

# NEW IOM PROGRAMMING OPPORTUNITIES FOR PROJECT DEVELOPMENT IN THE FIELD OF LEGAL IDENTITY

*This note is meant to introduce the topic of Legal Identity to IOM's regional and country offices, as well as to highlight some potential opportunities for programming in the field.*

## KEY DEFINITIONS



**Legal identity** is the basic characteristics of an individual's identity.



**Civil registration** is the continuous, permanent, compulsory and universal recording of vital events for a country's population.



**Proof of legal identity** is a credential recognized as proof of legal identity under national law.

## RELEVANCE TO IOM'S MANDATE

Legal identity fulfils people's basic right to be recognized as a person before the law. For migrants, access to legal identity offers a pathway to rights and opportunities, granting access to essential services. Without legal identity, people have difficulty in accessing basic socio-economic rights and necessities such as getting a job, opening a bank account, sending children to school, seeing a doctor, getting a passport, travelling abroad, voting, etc.

IOM is well positioned to provide substantial technical assistance to the field of legal identity. While central to IOM's evolving IBM technical assistance, legal identity is relevant to a broad range of IOM programmatic areas and constitutes a cross-cutting theme that runs through the fabric of IOM's mandate and programmes. As such, engaging in legal identity activities has the potential to strengthen IOM's role in leading the global debate on migration, mobility, security and development.

Currently there are three main entry points for IOM programming to address this issue: building the capacity of civil registries, strengthening the integrity and security of foundational documents (e.g. birth certificates) and strengthening the capacity of Consular services, especially conducting birth and death registration overseas (see details below).

- IOM is well positioned to provide the substantial technical assistance necessary to go beyond soft capacity building in the field of legal identity. Legal identity constitutes a cross-cutting theme that is relevant to several of IOM's programmatic areas, especially IBM technical assistance, including the fields of identity management and document verification.
- Interventions on legal identity constitute a new source of donor funding for IBM programming moving into the priority area of legal identity (first of all, providing technical assistance to building the capacity of civil registries). This would include potential funding from the UN Legal Identity Multi-Partner Trust Fund (MPTF) or the existing Joint SDG Fund, as well as traditional funding sources from national and multilateral donor programmes.
- The political momentum behind the UN Legal Identity Agenda (LIA) is an opportunity to strengthen and reinvigorate IOM programming in this field by serving as the foundation for new project proposals in the legal identity sphere (see below for details). The implementation of such initiatives would also serve to strengthen cooperation between IOM and the wider UN System, while providing specialized technical assistance in a priority topic for the international community.
- Continued engagement in legal identity work is also an opportunity to further strengthen IOM's alignment with the global UN policy framework, principles and values. Providing technical assistance to civil registration systems in particular will consolidate IOM's firm commitment to the Sustainable Development Goals.



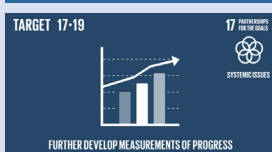
### IOM AND THE UN LEGAL IDENTITY AGENDA

The UN Legal Identity Agenda (UN LIA) was launched in 2018 as a global initiative promoting a whole-of-the-UN approach to support Member States in building holistic and sustainable civil registration, vital statistics and identity management systems. IOM is part of the UN Legal Identity Expert Group (UN LIEG) working group at HQ-level. There are also discussions about establishing a Multi-Partner Trust Fund to support the UN's work on this topic. The Fund will represent the programmatic, operational arm of the UN Legal Identity Agenda, focusing on both the progressive development of Legal Identity guidance material as well as coordinating technical and capacity building assistance.

### SUSTAINABLE DEVELOPMENT GOALS (SDG) OBJECTIVES RELEVANT TO LEGAL IDENTITY



**SDG Target 16.9:** “By 2030, provide legal identity for all, including free birth registrations.”, measured by Indicator 16.9.1: “Proportion of children under 5 years of age whose births have been registered with a civil authority, by age”.



**SDG Target 17.19:** “By 2030, build on existing initiatives to (...) support statistical capacity-building in developing countries.”, measured by Indicator 17.19.2: “Proportion of countries that (...) have achieved 100 per cent birth registration and 80 per cent death registration”.

## POTENTIAL IOM PROGRAMMATIC INTERVENTIONS

How can IOM turn engagement with legal identity topics into technical assistance and donor-funded programming? There are two main modes for IOM to engage in legal identity work:

- **Boost IOM programming for capacity building and technical assistance for legal identity through the MPTF.** IOM has confirmed its readiness to contribute to UN LIA implementation as part of the UN Country Teams, using the potential funding from the MPTF in pilot countries in Africa. IOM maintains a close look at MPTF developments to spot opportunities to become involved in assessments and project activities funded by the MPTF.
- **Bilaterally develop new project proposals and implementation directly with beneficiaries.** This entails identifying needs and gaps in beneficiary States, developing project proposals and activities, getting funding directly from bilateral/multilateral donors and moving along with implementation.

