Intersection between civil registration and identity management systems in Asia and the Pacific

Note by the secretariat

Summary

The present document contains a discussion on the role of civil registration in national identity management system and how civil registration is a key basis for identity management systems that promote inclusion, and on how civil registration facilitates access to services and the production of timely and accurate vital statistics. The United Nations Legal Identity Agenda is introduced, and consideration is given to how it may inform further actions to improve civil registration and vital statistics efforts in the second half of the Asia and Pacific Civil Registration and Vital Statistics Decade (2015–2024) and support accelerated action to achieve the Sustainable Development Goals.

The Second Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific may wish to take note of the present document and provide the secretariat and development partners with guidance and advice on how to implement the United Nations Legal Identity Agenda in Asia and the Pacific. Member States may wish to share experiences and discuss areas of efforts for continued improvement during the second half of the Decade.

I. Introduction

1. In declaring the Asia and Pacific Civil Registration and Vital Statistics Decade (2015–2024), the Economic and Social Commission for Asia and the Pacific (ESCAP) marked a time frame for realizing the shared vision that all people in Asia and the Pacific would benefit from universal and responsive civil registration and vital statistics systems that facilitated the realization of their rights and supported good governance, health and development. The
Ministerial Declaration to “Get Every One in the Picture” in Asia and the Pacific contains the affirmation that universal and responsive civil registration and vital statistics systems have a critical role in achieving inclusive, equitable and people-centred development, including providing documents and a permanent record for individuals to establish their legal identity.¹

2. During the first half of the Decade, the shared vision evolved to include a comprehensive approach to legal identity. Governments in Asia and the Pacific are therefore implementing identity management systems² to issue national identity cards and numbers as well as digital credentials with or without the use of biometric recognition for establishing uniqueness and enabling secure identity verification. Some of those systems have been built on existing civil registration systems, while other systems have been created separately but are linked (through the use of civil registration records or documents as breeder documents and through continuous interoperability), and still other systems are completely independent of each other.³ The relationship between civil registration and identity management systems depends on government decisions, guided by national institutions and legal frameworks. Civil registration, as a basis for legal identity, and identity management systems, can result in greater inclusion, enable access to services and foster the production of timely and accurate vital statistics. The United Nations Legal Identity Agenda may inform further actions to improve civil registration and vital statistics efforts for the second half of the Decade.

3. The United Nations defined legal identity as the basic characteristics of an individual’s identity, for example name, sex, and 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; legal identity is retired upon death by the registration of death and issuance of a death certificate by the civil registration authority.⁴

4. Conferring legal identity for all is a function of ongoing, universal civil registration of all vital events from birth to death. 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. It is carried out primarily for the purpose of establishing the

¹ Commission resolution 71/14, annex.
² According to United Nations, *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1* (New York, 2018), while there is no internationally agreed definition of identity management, the term most commonly refers to the issuance of a proof or legal tender of identity to each individual and the maintenance of systems for managing information and documents associated with such identity. Furthermore, according to United Nations, *Implementation of the United Nations Legal Identity Agenda: United Nations Country Team Operational Guidelines* (New York, 2020), the identity management system is operated by legally recognized authorities and it refers to the entire administrative, legal and institutional framework, including the personnel, the registration network, the various procedures, the processes operated for issuing the secure identity credentials used for identification of a person; oftentimes this process would also entail collecting a unique biometric identifier (i.e. facial image or fingerprints).
³ See ESCAP/MCCRVS/2021/INF/4.
documents as provided by the law, and it provides the foundation for the realization of other rights.

5. 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.\(^5\) In the case of refugees, the issuance of proof of legal identity is primarily the responsibility of Member States, although it may also be carried out by an internationally recognized and mandated authority.

