

# SEAP

**STATELESSNESS ENCYCLOPEDIA ASIA PACIFIC**

Third Edition

**Digital ID and its Impact on Statelessness in  
East Asia**



**NATIONALITY FOR ALL**  
Advancing the right to a nationality in the Asia-Pacific region

# SEAP

STATELESSNESS ENCYCLOPEDIA ASIA PACIFIC

Third Edition

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Digital ID and its Impact on Statelessness in  
**East Asia**

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## List of Acronyms

<b>AI</b>	Artificial Intelligence	<b>CRVS</b>	Civil Registration and Vital Statistics	<b>ID4D</b>	World Bank Identification for Development Initiative	<b>PIC</b>	Permanent Identity Card
<b>API</b>	Application programming interface	<b>DPRK</b>	Democratic People's Republic of Korea	<b>IRC</b>	International Review Committee	<b>PIPA</b>	Personal Information Protection Act
<b>APPI</b>	Act on the Protection of Personal Information	<b>DSL</b>	Data Security Law	<b>ISO</b>	International Organization for Standardization	<b>PIPC</b>	Personal Information Protection Commission
<b>ARC</b>	Alien Resident Certificate	<b>DPI</b>	Digital Public Infrastructure	<b>KOMSCO</b>	Korea Minting, Security Printing & ID Card Operating Corp.	<b>PIPL</b>	Personal Information Protection Law
<b>APRC</b>	Alien Permanent Resident Certificate	<b>E-ID</b>	Electronic ID	<b>LMC</b>	Law of Mongolia on Citizenship	<b>RIC</b>	Resident Identity Card
<b>CAC</b>	Cyberspace Administration of China	<b>ETO</b>	Electronic Transactions Ordinance	<b>LLSFN</b>	Law of Mongolia on the Legal Status of Foreign Citizens	<b>RIN</b>	Resident identification number
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women	<b>EU</b>	European Union	<b>MOICA</b>	Ministry of the Interior Certification Authority	<b>SDG</b>	Sustainable Development Goals
<b>CDC</b>	Citizen Digital Certificate	<b>FSC</b>	Financial Supervisory Commission	<b>MODA</b>	Ministry of Digital Affairs	<b>SEAP</b>	Statelessness Encyclopedia Asia Pacific
<b>CRC</b>	Convention on the Rights of the Child	<b>GDPR</b>	General Data Protection Regulation	<b>MOU</b>	Memorandum of Understanding	<b>UDHR</b>	Universal Declaration of Human Rights
<b>APEC CPEA</b>	Asia-Pacific Economic Cooperation Cross-Border Privacy Enforcement Arrangement	<b>G7</b>	Group of Seven Countries	<b>NDC</b>	National Development Council	<b>UN</b>	United Nations
<b>APEC CBPR</b>	Asia-Pacific Economic Cooperation Cross Border Privacy Rules	<b>HKID</b>	Hong Kong Identity Card	<b>NFA</b>	Nationality For All	<b>UNDP</b>	United Nations Development Programme
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities	<b>HKSAR</b>	Hong Kong Special Administrative Region	<b>NGO</b>	Non-governmental Organization	<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>CSL</b>	Cybersecurity Law	<b>ICCPR</b>	International Covenant on Civil and Political Rights	<b>NID</b>	National ID Card	<b>UNICEF</b>	United Nations Children's Fund
<b>CSO</b>	Civil Society Organization	<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination	<b>NWOHR</b>	Nationals who possess Taiwanese nationality but do not have household registration	<b>TAHR</b>	Taiwan Association for Human Rights
		<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights	<b>OECD</b>	Organisation for Economic Co-operation and Development	<b>TW DIW</b>	Taiwan Digital Identity Wallet
		<b>ID</b>	Identity	<b>PCPD</b>	Privacy Commissioner for Personal Data	<b>TW FiDO</b>	Taiwan Fast Identity Online
				<b>PDPC</b>	Personal Data Protection Commission	<b>W3C</b>	World Wide Web Consortium
				<b>PDPO</b>	Personal Data Privacy Ordinance		

