

Implementation of the United Nations Legal Identity Agenda: United Nations Country Team Operational Guidelines



*Empowered lives.
Resilient nations.*



United Nations
Statistics Division



Acknowledgment – to be finalized

The Guidelines presented here were developed under the auspices and overall guidance of the United Nations Legal Identity Expert Group, established in September 2018 and co-chaired by United Nations Statistics Division/Department of Economic and Social Affairs, United Nations Development Programme (UNDP) and United Nations Children Fund (UNICEF).

The first draft was prepared by Mr. Zoran Djoković, consultant to UNICEF. It was reviewed by the members of the United Nations Legal Identity Expert Group and a number of comments and suggestions were incorporated in the second draft. This version was finalized by Mr. Srdjan Mrkić of the United Nations Statistics Division.

This draft is just the first version of these Guidelines as they will be subject to adjustments, updates and adaptations based on experiences in implementing them in pilot countries.

Table of Contents

SECTION 1. INTRODUCTION.....	5
PURPOSE	5
SCOPE	7
TARGET AUDIENCE	8
DEFINITIONS	8
SECTION 2. LEGAL IDENTITY FOR ALL: FULFILLING THE PROMISE TO LEAVE NO ONE BEHIND.....	13
LEGAL IDENTITY MATTERS	13
NATIONALITY AND STATELESSNESS	15
MIGRATION, FORCED DISPLACEMENT AND THE PROOF OF LEGAL IDENTITY	17
SCOPE OF THE PROBLEM	18
MIGRATION AND FORCED DISPLACEMENT AND STATELESSNESS	18
SECTION 3. PILLARS OF LEGAL IDENTITY SYSTEM	20
CIVIL REGISTRATION SYSTEM	20
IDENTITY MANAGEMENT SYSTEM	20
HOLISTIC APPROACH TO LEGAL IDENTITY SYSTEM	20
IMPLEMENTATION OF LEGAL IDENTITY SYSTEM - GENERAL NORMS	21
IMPLEMENTATION - SPECIFICS	22
LEGAL IDENTITY FOR ASYLUM SEEKERS AND REFUGEES	26
FUNCTIONAL REGISTERS	27
WHAT ARE THE RISKS	28
SECTION 4. THE UNITED NATIONS LEGAL IDENTITY AGENDA (UN LIA)	31
GLOBAL, REGIONAL AND NATIONAL COORDINATION	31
GLOBAL COORDINATION	32
REGIONAL COORDINATION	32
COORDINATION WITH DEVELOPMENT PARTNERS	33
SECTION 5. KEY OPPORTUNITIES AND APPROACHES FOR UNCTS.....	35
MANDATES AND ROLES OF UN AGENCIES	36
CIVIL REGISTRATION	37
BIRTH REGISTRATION	37
DEATH REGISTRATION	38
MARRIAGE REGISTRATION	38

VITAL STATISTICS	39
IDENTITY MANAGEMENT AND FUNCTIONAL REGISTERS	39
NATIONAL ID, AND VOTER REGISTRATION	40
TRAVEL DOCUMENTS	40
REFUGEES AND INTERNALLY DISPLACED PERSONS	41
<u>SECTION 6. UNCT COORDINATION AND IMPLEMENTATION.....</u>	<u>42</u>
COORDINATION	42
PROGRAMMING	44
STEP 1 - DEVELOP OR USE EXISTING EVIDENCE-BASED BASELINE ANALYSIS ON LEGAL IDENTITY SITUATION IN THE COUNTRY	44
STEP 2 DEVELOPING THEORY OF CHANGE	46
STEP 4. ASSESSING AND MITIGATING RISKS LINKED WITH THE DIGITIZED DATA PROCESSING	ERROR! BOOKMARK NOT DEFINED.
STEP 5 DEFINE KEY AREAS OF INTERVENTION DELIVERABLES AND IMPLEMENTATION MILESTONES	62
TASK 5 DEVELOP JOINT WORK PLANS, WHICH ARE SIGNED BY PARTICIPATING UN ORGANIZATIONS	63
<u>TOOLS AND RESOURCES</u>	<u>64</u>

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 on 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 (SDGs) - 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 ten of the Sustainable Development Goals (SDGs). Data generated from civil registration and population registers support the measurement of over 60 SDG 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 UN system, at the request of the Secretary-General, the Deputy Secretary-General's office

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.

convened UN 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 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).
7. The essential purpose of UN LIEG was to solicit expertise from the whole of the United Nations system and develop a framework to ensure homogeneous, harmonized and coordinated approach of all United Nations agencies and programmes 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.
8. The major accomplishment of the UN LIEG is related to defining the UN Legal Identity Agenda and lining up all UN LIEG members behind it. In most concise manner, the **United Nations Legal Identity Agenda consists of calling 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 identity for all.**
9. One of the four pillars of the UN LIEG work programme focused on coordinated approach for implementation of the holistic approach to civil registration, vital statistics and identity management and it called upon UN LIEG to develop this Guide, along the lines of the United Nations Sustainable Development Cooperation Framework (UNSDCF).

Text box 1. United Nations Sustainable Development Cooperation Framework (UNSDCF)

The UNSDCF represents the UN development system's collective offer to support the country in addressing key Sustainable Development Goals (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 UN Country Team (UNCT) and the host Government as well as between and amongst UNCT members for collectively owned development results and is supported by independent and high quality UNSDCF evaluation and mandatory evaluation management response.

10. This operational Guide (Guide) is intended to support a cohesive approach across the United Nations system and in cooperation with partners who are working in countries on supporting national strengthening civil registration, vital statistics and legal identity systems. Particularly in the context of UNSDCF this Guide will articulate the common and collective responsibilities of the UN system in supporting an integrated approach to civil registration, vital statistics and other legal identity systems programming.

⁴ UN Executive Committee Decision, 17 January 2018.

11. This Guide further provides guidance on how to integrate support for legal identity systems into the UNSDCF. 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 Analysis (CCA)⁵ and the UNSDCF.
12. The support to Member States in addressing the lack of legal identity through an integrated approach to legal identity systems, cohesive approach across the United Nations system will be delivered through:
 - Mainstreaming: Assisting governments to operationalise and contextualize the UN 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 advantages 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.

SCOPE

13. This Guide is intended to support UNCTs and their participating agencies to better understand the implications of the lack of legal identity for the implementation of SDGs including ongoing efforts on global and regional level to address legal identity agenda. 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 UN agencies in specific areas. Ultimately, the Guide highlights added value that emerges from collaborative action of UNCT participating agencies in addressing 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 throughout the Guide.
15. Section 2 elaborates on the importance of legal identity as an entry point to exercising of wide range of basic human rights. It also highlights the critical importance of legally recognizing all individuals by the state and of accurately reflecting changes in information pertaining to an individual's legal identity in order to accurately plan and deliver services.

⁵ The UN Common Country Analysis (UN CCA) 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 UN CCA will also reduce the period for formulating a new UNSDCF.

The section further provides the estimated size of the global population without any form of legal identity.

16. Section 3 provides introduction and key features of identity management system at national level and its responsibilities related to conferring legal recognition of identity from birth until death. It highlights key points of intervention for UN system to ensure 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 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 state-wide interoperable Information and Communication Technology (ICT) platform.
17. Section 4 accounts for a range of initiatives at the global, regional and national levels bringing member states, and regional organizations including from the UN System to generate political commitment on regional and national level and accelerate civil registration and legal identity systems reforms to meet SDG 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 UN 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 coordinated and collaborative approach of UN agencies in assisting countries with the implementation of holistic approach to identity management.
19. Section 6 is structured according to the four steps of UNSDCF 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 UN development system at regional and national levels, specifically:
 - United Nations regional commissions
 - Regional offices of UN agencies
 - UN Resident coordinators
 - UN Country Teams and all programme staff, including UN Network Chairs and Focal Points

DEFINITIONS

21. This section presents the definitions that are pertinent 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 UN LIEG and the WBG. 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 death**¹² 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

⁶ UN operational definition of legal identity. Source: UN LIEG.

