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Overview of the United Nations Legal Identity Agenda

Prepared by the United Nations Legal Identity Agenda Task Force
co-chaired by the UN Statistics Division, UNICEF and UNDP¹

¹ This background document is an updated and condensed version of the paper ***United Nations Strategy for Legal Identity for All: Concept Note developed by the United Nations Legal Identity Expert Group***, available at: <https://unstats.un.org/legal-identity-agenda/documents/UN-Strategy-for-LIA.pdf>.

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 several international human rights instruments.²
2. To address this, 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.
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.³ Furthermore, civil registration is recognized as the ultimate source for production of comprehensive, regular and reliable vital statistics.⁴
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.
5. Legal identity is widely acknowledged to be catalytic for achieving twelve of the seventeen Sustainable Development Goals (SDGs). Data generated from civil registration and population registers support the measurement of over 60 SDG indicators. 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.
6. Equally importantly, good governance as promoted by the United Nations and the World Bank invariably includes ensuring the proper and universal registration of the occurrence of all vital events (births, deaths, marriages, divorces...), issuance of certificates that serve as legal tenders and introduce the lifetime legal identity of the individual and the production of comprehensive, regular and reliable vital statistics based on universal civil registration of vital events.
7. The assessment of adult population without valid proof of legal identity as well as the number of unregistered children – thus not conferred with legal identity – varies; yet it is certainly considerable. For example, when it comes to fully functioning and universal registration of births and deaths – essential instruments for conferring and retiring legal identity, respectfully – it is

² 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.

³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 286.

⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 279.

lacking in almost half of the world's countries. The World Bank Group estimates that around one billion individuals do not possess proofs of legal identity. UNICEF estimates that around fifty million newborns worldwide are not registered nor conferred with the birth certificate, thus lacking legal identity, in any given year.

8. Recognizing that the issue of legal identity for all is of paramount importance in terms of fulfilling the Sustainable Development Agenda, the United Nations Deputy Secretary-General initiated the establishment of the United Nations Legal Identity Expert Group (UN LIEG) in September 2018, co-chaired by the Department of Economic and Social Affairs of the UN Secretariat (UN DESA), United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF)⁵.
9. The essential purpose of UN LIEG was to ensure homogeneous, harmonized and coordinated approach of all United Nations agencies and programmes as well as the World Bank Group (WBG) in providing advice and support to Member states in ensuring a holistic installation and development of civil registration, vital statistics and identity management systems, starting with developing UN operational definition of legal identity. Thus, it focuses on ensuring that that the UN system and the WBG apply both policy and implementation coherence when it comes to supporting countries to strengthen civil registration, vital statistics and identity management systems in a holistic and interoperable manner.
10. From the normative aspect and mandate, the UN LIEG focused on expanding the existing international methodological framework on civil registration and vital statistics to cover identity management in one whole system that is ensuring legal identity for all, from birth to end of life.
11. Subsequently, the UN LIEG developed the UN Legal Identity Agenda that was first introduced at the Conference in preparation for HLPF 2019: "Peaceful, Just and Inclusive Societies: SDG 16 implementation and the path towards leaving no one behind", held from 27 – 29 May 2019 in Rome Italy, as well as in a number of regional events. The UN Legal Identity Agenda builds upon the existing UN framework for civil registration and vital statistics as adopted by the UN Statistical Commission in 2014⁶.
12. In December 2019 the UN LIEG transitioned into the United Nations Legal Identity Task Force under the same chairmanship (UNSD/DESA, UNICEF, UNDP) and the terms of reference that include, among others (a) overseeing the implementation of the UN LIA at the regional and national levels; (b) develop and maintain normative and standards-setting work related to UN LIA, and (c) fully engage in fundraising, advocacy and communication.

Definitions

13. For the purpose of the operational United Nations definition, **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

⁵ For more details on UN LIEG, please refer to: <https://unstats.un.org/legal-identity-agenda/>

⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication Sales Number E.13.XVII.10, New York, 2014 and accompanying handbooks.

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.

14. In the case of refugees, Member States are primarily responsible for issuing proof of legal identity. The issuance of proof of legal identity to refugees may also be administered by an internationally recognized and mandated authority.
15. **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.⁷
16. **Proof of legal identity** is defined as a credential, such as birth certificate, identity card or digital identity credential that are recognized as proof of legal identity under national law.
17. **Population register** is defined⁸ 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. 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. A. method and sources of updating should cover all changes so that the characteristics of individuals in the register remain current. Because of the nature of a population register, its organization, and also its operation, must have a legal basis.
18. While there is no internationally agreed definition of **identity management**, the term refers to the issuance of a proof or legal identity to each individual by a government authorized entity and the maintenance of systems for managing information and documents associated with such identity.
19. **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 in a country.⁹

Implementation – general norms

20. The United Nations Legal Identity Agenda refers to the holistic approach to civil registration of all vital events, production of vital statistics, the establishment and maintenance of population

⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 279.

