification systems and identity systems promoted by the World Bank complement the effort of the United Nations to develop a holistic approach to legal identity systems by strengthening civil registration, vital statistics and identity management systems. By combining efforts on the country level in strengthening civil registration and identity management systems, United Nations Country Teams and the World Bank can deliver support in areas that are critical to closing the identity gap and building sustainable identity system built on shared recognition of the importance of a holistic approach to legal identity systems.
- 140.** The World Bank has not been the only development organization actively supporting strengthening of legal identity systems. Other

regional development organizations have been providing sizable support in this area, such as the following.

African Development Bank

- 141.** Within the framework of the African Programme on Accelerated Improvement of Civil Registration and Vital Statistics, the African Development Bank is assisting regional member countries to undertake comprehensive assessment of the civil registration and vital statistics systems. In this respect, the African Development Bank is working in collaboration with other partners to promote a culture of efficient and timely registration in the region, and to try to promote national dialogue with governments and initiate projects that aim to modernize civil registry and identification systems.

Asian Development Bank

- 142.** The Asian Development Bank is a development finance institution whose mission is to help its developing member countries reduce poverty and improve living conditions and quality of life by focusing on three complementary strategic agendas: (a) inclusive growth; (b) environmentally sustainable growth; and (c) regional integration. The Asian Development Bank is involved in building the capacity of statistical offices and related agencies to produce timely and reliable statistics (including the areas of civil registration and vital statistics) and has been partnering with regional development partners to support various regional activities related to civil registration and vital statistics, such as regional forums, training workshops, assessments of the civil registration and vital statistics systems, and support to country initiatives for improving civil registration and vital statistics systems in selected countries.

Inter-American Development Bank

- 143.** The Inter-American Development Bank is a regional development bank for Latin America and the Caribbean, committed to efforts by Latin America and the Caribbean countries to reduce poverty and inequality. Among the areas that the Inter-American Development Bank supports is the modernization of civil registries and identification, considering these registries to be key for the development of effective public projects and policies. The Inter-American Development Bank also carries out applied research in this area and

has published a number of papers pertaining to the implications and importance of legal registries.

Global Financing Facility

144. The Global Financing Facility for Women, Children and Adolescents is helping governments in low- and lower-middle-income countries transform how they prioritize and finance the health and nutrition of their people. The Global Financing Facility for Women, Children and Adolescents was launched at the Financing for Development Conference in Addis Ababa in July 2015 as part of a global conversation about how to finance the Sustainable Development Goals. The approach of the Global Financing Facility for Women, Children and Adolescents to financing recognizes that countries themselves are the engines of progress and that the role of external assistance is to support countries both to get more results from the existing resources and to increase the total volume of financing. The Global Financing Facility for Women, Children and Adolescents prioritizes the strengthening of civil registration and vital statistics systems as an important data source for monitoring progress made in ending preventable maternal, newborn, child and adolescent deaths; and as an area that has been inadequately funded in the past.

Section 5

Key opportunities and approaches for United Nations Country Teams

- 145.** Civil registration, while a routine operation in many countries, necessitates developing a network of informants and registrars that work within a coordinated and well-defined framework, involving different components of the national administrative apparatus. Birth and death registration require coordination with health services, marriage registration is coordinated with authorized institutions and other vital events are sanctioned by courts and other judicial authorities.
- 146.** Guidance⁵² has been developed by the World Health Organization and UNICEF for the health sector, to encourage the notification of births and deaths directly to the civil registrar. Modules in commonly used open-source community health information platforms (such as District Health Information Software 2) have also been developed to support this.
- 147.** Without elaborating in detail on the causes for neglecting the development and functioning of civil registration in a considerable number of countries,⁵³ it is the fact that, although civil registration is established in all countries, the completeness of it is far from universal in almost half of them.⁵⁴ The result is that generations of people would be born and die without legal existence.
- 148.** Historically, attempts to address the problem of weak civil registration system were directed towards specific aspects of the system, most often with the view to improve either birth registration or death registration coverage. Improving coverage of other vital life events directly affecting legal identity generally received less attention.
- 149.** Over the last two decades, digitization of registration processes created opportunities to aggregate vital events records in a single digitized register and to link all vital events records pertaining to a certain individual into one personal record that can track changes in legal identity information from birth until death. Such system, generally known as a civil register or population register make sense only as long all events are registered in a timely way. Development of such systems makes it paramount that the whole civil registration system is developed in a holistic manner. This includes legislative framework, institutional arrangements, working methods and the use of collected information for specific purposes.⁵⁵
- 150.** The availability of legal identity data in a digital format further unlocks the possibilities for sharing of data with other authorities, custodians of functional registers such as voter register, pensioners register, tax payers register, registers of grants and financial transfers beneficiaries while upholding the right to privacy and protecting personal data. By making a concerted effort towards supporting the development of a functional and universal civil registration system, custodians of functional registers are in a unique position to build their registers on already available legal identity information data and to be able to reflect changes in legal identity as they occur.

52. World Health Organization and United Nations Children's Fund. Improving the registration of Births and Deaths in Low-income countries: Guidance for Health Sector Managers and Development partners. Geneva: World Health Organization/United Nations Children's Fund, 2020, available at: https://www.who.int/healthinfo/tools_data_analysis_routine_facility/en/

53. These are presented in a number of documents prepared over the previous decades by the United Nations Statistics Division and can be summarized as follows: civil registration not identified as development priority; civil registration linked to the colonial system that excluded native population; relying on surveys to produce vital statistics indicators; lack of clear understanding of registration benefits, to name a few.

54. See: <https://unstats.un.org/unsd/demographic-social/crvs/index.cshhtml>.

55. *The Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, United Nations, 2018, provides detailed description and elaboration of civil registration systems and its components as well as illustrative examples of national civil registration and vital statistics systems that are meeting international standards and recommendations. The Handbook is available at: <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>.

151. This paradigm shift in terms of how registration data is processed, stored and shared also offers new opportunities for the United Nations Country Team participating agencies to revise their approach from traditionally focusing on supporting government in improving registration coverage of specific vital life events critical for the implementation of their mandate towards focusing on a joint collaborative effort aimed at building one system that caters for the registration of all vital events that add information to legal identity and which supports all other government systems that require up-to-date legal identity information.

152. The essential guiding principle for United Nations Country Team and the Resident Coordinator is succinctly presented in paragraphs 101 and 102 of this guide

Mandates and roles of United Nations agencies

153. Historically, United Nations systems provided considerable support to Member States in improving civil registration and vital statistics, on one hand, and identity management systems, on the other. Technological development and the computerization of scores of processes both within and outside the government, as well as a clearly defined United Nations Legal Identity Agenda, consisting of calling on all Member States to ensure universal civil registration of all vital events, translated into regular, reliable and comprehensive vital statistics. This results in legal identity for all, requiring a paradigm shift in terms of mobilizing the United Nations Country Teams around a holistic approach and developing the division of labour and expected outputs in a synchronized and simultaneous manner. Hence, described below are the documented strength and expertise that different agencies acquired and that can be employed in implementing the United Nations Legal Identity Agenda at the national level.

Civil registration

154. The United Nations Statistics Division has been mandated, since 1953, to develop the methodological framework, international standards and guidelines for civil registration and vital statistics and, recently, for identity

management; to enhance national capacities in building and maintaining these systems by conducting training programmes at regional and sub-regional levels; and to monitor and coordinate international efforts supporting the holistic approach to civil registration, vital statistics and identity management. In that context, the United Nations Statistics Division developed and introduced a set of international principles and recommendations and accompanying manuals. However, the United Nations Statistics Division is not an implementing agency and does not have a presence on the ground in Member States, hence, the guidance provided by the United Nations Statistics Division has been translated into implementation activities by United Nations agencies in countries.

Birth registration

155. The United Nations Children's Fund provides programmatic guidance on birth registration, development of innovative good practice to increase birth registration rates and improve the capacity of the civil registration authorities in birth registration and in other aspects of its work to support a well-functioning civil registration and vital statistics system. The United Nations Children's Fund is currently supporting the authorities in more than 76 countries on birth registration as well as regional bodies and networks. In-country technical assistance provided to the national authorities includes situation analysis, development of Information and Communication Technology solutions for birth registration and death registration, legislative and policy reform, organizational and operations change, implementation of communication for development actions, stimulating demand for registration including reaching the most marginalized, building coalitions and strengthening collaboration including engaging with parliament, community and religious leaders. It works across the organization to capitalize on potential for interoperability with other sectors.

156. The United Nations High Commissioner for Refugees can contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons, as appropriate, to civil and birth registration and documentation, including through digital technology and the provision

of mobile services, subject to full respect for data protection and privacy principles. Civil and birth registration helps states to have accurate information about the persons living on their territory and is a major tool for protection and solutions for refugees and forcibly displaced persons, including for refugee women, girls and others with specific needs. While it does not necessarily lead to conferral of nationality, birth registration helps establish legal identity and prevent the risk of statelessness. In support of host countries, the #IBelong campaign is an initiative of the United Nations High Commissioner for Refugees launched in 2014 to bring an end to statelessness within 10 years by resolving existing situations of statelessness and preventing the emergence of new cases of statelessness. The accompanying Global Action Plan to End Statelessness by 2024 sets out a guiding framework made up of 10 Actions that need to be taken to end statelessness.⁵⁶

157. The Global Action Plan to End Statelessness promotes access to proof of legal identity and includes two actions that explicitly refer to the importance of legal identity for the prevention of statelessness. Action 7 of the Global Action Plan to End Statelessness urges states to ensure birth registration for the prevention of statelessness and sets out how states can implement this action including through provisions that allow for late and delayed birth registration. Action 8 of the Global Action Plan to End Statelessness calls on states to issue nationality documentation to those with entitlement to it, ensuring that procedures to obtain such documentation are accessible, affordable and implemented in a non-biased manner.