# Table of Contents

List of Acronyms ..... 4-5

Introduction to Digital ID..... 7-11

Sub-Regional Overview: East Asia .....12-23

China .....24-30

Hong Kong.....31-37

Japan .....38-44

Mongolia .....45-51

North Korea.....52-55

South Korea.....56-62

Taiwan .....63-70

Endnotes.....71-89

# Introduction to Digital ID

In the 21st century, there has been a massive shift in priority away from traditional Civil Registration and Vital Statistics (CRVS) systems towards digital identity (digital ID) systems for many development actors.

The World Bank’s Identification for Development (ID4D) Initiative, established in 2014, was a crucial catalyst to “help countries realize the transformational potential of digital identification systems to achieve the Sustainable Development Goals [SDGs]”. The United Nations and other development actors have also characterized digital ID as having ‘transformative’ potential to increase the convenience and efficiency of public and private services, and to achieve SDG 16.9, to “provide legal identity for all, including birth registration” by 2030. Digital ID systems are a foundational part of digital public infrastructure (DPI), which is a structure that enables governments to deliver services digitally to the public. As governments establish DPI to deliver services through a streamlined, digital platform, creating digital ID systems allow them to verify the public’s identities to securely deliver such services. Through ID4D, the World Bank has played a major role in many countries’ DPI development, including digital ID system design and implementation, largely through assistance with “analytics, assessments, and funding”. Between 2015 and 2020, the World Bank’s initiatives provided over 60 countries support in establishing digital ID systems.

While digital ID systems, as an integral part of DPI, have the potential to streamline public and private services and increase efficiency of government service delivery, without principles of human rights built into its design, they can also amplify

the exclusion, discrimination and inequality that exists in traditional CRVS systems. In a 2020 UNHCR analysis on emerging digital technologies and the right to privacy, a key finding was “that emerging digital technologies exacerbate and compound existing inequities, many of which exist along racial, ethnic and national origin grounds”. The analysis notes that “without stringent protections, digital identification systems for public services disproportionately exclude racial and ethnic minorities, especially those whose citizenship status is insecure”. Lack of transparency of how digital ID systems are designed and who is consulted in the process makes it difficult for civil society to monitor for potential exclusion or discrimination, putting the onus for regulating the systems on governments. Further, digital ID systems store user data, often including biometrics such as photos and fingerprints which are highly sensitive and have the potential to put people at risk if that data is leaked or used for purposes beyond identity verification. In many countries’ regulatory frameworks for digital ID systems, data collected for such systems is set to be used for specified purposes beyond identity verification, such as national security, which could lead to surveillance of immigrant populations, refugees, and stateless people. One of the 10 Principles of the ID4D Initiative is to “ensure universal access for individuals, free from discrimination”, yet many states’ require citizenship in order to access a digital ID, excluding stateless people.

Nationality for All (NFA), through its Third Edition has expanded the Statelessness Encyclopedia Asia Pacific (SEAP) in an effort to begin filling the gap in available information on how digital ID systems are designed in the Asia Pacific region, particularly how they impact stateless people. The application of digital ID systems typically focuses on citizens, which has also been the case in Asia Pacific, which often results in citizenship centric digital ID systems. This reinforces the systematic exclusion that often prevents stateless people from accessing essential services

including healthcare, education, a bank account, and employment. Digital ID discourse is also often highly technical and inaccessible. As digital ID systems develop rapidly across the region, critical analysis of the impact of these systems on marginalized groups has been slow to catch up. Uncertainty surrounding the design of these systems, the lack of legal and policy frameworks set in place prior to developing them, and the lack of public knowledge of the implications of such systems are serious concerns.