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".

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 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, that separation of spouses which confers on the parties the right to remarriage 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

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 or more grams 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.

¹⁴ *Principles and Recommendations for a Vital Statistics System, Revision3*, 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.

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 in 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 intervals²³. 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. 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 requires 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 individual's basic characteristics, such as date of birth, sex, place of birth, place of residence, date of death operated by national authorities authorised under the law to register and manage legal identity information.
39. While there is no internationally agreed definition of **legal 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. 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 a 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 identity management agency that serve as a basis for the verification of identity (i.e., passport or national ID cards).
40. **Functional registers** are established or authorized by government to ensure efficient service delivery and discharging components of governing mandate, as a part of the administrative data systems in specific sectors. Those registers can, in general and generic terms, be

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 UN definition. Source UN LIEG.

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.

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 legal identity management system.

FINAL DRAFT

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 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 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 (SDGs) - Target 16.9 - "legal identity for all, including birth registration, by 2030."

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 uncared 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 and legal rights. People without legal identity are unable to enter into legal transactions with public authorities, other individuals and to access a wide range of commercial services.
44. Proof of legal identity may be requested when accessing formal education, 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, and 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

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.

unlawful effects such as trans-border crime or terrorism, regardless of efforts and investment put in increasing passport integrity and border security.

47. In the socio-economic sphere, persons without legal identity will generally face difficulties to enter in 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 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 gain access to services, state authorities rely on anonymised legal identity information obtained from appointed registration authority to produce vital statistics along with economic, demographic and social information, and disaggregated data, particularly with respect to gender and small area statistics. This data is also important for the development of public policies, implementation and targeting of social programs and services, prevent fraud as well as to effectively track their progress in areas such as maternal and child mortality. In the case of social protection programs, the ability to identify program beneficiaries is fundamental for tracking benefits and ensuring the 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 ICT for processing of legal identity data coupled with increased options for data sharing among interoperable ICT 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 very birth of an individual, the knowledge of legal identity of that individual is important for the state in order to be able to plan and deliver services for that person whether this is education, health or other services that cater for the well-being of new-

borns, mothers and adolescents. Proving legal identity is often required by 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 (facial image, fingerprints, iris scan...) and are being provided with an identification credential in the format of secure token (ID card). This credential is used not only to convey legal identity information but to ensure that legal identity belongs to the person who is claiming it.
54. Retirement of legal identity following registration of death triggers 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. The name can also change several times as result of divorce and remarrying. The same goes for gender identity. Individual's decision to change their name or sex also affects legal identity. Finally, the name of place of birth or even the name of 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 in order to reflect all new layers of information that constitute their legal identity. Without the ability to accurately, timely and permanently reflect these changes, 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 system to timely reflect changes in legal identity from birth until death.
57. Migrants - adults and particularly children unaccompanied - and migrants' children 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 to access 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 civil registrar.

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 nationality²⁵. 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 amongst 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 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 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 nationality²⁸; and undertaking formal statelessness determination²⁹.
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 difficulties 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 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.

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, UNHCR, Handbook on Protection of Stateless Persons, 30 June 2014, available at: <https://www.refworld.org/docid/53b676aa4.html>

²⁹ Paragraph 65, Ibid.

63. Individuals may also be left stateless if they cannot acquire documents which 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 formal recognition as stateless and documentation proving that status until they are able to acquire a nationality³⁰.

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 SDG 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 UNHCR to do so where required. Legal identity systems are often established which 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, migrants as well as IDPs. 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 statelessness³¹.

³⁰ UNHCR, The Sustainable Development Goals and Addressing Statelessness, March 2017, available at: <https://www.refworld.org/docid/58b6e3364.html>

³¹ UN Global Compact on Refugees, para 82.

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 identity credentials necessary for the enjoyment and exercise of their rights.³² Returnees also require proof of legal identity in order to facilitate 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.
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 system 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 World Bank latest estimates³³, approximately one billion people around the world – half of which are in Africa – lack legal identification to prove who they are. More specifically 81% of them live in Sub-Saharan Africa and South Asia, 47% are below the national ID age of their country, 63% live in lower-middle income economies, while 28% live in low-income economies. Furthermore, UNICEF estimates that around fifty million new-borns worldwide are not registered nor conferred with the birth certificate/legal identity in any given year.

MIGRANTS, DISPLACED AND STATELESS PERSONS

³² UN Guiding Principles on Internal Displacement, Principle 20.

³³<https://blogs.worldbank.org/voices/global-identification-challenge-who-are-1-billion-people-without-proof-identity>

72. By the end of 2017, there were 258 million people living in a country other than their country of birth - international migrants.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 identity³⁶.
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 - similarly affirmed in December 2018 - expresses at its 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 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 7 distinct actions that reach from 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 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.

³⁴ UNDESA International Migration Report 2017;

https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf

³⁵ UNHCR, Global Trends Report 2018, <https://www.unhcr.org/5d08d7ee7.pdf>.

³⁶ UNHCR, Global Trends Report 2017, <https://www.unhcr.org/statistics/unhcrstats/5b27be547/unhcr-global-trends-2017.html>

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 information³⁷.

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 identity³⁸. 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 secure identity credential 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 foundation of legal identity system that caters for registration of legal identity, the issuance of a proof or legal identity to each individual and the maintenance of systems for managing information and documents associated with such identity.
79. A holistic approach to 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 new-born child and also critical entry into legal identity system,

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>

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, add 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 result of registration of other vital events such as marriage, divorce, change of name, other layers of information relevant to legal identity are reflected in legal identity system. At the other end of the life cycle, civil registration also plays a critical role in notifying the occurrence 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 (please see para 8 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 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

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 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.

primarily responsible for issuing proof of legal identity, including identity papers⁴⁰ however the issuance of proof of legal identity to refugees may also be administered by an internationally recognized and mandated authority⁴¹ such as UNHCR under its refugee protection mandate. In these circumstances Member States should recognise the identity credentials issued by UNHCR 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 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

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 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.
88. In countries where the civil registration system has been neglected for prolonged periods of 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 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.

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

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

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 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.
90. Where civil registration is not subsumed to the identity management agency, establishing regulatory framework for cooperation and data sharing between the responsible authorities is a precondition for implementation of holistic approach to legal identity system. Part of this agreement is also the authority over population register. This authority can be vested in one or more of the agencies responsible for civil registration or identity management, while countries can as well opt to create a new agency specifically tasked with maintaining of population register⁴². 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 consequence of registration of vital life events through lifetime.