II. Regional Action Framework on Civil Registration and Vital Statistics in Asia and the Pacific

6. The 2014 Ministerial Declaration and the Regional Action Framework on Civil Registration and Vital Statistics in Asia and the Pacific serve to highlight the indivisibility of civil registration and legal identity. As stated in the Declaration, universal and responsive civil registration and vital statistics systems have the following critical roles:

   (a) Providing documents and a permanent record for individuals to establish their legal identity, civil status and family relationships, and subsequently promoting social protection and inclusion by facilitating access to essential services, such as education and health care;

   (b) Enabling good governance and strengthened public administration through greater political participation and accountability and facilitating public service delivery by providing a basis for national population databases, national identity programmes and e-governance.\(^6\)

7. The relationship between civil registration and legal identity is elaborated in the Regional Action Framework under goal 2 on providing all individuals with legal documentation of civil registration of births, deaths and other vital events, as necessary, to claim identity, civil status and ensuing rights.\(^7\) Goal 2 is reached by first achieving goal 1 on universal civil registration of all births, deaths and other vital events. Furthermore, operational procedures must be designed and implemented so as to ensure the essential function of civil registration in providing legal documentation that can help to establish legal identity, civil status, family relationships, nationality and ensuing rights, and Governments have an obligation to provide legal identification for all residents, not just citizens.

III. United Nations Legal Identity Agenda

8. Legal identity has a critical role in ensuring that the global community upholds its promise of leaving no one behind, as espoused in the 2030 Agenda for Sustainable Development, which was adopted after the Decade was declared. The importance of legal identity is underscored in Sustainable Development Goal target 16.9, universal legal identity for all, including birth registration. Furthermore, legal identity is acknowledged as a catalyst for the achievement of 12 of the 17 Goals, and data generated from civil registration supports the measurement of more than 60 Sustainable Development Goal indicators. Good governance and the realization of universal human rights requires access to civil registration, and the right to be recognized as a person

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\(^6\) Commission resolution 71/14, annex, sect. A.

\(^7\) Ibid, sect. B.
before the law is enshrined in article 6 of the Universal Declaration of Human Rights, article 8 of the Convention on the Rights of the Child, article 24 of the International Covenant on Civil and Political Rights and several other international human rights instruments.

9. To support the achievement of the Sustainable Development Goals and targets, in January 2018 the Executive Committee of the Secretary-General requested the office of the Deputy Secretary-General to convene United Nations entities to develop, in collaboration with the World Bank Group, a common approach to the broader issue of functional registration and legal identity, taking into account the importance of birth registration in preventing statelessness, in support of the Sustainable Development Goals and the overall vision of leaving no one behind. The Deputy Secretary-General established the United Nations Legal Identity Expert Group in September 2018, which is co-chaired by the Statistics Division of the Department of Economic and Social Affairs of the Secretariat, the United Nations Development Programme and the United Nations Children’s Fund.

10. In 2020, the United Nations adopted the United Nations Legal Identity Agenda, and the United Nations Legal Identity Expert Group transitioned into the United Nations Legal Identity Task Force. The aim of the Agenda is to develop a coherent and integrated response, through the One United Nations initiative, to the issue of legal identity, including birth registration, by working with the World Bank Group to ensure policy and implementation coherence with a view to supporting Member States in the holistic development of civil registration, vital statistics and identity management systems. To support national implementation of the Agenda, the Task Force published a set of guidelines.

11. The implementation of the Agenda calls for Member States to take the following actions:

(a) Remove barriers to exercising human rights and accessing basic services by promoting inclusion;

(b) Recognize every individual in their territory as a person before the law, without prejudice, and, in the case of displaced persons whose official credentials have been lost, destroyed or confiscated during a humanitarian crisis, to honour the temporary credentials issued by an intergovernmental entity, such as the Office of the United Nations High Commissioner for Refugees, until the legal identity of the individual is reaffirmed by the Government of either the country of origin or the country of asylum;

(c) Ensure the protection of the personal data and rights of the individual to privacy and to consent to how their data are processed, managed and accessed by public and private entities, and ensure that any use of the data is in pursuit of a legitimate and necessary objective and in proportion to that objective.