Beyond knowledge production, combatting the lack of transparency in digital ID systems' design and implementation requires shared principles, positions, and standards for what characteristics they should ideally have. The General Data Protection Regulation (GDPR), a law of the European Union, is the standard legal framework for how to ensure protection of personal data in digital ID systems. While the GDPR's compliance guidelines are widely followed, it is difficult to monitor government compliance with respect to digital ID systems due to the lack of transparency of their characteristics and the lack of comprehensive legal and policy frameworks behind them. Another framework is UNDP's Digital Legal ID Governance Framework for governments and civil society actors, which provides recommendations for rights based, inclusive digital identity systems. The Human Rights for Digital ID (HR4ID) Coalition, "a community of civil society organizations and researchers from across the globe advocating to diminish the negative impacts of digital identity on individuals and communities", has also adopted a common position on mandatory digital ID systems.

With a focus on systems that either have mandatory enrollment, or mandatory use (required to access essential services such as health care), the common position includes:

- ◆ "Mandatory digital ID requirements negatively impact human rights/human life, particularly for those who are marginalized or vulnerable."
- ◆ "Public institutions should not require mandatory enrollment in a digital ID system."
- ◆ "Public institutions should not require mandatory use of elements of the digital ID system to access public services or privately provided public services."
- ◆ "In contexts where digital ID systems already exist or are in development, the State has an obligation to guarantee there are accessible, non-digital alternatives available for those who are unable to enroll or use the digital ID."
- ◆ NFA hopes that this research can contribute to as well as question these common positions and shared principles on how to ensure nondiscrimination, equity and protection of human rights in digital ID systems.

## Methodology

The NFA Research team designed a standardized research framework to ensure consistency and comparability across all factsheets. We developed a uniform questionnaire in-house, outlining key thematic areas such as Legal Identity, legal frameworks, policy implementation, population impact, and gaps in the protection of stateless and at-risk populations. This questionnaire guided the structure and scope of all data collection. Although not uniform, some elements of primary research have been incorporated based on the contributions to the NFA team by stakeholders. We also undertook an extensive review of secondary sources, including domestic legislation, policy documents, official statistics, academic publications, and credible reports from international organizations. By comparing and

cross-referencing multiple sources, we reduced reliance on any single dataset and increased the accuracy of findings. In our attempt to ensure credibility, we have attempted to provide a source for our claims and provide an analysis of our findings based on available evidence.

In addition to our own desk-based research, we collaborated with law firms, non-governmental organizations, and independent practitioners who contributed pro bono support. These experts shared primary inputs into laws, relevant case studies, provided legal interpretations, reviewed our drafts and provided inputs from their field experience. Their input helped us strengthen the depth and reliability of each factsheet.

## Structure

Each factsheet is divided into four sections:

- A. Legal Identity
- B. Overview
- C. Laws
- D. Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

### Legal Identity

The primary focus on this section relates to assessing if a given country has a legal identity and who it is accessible to. It also explores the question of whether it forms a foundational document to access nationality. The definitions for proof of legal identity and civil registration that are used throughout the third edition follow the Guide drafted under the World Bank's Identification for Development (ID4D) Initiative.

### Overview

This section provides an overview of digital identification (digital ID) systems in each country

within the Asia Pacific, with a focus on their structure, scope, and implications. Our primary conceptual reference for referring to a digital ID system is drawn from the World Bank's Glossary on Digital Identification. It further assesses whether each country's digital ID is classified as foundational or functional, following the distinctions made in the World Bank's ID4D Guide. Foundational IDs are "primarily created to manage identity information for the general population and provide credentials that serve as proof of identity for a wide variety of public and private sector transactions and services", while functional IDs are designed "to manage identification, authentication, and authorization for a particular service or transaction, such as voting, tax administration, social programs and transfers, financial services, and more". The analysis also considers whether the use of digital ID is legally or de facto mandatory or optional, whether it is available exclusively to citizens or also to non-citizens, and the range of services that are linked to it. Crucially, the section examines the availability of alternative pathways to access these services in cases where an individual does not hold or cannot obtain a digital ID. Beyond the ID systems themselves, the section explores the development of other forms of state-sponsored digital public infrastructure (DPI) and evaluates whether access to these platforms requires a digital ID. These lines of inquiry are critical in understanding patterns of inclusion and exclusion. They provide the analytical groundwork for mapping the ways in which digital ID systems intersect with questions of citizenship and the equitable delivery of essential services.