158. The international organization for migration has also assisted migrants with registering their children at birth and has raised awareness of migrants on the need to go beyond a mere birth notification issued by a health care provider in order to ensure the child's access to rights and services. The international organization for migration looks into possibilities to develop more activities allowing for birth registration of children of migrants, through facilitation of access to consular authorities.

159. The United Nations Population Fund at the regional and national level, and within the methodological framework developed by the United Nations Statistics Division, provides technical assistance and support to the national civil registration and vital statistics system through different and customized activities aiming at increasing and assessing the completeness of civil registration and the production of regular vital statistics from civil registration.

160. The major concern of the World Health Organization relates to access to health services, particularly for infants, as well as the presence of children needing vaccination. Therefore, the World Health Organization specifically targets the improvement of birth registration and the linkage with the health authorities and is promoting civil registration through the public health network at national levels.

Death registration

161. The United Nations Children's Fund supports the civil registration and vital statistics authorities to strengthen and improve their holistic systems which includes death registration and provides technical assistance in these systems. The organization also provides guidance and inputs on verbal autopsies. The United Nations Children's Fund also works on evaluating the completeness of death registration and is the lead agency producing estimates on child mortality. The United Nations Children's Fund also works with the authorities in age assessment, providing programmatic guidance and technical assistance in age assessment procedures.

162. The World Health Organization considers civil registration and vital statistics data, including causes of death as a critical underpinning for the work of the World Health Organization and for health work in countries, as well as many other global health partners. Civil registration and vital statistics data are used to understand, implement, monitor and evaluate global health development, and are recognized as a cornerstone of country health information and planning. To this end, the World Health Organization supports civil registration and vital statistics activities, as part

56. United Nations High Commissioner for Refugees, 'Global Action Plan to End Statelessness', 4 November 2014, available at: <https://www.refworld.org/docid/545b47d64.html>

of its core global statistical programme, and its response to initiatives such as Every Woman Every Child. As part of its core work, the World Health Organization maintains a database of country data on mortality (deaths registered and causes of death), time series. The World Health Organization also maintains the standard for the International Classification of Disease, relevant to the collection of mortality data globally, as well as supporting other mortality collection, for example verbal autopsy standards.

- 163.** The United Nations Population Fund provides technical assistance and capacity building to civil registration authorities and national statistics offices on completeness and quality assessment of death registration data. The United Nations Population Fund also assists National Statistics Offices (NSOs) in compiling mortality statistics from death registration data and supports field research on the social norms and behavioural factors leading to under-registration of deaths.

Marriage registration

- 164.** The United Nations Population Fund is developing regional and national action plans and strategies aiming at increasing the completeness of marriage registration and to acquire more robust data related to under-age marriages. The United Nations Population Fund is supporting national authorities in carrying out systematic assessments of the completeness and quality of marriage and divorce registration data. The United Nations Population Fund also supports field research on social norms and behavioural factors leading to under-registration of marriage events.
- 165.** The work of the United Nations Entity for Gender Equality and the Empowerment of Women to eliminate discriminatory marriage and divorce laws ensure that provisions on marriage registration are compatible with the overall goals of civil registration and legal identity. The United Nations Children's Fund works on ensuring attitude change among a critical mass of families and communities to ensure that children do not get married; strengthen critical institution and systems including civil registration to deliver services that prevent girls from getting married and protect those that are married; generate political will and mobilize financial resources to end child marriage. The United

Nations Population Fund has an expanding capacity-building programme for civil registration authorities and national statistics offices on vital statistics production and usage. This programme emphasizes the production and usage of civil registration data on births, marriages and deaths. Special emphasis is given to the importance of gender-disaggregated vital statistics.

Vital statistics

- 166.** The United Nations Statistics Division, through the framework for improving civil registration and vital statistics systems under the International Programme for Accelerating the Improvement of Vital Statistics and Civil Registration Systems is responsible for developing guidelines and methodologies for the collection, compilation and dissemination of vital statistics. This includes the production of international principles and recommendations for vital statistics systems, as well as technical handbooks on topics such as computerization, developing information, education and communication, management and legal framework, among others. The United Nations Statistics Division undertakes the preparation, organization and implementation of training workshops in the field of civil registration and vital statistics aiming at increasing knowledge, understanding and implementation of contemporary approaches to improving civil registration and production of regular, reliable and accurate vital statistics, as well as on international standards in this area. The United Nations Statistics Division also maintains a comprehensive knowledge base, a collection of methods, practices and other accompanying materials related to civil registration and vital statistics, thus providing references for both registrars and statisticians.
- 167.** The World Health Organization is mandated for developing international standards for certification of causes of death and it has developed a comprehensive body of methodological advice to countries in that respect. Causes of death are an inseparable part of vital statistics (see paragraph 162, above).

Identity management and functional registers

168. Leveraging the importance of up-to-date information on legal identity for the development and maintenance of functional registers catering for the protection of socio-economic and political rights, United Nations agencies supporting governments in these areas can provide important contribution and use their existing comparative advantages to support the development of a holistic identity management system.

National ID and voter registration

169. The United Nations Development Programme has provided significant support to voter registration efforts (including biometric voter registration efforts) in recent years. The United Nations Development Programme is now being asked by an increasing number of Member States to either assist in the development and roll-out of its national identity register/card programmes (e.g., Malawi, Sierra Leone, Tajikistan), or to build more sustainable voter registers (e.g., Moldova, Zambia, Afghanistan).

Travel documents

170. The International Organization for Migration's engagement in identity management technical assistance has been gaining momentum. The International Organization for Migration is well placed to provide legal identity support due to its expertise and experience in delivering similar technical cooperation activities world-wide. While it has considerable in-house technical expertise related to identity management, travel document security and border controls, it also relies on experts from other partner organizations as needed. With offices in over 150 countries, 393 field locations and almost 11,000 staff, the International Organization for Migration has demonstrated the ability to deliver results in developing, fragile and security-phased countries. It has been closely cooperating with the International Civil Aviation Organization on the implementation of the International Civil Aviation Organization Traveller Identification Programme (TRIP) Strategy, a global framework helping states to develop the capacity to

uniquely identify individuals to ensure border security and facilitation. Structured by the International Organization for Migration Action Plan on International Civil Aviation Organization TRIP Strategy Implementation Assistance, the International Organization for Migration's identity management technical assistance work includes technical field visits, assessments, advocacy events and technical consultations, developing and delivering professional training, equipment procurement, and setting up the right processes and inspection tools aligned with international norms.⁵⁷

171. The International Organization for Migration is also providing technical assistance to enable migrants to get travel documents. It is particularly concerned with migrants stranded in other countries without documentation, unaccompanied migrant children, migrants in detention, victims of trafficking and internally displaced persons. The International Organization for Migration seeks to assist migrants in obtaining critical civil status documentation and/or to prove their nationality, which is generally critical for obtaining travel documentation. In order to assist migrants in obtaining documentation, the International Organization for Migration often liaises extensively with consular authorities, whether in emergency contexts or not. Processes for obtaining documents can be quite daunting or simply impossible for migrants alone, as they often involve complex procedures, burdensome and expensive travel, fees, and sometimes additional obstacles such as extortion and discrimination. The International Organization for Migration's objective is to ensure rapid access to consular services for migrants in need. To this end, it strives to increase access to consular services and their geographical coverage. This is achieved, in part, by financial support for consular missions, but also includes capacity building and logistical support.

172. The International Organization for Migration also supports consular authorities with gaining access to their nationals in or outside of detention and referring cases where necessary. Access to consular authorities is instrumental for migrants who wish to voluntarily return to their country of origin through the International Organization for Migration's Voluntary Humanitarian Returns

57. For details, see https://www.iom.int/sites/default/files/our_work/DMM/IBM/iomworkplan-icaotripstrategyimplementation.pdf

programme, particularly for those in detention who have no other means of external contact. The International Organization for Migration has also supported consular visits to enable countries wishing to send a mission to transit countries to provide travel documents to their nationals and, at the same time, to establish mechanisms for the issuance of travel documents.

Refugees and internally displaced persons

- 173.** The United Nations High Commissioner for Refugees supports states in the registration of asylum seekers and refugees and the provision of proof of legal identity. Under its mandate it can undertake these activities on behalf of states where they do not have the necessary capacity, including in emergencies and situations of mass influx. The United Nations High Commissioner for Refugees also supports states with the provision of digital tools for refugee registration, identification and case management and can provide technical advice and assistance in these areas, including in the transition of responsibility for refugee registration to states.
- 174.** Internally displaced persons are also at heightened risk of being unable to prove their legal identity. The relevant authorities should provide all necessary identity credentials so that they can enjoy their rights, including passports, personal identification documents, birth and marriage certificates. In particular, the authorities should issue new documents or the replacement of documents lost in flight, without imposing unreasonable conditions such as return to the place of habitual resident to acquire these or other necessary documents.⁵⁸ States should equally provide proof of legal identity to returnee internally displaced persons, including national identity credentials, as part of measures to ensure durable solutions. The United Nations High Commissioner for Refugees can provide support to states in these areas as part of its global cluster leadership on the protection of internally displaced persons.