12. The implementation of the Agenda also calls for Member States to ensure that civil registration and identity management systems cover the entire population and that services are delivered in a continuous, permanent, mandatory and confidential manner. It calls for the establishment of a population register and for the use of applicable unique identifiers if there are strong legal, institutional and technical safeguards to prevent misuse, privacy breaches and identity fraud. It serves to articulate the role and responsibilities

of the health sector as an informant for births and deaths, including fetal deaths,\(^9\) and to explain that civil registration provides the instruments individuals need to prove the facts of their existence, legal identity and personal and family situation, and should therefore be used as the basis for an identity management system. The identity management agency will add layers of information over time, which may include the issuance of other identity credentials and the collection of biometric identifiers. Where the civil registration system is weak, the facilitation of the registration of births while entering data in the identity management system should be explored for persons who have not had vital events registered and documented before.

IV. **Relationship between civil registration and identity management systems**

13. The importance of developing interoperable and holistic approaches to civil registration and identity management systems with coordinated investments in both systems is reflected in goal 2 of the Regional Action Framework and in the Agenda.

14. Legal identity founded on civil registration leverages the strength and infrastructure of an existing civil registration system. Advantages may include the following:

   (a) Ensuring that legal identity starts from birth when children are initially registered with the civil registrar, that the legal identity management system covers children and that key identity attributes, such as date of birth and name, are accurately captured from the start;

   (b) Facilitating up-to-date population registers with a clear method for establishing and retiring legal identity;

   (c) Ensuring the sustainability and accuracy of a national identity system and/or population register;

   (d) Strengthening the continuous availability of demographic and health information for vital statistics at all administrative levels in a timely manner;

   (e) Facilitating provision of and access to public and private sector services, including education, health, social protection and financial services, in particular in humanitarian situations;

   (f) Improving the robustness and reliability of identity management systems by reducing duplication, multiple identities and inaccuracies.

V. **Inclusion of hard-to-reach and marginalized populations**

15. Access to legal identity should also ensure that the most vulnerable groups are not excluded owing to legal, procedural, social, economic or other barriers. As legal identity is made more widely available, the cost of not having proof of legal identity can be multiplied for vulnerable populations, further limiting their access to public and private sector services. Policies need to be sensitive to the possibility of exclusion and include mitigation measures to promote universal coverage with regard to essential services, including in the absence of proof of legal identity. The design of identity management systems

\(^9\) For more information on the role of the health sector in ensuring births and deaths are registered, see ESCAP/MCCRVS/2021/3.
should ensure inclusion from the outset through consultations with communities and vulnerable groups to identify and mitigate access barriers.

VI. Guidance and principles for implementation

16. On the basis of global experiences, models and key principles were developed to support national implementation of the Agenda. These models and principles are intended to be adapted to the national context while providing guidance to policymakers on the key implementation principles that have proven effective in various country contexts.

17. The holistic approach to civil registration, vital statistics and identity management systems advocated in the Agenda\textsuperscript{10} was officially adopted as the internationally recommended model by the Statistical Commission in March 2020 and by the Economic and Social Council in June 2020. The model has been introduced and implemented in several countries, linking the civil registration function, the identity management system and the vital statistics function. The model provides a workable approach to an integrated system, given the distinct legal and functional mandates of civil registration, legal identity and vital statistics while promoting interoperability and coordination. As the social, legal and political context will vary from country to country, the model provides guidance and can be adjusted to national circumstances and governing structures as needed.

18. In conjunction with other organizations, the World Bank developed a set of principles on identification for sustainable development, which have been endorsed by 30 public, private and international organizations.\textsuperscript{11} The principles serve to promote identification systems that are robust, inclusive, trusted, accountable and used to enhance people’s lives and the achievement of the Sustainable Development Goals.\textsuperscript{12} While covering a broad scope of identification systems provided by or on behalf of Governments or recognized by them, the principles reflect an emphasis on legal identification systems. A further elaboration of how Governments can best implement the principles is provided in a practitioner’s guide published by the World Bank.\textsuperscript{13}

19. The set of 10 principles cover three themes, namely inclusion, design and governance. Principles on inclusion are focused on (a) ensuring universal access for individuals, free from discrimination; and (b) removing barriers to access and use. Principles on design are focused on (a) emphasizing how to establish a trusted, secure and accurate identity; (b) creating a responsive and interoperable platform; (c) using open standards to prevent vendor or technology lock-in; (d) protecting privacy and agency; and (e) planning for

\textsuperscript{10} See E/CN.3/2020/15.