In addition, the section examines procedural safeguards in the design and rollout of digital ID systems. It investigates whether governments engaged in public consultations, solicited expert input, or conducted impact assessments before implementation, or whether the systems emerged primarily through Public-Private Partnerships (PPPs) without significant public debate. This

exploration helps to assess the extent to which the creation of digital ID systems reflects democratic processes and participatory governance. Understanding these procedural dimensions is essential for evaluating both the legitimacy of such systems and their potential social consequences.

## Laws

This section examines the legal safeguards that govern digital identification (digital ID) systems, beginning with an assessment of the laws that apply to such systems in each country. This is a critical starting point, as many governments in the region have moved forward with implementing digital ID systems in the absence of a robust legal framework. Without legal safeguards, individuals' most sensitive personal data is at risk. Digital ID systems typically collect highly private information, including biometric identifiers such as fingerprints and iris scans, as well as demographic details such as address, age, and gender. The absence of strong regulatory protections exposes this data to potential misuse, surveillance, and security breaches, as has been widely reported. Accordingly, this section not only reviews laws and policies directly governing digital IDs but also assesses the presence and the use of related legislation on data protection, privacy, surveillance, cybersecurity, and access to legal remedies in cases of rights violations.

The analysis further considers whether a country has drawn on another nation's model in designing its own framework. It also examines how the country defines "digital ID" in its legal and policy documents. This is significant because no universally agreed definition of digital ID exists, and countries interpret and apply the concept differently. Moreover, States in the Asia Pacific are at varying stages of development and implementation of their systems. The scope of application is another critical point, wherein most cases, the legal definition specifies that digital IDs are accessible to citizens only, as observed in

Afghanistan, Nepal, Fiji. Such a scope automatically excludes stateless persons and other non-citizens from obtaining a digital ID, creating structural barriers to their access to essential services.

In addition to domestic law, the section explores a country's international obligations. While there are no binding international treaties specifically addressing digital ID systems, States in the region are party to a range of core human rights instruments. The analysis considers whether the design and implementation of digital ID systems are consistent with obligations under treaties such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Rights of Persons with Disabilities (CRPD), and the two Statelessness Conventions. The section evaluates whether digital ID and legal identity systems risk enabling discrimination in providing legal identity documents or access to digital ID, infringing the right to privacy, or denying individuals access to essential services, among others, which could amount to violations of these international commitments.

## Designed to Include? Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

The final component of each country's factsheet is an analytical section that synthesizes the findings from the preceding three sections to assess the implications of digital ID and legal identity systems for stateless individuals, drawing together evidence on legal frameworks, system design, and procedural safeguards. This section aims to identify patterns of exclusion that emerge directly or indirectly from the structure and requirements of digital ID systems. It examines

how these systems may create or exacerbate barriers for stateless individuals in accessing essential services, exercising their rights, or participating fully in public life. Beyond identifying exclusionary outcomes, it also explores whether a digital ID system of a country reflects principles of inclusion, transparency, accountability, and human rights-based approaches.

Where available, the section incorporates relevant judicial precedents that address digital ID systems in each country, providing insight into how national courts have interpreted and applied laws relating to identity, privacy, and access to services. These cases can reveal whether the judiciary has acted as a check on government overreach, upheld individual rights, or reinforced exclusionary policies. The section also evaluates whether governments have introduced targeted measures to facilitate access to digital IDs for vulnerable and marginalised groups, including stateless persons, persons with disabilities, minorities, and older persons. Examples of such measures might include deploying mobile registration units to remote areas, waiving documentation requirements in certain cases, offering free legal aid, or conducting outreach campaigns in multiple languages. This concluding analytical section aims to provide a holistic understanding of how digital ID systems intersect with the lived realities of stateless individuals and other at-risk populations.