58. United Nations Guiding Principles on Internal Displacement, Principle 20.

Section 6

United Nations Country Team coordination and implementation

- 175.** The United Nations Sustainable Development Cooperation Framework represents the United Nations development system's collective offer to support countries to address key Sustainable Development Goal priorities and gaps. It begins and ends with an analysis of the country's development landscape and Sustainable Development Goal priorities, including through the lens of the imperative to leave no one behind.
- 176.** This framework serves as the core accountability tool between the United Nations Country Team and the host government, as well as between and among United Nations Country Team members for collectively owned development results and is supported by independent and high-quality United Nations Sustainable Development Cooperation Framework evaluation and mandatory evaluation management response.
- 177.** The United Nations Sustainable Development Cooperation Framework triggers a review of United Nations Country Team configuration to ensure the United Nations Country Team has the capacities necessary to deliver on the commitments contained therein. The United Nations Sustainable Development Cooperation Framework is signed after this step is completed.
- 178.** The United Nations Resident Coordinator plays an enhanced leadership role throughout the United Nations Sustainable Development Cooperation Framework process in line with the new Management and Accountability Framework.
- 179.** Collaborative effort by United Nations agencies in supporting governments in overhauling and strengthening their identity management systems is an example of a programmatic intervention that falls within United Nations Sustainable Development Cooperation Framework. By targeting and addressing the problem of lack of legal identity, marginalization, exclusion and discrimination, together with the lack of universal civil registration and the inability to produce regular and comprehensive vital statistics, implementing the United Nations Legal Identity Agenda within the United Nations Sustainable Development Cooperation Framework fully reflect overarching principle of leaving no one behind.
- 180.** Under the leadership of the Resident Coordinator, United Nations Country Team participating agencies can leverage United Nations Sustainable Development Cooperation Framework to promote solving the problem of the lack of legal identity in a long-term manner as one of the country's strategic priorities.

Coordination

- 181.** Under Sustainable Development Goal 16, civil registration and legal identity are recognized as strategic priorities. Consequently, these two components are expected to be incorporated into each national United Nations Sustainable Development Coordination Framework, based on national development plans, common country analysis and other relevant input, more specifically the rapid or comprehensive civil registration and vital statistics assessment.
- 182.** Once the national United Nations Sustainable Development Cooperation Framework is in place and configured, the Resident Coordinator would initiate the process of establishing the United Nations Legal Identity Agenda Implementation Task Group (Legal Identity Task Group) within the existing United Nations Country Team – with its sole task being to implement the holistic approach to civil registration, vital statistics and identity management through an interoperable system based on international standards and recommendations.
- 183.** In practice the group would typically reflect internal United Nations working mechanisms that ensure a coherent United Nations approach. The group should be aligned to existing nationally led coordination mechanisms whenever possible. Where such mechanisms do not exist, the United

Nations system needs to promote their creation (see Text Box 2, below). It is of paramount importance to establish and maintain regular communication and exchange with the national coordination mechanism.

184. The Legal Identity Task Group should convene all United Nations agencies whose mandate directly or indirectly intercepts with the holistic approach to legal identity. Depending on the national circumstances, the task group may institute sub-groups that would focus, under overall unified strategy, to particular components, as illustrated below:

- Subgroup on civil registration (birth, death, marriage, divorces, adoption) (United Nations Children’s Fund, World Health Organization, United Nations Population Fund, International Organization for Migration, United Nations Entity for Gender Equality and the Empowerment of Women, Office of the United Nations High Commissioner for Human Rights)

- Subgroup on production of vital statistics (United Nations Children’s Fund, United Nations Population Fund, Office of the United Nations High Commissioner for Human Rights)
- Subgroup on digitization and population register (United Nations Development Programme, United Nations Children’s Fund, World Health Organization, International Organization for Migration, United Nations Entity for Gender Equality and the Empowerment of Women)
- Subgroup on legal identity of displaced/ migrant population (United Nations High Commissioner for Refugees, International Organization for Migration, United Nations Children’s Fund, World Health Organization, United Nations Entity for Gender Equality and the Empowerment of Women)

BOX 2. National Coordination Bodies

Based on national practices, the mechanism that countries have established for the purpose of ensuring holistic and interoperable approaches to civil registration, vital statistics and identity management, consists of two components. The first component is the steering committee, usually under direct reporting line to the prime minister’s office. The steering committee consists of high-level representatives from the following entities: ministries of interior, health and civil registration (if separate from ministry of interior); identity management agency (if separate from ministry of interior); ministry of foreign affairs (for registration of vital events occurring to citizens abroad); national statistical office; ministry of justice; and ministry for information and communications technology (if established). This steering committee would meet once or twice a year and provide overall guidance and supervision for the process of implementing a holistic approach to civil registration, vital statistics and identity management.

The steering committee will also be responsible for guiding and overseeing the technical committee that would be directly responsible for developing and implementing mechanisms to ensure interoperability at the working level, such as: harmonizing technological platforms; harmonizing the overall methodology for different processes related to registration of vital events; generating vital statistics and managing identity and related credentials; mapping and harmonizing business processes, using the same definitions and classifications; and developing options for enhanced provision of services. The Technical Committee is composed of technical managers from the same ministries and entities as the steering committee. The technical committee would meet every month to address all the pertinent issues.

- 185.** The Legal Identity Task Group needs to invite and involve entities outside the United Nations Country Teams that are present and active in the country's programme on civil registration, vital statistics and identity management. This particularly refers to the World Bank Group, which has two programmes focusing on identity management and civil registration and vital statistics, respectively. The first is Identification for Development, which is being implemented in a number of countries focusing on issuing biometric identity credentials to adult population, and the second is the Global Financing Facility for Women, Children and Adolescents, focusing on civil registration and vital statistics but not extending to identity management. Bringing them on board is necessary as the advice provided to countries has to be consistent and fall within the holistic model for civil registration, vital statistics and identity management.
- 186.** In a number of countries there is a considerable presence and activity of other international organizations in this field, such as Plan International and Vital Strategies, to name a few. These should also be approached also and invited to join the group, as all efforts need to be put in place to ensure synergy between international agencies and consistent and consolidated advice in terms to national governments.

Programming

Step 1 – Develop or use existing evidence-based baseline analysis on legal identity situation in the country

- 187.** The starting point in developing the national programme for implementing the holistic approach to civil registration, vital statistics and identity management is the Common Country Analysis as described by the United Nations Sustainable Development Cooperation Framework. The Common Country Analysis is the United Nations system's independent, impartial and collective assessment (a description of phenomenon) and analysis of the country situation (a description of causes and their implications). The Common
- Country Analysis examines the progress, gaps, opportunities and bottlenecks vis-à-vis the Member State's commitment to the achievement of the 2030 Agenda, United Nations norms and standards and the principles of the United Nations Charter.
- 188.** The Common Country Analysis draws from, and adds to existing data, statistics, analyses, reviews, research, capacities and resources from within and outside the United Nations system. This includes, *inter alia*: national and sector-specific development visions and strategies; national budget allocations, and the development of financing from domestic and international, private and public sources towards these international commitments. To leave no one behind, it is equally important to generate evidence and data disaggregated not only by incomes, gender, geography and age, but also other grounds of discrimination prohibited under international law and to examine and describe social, cultural, economic, political, legislative, and other systemic drivers of exclusion.
- 189.** In the context of the of the implementation of the United Nations Legal Identity Agenda, the Common Country Analysis needs to incorporate the results of the rapid or comprehensive assessment of the functioning of civil registration and vital statistics system,⁵⁹ that provides overall assessment on the legislative basis, coverage and completeness of civil registration system, among many other parameters; the analysis of the availability of comprehensive and small area vital statistics, i.e., statistics on births, deaths, marriages, divorces by age, sex and other core characteristics as per international standards;⁶⁰ the detailed overview of the existing systems of issuing identity credentials other than birth certificates; assessing the number and geographical distribution of the population without legal identity credentials; existence and functioning of functional registers.
- 190.** The Common Country Analysis would need to conduct or use the most recent impact study on the effects of lack of legal identity information on the human rights situation in the country, and how

59. The Comprehensive and Rapid Assessment of Civil Registration and Vital Statistics System is a tool developed jointly by World Health Organization and United Nations Statistics Division and it has been administered in almost all countries in Africa and Asia and the Pacific. The tool is available at: <http://www.emro.who.int/civil-registration-statistics/assessment/crvs-rapid-assessments.html>.

60. *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales Number E.13.XVII.10, New York, 2014, paragraph 66 onward.

it contributes to marginalization, discrimination, exclusion and grave violations of fundamental rights.

- 191.** Furthermore, the Common Country Analysis needs to conduct or use the most recent analysis and impact assessment of the identity management system and its ability to reflect changes of legal identity information in a timely way for use by individuals and different areas of public administration. This can extend, but it should not be limited, to:
- Impact on national identity card system (lack of breeder documents, lack of information on deceased identities)
 - Impact on public planning and service delivery
 - Impact on health services
 - Impact on education
 - Impact in commercial sector not being able to enter in legal contract with individuals
 - Impact on voter registration
 - Impact on security of international travel and cross-border threats
 - Impact on social inclusion and possible discriminatory impacts
- 192.** In order for the Common Country Analysis to adequately serve as the analytical foundation to the United Nations Sustainable Development Cooperation Framework, it should: (a) demonstrate a broad, holistic and integrated approach that takes into consideration the interlinkages and integrated nature of the Sustainable Development Goals; (b) reflect the interlinkages among the three dimensions of sustainable development and all spheres of the United Nations' work; (c) reflect the interlinkages between the Sustainable Development Goals and the human rights framework (including treaties and human rights monitoring mechanisms; (d) build on all sources of data and analysis from a broad range of partners; and (e) focus on prevention and the interlinkages between sustainable development, human rights, sustaining peace, and the shift away from response to preparedness, needed to meet the challenges of the future.⁶¹

Step 2 – Developing theory of change

- 193.** Theory of change is crucial for shaping the strategy for change that underlies the United Nations Sustainable Development Cooperation Framework, and for making explicit the focus on groups left behind or at risk of being left behind. This exercise in collective thinking enables the United Nations system and its partners to devise programmes best suited to achieving the desired change based on evidence and learning.
- 194.** Developing theory of change should demonstrate how specific interventions will result in the implementation of a holistic approach to identity management as means of bringing cascading effects in terms of protection of rights, social inclusion, ability to enter into legal transactions with the state, commercial entities, and improve overall governance.
- 195.** Theory of change should further elaborate that recognition of legal identity acquired at birth is subject to adding new layers of information over time and this information should be reflected in a timely way and used to inform broader administrative processes.
- 196.** The theory of change enables a better and more agile strategy; more effective communication of it; improved partnership decisions for delivering on the strategy; and broader, deeper and more substantial ownership of it.