\textsuperscript{11} The principles were developed in conjunction with the following organizations: United Nations Children’s Fund; Office of the United Nations High Commissioner for Refugees; United Nations Development Programme; Economic Commission for Africa; International Organization for Migration; International Telecommunication Union; United Nations Capital Development Fund; and World Food Programme. See “Principles on identification for sustainable development: toward the digital age” (Washington, D.C., 2021).

\textsuperscript{12} According to “Principles on identification for sustainable development”, legal identification systems provide recognition before the law and proof of legal identity. Legal identification systems vary in name and nature in accordance with national law but typically include civil registration systems, national identification systems, population registries and other foundational identification systems.

financial and operational stability. Lastly, principles on good governance are focused on (a) protecting personal data and maintaining cyber security through a comprehensive legal and regulatory framework; (b) establishing clear institutional mandates and accountability; and (c) enforcing legal and trust frameworks through independent oversight and adjudication of grievances.

VII. Regional collaboration

20. Regional collaboration, including the sharing of information and good practices, assists Governments in addressing the intersection between civil registration and identity management systems. There are many different experiences and lessons learned from Asia and the Pacific, which are important for Governments that are considering the establishment or improvement of systems, including issues of privacy and confidentiality, the application of different information and communications tools, and the connection with other functional registers to facilitate government services. Functional registers can be set up for a variety of purposes, including taxation, social security and health.

21. One example of the importance of regional collaboration is a cooperative project of the Association of Southeast Asian Nations (ASEAN) and the Office of the United Nations High Commissioner for Refugees on legal identity for all women and children in ASEAN, which promoted regional development and inclusion through civil registration and vital statistics and legal identity for all. The project was part of the 2016–2020 workplan of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

22. In addition, the Civil Registration Professionals of South Asia is a professional network of stakeholders from Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka who work or have worked with civil registration. The network met in July 2018 and again in November 2019 to discuss and share lessons on common themes and areas of interest and provide inspiration and positive peer pressure to accelerate improvements. The topics covered included the relationship between civil registration and legal identity, cross-border collaboration and regional coordination.

23. Furthermore, the Pacific Civil Registrars Network, established in 2014, is an independent network of civil registrars in the Pacific that shares knowledge, lessons learned and good practices in civil registration. The Network fosters peer-to-peer relationships and supports tackling common challenges affecting the implementation of civil registration and vital statistics systems in the region, as well as progress towards the implementation of the Pacific Vital Statistics Action Plan (2011–2014) and the Regional Action Framework. Membership is open to any civil registrar with government responsibility for civil registration or vital statistics, or his or her nominee, and associate membership extends to relevant partner agencies and businesses. The Network has members from 36 governments, 21 agencies and 12 businesses.

VIII. Leave no one behind

24. The Regional Action Framework recognizes core human rights principles of progressive realization, non-discrimination and equity, which apply to all countries and areas. It contains a description of specific efforts to include hard-to-reach and marginalized groups and to prevent statelessness.

See ESCAP/MCCRVS/2021/4.
through the provision of documentation. The Agenda provides a framework to guide action for achieving an inclusive system and is recommended for adoption by Member States. Universal and inclusive systems support individuals in exercising their human rights and accessing basic services.

25. Legal identity also promotes and enhances gender equality. Although the global gender gap in the coverage of legal identity between men and women is less than 2 per cent (on average), in low-income countries the gender gap in unregistered populations is much larger; 45 per cent of women surveyed in low-income countries do not have identification compared to 30 per cent of men. Identification is a critical factor to ensure women and girls have equal access to social and economic opportunities, political participation and civic engagement, and it impacts their decision-making power within the household. Addressing gender discrimination in nationality and civil registration and vital statistics laws and processes, including by establishing a proactive role for the health sector in the civil registration of vital events, is therefore critical to the promotion of gender equality.