## Limitations

While our methodology maintained a high degree of consistency and credibility, it also faced certain constraints that shaped the scope and depth of our findings. We relied primarily on secondary data, which may not fully capture recent developments, unreported cases, or nuanced local realities. Future research on the subject should aim to incorporate primary fieldwork such that it leads to greater insight into the real on-the-ground

impacts of digital ID systems, particularly on stateless individuals. The availability and quality of information varied considerably across countries. In some contexts, official statistics were outdated or inaccessible. Accessing laws and policies was particularly challenging in politically sensitive environments or where official documents were not available in English. In these cases, our reliance on official translations sometimes meant working with sources that reflected bias or omitted key details. Furthermore, many countries, particularly in the Pacific, were in the developmental stages of their digital ID systems, which provided very limited room to understand its impact on stateless individuals. There were a few countries in the region which we could not find reviewers or collaborators for, resulting in not all country-specific data being verified directly by in-country stakeholders. The project also experienced temporary delays due to uncertainty arising from potential foreign aid cuts, which impacted timelines and workflow.

*The findings presented in this report should be interpreted with these limitations in mind. The aim of this report is knowledge production. It is not intended to serve as legal advice. Future iterations of this research would benefit from incorporating primary field studies, strengthening collaborations with regional partners, and expanding the thematic scope to include other areas where stateless individuals may be affected by the introduction of digital ID systems.*

## Sub-Regional Overview: East Asia

Countries Covered: China, Hong Kong, Japan, Mongolia, North Korea, South Korea, Taiwan

### Legal Identity

In all seven countries in East Asia, national ID cards are the primary legal identity document that is used as proof of identity and legal residency. The National ID also provides access to a range of public and private services such as banking, health insurance, social security benefits, driver's license, employment, marriages registration, voting, taxation, and school enrollment. These ID cards, mandatory for citizens or residents, can only be applied for upon reaching the approved age, ranging between 11 years (China, Hong Kong), 14 years (Taiwan), 16 years (Mongolia), and 17 years old (North Korea, South Korea).<sup>1</sup>

**Table 1**  
Types of National ID Cards in the East Asia Sub-Region

Types of National ID Cards	Countries
National ID Cards	Taiwan, Hong Kong, Japan
Resident Registration or Identity Cards	South Korea, China
Citizen ID Cards	Mongolia, North Korea

Unlike other sub-regions that rely primarily on birth certificates, East Asia is characterized by the use of family or household registration records, which serve as prerequisite documents for applying for national ID cards in all seven countries of the sub-region. One common feature across China, Japan, Taiwan, and South Korea is the linkage between birth registration and the

household registration system, which serve as the basis for establishing permanent residency status and gaining access to public services from education to healthcare. China's hukou household registration system plays a central role in proof of legal identity documents as the hukou books are mandatory documents needed to apply for both birth certificates and Resident Identity

Cards.<sup>2</sup> In South Korea, they have hospital issued Birth Certificates but they also have the Basic Certificate and Family Relations Certificate – all three documents together act as foundational legal identity documents that verifies both identity and proof of South Korean citizenship.<sup>3</sup> In Taiwan, only nationals with household registration are eligible to apply for National ID Card which grants individuals the right to reside, work, and vote.<sup>4</sup>

In countries without a household registration system such as Hong Kong, individuals applying for a permanent HKID need to prove their ‘right to abode’ through a certificate.<sup>5</sup> In North Korea, citizens’ ID cards are issued to all citizens. However, for new ID cards issued from 2019

onwards citizens are required to submit blood test results and provide biometric data including photos and fingerprints.<sup>6</sup> Similarly in Mongolia, to apply for the citizen ID card, citizens must present birth certificates, passports, and biometric data.<sup>7</sup>

In four out of the seven countries (Hong Kong, Japan, Mongolia, South Korea), national ID cards serve as proof of identity and legal residence status as opposed to proof of citizenship – as they have designated other legal identity documents such as household registration books, birth certificates or passports to prove citizenship. In contrast, in China, North Korea, and Taiwan, the ID cards constitute citizenship.