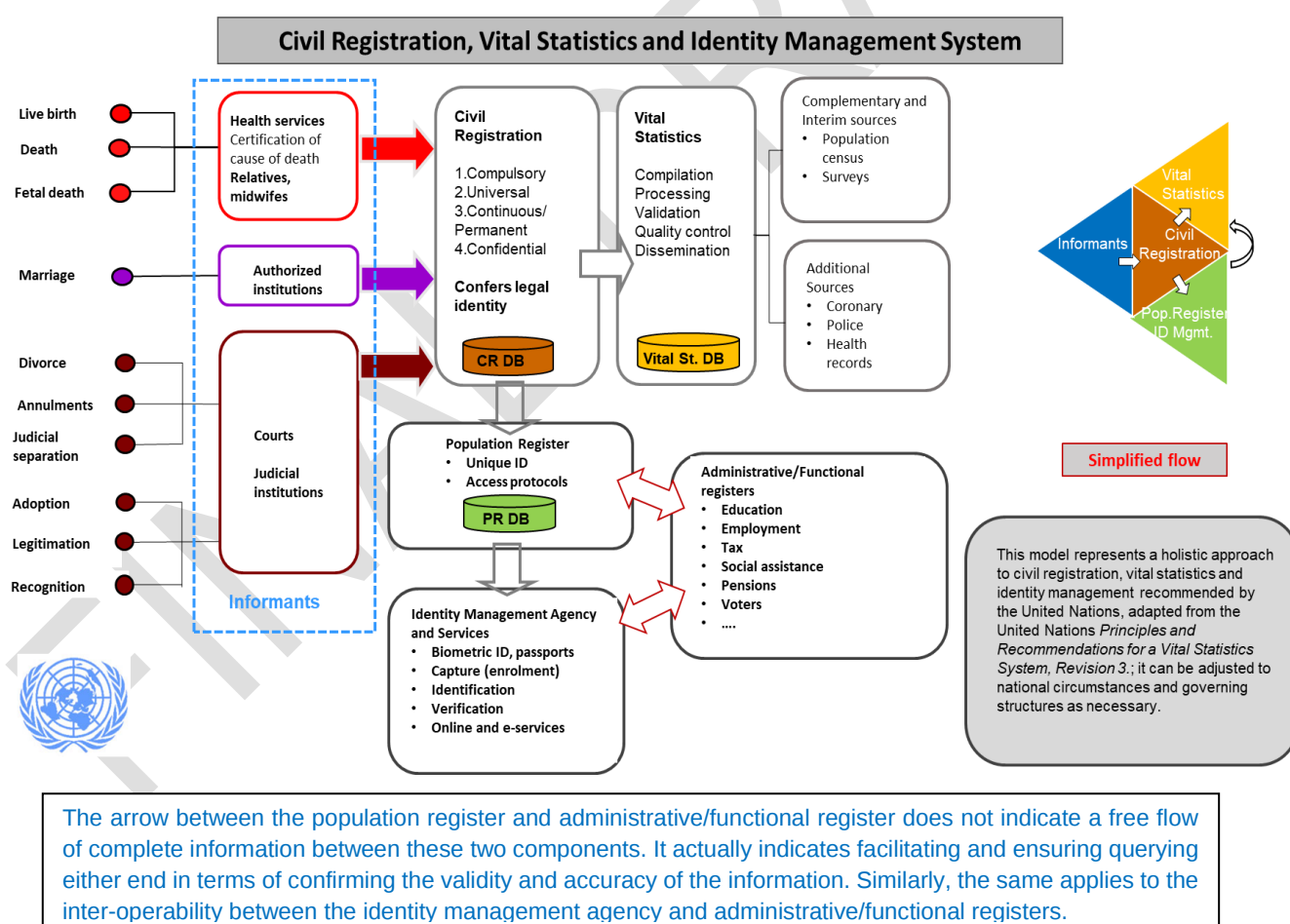
⁴² It has to be outlined that a population register does not necessarily imply centralised database. In a number of countries, a federated approach is applied, whereby the establishment, maintenance and operation of a population register is the responsibility of the administration of a major civil division 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.

94. Specifically, population registers are initially established from an inventory of information on the inhabitants of a certain area (often census information). For many countries the population register is established from the data collected as part of *en masse* enrolment in the national identification program, and at which point the legal identity has been either proved based on presented civil registration certificates or, in absence of civil registration records, established through a due process of conferring legal identity.
95. Once established, legal identity information in the personal record in the register is subject of 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.
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 for this purpose designated authorities. While address of residence is an important element of personal record in a population register, it carries limited relevance in terms of legal identity of a person.
97. In the recent practices of countries and areas introducing and maintaining population registers, assigning a unique identifier, most commonly referred to as a unique identification number, or UIN, 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 registers' content.
98. However, it should be noted that UINs carry particular risks as they can facilitate the linking of personal information across all databases that use these UINs, allowing comprehensive profiling of the persons concerned.⁴³ Hence, strong legal, institutional and technical safeguards are required to protect the UINs 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 are encoded to allow for deliberate matching between systems when appropriate/ authorised, without propagating a single number across systems to minimise potential risks. Function creep, for instance into private sector use, should be avoided. Mechanisms to prevent its use to match individuals across multiple organisations where there is no legal basis to do so (unlikability) 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 represent 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

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

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 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.



101. 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 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, and 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 no less important for solutions to displacement⁴⁴.
103. The responsibility for registering asylum seekers and refugees and providing them with proof of legal identity lies with States⁴⁵. In support of concerned countries, UNHCR, 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 principles⁴⁶.
104. UNHCR's 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 standards⁴⁷. States are increasingly taking greater responsibility for refugees' registration and identity management, with UNHCR 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 should also provide refugees who are lawfully staying on the territory with travel documents which permit international travel.
106. Refugee registration and documentation can facilitate durable solution, including the voluntary return and reintegration of refugees to their country of origin. Tripartite agreements between the host State, countries of origin and UNHCR often stipulate the

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 UNHCR Guidance on Registration and Identity Management <https://www.unhcr.org/registration-guidance/> and UNHCR Handbook for Registration (Provisional Release) 2003

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.

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. The 2018 Guidance Note of the Secretary-General: The United Nations and Statelessness underlines 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. 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. 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 involve 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 and discharging components of governing mandate. 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 and there is no legal status conferred by the creation of an identity record created in these systems. Examples of these registers are many in any given country: 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 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 to duplication or omission, maintenance is more reliable as inputs (new-borns) and outputs (deaths), both coming from civil registration, is reflected in functional registers. As noted earlier in this document, a UIN 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 UIN 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 that may 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 effects of legal identity systems varies considerably among countries and is 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 system are by design comprehensive, nation-wide 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 labor may have difficulties to provide fingerprints that are clear enough for the purposes of the identify systems. Services that

require authentication at the point of delivery create problems for elderly or disabled people that 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 others⁴⁸.

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 dire⁴⁹.
117. When not properly designed, implemented and run, digitized legal identity systems also tend 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 records across disparate data registers. This can lead to comprehensive profiling of individuals by governments. This risk is particularly high when a single UIN is propagated across systems, or data from many sectoral admin systems/ functional registers is centralised. Strong legal protection should be combined with appropriate design tools such as encryption or tokenisation; 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 ID 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 use for their own commercial purposes. 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 from the private sector. Thus, 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.

⁴⁸ See Alan Gelb & Ana Diofasi Metz, *Identification Revolution – Can Digital ID be Harnessed for Development?* Center for Global Development 2018, pp. 127-134.

⁴⁹ See UN 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.

