

# **United Nations Strategy for Legal Identity for All**

Concept note developed by the United Nations Legal Identity  
Expert Group<sup>1</sup>

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## Introduction

1. Everyone has the right to be recognized as a person before the law, as enshrined in Article 6 of the Universal Declaration on Human Rights and several international human rights instruments.<sup>2</sup>
2. To address this, the **2030 Agenda for Sustainable Development**, agreed by all member states in September 2015, established a specific target within the Sustainable Development Goals (SDGs) - Target 16.9 – legal identity for all.
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.<sup>3</sup> Furthermore, civil registration is recognized as the ultimate source for production of comprehensive, regular and reliable vital statistics.<sup>4</sup>
4. Concerned by the fact that the coverage of civil registration is not universal and complete in all countries of the world, the **2030 Agenda for Sustainable Development** established indicator 17.19.2 – proportion of countries that have achieved 100 per cent birth registration and 80 per cent death registration.
5. Legal identity is widely acknowledged to be catalytic for achieving 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. Legal identity has a critical role to ensure the global community upholds its promise of leaving no one behind as espoused in the 2030 Agenda.
6. Equally importantly, good governance as promoted by the United Nations and the World Bank invariably includes ensuring the proper and universal registration of the occurrence of all vital events (births, deaths, marriages, divorces...), issuance of certificates that serve as legal tenders and introduce the lifetime legal identity of the individual and the production of comprehensive, regular and reliable vital statistics based on universal civil registration of vital events.
7. The assessment of adult population without valid proof of legal identity as well as the number of unregistered children – thus not conferred with legal identity – varies; yet it is certainly considerable. For example, when it comes to fully functioning and universal registration of births

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<sup>2</sup> 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.

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

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

and deaths – essential instruments for conferring and retiring legal identity, respectfully – it is lacking in almost half of the world’s countries. The World Bank Group estimates that around one billion individuals do not possess proofs of legal identity. UNICEF estimates that around fifty million newborns worldwide are not registered nor conferred with the birth certificate, thus lacking legal identity, in any given year.

8. Recognizing that the issue of legal identity for all is of paramount importance in terms of fulfilling the Sustainable Development Agenda, the United Nations Deputy Secretary-General initiated the establishment of the United Nations Legal Identity Expert Group (UN LIEG) in September 2018, co-chaired by the Department of Economic and Social Affairs of the UN Secretariat (UN DESA), United Nations Development Programme (UNDP) and the United Nations Children’s Fund (UNICEF).
9. The essential purpose of UN LIEG is to ensure homogeneous, harmonized and coordinated approach of all United Nations agencies and programmes as well as the World Bank Group (WBG) in providing advice and support to Member states in ensuring a holistic installation and development of civil registration, vital statistics and identity management systems, starting with developing UN operational definition of legal identity. Thus, it focuses on ensuring that that the UN system and the WBG apply both policy and implementation coherence when it comes to supporting countries to strengthen civil registration, vital statistics and identity management systems in a holistic and interoperable manner.
10. UN LIEG functions under the purview of the UN Sustainable Development Group’s Strategic Results Group on SDG Implementation and is around four pillars: (a) Coordinated UN System Wide Approach for Implementation of Legal Identity to Advance the 2030 Agenda; b) Research and Evidence for Country Level Action; c) Communications and Advocacy; and d) Technical Support and Financing Country Level Implementation.
11. From the normative aspect and mandate, the UN LIEG focuses on expanding the existing international methodological framework on civil registration and vital statistics to cover identity management in one whole system that is ensuring legal identity for all, from birth to end of life.

### **Definitions**

12. For the purpose of the operational United Nations definition, **legal identity** is defined as the basic characteristics of an individual’s identity. e.g. name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following 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.
13. In the case of refugees, Member States are primarily responsible for issuing proof of legal identity. The issuance of proof of legal identity to refugees may also be administered by an internationally recognized and mandated authority.

14. **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.<sup>5</sup>
15. **Proof of legal identity** is defined as a credential, such as birth certificate, identity card or digital identity credential that are recognized as proof of legal identity under national law.
16. **Population register** is defined<sup>6</sup> as “an individualized data system, that is, a mechanism of continuous recording, or of coordinated linkage, of selected information pertaining to each member of the resident population of a country in such a way to provide the possibility of determining up-to-date information concerning the size and characteristics of that population at selected time intervals. The population register is the product of a continuous process, in which notifications of certain events, which may have been recorded originally in different administrative systems, are automatically linked on a current basis. A. method and sources of updating should cover all changes so that the characteristics of individuals in the register remain current. Because of the nature of a population register, its organization, and also its operation, must have a legal basis.
17. While there is no internationally agreed definition of **identity management**, the term refers to the issuance of a proof or legal identity to each individual by a government authorized entity and the maintenance of systems for managing information and documents associated with such identity.
18. **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.<sup>7</sup>

#### **Implementation – general norms**

19. The United Nations Legal Identity Agenda refers to the holistic approach to civil registration of all vital events, production of vital statistics, the establishment and maintenance of population registers and identity management apparatus from birth to death, and there should be full interoperability<sup>8</sup> 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.