Following this, based on ongoing consultations with IOM Missions, **three major areas for IOM programming were identified in legal identity technical assistance for new project development:**

1

### Building the capacity of civil registries:

- Providing infrastructure, ICT information management systems, secure communications (between central office and provinces), building or refurbishing premises. In many countries, this could also include the digitization of manual records, potentially computerizing civil registries country-wide and linking them with a central database in the capital. IOM has experience with such labour-intensive projects, including deploying civil registration systems in the provinces.
- Helping governments develop their legislative framework (civil registration laws, privacy protection safeguards, SOPs, data sharing MOUs). IOM has solid experience with privacy and data protection and can provide such support. A pool of experts exists for other technical areas.
- Capacity building: training staff and providing guidance material. No ready training packages within IOM but we could draw on a pool of partner agencies (MPTF participants, ICAO, OSCE) and consultants.

2

### Strengthening the integrity and security of foundational documents (especially birth and death certificates).

Typical activities include assisting States with the tender for new foundational documents and their issuance system, and some training/workshops or other capacity building activities before that. IOM's close engagement in the ICAO Traveller Identification Programme (TRIP) working groups helps to access technical expertise for this.

3

Building the **capacity of Consular services** at overseas diplomatic missions (particular focus on strengthening the capacity to register births and deaths and issue 'credentials'). A key area but perhaps conditional upon civil registries having strong capacities to produce satisfactory breeder documents. Consular capacity to register vital events depends on the consular network having an effective ICT platform and secure communications between the capital and consulates overseas, which constitutes another potential area for funding-intensive and knowledge intense technical assistance programming.



In addition to providing technical assistance in those main areas, there are also a range of other potential project activities that can be included in new IOM projects on legal identity: needs assessments, workshops, technical consultations, advocacy, information campaigns and awareness raising, study visits and similar.

## RELEVANT UN INITIATIVES ABOUT LEGAL IDENTITY

The World Bank's **ID4D (Identification for Development)** programme created the impulse for the UN's current engagement with legal identity programming. Using global knowledge and expertise across sectors to help countries realize the transformational potential of digital identification systems, the programme was designed to contribute to SDG Target 16.9.

The **UN Legal Identity Expert Group (LIEG)**, in place between September 2018 and July 2019, was established to:

- Take a unified approach to legal identity across the UN & strengthen collaboration with the World Bank, and
- Support Member States accelerate progress to achieve SDG 16.9 & SDG 17.19.

The UN LIEG is being replaced by Legal Identity governance based on operationalization through a new **Multi-Partner Trust Fund** or through the existing **Joint SDG Fund**.

### UNDERSTANDING THE UN LEGAL IDENTITY AGENDA

**UN LIA** - the UN Legal Identity Agenda 2020-2030, backed by the UN Deputy Secretary-General, was launched in 2018 as a One UN approach in support of Member States building holistic, country-owned, sustainable civil registration, vital statistics and identity management systems.

**UN LIEG** - the UN Legal Identity Experts Group was formed to develop Legal Identity guidance material, promote a coordinated UN approach on legal identity and to work more collaboratively with the World Bank on this topic. IOM was invited to join from the beginning. LIEG's structure: 14+ UN Agencies and 2 Regional Economic Commissions. The LIEG finished its work in July 2019 and will be replaced by a new Legal Identity governance framework, possibly the MPTF 'Legal Identity for All'.

**LIA implementation at the country level** - UN LIEG has communicated with UN Resident Coordinators (RCs) and their UN Country Teams (UNCTs) to discuss how it may be able to support eligible countries for enhanced technical support on legal identity.

The current priority countries are Congo DR, Cote d'Ivoire, Ethiopia, Guinea, Kenya, Liberia, Niger, Nigeria and Uganda. New countries may be added overtime.

**UN LIA governance** - The main pillar of new long-term Legal Identity governance arrangements will be the potential UN 'Legal Identity for All' Multi-Partner Trust Fund. An alternative instrument for Legal Identity implementation is the Joint SDG Fund.

**A UNCT Operational Guide on Legal Identity** - is being produced by LIEG to set main principles of Legal Identity implementation at the country level. It covers Civil registration (Birth/death/marriage); Identification and functional registers (National ID and Voter registration, Travel documents, Functional registers); Identity management of forced displaced population and undocumented migrants; as well as principles of UN agencies cooperating in the framework of a Country Team to provide assistance in legal identity operationalization and capacity building. IOM contributed to the draft, and the final guide is expected to be released by the end of 2019.

For questions, comments, feedback or support for legal identity project development, please contact [eslavenas@iom.int](mailto:eslavenas@iom.int) or [ibm@iom.int](mailto:ibm@iom.int) in the IBM Division at IOM HQ