Elements of theory of change (defining enabling environment)

- 197.** National authorities should be an integral part of the discussion to ensure shared understanding around the results of mapping out theory of change and ensuring that the resulting strategy for change is in line with the national strategies in the area of identity management. In order to have a full picture of opportunities, gaps and risks, civil society should be consulted from an early stage of the development of the theory of change. Input from marginalized and vulnerable groups should be sought to ensure that no one is left behind.

61. United Nations Sustainable Development Cooperation Framework Guidance, Sixth Draft, available at: www.unevaluation.org/document/download/2966.

- 198.** Where the theory of change reveals gaps in the existing national strategies, ensuring legal identity for all, Legal Identity Task Group should initiate a consultative process to include key ministries and government stakeholders with the view to advocate for a holistic approach to identity management and costs savings that will result over the medium and long term. The result of this process should result in common United Nations strategy for change and national strategies that are fully aligned and support national ownership of the resulting system and its sustainability.
- 199.** Implementation of a holistic approach to identity systems is preceded by a formal and institutionalized consultative process involving key public administration authorities responsible for civil registration, vital statistics and identity management systems, as well as other public authorities and public service providers that process personal information. This consultative process should result in a range of policy decisions that will inform drafting and amendments of the legislation and arrangements for the practical implementation of a holistic approach to identity management. The following is a description of components of the holistic approach to identify management, civil registration and vital statistics – they also represent elements of the theory of change – as well as the lead agency within the United Nations Country Team Task Group.
- 1.1 Legislative framework** (lead: The United Nations Development Programme, United Nations Children’s Fund, United Nations Entity for Gender Equality and the Empowerment of Women)
- 200.** Legislative framework for the holistic approach to civil registration, vital statistics and identity management usually consists of several separate pieces of legislation. Thus, it is of the utmost importance to undertake a comprehensive analysis and assessment of the relevant legislation pieces in order to ensure harmonization and, taking into consideration the time needed to introduce new, or to amend existing legislation, to initiate the process as early as possible in the implementation stage.⁶²
- 201.** The first component of the legislative framework refers to the civil registration law. While such legislation is present in almost all the countries, it is often outdated and in need of a thorough review and adjustments. This legislation needs to outline clearly the responsibilities for registering vital events such as birth, deaths, marriages, divorces and so forth, the organization and the authority of civil registration system and civil registrars, the procedures and protocols for the registration process, in terms of providing the legal tender documenting the occurrence of a vital event. It also needs to spell out the responsibilities of informants and the relevant procedures.
- 202.** The law needs to elaborate on the process of registration of a vital event and the issuance of the relevant legal tenders – birth, death, marriage and divorce certificates – depending on the place of the occurrence of the event, in the case of births and deaths, whether the event occurred in the health institution or outside of it. It also needs to spell out the information that has to be collected and validated and the process of transferring this information for generating vital statistics.
- 203.** As the conferring of legal identity is established by the issuance of the birth certificate and is retired by the issuance of the death certificate, the law needs to spell out the process of maintaining and amending civil registration records, in terms of authority to issue duplicates, administer amendments and maintain the civil register.
- 204.** The second component in this paradigm refers to the national law on official statistics. This piece of legislation is present in all the Member States and provides the authority for collecting, validating, processing and disseminating aggregated data on economic and social phenomena. While this law is usually quite generic in nature – that is, it does not elaborate on specific areas of official statistics, such as vital statistics, for example – it needs to be assessed in terms of complying with the holistic approach to civil registration, vital statistics and identity management. For example, this piece of legislation should provide the authority to the national statistical office to produce vital statistics sourced in civil registration – without necessarily elaborating on details.

62. A comprehensive elaboration of the legislative framework for civil registration, vital statistics and identity management is presented in *Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management*, available at: https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/CRVS_GOLF_Final_Draft-E.pdf.

- 205.** The third piece of legislation refers to the law on population register. The population register, if established, is a constantly updated mechanism for storing and retrieving records containing information on individuals. This register can be housed in different government entities; most usually it is located, maintained and operated in the ministry of the interior. Its main input comes from civil registration; it is also updated with information on changes of residence, for example, as well as changes in civil status.
- 206.** Critical components of the legislation on population registers refer to the protection of privacy and the confidentiality of data. It must spell out provisions regarding the authority to access, retrieve and peruse information from the population register, of both government and non-government users. Different levels of accessibility to the register – for example, whether the user just sends a query to the register regarding the identity of the individual and receives a confirmation or rejection or the user have access to the full record – must be clearly spelled out, as well as mechanisms put in place to monitor compliance with the protocols.
- 207.** The fourth component is the law on identity credentials (cards). In most countries this law would stipulate issuance of identity credentials to all the population of certain age – most usually starting from the age of 18; in some countries, the age of 16. This piece of legislation establishes the authority of a designated government agency – most usually the ministry of the interior – to collect the biometric information from individuals and to issue identity credentials that are mandatory for the population.
- 208.** The fifth component of the legislative framework refers to the law on unique identification numbers. Provided that introducing such a number conforms to the overall legislative framework of the country – that is, that the introduction of such identifiers does not run against the major legal acts of the country, such as the constitution – then it is necessary to institute a piece of legislation that would regulate the issuance and the content of this identification, specifically elaborating on safeguards preventing (mis)use of unique identifiers for profiling individuals or specific population groups.
- 209.** Different national practices are well documented in this respect. In some cases, the regulation regarding the unique identifier may be a part of the civil registration law. Yet in quite a substantial number of countries it is a separate piece of legislation. It would stipulate the authority to issue the unique identifier – usually, it would be granted to the ministry of the interior and the procedures for issuing it. Generally, the civil registration authority, upon registering the birth of a newborn, would inform the mandated authority regarding the occurrence of the event and the authority would then issue the unique identifier that would then be attached to the birth certificate. Upon the issuance of the death certificate, the civil registration authority would inform the mandated authority administering the unique identifier, which would then remove the identifier from legal transactions.
- 210.** The law should also elaborate on the content of the number. In the past, the identifiers would take the form of ‘smart codes’, that is, part of the number/identifier would indicate the date of birth, sex, place of birth and so forth. While there were advantages associated with this approach – primarily in terms of easily spotting misrepresentation – the contemporary concerns regarding the preserving of privacy and ensuring the confidentiality of data mandate that these numbers/identifiers are fully randomly generated.
- 1.2 Universal civil registration (lead: United Nations Children’s Fund, United Nations Population Fund, World Health Organization, United Nations Entity for Gender Equality and the Empowerment of Women, International Organization for Migration, United Nations High Commissioner for Refugees)**
- 211.** Universal civil registration refers to the registration of all vital events (please see paragraphs 26–36, above) occurring in the country and to the citizens outside of the country at the moment of the occurrence of the event. Ensuring universal civil registration is fundamental in terms of conferring legal identity to all in a perpetual manner.
- 212.** Civil registration is a function of the government that has to ensure that these services are available and rendered continuously in all areas of the country in a uniform manner. Crucial to achieving universal civil registration is establishing a network of civil registrars covering the entire

country or, if the authority of registering vital events is conferred to local municipalities, then ensuring that all municipalities have adequate capacity to deliver the functions of civil registration.⁶³ As the essential purpose of civil registration is issuing legal tenders confirming the occurrence of the vital event, the content and layout of these certificates need to be uniform across the country.

- 213.** Increasing civil registration demand is of paramount importance. Under a holistic approach to identity management, the legal identity of a person is established right after birth and subsequently supplemented with other layers of personal information through registration of vital life events and issuance of identification credentials. Legal identity systems built on this premise therefore must operate with the assumption that all births, deaths as well as other vital life events will be registered in a timely way.
- 214.** Therefore, any efforts to strengthen a holistic approach to the legal identity system must centre on universal vital events registration coverage from developing policies and communication strategies⁶⁴ to increase supply and demand for registration to ensure that all identity information of the population is timely reflected from birth until death.
- 215.** Improving registration coverage is central to building a holistic approach to legal identity system in countries where civil registration coverage has been traditionally low. Many developing countries with underdeveloped civil registration have conducted comprehensive assessment resulting in range of recommendations aimed at improving registration rates and registration coverage. These recommendations address the imperative of increasing registration supply and registration demand through the deployment and establishment of civil registration offices covering the entire area of a country. This deployment brings registration points closer to the locations

where vital life events will occur, eliminating the need for repeated costly travel to the capital or to regional registration offices.