IX. Coronavirus disease

26. The onset of the coronavirus disease (COVID-19) pandemic had a significant impact on the functioning of civil registration and the production of vital statistics. To mitigate and address these concerns, the United Nations Legal Identity Task Force, together with the Economic Commission for Africa, ESCAP and the Pacific Community, issued recommendations on maintaining civil registration and vital statistics amid the ongoing pandemic. They recommended that civil registration should be considered an essential service and emphasized the importance of maintaining operational continuity of civil registration systems during COVID-19.

27. Governments initiated a series of innovative solutions, including online and mobile-based solutions, to ensure the continuity of civil registration services. The World Bank published an overview of country examples in safety protocols and practices.

X. Opportunities for accelerated action

28. Universal legal identity is an essential part of the pledge to leave no one behind. Proof of legal identity enables individuals to exercise their rights and access services. To ensure that legal identity from birth to death is founded on civil registration, members and associate members of ESCAP may draw on the following opportunities for accelerated action:

(a) Implement the United Nations Legal Identity Agenda as a systematic and perpetual mechanism for accelerating action to achieve Sustainable Development Goal target 16.9, legal identity for all, including birth registration, by 2030, and build on the achievements and learnings of the first half of the Asia and Pacific Civil Registration and Vital Statistics Decade;

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15 World Bank, Global ID Coverage, Barriers, and Use by the Numbers: An In-Depth Look at the 2017 ID4D-Findex Survey (Washington, D.C., 2019).


(b) Establish solid integration between civil registration and identity management systems by interlinking the processes of those systems;18

(c) Promote the inclusion of identity management systems in the national multisectoral civil registration and vital statistics coordination mechanisms (or, conversely, include civil registration and vital statistics stakeholders in identity management coordination mechanisms) in efforts to improve governance and service delivery;

(d) Ensure robust regulatory frameworks for the linkages between civil registration and identity management to make the entire system inclusive, transparent and free from access barriers affecting hard-to-reach and marginalized groups;

(e) Invest in safe and innovative technological solutions to enhance access to civil registration and identity management systems, including mobile technology, and promote interoperability across systems and facilitate access to social services, including health, identity, social protection and education; and ensure that the lack of civil registration documentation or other identity credentials are not a barrier for accessing services and exercising rights, including the prevention of statelessness, which can be achieved in contexts where universal coverage of legal identity has not been achieved through comprehensive exception handling mechanisms at points of service delivery;

(f) Ensure that effective data protection safeguards are in place for the protection of personal data and the integrity and security of digital systems;

(g) Engage and empower communities to demand birth registration and legal identity for all, and co-create solutions to promote the full inclusion of otherwise marginalized and poor communities and the prevention of statelessness and to leave no one behind, in the spirit of implementing the essential principle of universal civil registration and legal identity for all in line with international commitments;

(h) Accelerate action to meet the targets of the Regional Action Framework and the Sustainable Development Goal targets on legal identity, through strengthened political commitment and leadership, investment, coordination and partnerships;

(i) Declare civil registration and identity management as essential services and equip responsible institutions with the relevant tools and mechanisms to maintain the operational continuity of civil registration and identity management systems under all circumstances, including humanitarian disasters and emergencies;

(j) Leverage the 10 principles on identification for sustainable development as a guiding framework for designing and implementing civil registration and identity management systems to maximize developmental benefits while mitigating associated risks.

XI. Issues for consideration

29. The Second Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific may wish to take note of the documents and provide the secretariat and development partners with further guidance and advice on how to implement the United Nations Legal Identity Agenda in Asia and the Pacific.

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30. The Ministerial Conference may also wish to share experiences and discuss areas of effort for continued improvement to their civil registration, vital statistics and identity management systems during the second half of the Decade.

31. The Ministerial Conference may further wish to review the opportunities for accelerated action outlined in section X of the present document and share ideas on their implementation.