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 thus vital that a high degree of diligence in conceptualizing, designing, developing, implementing and operating such systems be applied. Since the collection, sharing and otherwise 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 purposes defined under the law and limited only to personal information required to fulfilling 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 human rights respecting and promoting, it is vital to carry out comprehensive human rights and privacy impact assessments before moving to the implementation phase. Moreover, in line with SDG 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, risk of overspending on inappropriate technology, and duplication across programs 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 (UN LIA)

123. Various iterations of global principles and recommendations for vital statistics systems have been developed by the United Nations Statistics Division 1954, which currently serve as the international standards and guidelines for the generation of vital statistics from civil registration systems. However, siloed programming and 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 are carried out in parallel and to the detriment to civil registration systems - and most often 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 and resulting in governments not establishing a 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 the steady fragmentation of functional 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 inter-related development landscape on dimensions of legal identity, and made the following decision: 'The Deputy Secretary-General's office to convene UN 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 UN Legal Identity Expert Group (LIEG) operating under the purview of the UN Sustainable Development Group's Strategic Results Group on SDG Implementation was established to spearhead the discussions on joint UN collaborative response of the UN system to the legal identity agenda including in collaboration with the World Bank
127. The United Nations Legal Identity Agenda (UN LIA), backed by the Deputy Secretary-General was launched to bring the UN 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 towards accurate measure of development progress of the most marginalized communities and achieving the 2030 Agenda and leaving no one behind.
129. Recognizing the importance of the agenda, since the adoption of the SDGs, 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 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 almost in all cases is not enrolled in identification credentials programs. In addition, identification programmes are not designed to timely reflect changes in legal identity information. Therefore, efforts are being made on global level to reframe the current fragmented process and ensure a unified approach to the legal identity agenda through 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 widely discussed globally under the umbrella of “Digital ID” are assumed to be built on top of legal identity as registered by 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 and 14 August 2010. The Conference ever since stimulated a number of responses and actions, including the institutionalisation 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 (APAI-CRVS) is a regional programme developed following the political commitment and policy directives of the ministers in charge of civil registration to reform

and improve CRVS systems on the continent. At the regional level, the programme is guided by a Regional CRVS Core Group led by Economic Commission for Africa (ECA) in partnership with African Union Commission (AUC), African Development Bank (AfDB), Secretariat of African Symposium on Statistical Development, United Nations Children's Fund (UNICEF), World Health Organization (WHO), United Nations High Commissioner for Refugees (UNHCR), United Nations Population Fund (UNFPA), INDEPTH Network, Plan International and PARIS21. The Secretariat of the Programme is based in African Center for Statistics (ACS) at ECA.

135. The Regional Steering Group for CRVS in Asia and the Pacific guides the implementation of the Regional Action Framework and acts as the custodian of the Asia and Pacific CRVS 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 ESCAP Commission 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 (ID4D) 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 program has been developed on a premise that digital identity and civil registration systems are instrumental for strengthening development prospects and accelerate progress towards the Sustainable Development Goals. ID4D provides support through three key pillars of activity: Thought Leadership, Global Convening and Regional Action.
137. Driven by strong demand from the counties for the development of identity systems through implementation of identification systems, digital ID and civil registration, based on its cross-cutting knowledge the World Bank provides support in designing and financing implementation of identity systems. As of 2018, the World bank has supported 46 countries with assessments, technical assistance and financing for ID and civil registration. By 2018, there is approximately 1 billion USD active or awaiting approval that are allocated for financing of ID 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 gap through state-wide enrolments in national ID programs, and delivery of ID credentials to adult population. Through its tough leadership platform, the World Bank promotes holistic approach to identity management emphasising in that context 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 UN in developing holistic approach to legal identity system 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, UNCTs and the World Bank can deliver support in areas critical for closing the identity gap and building sustainable identity system built on shared recognition of the importance of holistic approach to legal identity systems.

140. The World Bank has not been the only development organization active supporting strengthening of legal identity systems. Other regional development organizations have been providing sizable support in this area, such as:

African Development Bank

141. Within the framework of the African Program on Accelerated Improvement of Civil Registration and Vital Statistics, African Development Bank is assisting regional member countries to undertake comprehensive assessment of the civil registration and vital statistics systems. In this respect, AfDB 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 (ADB)

142. ADB 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: (i) inclusive growth; (ii) environmentally sustainable growth; and (iii) regional integration. ADB is involved in building capacity of statistical offices and related agencies to produce timely and reliable statistics (including the areas of civil registration and vital statistics (CRVS)) and has been partnering with regional development partners to support various regional activities related to CRVS such as regional forums, training workshops, assessments of the CRVS systems, and support to country initiatives for improving CRVS systems in selected countries.

Inter-American Development Bank (IADB)

143. The IADB 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 the IADB 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 IADB 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 (GFF) is helping governments in low- and lower-middle income countries transform how they prioritize and finance the health and nutrition of their people. The GFF 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 SDGs. The GFF approach 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 GFF prioritizes the strengthening of civil registration and vital statistics (CRVS) systems as an important data source for monitoring progress made in ending preventable maternal, new born, child and adolescent deaths; and as an area that has been inadequately funded in the past.

SECTION 5. KEY OPPORTUNITIES AND APPROACHES FOR UNCTs

145. Civil registration, while a routine operation in many countries, necessitates developing a network of informants and registrars that work within 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. Guidance⁵⁰ has been developed by WHO and UNICEF for the health sector to encourage the notification of births and deaths directly to the civil registrar; along with modules in commonly used open source community health information platforms (such as DHIS2) to support this.
147. Without elaborating in detail the causes for neglecting the development and functioning of civil registration in a considerable number of countries⁵¹ it is the fact that, albeit civil registration is established in all countries, the completeness of it is far from universal in almost half of them⁵². 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.

⁵⁰ WHO & UNICEF. Improving the registration of Births and Deaths in Low-income countries: Guidance for Health Sector Managers and Development partners. Geneva: WHO/UNICEF, 2020. https://www.who.int/healthinfo/tools_data_analysis_routine_facility/en/

⁵¹ 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.

⁵² See: <https://unstats.un.org/unsd/demographic-social/crvs/index.cshtml>.

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 civil register or population register make sense only as long all events are registered timely. Developing of such systems makes it a paramount that the whole civil registration system is developed in a holistic manner. This includes legislative framework, institutional arrangements, working methods, and the purpose binding use of collected information⁵³.

150. Availability of legal identity data in digital format further unlocks the possibilities for sharing of the 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 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.

151. This paradigm shift in terms of how registration data is processed, stored and shared also offer new opportunities for the UNCT 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 present Guide.

MANDATES AND ROLES OF UN AGENCIES

153. Historically, UN system provided considerable support to Member States in improving civil registration and vital statistics, on one hand, and identity management system, on the other. Technological development, computerization of score of processes both within and outside the government, as well as 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, require a paradigm shift in terms of mobilizing the UNCT's around a holistic approach and developing the division of labour and expected outputs in synchronized and simultaneous manner. Hence, described below are documented strength and expertise that different agencies acquired and that can be employed in implementing the UN Legal Identity Agenda at the national level.

⁵³ 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>.

CIVIL REGISTRATION

154. The United Nations Statistics has been mandated, since 1953, to develop the methodological framework, international standards and guidelines for civil registration and vital statistics and lately for identity management; to enhance national capacities in building and maintaining these systems by conducting training programmes and regional and sub-regional level; and to monitor and coordinate international efforts supporting the holistic approach to civil registration, vital statistics and identity management. In that context, UNSD developed and introduced a set of international principles and recommendations and accompanying manuals. However, UNSD is not an implementing agency and does not have a presence on the ground in Member States – hence, the guidance provided by UNSD has been translated into implementation activities by UN agencies in countries.

BIRTH REGISTRATION

155. **UNICEF** 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. UNICEF 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 ICT 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. **UNHCR** 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 of 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 UNHCR 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 (GAP) sets out a guiding framework made up of 10 Actions that need to be taken to end statelessness.⁵⁴

157. The GAP 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 GAP urges states to ensure birth registration for the prevention of statelessness and sets out

⁵⁴Global Action Plan to End Statelessness, UNHCR, 4 November 2014. <https://www.refworld.org/docid/545b47d64.html>

how states can implement this action including through provisions that allow for late and delayed birth registration. Action 8 of the GAP 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. **IOM** 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 healthcare provider in order to ensure the child's access to rights and services. IOM looks into possibilities to develop more activities allowing for birth registration of children of migrants, through facilitation of access to consular authorities.
159. **UNFPA** at the regional and national level, and within the methodological framework developed by UNSD, 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 **WHO** relates to access to health services, particularly for infants - as well as the presence of children needing vaccination. Therefore, WHO 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. **UNICEF** supports the civil registration and vital statistics authorities to strengthen their systems and improve death registration and provides technical assistance in the same. The organization also provides guidance and inputs on verbal autopsies. UNICEF also works on evaluating the completeness of death registration and is the lead agency producing estimates on child mortality. UNICEF also works with the authorities in age assessment, providing programmatic guidance and technical assistance in age assessment procedures.
162. **WHO** considers civil registration and vital statistics data, including causes of death as a critical underpinning for the work of WHO and for health work in countries, as well as many other global health partners. CRVS data are used to understand, implement, monitor and evaluate global health development, and are recognised as a cornerstone of country health information and planning. To this end, WHO supports CRVS activities, as part of its core global statistical program, and its response to initiatives such as Every Woman Every Child. As part of its core work, WHO maintains a database of country data on mortality (deaths registered and causes of death), time series. WHO 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.