- 216.** The registration rates can be further increased by instituting strong incentives for registration. In many countries, low registration rates are often the result of a perceived low utility of registration including of having a birth certificate, as these documents are required only later in life and if needed in interactions with the state. Incentives can be created by offering specific grants to families of newborns and deceased persons. With the perception of the high utility of registration, distance to the nearest registration centre might no longer be perceived as an obstacle.
- 217.** Health institutions have a critical, and dual, role in the system. First, health institutions act as informants on the occurrence of births, foetal deaths and deaths; and second, the certification of causes of death can be performed only by physicians attached to health institutions. In addition to these functions carried out within the framework of the vital statistics system, information collected by health institutions is crucial in generating health statistics which, in turn, provide irreplaceable information regarding the overall health of the population, and the functioning and the needs of the public health system.⁶⁵
- 218.** A number of countries specifically designate – through the civil registration law – the health institution or its head as responsible for acting as an informant of births, foetal deaths and deaths occurring in the institution. In practice, this regulation is often translated into establishing in each hospital and clinic a civil registrar's office, whose function is to make the process of informing simple and straightforward. Once the information is delivered to the civil registration office, the parents (in cases of birth) or relatives (in cases of death) are instructed to contact the office to obtain the relevant birth or death certificate. The responsibility of the civil

63. The *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, United Nations, 2018, provides detailed description and elaboration of civil registration systems and its components as well as illustrative examples of national civil registration and vital statistics systems that are meeting international standards and recommendations. The Handbook is available at: <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>.

64. The elaboration of these strategies is available in the *Handbook on civil registration, vital statistics and identity management systems: Communication for development*, available at: https://unstats.un.org/unsd/demographic-social/meetings/2019/newyork-egm-crvsims/docs/draft_handbook.pdf.

65. *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales Number E.13.XVII.10, New York, 2014, paragraph 485.

registration system to prepare and submit the information to the statistical authorities remains in place.⁶⁶

219. Equally important is the role of health institutions in certifying the cause of death. The circumstances and medical causes of death are of the utmost importance for the vital statistics system, which explains the requirement, in principle, that the civil registrar should issue a death certificate only if the notification of the cause of death is accompanied by a completed medical certificate on the cause of death.⁶⁷

1.3 Producing regular, comprehensive and relevant vital statistics (lead: United Nations Children's Fund, United Nations Population Fund)

220. In the process of administering civil registration functions and issuance of relevant legal tenders, the civil registration apparatus has to act as a data collector and source for producing regular vital statistics. In that respect, the statistical data collection tools need to be put in place in line with the international standards.⁶⁸

221. On the side of the production of vital statistics, the national statistical authority has to build capacity to collect, process, validate, produce and disseminate vital statistics sourced in civil registration, as these statistics are the only ones providing a comprehensive understanding of the population dynamics at small area levels. Vital statistics, coupled with population and housing census statistics, are the only means for producing accurate population estimates that are, in turn, irreplaceable as denominators for a majority of Sustainable Development Goal indicators.

222. In order to provide a comprehensive and comparable tool for identifying causes of death and diseases in general, the World Health Organization has developed and maintains the International Statistical Classification of Diseases and Related Health Problems.⁶⁹ The

purpose of the classification is to permit the systematic translation of the underlying cause of death specified in the medical certificate into a statistical code in order to facilitate the analysis, interpretation and comparison of the mortality and morbidity data that is collected by countries, and that they agree to report to the World Health Organization. The classification is designed to translate from words the diagnoses of diseases and other health problems into a code, which permits the easy storage, retrieval and analysis of data.⁷⁰

223. For deaths attended by a medical doctor (mostly occurring in hospitals), physicians complete the international medical certificate of cause of death form, recommended by the World Health Assembly. It is the responsibility of the medical practitioner signing the medical death certificate to indicate the sequence of morbid conditions leading directly to death, from the tentative underlying cause to the immediate cause of death.

224. Therefore, in developing a strategy for the implementation of the United Nations Legal Identity Agenda at the national level, the task group needs to ensure the coordination with the national health system and the appropriate ministry in order to ensure a holistic and interoperable functioning of the system's components.

1.4 Civil register (lead: United Nations Children's Fund, World Health Organization, The United Nations Development Programme)

225. The essential purpose of civil registration is to provide legal validation and confirmation of the occurrence of a vital event and to issue and conserve the appropriate legal tender – such as birth certificate, for example. Traditionally, manual registration of vital events is conducted as a paper-based business process. Completed registration records are generally kept as registration books, with separate registration books kept for each type of vital event. While

66. Ibid., para. 487.

67. Ibid., para. 491.

68. *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales Number E.13.XVII.10, New York, 2014, paragraph 66 onward.

69. The current version is ICD-11, WHO, 2018, available at: <https://www.who.int/classifications/icd/en/>.

70. *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance Revision 1*, United Nations, 2018, para. 115.

this approach allows one to look up information on registered vital events, such a system is not designed to allow for easy retrieval of all registered vital events.

- 226.** The digitization of registration processes and digital keeping of registration records, which are strongly recommended by United Nations,⁷¹ efficiently mitigates this obstacle. The computerization of civil registration is even more imperative, taking into consideration that other government functions are increasingly relying on computer technology, reflecting the development of so-called e-government. With the introduction and the massive use of the internet, populations expect similar functionality in the delivery of services by the government as well.
- 227.** By its nature, the civil register is a static feature – the birth that is registered and stored in the civil register occurred only once, and the purpose of the register is to record all the pertinent information such as place and date of birth, sex, name, name of parents and to conserve them for future reference, as they establish the legal identity of the newborn. This record can be changed only under circumstances that are the result of judiciary proceedings and these are referred as amendments to the record.⁷² Similarly, in the case of death, the purpose of the civil register is to record the information of the occurrence of the death and provide the legal certification of death so that relatives can undertake appropriate actions.
- 228.** In technical terms, the civil register can be implemented as a standalone database interconnected with other Information and Communication Technology platforms; primarily the population register. Digitizing the civil register and merging it with the population register in a number of countries has been demonstrated to be an efficient approach.

1.5 Population register (lead: The United Nations Development Programme, United Nations Children’s Fund, United Nations Population Fund)

- 229.** In the context of the definition of the population register (see paragraph 38, above) it must be outlined that it usually refers to a dynamic interactive database containing essential information on each individual in the country and usually for all citizens outside of the country. Its primary function is to provide reliable information for the administrative purposes of the government, particularly for programme planning, budgeting and taxation. This register is crucial in other administrative areas, such as establishing personal identification, voting, education and military service, social insurance and welfare, and for police and court reference.⁷³
- 230.** In terms of institutional arrangements, the decision on the agency responsible for administering and maintaining the population register will have consequences for the design. Depending on the existing institutional set-up for civil registration and identity management, several options could be explored as an optimum solution for institutional responsibility over the population register:
- One of the existing agencies can be assigned to establish, operate and maintain the central population register to which all other agencies contribute inputs, as per their respective mandates
 - A new institution is created, which is responsible solely for maintaining the information and communication technology infrastructure of the central population register, but without the authority to add new personal information or amend existing information entered by responsible agencies (this model is now being implemented in countries concerned with maintaining privacy and confidentiality of data, specifically from the point of view of security, as these ‘data centres’

71. *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales Number E.13.XVII.10, New York, 2014, paragraphs 449–451, and *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, United Nations, 2018, Chapter VII.

72. For an elaboration on the amendments, see *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance Revision 1*, para. 146 onward, available at: <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>.

73. *Elaboration on population registers is presented in Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales Number E.13.XVII.10, New York, 2014, Chapter III, and in *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, United Nations, 2018, Chapter V.

can be protected more successfully than independent registers maintained by different agencies and built on different platforms)

- The population register is not established, operated and maintained at the central level; it is the responsibility of major civil divisions, depending on the administrative organization of the country (states, in federated systems, provinces in others, and so forth). The population register in this case operates as a network of interconnected and interoperable databases (federated population register).

231. In terms of the content of the population register, the data points on each individual in the country are limited to basic information. As the entry point for the population register is the information coming from civil registration – through the registration of birth and issuance of the birth certificate – as well as the exit point – through the registration of death and the issuance of the death certificate – the population register being the major reference in the country regarding the legal identity and existence of a person requires just the name, last name, sex, date and place of birth, address and place of residence, marital status, unique identifier (if introduced by the national legislation) and, in the case of birth, names of parents.

232. As opposed to the civil register (please see paragraphs 224–227, above) the population register is a dynamic database that adds and updates information on a regular basis. That information comes from civil registration, with the registration of births and deaths; it also comes from the registration offices when a person moves and changes their address or changes their marital status, etc. Thus, the register needs to be developed on a robust and agile platform and to consist of the minimum information on each individual, because its primary role in an integrated eGovernment environment is to be the major reference where other functional registers will check the legal identity of individuals and then proceed to deliver the services as per their mandate, including maintaining their own registers (social protection, voters' lists, taxation, education, employment and so forth).

233. The population register, aside from being the major reference for government users, can also be an invaluable reference for external users.

Certainly, the value of the population register, and the investment should be beneficial to the country at large. Consequently, the legislation needs to develop clear and unambiguous regulation regarding the use of population register information for commercial purpose (banks, financial and insurance institutions and so forth). In principle, these institutions should have the possibility to send queries to the population register – for example, whether the person with this specific name and age is registered – and, based on the return information, make a decision. Consequently, these institutions would not have access to the register itself, in terms of browsing individual records – yet, they would have the information needed to confirm the legal identity of the person.