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<sup>5</sup> *Principles and Recommendations for a Vital Statistics System*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 279.

<sup>6</sup> *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, United Nations, New York, 2018, available at: <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>, para 65.

<sup>7</sup> *Principles and Recommendations for a Vital Statistics System*, United Nations publication Sales Number E.13.XVII.10, New York, 2014, paragraph 1.

<sup>8</sup> 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.

20. In their efforts to establish the legal identity of all persons on their territory, Member States need to remove barriers to the enjoyment of human rights by all and to accessing basic services and should promote the inclusion of otherwise marginalized and poor communities and should not leave them further behind in the spirit of implementing the essential principle of universal civil registration as per international standards.
21. Member States have the responsibility to recognize all individuals present on their territory as a person before the law, without prejudice to nationality (or lack thereof), legal status, gender or duration of stay, and in the case of displaced persons whose official credentials may have been lost, destroyed or confiscated in the course of human conflict or natural disasters, honor the temporary credentials issued by an inter-governmental body such as the UN Refugee Agency, until such time as the legal identity of the individual is re-affirmed by either the country of origin or the country of refuge<sup>9</sup>.
22. 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**

23. In implementing the United Nations Legal Identity Agenda – the holistic approach to civil registration, vital statistics and identity management - Member States need to guarantee the universal recording of all vital events occurring in the country, primarily births and deaths. This 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.
24. 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

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<sup>9</sup> *The United Nations High Commissioner for Refugees registers and provides proof of legal identity to many refugees, internally displaced persons and stateless persons, in accordance with the relevant international framework, including the 1951 Convention on the Status of Refugees, Articles 25, 27 and 28, the UN Guiding Principles on Internal Displacement, Principle 20, and the New York Declaration for Refugees and Migrants, New York Declaration for Refugees and Migrants, Comprehensive Refugee Response Framework, paragraphs 5 (d) and (f).*

the registration of vital events, which constitute information fundamental to its updating, together with changes of address. In this respect, population registers are a kind of continuous census, encompassing the structure of the population at any given point in time, with all modifications occurring within it on a moment-to-moment basis. The essential premise of population registers and their functioning is that the civil registration system is uniquely positioned to provide reliable data to be entered into the population registers. Specifically, population registers are initially built up from an inventory of information on the inhabitants of a certain area (often census information) and the continuous updating of the facts of births, deaths, adoptions, legitimations, recognitions, marriage, divorce, annulments and judicial separations, change of name or sex, and change of residence. An efficient connection with the civil registration authority is therefore a fundamental element for the proper functioning of the population register.