⁸ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, United Nations, New York, 2018, available at: <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>, para 65.

⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 1.

registers and identity management apparatus from birth to death, and there should be full interoperability¹⁰ between these functions in a simultaneous manner, according to international standards and recommendations and in compliance with 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.

21. In their efforts to establish the legal identity of all persons on their territory, Member State need to remove barriers to the enjoyment of human rights by all and to accessing basic services and 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.
22. Member States 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, and in the case of displaced persons whose official credentials may have been lost, destroyed or confiscated in the course of human conflict or natural disasters, honor the temporary credentials issued by an inter-governmental body such as the UN Refugee Agency, until such time as the legal identity of the individual is re-affirmed by either the country of origin or the country of refuge¹¹.
23. 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 otherwise 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 have a legitimate objective and are 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 is collected, used, shared, merged, accessed and otherwise processed by public and private bodies and for what purpose, and give individuals the rights 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

24. In implementing the United Nations Legal Identity Agenda – 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

¹⁰ 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 fully harmonization of interfaces and access protocols. Interoperability between functions does not infer allowing full access and manipulating records and content of any single system.

¹¹ The United Nations High Commissioner for Refugees registers and provides proof of legal identity to many refugees, internally displaced persons and stateless persons, in accordance with the relevant international framework, including the 1951 Convention on the Status of Refugees, Articles 25, 27 and 28, the UN Guiding Principles on Internal Displacement, Principle 20, and the New York Declaration for Refugees and Migrants, New York Declaration for Refugees and Migrants, Comprehensive Refugee Response Framework, paragraphs 5 (d) and (f).

requires ensuring that the network of civil registrars is covering the whole 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 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.

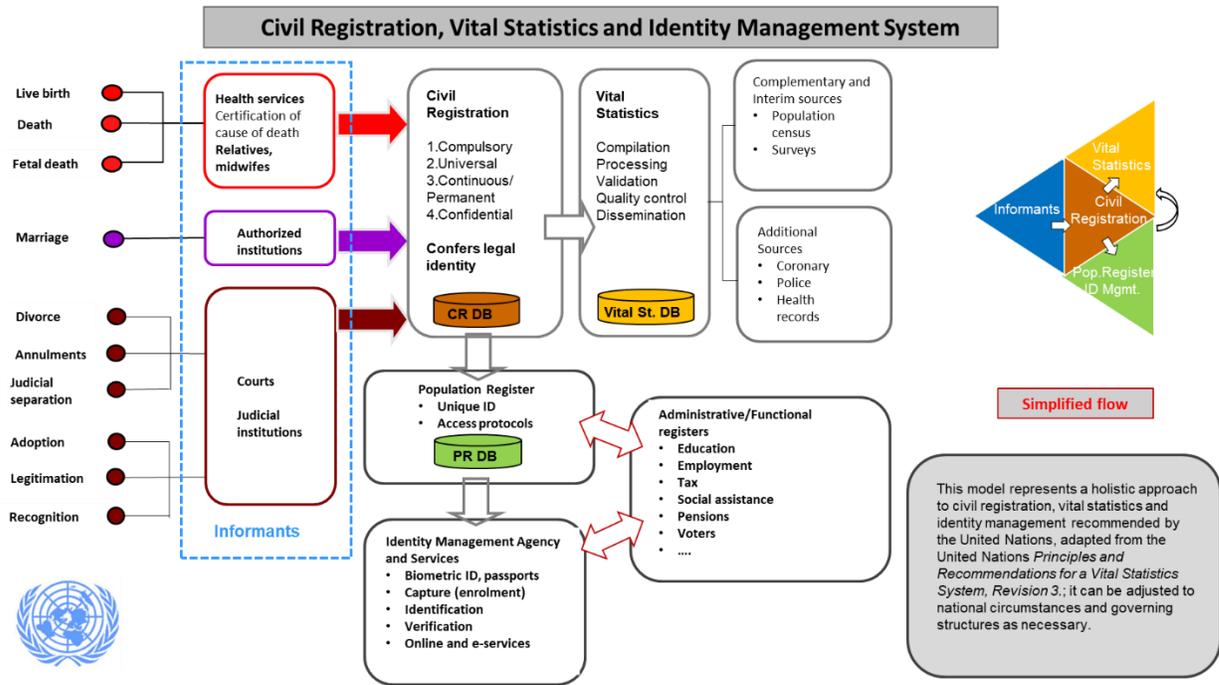
25. The establishment, operation and maintenance of a population register based on an unambiguous legal mandate provides a necessary mechanism for a number of administrative and statistical purposes. In practice, a population register cannot be described as such without being linked with the registration 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. The essential premise of population registers and their functioning is that the civil registration system is uniquely positioned to provide reliable data to be entered into the population registers. Specifically, population registers are initially built up from an inventory of information on the inhabitants of a certain area (often census information) and the continuous updating of the facts of 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 for the proper functioning of the population register.
26. In the recent practices of countries and areas introducing and maintaining population registers, assigning a unique identifier, most commonly referred to as a personal identification number (PIN) or unique identifier number (UNIN) 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.
27. However, it should be noted that unique identifiers carry particular risks as they can facilitate the linking of personal information across all databases that use these identifiers, allowing comprehensive profiling of the persons concerned. Hence, strong legal, institutional and technical safeguards are required to protect the identifiers against unauthorized access and limit their use to the extent necessary for the delivery of public services and prevent their overly intrusive use. Function creep, for instance into private sector use, should be avoided. Mechanisms to prevent its use to match individuals across multiple organizations where there is no legal basis to do so (unlikability) should be taken into consideration.
28. From the point of view of generating regular, accurate, timely and reliable vital statistics, the introduction and functioning of population registers represent a substantial step in the right direction¹². 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'