234. A holistic approach to identity management reflects understanding that the legal identity is conferred by the registration of vital events. Under this approach, the population register is regularly updated by birth and deaths occurring in the population and based on that information, maintains the list of individuals that can confirm their legal identity.

235. In a number of countries, however, the civil registration processes have been neglected to a smaller or larger extent, resulting in a substantial number of people being without legal identity, as they never received their birth certificate, which is the seed document for all other proofs of legal identity. Thus, a fully operational population register carries limited value if it does not keep legal identity information on the whole population in the country. If it operates solely with the data registered after the introduction of digitized civil registration processes, such a population register would initially represent only a fraction of the total population. In order to reflect the civil registration records of the entire population, it would be necessary to digitize all historical civil registration archives. While over long term this is an advised course of action, nevertheless it can take years to complete this process, provided that the records do exist.

236. In countries where registration rates have been historically low, digitization of historic archives does not solve the problem of the lack of registration records of a large proportion of the population. The first record of legal identity of this population might exist only after they have obtained an identification credential for the first time.

237. To address these challenges and enable the users of the population register to take advantage of legal identity information of all the population, interim provisions should be defined to initiate the population register, leveraging already available legal identity information. This critical policy decision can result in two approaches.

Approach 1

- 1.1 Taking advantage of an existing nationwide identity database, such as a national identity card database to extract legal identity personal information and use this information to create personal records in the population register. In many developing countries such databases have been developed with financial and technical support of the World Bank. Equally, nationwide voter registration databases have also been developed in some countries as result of the United Nations Development Programme electoral assistance projects.
- 1.2 Biographical and date of birth information is transferred from the nationwide identification database in the population register and recognized as proof of legal identity. Following the commencement of digitized civil registration, all newly registered vital events (except for birth) are assigned to the existing personal record in the population register. Over time, historical civil registration records will be digitized and cross-checked with the information in the database to reinforce the credibility of legal identity information in the population register. To that end, quality control procedures are developed to rectify the instances where there is a mismatch between the information in the population register and digitized historical civil registration records.
- 1.3 All newly registered vital events such as marriage, divorce, change of name, and so on, will affect legal identity information in the population register. At the point of reissuance of identity credentials, legal identity information of applicants will reflect information in the population register, reflecting all new layers of information resulting from registration of vital life events. Registration of death marks legal identity as inactive in the population register, triggering removal of identity from enrolled state services and blocking issuance/reissuance of identification credentials.

Approach 2

- 2.1 In countries without a nationwide personal information database and where only fraction of the population has official identification credentials, initial data entry in the population register will have to be implemented in parallel or after the digitized civil registration process at the registration centres/points have being initiated.
- 2.2 Initially, legal identity information in the population register will be entered upon registration of birth in case of newborns and for the rest of the population when turning up to register a vital event.
- 2.3 Experience of many developing countries shows that country-wide collection of legal identity data can be achieved within a short time frame as part of nationwide enrolment in a national identity card programme. A good example of such an approach is the Malawi national identification card enrolment implemented with the support of the United Nations Development Programme or a range of national identification enrolment projects financed and technically supported by the World Bank. Developing of a holistic identity system should be complemented with a nationwide national identification enrolment project in partnership with development partners. As part of the enrolment process, all civil registration certificates presented by the applicants should be digitized and added to personal record in the identification database.
- 2.4 Once a nationwide identification database is available, the legal identity information of each person with an issued identification as well as digitized civil registration certificates will be merged with existing personal records in the population register or used to create new records where personal record in the population register does not exist.
- 2.5 The remaining steps will follow processes elaborated in Approach 1–1.2 and 1.3

1.6 Identity management register (The United Nations Development Programme)

- 238.** The identity management register represents one of the functional registers that are cross-referenced with the population register in an interoperable manner. In the context of the holistic approach to civil registration, vital statistics and identity management, this register denotes the third critical component.
- 239.** In a nutshell, the identification register is a subsection of the population register in terms of coverage, as it consists of the individual information of all the population above the certain age. The identification register is usually housed in the ministry of the interior, although it can also be located in a separate agency authorized to issue legal identity credentials with biometric identifiers.
- 240.** Under the assumption that every individual in the country is obligated by law to possess a national identity credential with biometric characteristics after attaining certain age – in other words, that the national identification card is mandatory for all after age 16, for example – the role of the identification management agency and its register is to establish, operate and maintain the process of enabling all persons to have access to this credential, without exception.
- 241.** In practice, the identification register would mirror the population register and, once the individual reaches a certain age, would provide access to the identification process and start adding additional information related to that person. In countries that have established these systems some time ago, there would be a separate civil registration office and separate identification management office, usually operated by the Ministry of Interior. Recent approaches in developing countries tend to merge these two functions into one separate operation under one government agency.
- 242.** As for the content of the identification register, it is designed to add biometric characteristics of the individual (photograph, fingerprints, iris scan – as per the legislative framework) as well as information regarding the date of issuance of identification credentials, its expiry date, its number, whether other identification credentials were issued to that person, such as passport,

its number, issue and expiry date, whether there are other identification credentials issued to the person, such as driver's licence and so forth. Like the population register, the identification register is a dynamic database with regular updates coming from the population register as well as from the identification processes.

1.7 Refugees, stateless and displaced population (lead: United Nations High Commissioner for Refugees, International Organization for Migration)

- 243.** While resident citizens will by far represent most of the population enrolled in the legal identity system, leaving no one behind implies that all population on the state territory should be legally guaranteed the right to register vital events and be able to prove legal identity.
- 244.** For the displaced and refugee population, provision should be given in the law to enable registration of vital life events and the conferral of legal identity either through birth registration for newborns or by recognising identity as established by the United Nations High Commissioner for Refugees during registration of refugee and displaced populations. Cooperation with the United Nations High Commissioner for Refugees should be expanded to mitigate the risks of statelessness as result of registration of vital life events, or the lack thereof.
- 245.** Provisions should be defined for registration of vital events of resident non-citizens and linking that information with the legal identity information of resident non-citizens in the population register obtained in the process of granting resident status.

1.8 Unique identifier (no specific lead, decision in line with national priorities and strategies)

- 246.** In the recent practices of countries and areas introducing and maintaining population registers, assigning a unique identification number, most commonly referred to as a personal identification number or unique identification number to each individual upon birth and retiring it only after the individual's death, has proved to be an efficient instrument for ensuring the quality of individual information, the linkages between various registers, the avoidance of duplication

and more reliable control of the quality of the registers' content. The importance of the personal identification number is even more pronounced in the context of identity management mechanisms that are being developed in a growing number of countries for the purpose of issuing secure identification to all.⁷⁴

- 247.** While introducing unique identifiers certainly has its advantages in terms of linking separate registers and delivering services more efficiently, it must be outlined that there are also significant concerns regarding the vulnerability of this approach in terms of protecting the privacy and confidentiality of individual information. In that context, it is necessary to point out that unique identifiers can be used for comprehensive profiling of individuals and different populations. Consequently, in the preparatory work in implementing the United Nations Legal Identity Agenda with government stakeholders at the national level, there is a need for a comprehensive development of safeguards to prevent misuse of unique identities. These should include strict limitations on the purposes of use and bans on linking information for the purposes of keeping the population register up to date and providing other government entities with such information. These safeguards should be accompanied with strict protocols regulating access to individual records containing unique identifiers and the monitoring mechanism that must be put in place to ensure proper and legal use of individual records. A good number of countries established a separate Office for Oversight of the Use of Individual Information, an independent agency reporting to the national representative body.
- 248.** System design should also be used to minimise these risks. Unique identifiers should be tokenised or encrypted in functional registers to support the deliberate linkage of data as appropriate (and authorised under the legal framework) between systems, while minimizing the risk from an unintended breach of one system affecting the security of data held across the whole.
- 249.** Digitization of vital events and aggregation of different types of vital events in one personal record, as well as linking to personal records of other persons in the population register such
- that of parents or legal guardians is a challenge, unless a number that is unique to that person is introduced that facilitates matching of different registration records to a specific person. A unique identification number is also important for ensuring that one person will not have more than one personal record in the population register. Knowledge of a unique identifier for citizens facilitates their interaction with public authorities and their unambiguous identification in their users' databases.
- 250.** The decision on the format of the unique identifier in the identity system depends on the approach taken with respect to building of identity management system. If the country has been diligently issuing national identity cards or has recently completed country-wide enrolment in a national identity card programme or nationwide voter registration programme, then the unique identifier introduced for this purpose would be a logical choice. As a rule, the format of the unique identifier should be transferred from the identity management database into the population register.
- 251.** For all newborns in the population, the unique identifier should be assigned right after birth by civil registration authorities. For persons with no records of registered vital events, the legal identity including unique identifier will be assigned at the point of enrolment in identity management system (national identification card). With full implementation to holistic approach to identity management, over time all persons reaching eligibility criteria for a national identification card will have their unique identifier assigned at birth.
- 252.** In the instances where the mass enrolment of adult population in national identification card programme has not yet occurred, the unique identifier should be defined as a random number rather than logical construct in discussions with identity management authority and jointly enforced first when enrolling digitized civil registration system and later by identity management authority when commencing enrolment in national ID programme.

74. *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, United Nations, 2018, para. 77.