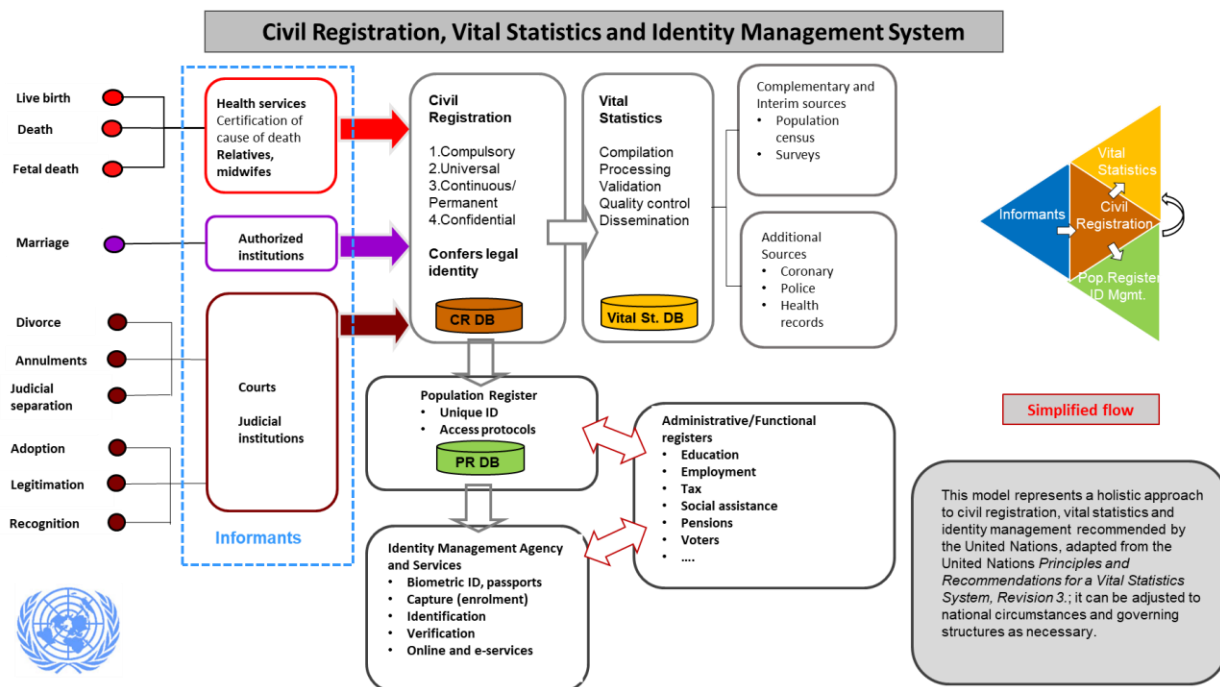
25. In the recent practices of countries and areas introducing and maintaining population registers, assigning a unique identifier, most commonly referred to as a personal identification number (PIN) or unique identifier number (UNIN) to each individual upon birth and retiring it only after the individual's death, has proved to be an efficient instrument for ensuring the quality of individual information, the linkages between various registers, the avoidance of duplication and more reliable control of the quality of the registers' content.
26. However, it should be noted that unique identifiers carry particular risks as they can facilitate the linking of personal information across all databases that use these identifiers, allowing comprehensive profiling of the persons concerned. Hence, strong legal, institutional and technical safeguards are required to protect the identifiers against unauthorized access and limit their use to the extent necessary for the delivery of public services and prevent their overly intrusive use. Function creep, for instance into private sector use, should be avoided. Mechanisms to prevent its use to match individuals across multiple organizations where there is no legal basis to do so (unlikability) should be taken into consideration.
27. 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 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.
28. Informants (notifiers) play a critical role in collecting the bulk of information. Consequently, a number of countries specifically designate – through the civil registration law – the health institution or its head as responsible for acting as an informant of births, fetal deaths and deaths occurring in the institution. In practice, it is the staff of the health institution that actually collects the information and fills the form. The form, in turn, may be in paper or electronic. If a paper form, once filled, this is submitted to the registrar's office, where verification of the information in the form

takes place. The registrar, as an official of the State, has the authority to request identification documents from the parents, and will check whether name, date of birth and address correspond to those provided in the form. In addition, the registrar will supply any missing information in the form by acquiring it directly from the parents, thus ensuring completeness of the collected data.

29. The process of hospitals reporting events to the local registrar can be very efficient in terms of information quality and timeliness. This may be affected, however, by the extent to which hospitals comply with the requirement to forward notifications to the registrar. This is particularly relevant in countries where health care is provided by private and public institutions, or where the health sector is fragmented. The procedures of some health institutions may be stricter than those of others. This highlights the importance of defined roles and data-sharing between health and registration authorities (in both directions) to avoid processes that are onerous and discourage completion of registration topics.
30. In the context of the identity management, the essential purpose of civil registration is to furnish legal instruments of direct interest to individuals. Societies today, even the least developed among them, exhibit considerable complexity in interpersonal relations and increasing bureaucratization in dealings between individuals and the State. Hence it is important, to ensure certainty in legal matters, that individuals be provided with probatory instruments which allow them to prove, with ironclad certainty, the facts relating to their existence, identity, and personal and family situation. The principal reason for the existence of civil registration – its basic purpose and one that must be facilitated by the State – is to serve as an institution capable of disclosing facts relating to civil status based on technical legal principles, through which individuals can be assured of the legitimacy and authenticity of civil status-related facts in order to accredit them to other individuals or the administration itself, by means of public registration documents known as certifications.
31. Consequently, in the contemporary paradigm, civil registration provides both the certification of identity for a newborn child and also critical entry into the identity management system, whether through the stand-alone population register or, in the case where population registers are subsumed by the identity management system, directly into it. At the other end of the life cycle, civil registration also plays a critical role in notifying the occurrence of deaths to the population register and the identity management system, so that the records can be amended accordingly, and those identities are withdrawn or marked as “deceased”.
32. Moving on from there, the identity management agency will, in due course, add layers of additional and relevant information, as prescribed by law, including photographs, fingerprints and other biometric elements. The issuance of identity cards or other identity credentials, which, in turn, will give individuals access to government and private services, together with other documents, such as drivers’ licenses, passports, bank cards and so forth, will be within the authority of the identity management agency. In a number of countries, the integration of the civil registration system with the identity management system has been a key factor in the creation and maintenance of a secure, efficient and interoperable population data system. This integration has reaped benefits for both the government and individuals in terms of access to social rights, improved control of public expenditures and improved underlying data quality for the production of vital statistics.