MARRIAGE REGISTRATION

163. **UNFPA** 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.

164. **UN Women's** work on eliminating discriminatory marriage and divorce laws ensure that provisions on marriage registration are compatible with the overall goals of civil registration and legal identity.

166. UNICEF's 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 mobilise financial resources to end child marriage.

VITAL STATISTICS

165. **UN 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, Legal Framework among others. The 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 Division also maintains a comprehensive knowledgebase, a collection of methods, practices and other accompanying materials related to civil registration and vital statistics, thus providing references for both registrars and statisticians.

166. **World Health Organization** is mandated for developing international standards for certification of causes of death and it developed a comprehensive body of methodological advice to countries in that respect. Causes of death are an inseparable part of vital statistics (see para 162 above).

IDENTITY MANAGEMENT AND FUNCTIONAL REGISTERS

167. 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, UN agencies supporting governments in these areas can provide important contribution and use their existing comparative advantages to support the development of holistic identity management system.

NATIONAL ID, AND VOTER REGISTRATION

168. **UNDP** has provided significant support to voter registration efforts (including biometric voter registration efforts) in recent years. UNDP is now being asked by an increasing number of Member States, to either assist in the development and rollout 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

169. **IOM's** engagement in identity management technical assistance has been gaining momentum. IOM is well placed to provide legal identity support due to its expertise and experience in delivering similar technical cooperation activities world-wide. While IOM has considerable in-house technical expertise related to identity management, travel document security and border controls, it also relies on experts from other partner organisations as needed. With offices in over 150 countries, 393 field locations and almost 11,000 staff, IOM has demonstrated ability to deliver results in developing, fragile and security-phased countries. IOM has been closely cooperating with ICAO on the implementation of the ICAO Traveller Identification Programme (TRIP) Strategy, a global framework helping States to develop capacity to uniquely identify individuals to ensure border security and facilitation. Structured by the IOM Action Plan on ICAO TRIP Strategy Implementation Assistance, IOM'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 norms⁵⁵.
170. IOM is also providing technical assistance to enable migrants to get travel documents. IOM is indeed particularly concerned with migrants stranded in another country without documentation, unaccompanied migrant children, migrants in detention, victims of trafficking, and internally displaced persons. IOM 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, IOM 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. IOM's objective is to ensure rapid access to consular services for migrants in need. To this end, IOM 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.

⁵⁵ For details see https://www.iom.int/sites/default/files/our_work/DMM/IBM/iomworkplan-icaotripstrategyimplementation.pdf

171. IOM 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 IOM's Voluntary Humanitarian Returns programme (VHR), particularly for those in detention who have no other means of external contact. IOM 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

172. **UNHCR** 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. UNHCR 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.

173. 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.⁵⁶ States should equally provide proof of legal identity to returnee IDPs, including national identity credentials, as part of measures to ensure durable solutions. UNHCR can provide support to States in these areas as part of its global cluster leadership on the protection of IDPs.

⁵⁶ UN Guiding Principles on Internal Displacement, Principle 20

SECTION 6. UNCT COORDINATION AND IMPLEMENTATION

175. The United Nations Sustainable Development Cooperation Framework (UNSDCF) represents the UN development system's collective offer to support the country in addressing key Sustainable Development Goals (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.
176. This framework serves as the core accountability tool between the UN Country Team (UNCT) and the host Government as well as between and amongst UNCT members for collectively owned development results and is supported by independent and high quality UNSDCF evaluation and mandatory evaluation management response.
177. The UNSDCF triggers a review of UNCT configuration to ensure the UNCT has the capacities necessary to deliver on the commitments contained therein. The UNSDCF is signed after this step is completed.
178. The UN Resident Coordinator plays an enhanced leadership role throughout the UNSDCF process in line with the new Management and Accountability Framework (MAF).
179. Collaborative effort by UN agencies in supporting governments in overhauling and strengthening their identity management systems is an example of a programmatic intervention that falls within UNSDCF. By targeting and addressing the problem of lack of legal identity, marginalization, exclusion and discrimination, together with the lack of universal civil registration and inability to produce regular and comprehensive vital statistics, implementing the UN Legal Identity Agenda within the UNSDCF fully reflect overarching principle of leaving no-one behind.
180. Under the leadership of the Resident Coordinator, UNCT participating agencies can leverage UNSDCF 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 the 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 UN 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 UNSDCF 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 UNCT – with a sole task 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 UN working mechanisms that ensure a coherent UN approach. The Group should be aligned to existing nationally led coordination mechanisms whenever possible. Where such mechanisms do not exist, the UN system needs to promote their creation (see Text Box 2 below). It is of paramount importance to establish

Text Box 2. National Coordination Bodies

Based on national practices, the mechanism that countries have established for the purpose of ensuring holistic and interoperable approach 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, civil registration (if separate from ministry of interior), identity management agency (if separate from ministry of interior), foreign affairs (for registration of vital events occurring to citizens abroad), national statistical office, ministry of justice, ministry for ICT (if established). This Steering Committee would meet once or twice a year and provide overall guidance and supervision for the process of implementing 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 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.

and maintain regular communication and exchange with the national coordination mechanism.

184. Legal Identity Task Group should convene all UN 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) (UNICEF, WHO, UNFPA, IOM, UN Women, OHCHR)
 - Subgroup on production of vital statistics (UNICEF, UNFPA, OHCHR)
 - Subgroup on digitization and population register (UNDP, UNICEF, WHO, IOM, UN Women)
 - Subgroup on legal identity of displaced/migrant population (UNHCR, IOM UNICEF, WHO, UN Women)

185. The Legal Identity Task Group needs to invite and involve entities outside the UNCTs' that are present and active in the country's programme on civil registration, vital statistics and identity management. This particularly refer to the WBG that has two programmes focusing on identity management and civil registration and vital statistics, respectively. The first is ID4D, which is being implemented in a number of countries focusing on issuing biometric identity credentials to adult population, and the second is GFF, 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 falling 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 UN common country analysis (UN CCA) as described by the UNSDCF. The UNCCA is the UN 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 UN CCA examines the progress, gaps, opportunities and bottlenecks vis-a-vis the member state's commitment to the achievement of the 2030 Agenda, UN norms and standards and the principles of the UN Charter.
188. The UN CCA draws from and adds to existing data, statistics, analyses, reviews, research, capacities and resources from within and outside the UN system. This includes inter alia national and sector specific development visions and strategies, national budget allocations, and of development 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 UN Legal Identity Agenda the UN CCA needs to incorporate the results of the rapid or comprehensive assessment of the

functioning of civil registration and vital statistics system⁵⁷, 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 standards⁵⁸; 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 CCA would need to conduct or use most recent impact study on the effects of lack of legal identity information on human rights situation in the country and how it contributes to marginalization, discrimination, excluded and grave violations of fundamental rights.