¹² For further elaboration please refer to the *Guidelines on the Use of Registers and Administrative Data for Population and Housing Censuses*, United Nations Publication Sales No.E.19.II.E.4, United Nations, Geneva, 2018.

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.

29. Informants (notifiers) play a critical role in collecting the bulk of information. Consequently, 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, fetal deaths and deaths occurring in the institution. In practice, it is the staff of the health institution that actually collects the information and fills the form. The form, in turn, may be in paper or electronic. If a paper form, once filled, this is submitted to the registrar’s office, where verification of the information in the form takes place. The registrar, as an official of the State, has the authority to request identification documents from the parents, and will check whether name, date of birth and address correspond to those provided in the form. In addition, the registrar will supply any missing information in the form by acquiring it directly from the parents, thus ensuring completeness of the collected data.
30. The process of hospitals reporting events to the local registrar can be very efficient in terms of information quality and timeliness. This may be affected, however, by the extent to which hospitals comply with the requirement to forward notifications to the registrar. This is particularly relevant in countries where health care is provided by private and public institutions, or where the health sector is fragmented. The procedures of some health institutions may be stricter than those of others. This highlights the importance of defined roles and data-sharing between health and registration authorities (in both directions) to avoid processes that are onerous and discourage completion of registration topics.
31. In the context of the identity management, the essential purpose of civil registration is to furnish legal instruments of direct interest to individuals. Societies today, even the least developed among them, exhibit considerable complexity in interpersonal relations and increasing bureaucratization in dealings between individuals and the State. Hence it is important, to ensure certainty in legal matters, that individuals be provided with probatory instruments which allow them to prove, with ironclad certainty, the facts relating to their existence, identity, and personal and family situation. The principal reason for the existence of civil registration – its basic purpose and one that must be facilitated by the State – is to serve as an institution capable of disclosing facts relating to civil status based on technical legal principles, through which individuals can be assured of the legitimacy and authenticity of civil status-related facts in order to accredit them to other individuals or the administration itself, by means of public registration documents known as certifications.
32. Consequently, in the contemporary paradigm, civil registration provides both the certification of identity for a newborn child and also critical entry into the identity management system, whether through the stand-alone population register or, in the case where population registers are subsumed by the identity management system, directly into it. At the other end of the life cycle, civil registration also plays a critical role in notifying the occurrence of deaths to the population register and the identity management system, so that the records can be amended accordingly, and those identities are withdrawn or marked as “deceased”.

33. Moving on from there, the identity management agency will, in due course, add layers of additional and relevant information, as prescribed by law, including photographs, fingerprints and other biometric elements. The issuance of identity cards or other identity credentials, which, in turn, will give individuals access to government and private services, together with other documents, such as drivers' licenses, passports, bank cards and so forth, will be within the authority of the identity management agency. In a number of countries, the integration of the civil registration system with the identity management system has been a key factor in the creation and maintenance of a secure, efficient and interoperable population data system. This integration has reaped benefits for both the government and individuals in terms of access to social rights, improved control of public expenditures and improved underlying data quality for the production of vital statistics.
34. In countries where the civil registration system has been neglected for prolonged periods of time, the identity management agency will initially have to respond to a particularly substantive challenge: issuing identity documents 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 every single death – in the country, while at the same time issuing identity documents to those that never had one. This in particular affects late birth registrations that need to be tabulated separately from the current events. It is important to have provisions in the law that allow for the registration of deaths of individuals whose births had 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.
35. 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 the 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.
36. 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 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 a lifetime of an individual.



37. This holistic model ensures establishing a mechanism 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 effective and equal fashion and developing other registers for different purposes using the same definitions, classifications and overall methodology. Countries are strongly advised to adopt this longitudinal solution of simultaneous build-up of civil registration and vital statistics and identity management systems based on synchronized legislative foundations and overall methodology and on international standards and recommendations.