33. In countries where the civil registration system has been neglected for prolonged periods of time, the identity management agency will initially have to respond to a particularly substantive challenge: issuing identity documents to living individuals, both adults and children, whose birth was never registered or who never received their birth certificates. Thus the agency will have to develop mechanisms to ensure the registration of every single birth – and every single death – in the country, while at the same time issuing identity documents to those that never had one. This in particular affects late birth registrations that need to be tabulated separately from the current events. It is important to have provisions in the law that allow for the registration of deaths of individuals whose births had never been registered. Ultimately, however, it is expected that the agency will turn its operations into routine procedures for issuing birth and death certificates and identity cards.
34. 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.
35. 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.





36. 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.

### Strategic work ahead

37. While the model for a holistic development of civil registration, vital statistics and identity management functions and systems is based on existing principles, recommendations and standards endorsed by the United Nations in the areas of civil registration and vital statistics and accompanying identity management, as well as the recently developed United Nations operational definition of legal identity, there is a need to address several other contemporary concepts that were not exposed to the scrutiny of an inter-governmental process, thus lacking a firm and universal definition and elaboration at the United Nations level. Those concepts refer to:

- Digital identity** - the notion is generally understood as unique and constant identity – a virtual identification card – assigned to individuals that authenticates them as users of all their portable digital devices, both in the digital world, such as online banking, commerce and also in the physical world whenever such identification may be required (for example to authenticate their identity at a health-care center, or when asked by the police). It involves passwords, cryptographic key, biometrics such as fingerprint or iris scanning, which are increasingly available on contemporary portable digital devices. The fact that digital identity is not yet universally implemented is due to a number of issues,

such as the need for such screening to be platform and device-independent. As it can be expected that the concept of digital identity will take hold more and more and is likely to take over from the user-name-plus-password model, the digitized civil registration, vital statistics, population registers and identity management systems need to take this development into consideration and perhaps provide this additional service to their users.

- b. **Biometrics** - Biometric identifiers are the distinctive, measurable characteristics used to label and describe individuals. Biometric identifiers are often categorized as physiological versus behavioral characteristics. As such, those physiological characteristics, fingerprint, face recognition, DNA, palm print, iris recognition are routinely used by Governments across the world. From the point of view of civil registration and identity management, issues that need to be discussed and agreed upon at the level of the United Nations refer to certain standards that need to be recommended to Member States, such as: What is the minimal age for collecting biometrics? What kind of biometrics is suitable for certain purposes? Are there certain biometrics not recommended for legal identity management, such as DNA? Can biometrics be collected without specific consent?
- c. **Content of Identity Credential** – Countries have varied approaches when it comes to displaying information of an individual on the identity credential that is accessible to all – such as an ID card, for example. There are no United Nations recommendations on what kind of information should be displayed on such a credential. For example, is displaying ones’ religion acceptable? Or ethnicity? What are the informational points, aside from name, surname, date of birth, sex (?) and place of usual residence that should be part of the ID credential?
- d. **Confidentiality and privacy** – Using and accessing individual information for statistical purposes is well elaborated in the *Fundamental Principles of Official Statistics*<sup>10</sup>. However, a corresponding framework for identity management is yet to be developed and endorsed. The abuse of individual data is historically well documented. Thus, the urgent need to adopt and implement international standards and recommendations for defining the ownership and safekeeping the privacy and confidentiality of individual information collected and stored in nationals’ identity management systems. The first step in that direction is reflected in the recently developed *Guidelines for Legislative Framework for Civil Registration, Vital Statistics and Identity Management*.<sup>11</sup>

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<sup>10</sup> *Fundamental Principles of Official Statistics*, Resolution adopted by the General Assembly on 29 January 2014, 68/261, Principle 6, at <https://unstats.un.org/unsd/dnss/gp/FP-New-E.pdf>.

<sup>11</sup> <https://unstats.un.org/unsd/demographic-social/meetings/2018/crvs-egm-ny/Draft-Guidelines.pdf>.