191. Furthermore, the CCA needs to conduct or use most recent analysis and impact assessment of identity management system and its ability to timely reflect changes of legal identity information 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 UN CCA to adequately serve as the analytical foundation to the UNSDCF, it should: (i) demonstrate a broad, holistic and integrated approach that takes into consideration the interlinkages and integrated nature of the SDGs; (ii) reflect the interlinkages among the three dimensions of sustainable development and all spheres of the UN's work; (iii) reflect the interlinkages between the SDGs and the human rights framework (including treaties and human rights monitoring mechanisms; (iv) build on all sources of data and analysis from a broad range of partners; and (v) 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.⁵⁹

⁵⁷ The Comprehensive and Rapid Assessment of CRVS System is a tool developed jointly by WHO and UNSD 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>.

⁵⁸ *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.

⁵⁹ *United Nations Sustainable Development Cooperation Framework (UNSDCF) Guidance, Sixth Draft*, as available at: www.unevaluation.org/document/download/2966.

STEP 2 DEVELOPING THEORY OF CHANGE

193. Theory of change is crucial for shaping the strategy for change that underlies the UNSDCF, and for making explicit the focus on groups left behind or at risk of being left behind. This exercise in collective thinking enables the UN 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 timely reflected 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 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.
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 holistic approach to identity management and costs savings that will result over medium and long term. The result of this process should result in common UN strategy for change and national strategies that are fully aligned and supporting national ownership of the resulting system and its sustainability.
199. Implementation of holistic approach to identity system is preceded by a formal and institutionalized consultative process involving key public administration authorities responsible for civil registration, vital statistics and identity management system as well as other public authorities and public service providers which 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 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 UNCT Task Group.

1.1 Legislative framework (lead: UNDP, UNICEF, UN 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 foremost importance to undertake 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 stage⁶⁰.
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 for 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 refer 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.
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

⁶⁰ 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.

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 interior. Its main input comes from civil registration; it is also updated with the information on the change of residence, for example, as well as changes in the civil status.

206. Critical components of the legislation on population registers refers to the protection of privacy and the confidentiality of data. It has to spell out provisions regarding the authority to access, retrieve and peruse of information from the population register, both from the 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 receive a confirmation or rejection or the user have access to the full record – has to 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 age 18, in some countries at age 16. This piece of legislation establishes the authority of a designated government agency – most usually ministries of 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 Number. Provided introducing such a number conforms with 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 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)using 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 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 interior and the procedures for issuing it. Generally, the civil registration authority, upon registering the birth of a new born, 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 format 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.

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 all of the 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 registration⁶¹. 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 holistic approach to identity management, 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 system that is built on this premise therefore must operate with the assumption that all births, deaths as well as other vital life events will be timely registered.
214. Therefore, any efforts to strengthen holistic approach to legal identity system must centre on universal vital events registration coverage from developing policies and communication strategies⁶² 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 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 deployment and establishment of civil registration offices covering all the 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 travels to the capital or 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 result of perceived low

⁶¹ 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>.

⁶² 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.

utility of the registration including of having birth certificate, as these documents are required only later in life and if needed in interaction with the state. Incentive can be created by offering specific grants to families of the new born and deceased persons. With the perception of 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 of 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 system⁶³.
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 a civil registrar's office in each hospital and clinic 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 registration system to prepare and submit the information to the statistical authorities remains in place⁶⁴.
219. Equally important is the role of health institutions in certifying the cause of death. The circumstances and medical causes of death are of 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 death⁶⁵.

1.3 Producing regular, comprehensive and relevant vital statistics (lead: UNICEF, UNFPA)

220. In the process of administering civil registration functions and issuance of relevant legal tenders, the civil registration apparatus has to act as data collectors 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 standards⁶⁶.
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 comprehensive

⁶³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations publication, Sales Number E.13.XVII.10, New York, 2014, paragraph 485.

⁶⁴ *Ibid*, para 487.

⁶⁵ *Ibid*, para 491.

⁶⁶ *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.

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 SDG indicators.

222. In order to provide a comprehensive and comparable tool for identifying causes of death and diseases in general, WHO has developed and maintains the International Statistical Classification of Diseases and Related Health Problems (ICD)⁶⁷. The purpose of the Classification is to permit the systematic translation of the underlying cause of death specified in the medical certificate of cause of death 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 WHO. The Classification is designed to translate diagnoses of diseases and other health problems from words into a code, which permits the easy storage, retrieval and analysis of data⁶⁸.
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 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: UNICEF, WHO, UNDP)

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 this approach allows to look up information on registered vital events, such 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, strongly recommended by United Nations⁶⁹, 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

⁶⁷ The current version is ICD-11, WHO, 2018, available at: <https://www.who.int/classifications/icd/en/>.

⁶⁸ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance Revision 1*, United Nations, 2018, para 115.

⁶⁹ *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.

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 established the legal identity of the new born. This record can be changed only under circumstances that are the result of judiciary proceedings and these are referred as amendments to the record⁷⁰. 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 ICT platforms- primarily the population register. Digitizing the civil register and merging it with the population register in a number of countries demonstrated to be an efficient approach.

1.5 Population register (lead: UNDP, UNICEF)

229. In the context of the definition of the population register (see paragraph 38 above) it has to be outlined that it usually refers to a dynamic interactive database containing essential information on each individual in the country and usually for all citizen 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.⁷¹

230. In terms of **institutional arrangements**, the decision on the agency responsible for the administering and maintaining the population register will have consequences on the design. Depending on the existing institutional setup for civil registration and identity management, several options could be explored as optimum solution for institutional responsibility over 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

⁷⁰ 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>.

⁷¹ 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.

- A new institution is created responsible solely for maintaining ICT 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” can be protected more successfully than independent registers maintained by different agencies and built on different platforms)
- 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). 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 the 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 exit point – through the registration 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 the 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 the address or changes the marital status and so forth. Thus, the register needs to be developed on robust and agile platform and to consist of the minimum information on each individual as 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 a 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. 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 individual that can confirm their legal identity.

235. In the number of countries, however, the civil registration processes have been neglected to a smaller or larger extent, resulting in the substantial number of people without legal identity, as they never received the birth certificate, which is the seed document for all other proofs of legal identity. Thus, fully operational population register carries limited value if it does not keep legal identity information of the whole population in the country. If it operates solely with the data registered after the introduction of digitized civil registration processes, such population register would initially represent only a fraction of the total population. In order to reflect civil registration records of the entire population, it would be necessary to digitize all historical civil registration archives. While over long term this is 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 the large proportion of population. 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 population, interim provisions should be defined to initiate population register leveraging already available legal identity information. This critical policy decision can result in two approaches:

Approach 1

- 1.1 Taking advantage of existing nation-wide identity database such as 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, nation-wide voter registration databases have been also developed in some countries as result of UNDP electoral assistance projects.
- 1.2 Biographical and date of birth information is transferred from nation-wide ID database in the population register and recognised 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 crosschecked 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, will affect legal identity information in the population register. At the point of reissuance of identity credentials, legal identity information of applicant 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 nation-wide personal information database and where only fraction of population has official identification credentials, initial data entry in the population register will have to be implemented in parallel or after 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 new born and for the rest of the population when turning up to register 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 nation-wide enrolment in national identity card programme. Good example of such approach is Malawi national ID card enrolment implemented with support of UNDP or a range of national ID enrolment projects financed and technically supported by the World Bank. Developing of holistic identity system should be complemented with nation-wide national ID 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 ID database.
- 2.4 Once nation-wide ID database is available, legal identity information of each person with an issued ID 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 (UNDP)

238. Identity management register represent 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 ID register is a subtract of the population register in terms of coverage, as it consists of the individual information of all the population above the certain age. The ID register is usually housed in the Ministry of 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 ID card is mandatory for all after age 16, for example – the

role of the ID 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 ID register would mirror the population register and once the individual reaches a certain age, would provide access to the ID process and start adding additional information related to that person. In countries that have established these systems sometime ago, there would be a separate civil registration office and separate ID management office, usually operated by the Ministry of Internal Affairs. 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 ID 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 the ID credentials, its expiry date, its number, whether other ID credentials are issued to that person, such as passport, its number, issue and expiry date, whether there are other ID credentials issued to the person, such as driver's licence and so forth. Like the population register, the ID register is a dynamic database with regular updates coming from the side of population register as well as from the ID processes.