1.9 Privacy and confidentiality (lead: all)

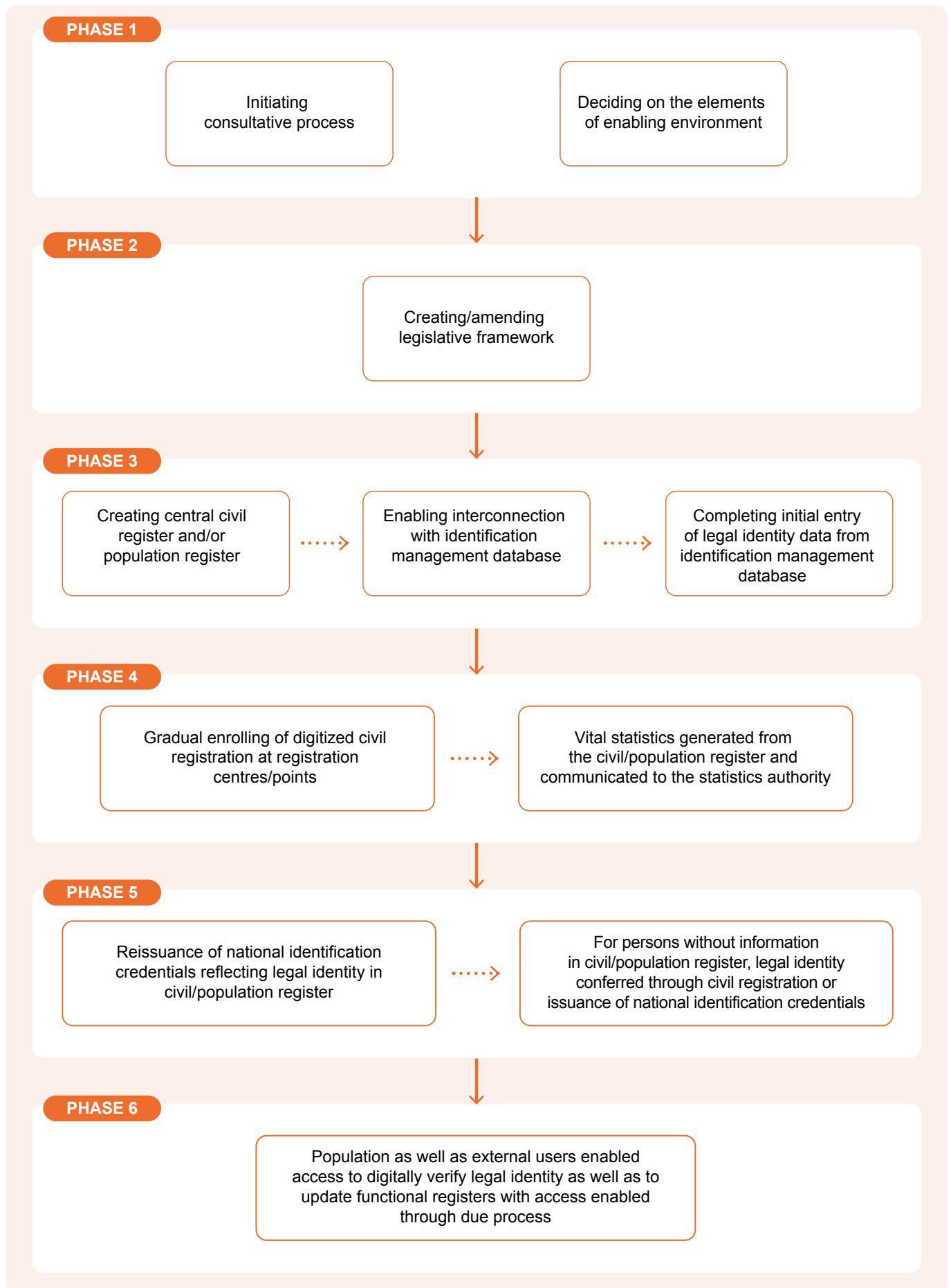
- 253.** Maintaining the privacy and confidentiality of information stored in different registers as described above is of paramount importance and is critical in terms of providing assurance to the population regarding the protection of individual information. The confidentiality principle requires that data be processed with due regard for confidentiality. This principle is closely related to the 'security principle', below, and confidentiality may be maintained by complying with the security principle. In addition, confidentiality of civil registration data is maintained by permitting only persons with a legitimate interest to obtain vital event certificates or certified extracts of civil registration records. Identity management officials should also ensure that identity credentials do not contain confidential information in or on the identity credential in a manner that permits persons without a legitimate interest to access this information. Legislation should also define what information in the population register is available to the public. When information is shared with the statistics authority, procedures should provide for confidentiality while not causing excessive barriers to data linkage and research activities in the public interest; for example, by requiring that individual records be anonymized, except for the unique identifier, before submission to the statistics agency.⁷⁵
- 254.** The security principle requires that appropriate organizational, administrative, physical and technical safeguards and procedures be implemented to protect the security of personal data, including that against or from unauthorized or accidental access, damage, loss or other risks presented by data processing. Different categories of government officials and non-government persons have diverse needs for access to and use of data from civil registration and identity management systems. In keeping with the 'security' principle, legislation should address these diverse needs for all those who may be able to access the records, in order to prevent unauthorized or accidental access. This includes civil registration and identity management officials, vital statistics officials and independent researchers, other government officials, vendors and contractors, and non-governmental and private institutional users.⁷⁶
- 255.** The potentially pervasive nature of digital processing of legal identity data and data sharing on interoperable platforms makes it akin to dual-use technologies; while originally being designed to generate benefit, they are also capable of being used for harmful or undesirable purposes. For example, a government might misuse digital legal identity/identification programmes by deploying them for political and social control, while a private-sector firm might misuse these programmes for commercial gain by influencing consumers in ways that they do not understand or desire.
- 256.** While empowering people with legal identity through registration of vital life events or enrolment on civil identification programmes alone carries no risks to fundamental right of individuals, data storage and processing if carried in digital format carries specific risks that need to be assessed and mitigated in the planning.

75. *Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management*, United Nations, 2019, para. 506.

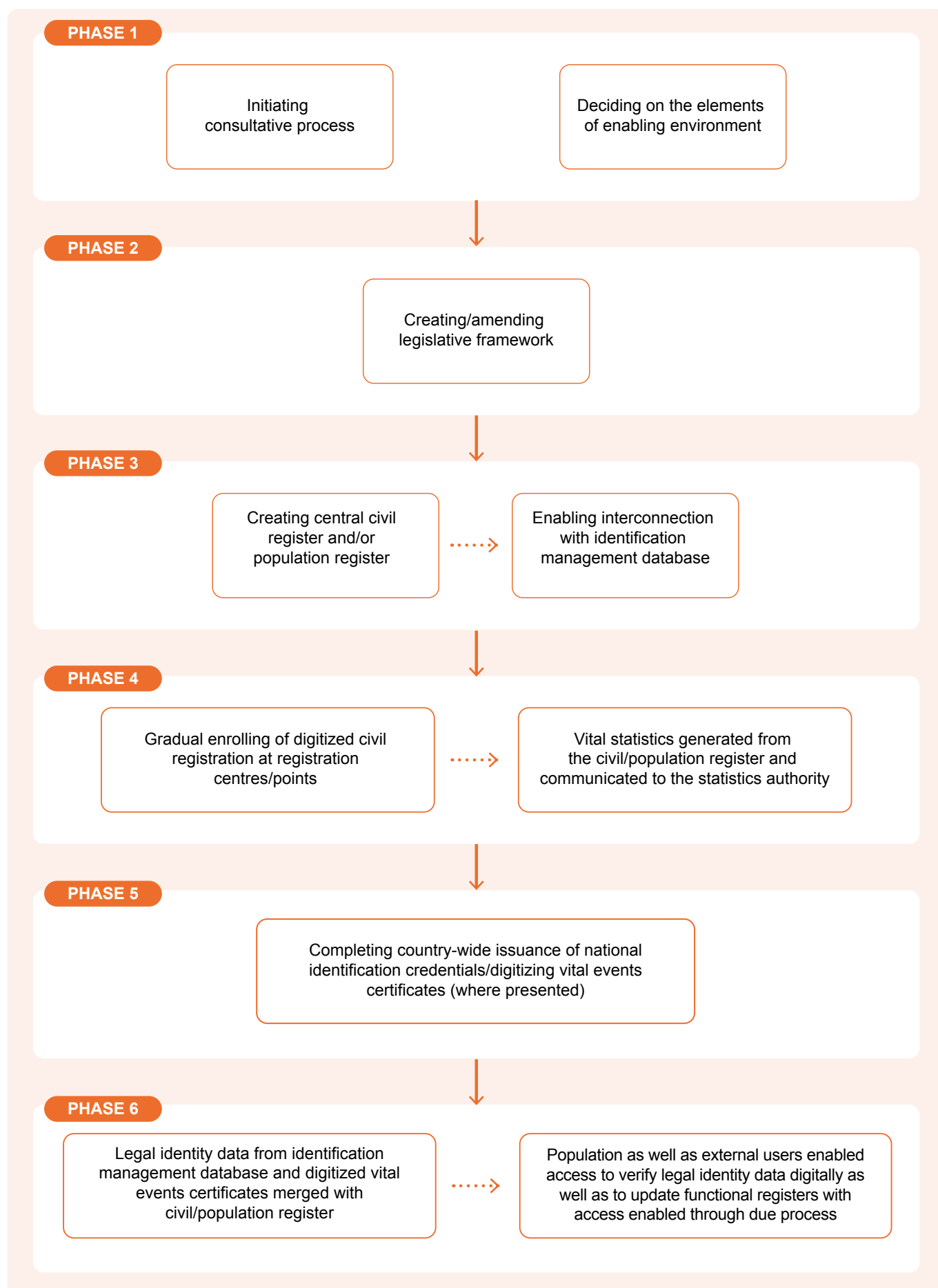
76. *Ibid.*, para. 507.