1.7 Refugees, stateless and displaced population (lead: UNHCR, IOM)

243. While resident citizens will by far represent most of the population enrolled in legal identity system, leaving no one behind implies that all population on the state territory should be legally guaranteed right to register vital events and being able to prove legal identity.

244. For displaced and refuge population, provisions should be defined in the law to enable registration of vital life events and conferral of legal identity either through birth registration for new born or by recognising identity as established by UNHCR during registration of refugee and displaced population. Cooperation with UNHCR should be expanded to mitigate risks of statelessness as result of registration vital life events or the lack of 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 (PIN or UIN) 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 PIN 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 all⁷².

247. While introducing unique identifiers certainly has its advantages in terms of linking separate registers and delivering services more efficiently, it has to be outlined that there are also significant concerns regarding vulnerability of this approach in terms of protecting 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 UN 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 besides 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 minimising 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. 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 have recently completed country-wide enrolment in national identity card programme or nation-wide voter registration programme, then the unique identifier introduced for this purpose would be a logical choice. As a rule, format of the unique identifier should be transferred from the identity management database into the population register.

⁷² *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, United Nations, 2018, para 77.

251. For all new born 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 ID card). With full implementation to holistic approach to identity management, over time all persons reaching eligibility criteria for a national ID card will have their unique identifier assigned at birth.

252. In the instances where the mass enrolment of adult population in national ID 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.

1.9 Privacy and confidentiality (lead: all)

253. Maintaining privacy and confidentiality of the individual 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 the 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 agency⁷³.

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 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 users⁷⁴.

⁷³ *Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management*, United Nations, 2019, para 506.

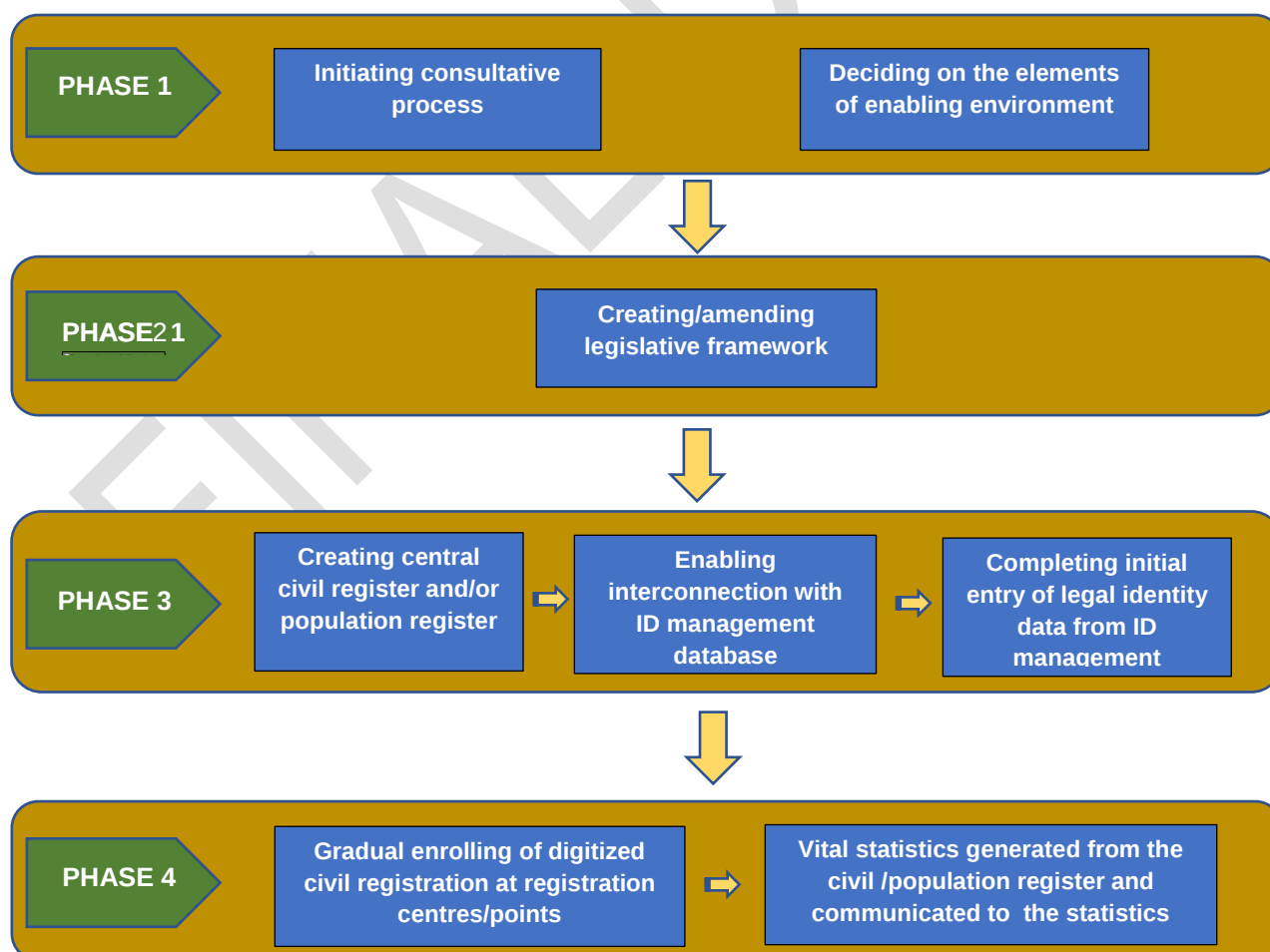
⁷⁴ *Ibid*, para 507.

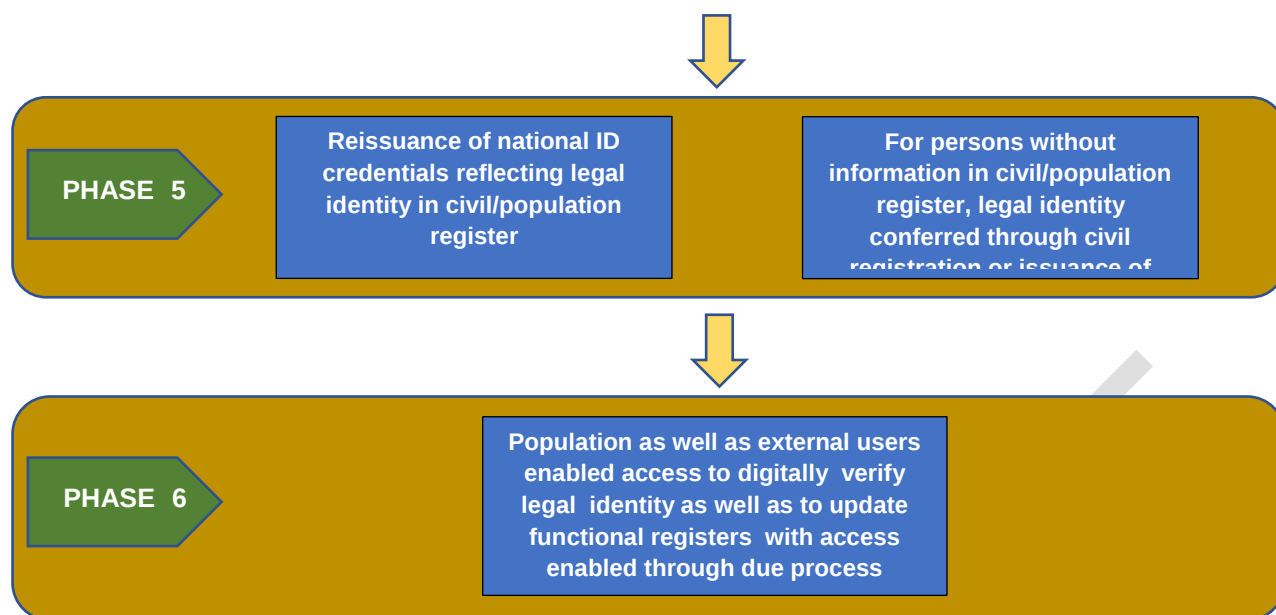
255. The potentially pervasive nature of digital processing of legal identity data and data sharing on interoperable platforms makes it akin to dual use technologies, while originally being designed to generate benefit they are also capable of being used for harmful or undesirable purposes. For example, a government might misuse digital legal identity/identification programs 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 live 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.

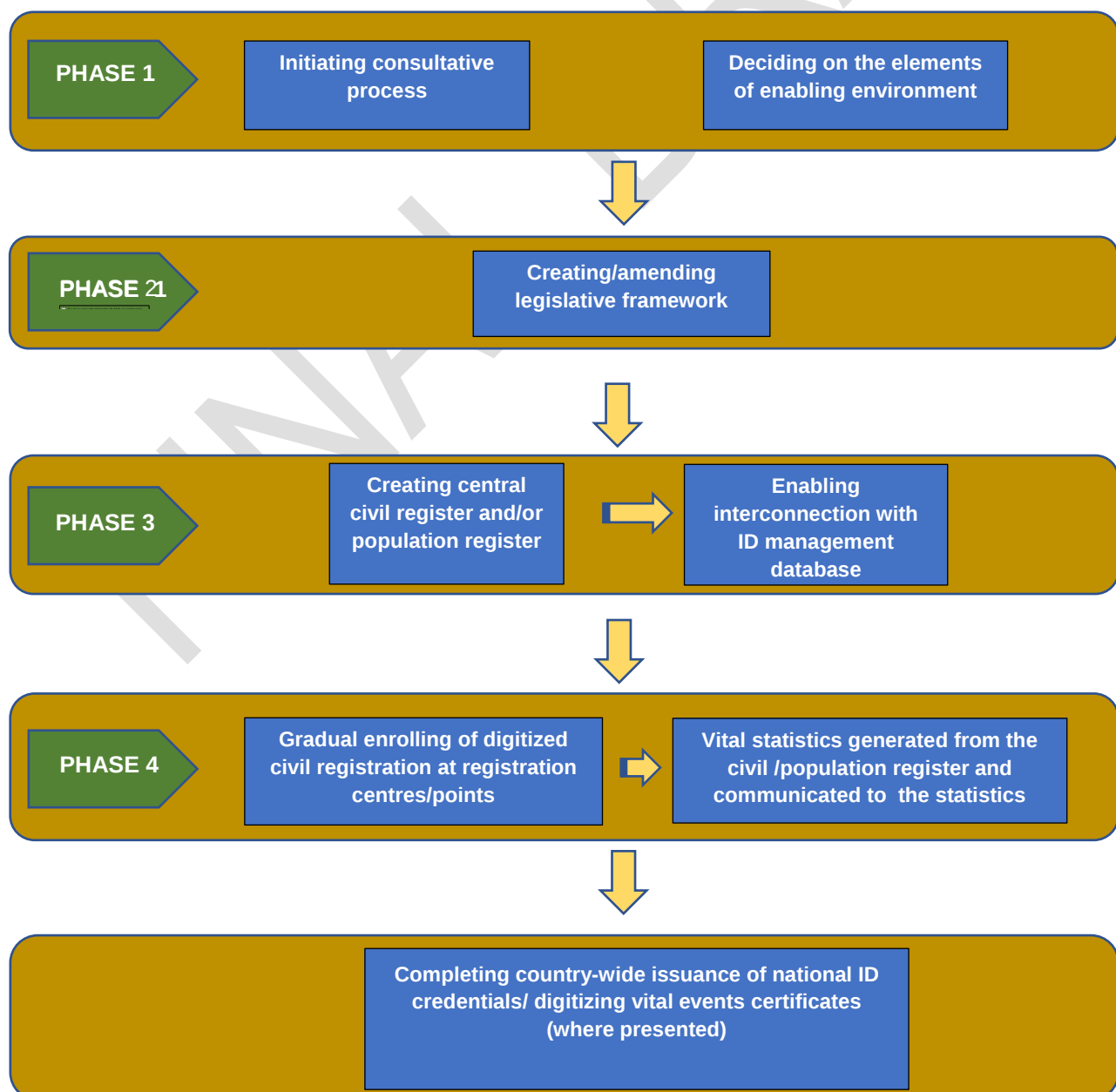
Theory of change in practice

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





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



PHASE 5



PHASE 6

Legal identity data from ID management database and digitized vital events certificates merged with civil/population register



Population as well as external users enabled access to verify legal identity data digitally as well as to update functional registers with access enabled through due process

FINAL DRAFT

STEP 4 DEFINE KEY AREAS OF INTERVENTION DELIVERABLES AND IMPLEMENTATION MILESTONES (BY SUBGROUPS, SEE PARAGRAPH 179 ABOVE)

257. **Subgroup on civil registration** (birth, death, marriage, adoption) (UNICEF, WHO, UNFPA, IOM, UN 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 rollout 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** (UNICEF, UNFPA)

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** (UNDP, UNICEF, WHO, UN Women)

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
- Defining technical specification for the population register as well as interconnection and interoperability standards with other systems
- Supporting technical rollout of digitized registration of vital events

- Technical establishment of central civil register/population register as well as interconnection with national identity management ICT system
- Completed initial update of civil/population register with legal identity information from identity management system database

260. **Subgroup on legal identity of displaced, refugee and migrant population** (UNHCR, IOM UNICEF, WHO, UN 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-noncitizens.
- Legislative amendments implemented to eliminate obstacles to conferral of legal identity thorough civil registration for refugee and displaced population including the amendments aimed at prevention of statelessness.

TASK 5 DEVELOP JOINT WORK PLANS, WHICH ARE SIGNED BY PARTICIPATING UN 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 UNSDCF 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/USA ID/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/USA ID/Canada	2014	Civil Registration and Vital Statistics Investment Planning
ESCAP	n/a	Civil Registration and Vital Statistics (CRVS) and the Sustainable Development Goals (SDGs)
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

ANNEX I: OFFICIAL UN 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.⁷⁵
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.⁷⁶ Furthermore, civil registration is recognized as the ultimate source for production of comprehensive, regular and reliable vital statistics.⁷⁷
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

⁷⁵ 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.

⁷⁶ Principles and Recommendations for a Vital Statistics System, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 286.

⁷⁷ Principles and Recommendations for a Vital Statistics System, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 279.

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.⁷⁸ Conferring legal identity to refugees may also be administered by an internationally recognized and mandated authority.⁷⁹
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.⁸⁰

⁷⁸ 1951 Convention on the Status of Refugees, Article 27.

⁷⁹ 1951 Convention on the Status of Refugees, Article 25.

⁸⁰ *Principles and Recommendations for a Vital Statistics System*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 279.