Theory of change in practice

Approach 1 – Low civil registration rates and completed country-wide national identification enrolment



Approach 2 – Low civil registration rates and country-wide national identification enrolment not completed



Step 3 – Define key areas of intervention deliverables and implementation milestones (by subgroups, see paragraph 179 above)

- 257.** Subgroup on civil registration (birth, death, marriage, adoption) (United Nations Children's Fund, World Health Organization, United Nations Population Fund, International Organization for Migration, United Nations Entity for Gender Equality and the Empowerment of Women)

Building on elements of theory of change the subgroup will support national authorities in defining civil registration legislative framework as well as coordination of roll-out of computerized civil registration at registration centres/points.

Key deliverables and milestones:

- Amended civil registration legislation
- Implementation of vital events registration processes in the registration centres/points reaching near universal registration rates

- 258.** Subgroup on production of vital statistics (United Nations Children's Fund, United Nations Population Fund)

Building on elements of theory of change the subgroup will support national authorities in developing and implementing the production of reliable, regular and comprehensive vital statistics sourced in civil registration

Key deliverables and milestones:

- Developing and testing statistical data collection instruments based on international standards and guidelines
- Developing protocols for submitting statistical forms from civil registration to national statistical office
- Building the capacity in the national statistical office to collect, process, validate and disseminate vital statistics
- Develop dissemination tools, especially small area statistics

- 259.** Subgroup on digitization and population register (United Nations Development Programme, United Nations Children's Fund, World Health Organization, United Nations Entity for Gender Equality and the Empowerment of Women, United Nations Population Fund)

Building on elements of theory of change, the subgroup will support national authorities in defining elements of the legal identity system enabled by the establishment of a holistic and interoperable civil registration and identity management system.

Key deliverables and milestones:

- Defined legislation on population register
- Defined legislation on unique identification number
- Defined/amended legislation on data and privacy protection
- Defined technical specification for the population register as well as interconnection and interoperability standards with other systems
- Supporting technical roll-out of digitized registration of vital events
- Technical establishment of central civil register/ population register as well as interconnection with national identity management information and communication technology system
- Completed initial update of civil/population register with legal identity information form identity management system database

- 260.** Subgroup on legal identity of displaced, refugee and migrant population (United Nations High Commissioner for Refugees, International Organization for Migration, United Nations Children's Fund, World Health Organization, United Nations Entity for Gender Equality and the Empowerment of Women)

Building on elements of theory of change, the subgroup will support national authorities in defining amended civil registration legislative framework to facilitate registration of vital events and conferral of legal identity for displaced, refugee and migrant population.

Key deliverables and milestones:

- Defined business processes, as well as legal amendments to facilitate registration of vital events for refugee and displaced population including for resident-non-citizens
- Legislative amendments implemented to eliminate obstacles to conferral of legal identity through civil registration for refugee and displaced population including the amendments aimed at prevention of statelessness

Step 4 – Develop joint work plans, which are signed by participating United Nations organizations

261. Following the processes defined in the theory of change as well as defined key milestones and deliverables joint work plans should be developed in line with United Nations Sustainable Development Cooperation Framework guidelines.

Tools and resources

Civil registration and vital statistics

UNSD	2014	Principles and Recommendations for a Vital Statistics System, Revision 3
UNSD	2018	Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1
UNSD	2019	Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management
UNSD	2019	Handbook on civil registration, vital statistics and identity management: Communication for Development
WHO/WORLD BANK	2014	Global Civil Registration and Vital Statistics Scaling up Investment Plan 2015–2024
WORLD BANK	2018	Incentives for Improving Birth Registration Coverage: A Review of the Literature
WHO	2012	Strengthening civil registration and vital statistics for births, deaths and causes of death Resource Kit
UNCA/UNFPA/UNHCR/WHO/UNICEF	n/a	CRVS Digitisation Guidebook
ESCAP	n/a	National multi-sectoral CRVS coordination mechanisms
UNECA	2017	Practical Guide on the Improvement of Death Registration and Causes of Death Processes within a Civil Registration and Vital Statistics System
WHO/WORLD BANK/UNICEF/USAID/Canada	2014	Strengthening civil registration and vital statistics systems through innovative approaches in the health sector: Guiding principles and good practices
WHO/WORLD BANK/UNICEF/USAID/Canada	2014	Civil Registration and Vital Statistics Investment Planning
ESCAP	n/a	Civil Registration and Vital Statistics and the Sustainable Development Goals
UNICEF	2013	A Passport to Protection: A guide to birth registration programming
UNHCR	n/a	Ensuring that no child is born stateless
UNHCR	2019	Implementing registration within an identity management framework
ICAO	2018	ICAO TRIP Guide on EVIDENCE OF IDENTITY

Identification and functional registers

UNICEF	2019	Faces, Fingerprints and Feet: Guidance on assessing the value of including biometric technologies in UNICEF-supported programmes
UNHCR	2019	Implementing registration within an identity management framework
ESCAP	n/a	Using CRVS systems for electoral registration
WORLD BANK	2018	The Role of Digital Identification for Healthcare: The Emerging Use Cases
WORLD BANK	2018	Technology Landscape for Digital Identification
WORLD BANK	2018	Integrating Unique Identification Numbers In Civil Registration
WORLD BANK	2017	The state of identification systems in Africa: A synthesis of country assessments
WORLD BANK	2017	The state of identification systems in Africa: Country briefs
ADB	2007	Legal Identity for Inclusive Development
ADB	2016	On the Road to Universal Health Coverage: Every Person Matters Unique Identifiers for Every Citizen Are Key to an Effective and Equitable Health System
IFES	2011	Civil and Voter Registries: Lessons Learned from Global Experiences
Plan International	2015	Identifying and addressing risks to Children In digitised Birth registration systems
Open Society Foundations	2018	A Community-Based Practitioner's Guide Documenting Citizenship & Other Forms of Legal Identity
Vital Strategies		CRVS Legal and Regulatory Review
OSCE	2017	Compendium of Good Practices in Identity Management in the OSCE Region

Privacy and data protection

UNICEF and The GovLab at New York University	n/a	Responsible Data for Children
IOM	2009	IOM Data Protection Manual
UNHCR	2015	UNHCR Data Protection Policy
WFP	2016	WFP Guide to Personal Data Protection and Privacy

Annex I

Official United Nations operational definition of legal identity

The following is the official United Nations operational definition of legal identity approved by the members of the United Nations Legal Identity Expert Group (UNDP, UNDESA, UNICEF, DOCO, IOM, ITU, OCHA, OHCHR, UNFPA, UNHCR, UN Women, UNODC, UNSD, WFP, WHO, UN ECA, UNESCAP) and the WBG ID4D Programme on 13 February 2019.

Introduction

1. Everyone has the right to be recognized as a person before the law, as enshrined in Article 6 of the Universal Declaration on Human Rights and Article 16 of the International Covenant on Civil and Political Rights. Several international human rights instruments, such as Article 7 of the Convention on the Rights of the Child and Article 24(2) of the International Covenant on Civil and Political Rights also recognize a right to birth registration.⁷⁷
2. The 2030 Agenda for Sustainable Development, agreed by all Member States in September 2015, established a specific target within the Sustainable Development Goals (SDGs) – Target 16.9 – “legal identity for all, including birth registration, by 2030.”
3. As civil registration establishes the existence of a person under the law, it has been the fundamental means of conferring legal identity.⁷⁸ Furthermore, civil registration is recognized as the ultimate source for production of comprehensive, regular and reliable vital statistics.⁷⁹
4. Concerned by the fact that the coverage of civil registration is not universal and complete in

all countries of the world, the 2030 Agenda for Sustainable Development established indicator 17.19.2 – proportion of countries that have achieved 100 per cent birth registration and 80 per cent death registration.

Definitions

5. Legal identity is defined as the basic characteristics of an individual’s identity. e.g., name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth. In the absence of birth registration, legal identity may be conferred by a legally recognized identification authority. This system should be linked to the civil registration system to ensure a holistic approach to legal identity from birth to death. Legal identity is retired by the issuance of a death certificate by the civil registration authority upon registration of death.
6. Proof of legal identity is defined as a credential, such as birth certificate, identity card or digital identity credential that is recognized as proof of legal identity under national law and in accordance with emerging international norms and principles.
7. In the case of refugees, Member States are primarily responsible for conferring legal identity and issuing identity papers.⁸⁰ Conferring legal identity to refugees may also be administered by an internationally recognized and mandated authority.⁸¹
8. Civil registration is defined as the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation in accordance with the legal requirement in each country. Civil registration is carried out primarily for the purpose of establishing the documents provided by the law.⁸²

77. 1951 Convention on the Status of Refugees, Articles 25 and 27; 1954 Convention on the Status of Stateless Persons, Articles 25 and 27; 1961 Convention on the Reduction of Statelessness, Articles 1–4; 1969 International Convention on the Elimination of All Forms of Racial Discrimination, Article 5(d)(iii); 1966 International Covenant on Civil and Political Rights, Article 24; 1979 Convention on the Elimination of All Forms of Discrimination Against Women, Article; 1989 Convention on the Rights of the Child, Articles 7–8; 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, Article 29; 2006 Convention on the Rights of Persons with Disabilities, Article 18.

78. *Principles and Recommendations for a Vital Statistics System*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 286.

79. *Principles and Recommendations for a Vital Statistics System*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 279.

80. 1951 Convention on the Status of Refugees, Article 27.

81. 1951 Convention on the Status of Refugees, Article 25.

82. *Principles and Recommendations for a Vital Statistics System*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 279.