**Table 2**

**Comparison of the function of national ID cards in countries in East Asia**

Countries where national ID cards constitute citizenship	China, North Korea, and Taiwan
Countries where national ID cards serve as proof of identity and legal residence status but not citizenship	Hong Kong, Japan, Mongolia, South Korea

Countries in the East Asia sub-region have different approaches to providing non-citizens access to national ID cards. In Hong Kong, Japan, South Korea, and Taiwan, foreign nationals may apply for alternative versions of these ID cards, by presenting documentation about their legal residence status, through the non-permanent HKID, My Number Card, Foreign Residence Cards, and Alien Residence Certificate, respectively.<sup>8</sup>

Although this is available for foreign nationals, it is more challenging for stateless persons who typically do not possess legal identity and other documentation, to qualify and thus apply for these ID cards. In the remaining three countries, China, Mongolia, and North Korea, there is no known way for both non-citizens and stateless persons to acquire legal identity documents except through acquisition of citizenship via naturalization.

**Table 3**

**Primary Legal Identity Document and the Documents Needed to Apply across East Asia**

Country	Primary Legal Identity Document	Documents Needed	Does legal identity serve as proof of citizenship
China	Resident Identity Card (RIC)	Registration form, hukou registration book. <sup>9</sup>	Yes, only citizens or naturalized foreign nationals with legal residence status are eligible to apply for RIC. <sup>10</sup>
Hong Kong	Permanent and Non-Permanent Hong Kong Identity Card (HKID)	For permanent HKID a certificate to prove right to abode while for non-permanent HKID, passports, proof of residency status through a valid employment, investment, dependent, or student visa, birth certificate, and previously issued identity card. <sup>11</sup>	No, a HKID is framed more as proof of identity and legal residence status rather than proof of citizenship since it is accessible to non-citizens.
Japan	My Number Card	Can apply using unique individual number that is assigned through the My Number Notice. <sup>12</sup>	No, this ID card is issued to citizens and foreign residents who are on the resident registry. <sup>13</sup>
Mongolia	Citizen ID card	Birth certificate, passport, and an application form. <sup>14</sup>	No, even though it is only available to Mongolian citizens, the passport or birth certificate are the primary documents certifying citizenship. <sup>15</sup>
North Korea	Citizen ID card	Personal registration data, blood tests, and biometric data (photos and fingerprints). <sup>16</sup>	Yes, it is one of the two acceptable legal identity documents confirming citizenship besides the birth certificate. <sup>17</sup>
South Korea	Resident Registration Card	For citizens: application form, a photo, and fingerprint data; for foreign nationals additional documents are needed: passport and documents proving place of residence. <sup>18</sup>	No, the Basic Certificate, along with the Family Relations Certificate are what verifies both legal identity and proof of citizenship. <sup>19</sup>
Taiwan	National ID Card	Photo, original household registration book, and a personal seal. <sup>20</sup>	Yes, holding the card constitutes having Taiwanese nationality and an established household registration. <sup>21</sup>

## Overview of Digital IDs in East Asia

*Most countries in East Asia, apart from North Korea, have developed digital ID systems that complement their legal identity frameworks but remain distinctively separate from them.*

Many of them are still in the early stages of implementation after being launched from 2020 onwards. In Hong Kong, China, Mongolia, South Korea, and Taiwan, digital ID systems are typically created by the government through a mobile application or website where users can authenticate their digital identity to access private and public e-services. In these countries, their digital ID systems serve as a functional ID system while their primary legal identity documents - national ID cards, resident cards, citizen ID cards - acts a foundational ID system.

Japan stands out as the only country where their digital ID system is integrated and planned as part of its My Number Card, a chip-based identification card with electronic certificates that enable identity authentication, digital signatures, and access to e-government services.<sup>22</sup> This approach makes Japan's My Number Card system the only one in the sub-region to function as both a foundational and functional ID system.

*Across all six countries with digital ID systems, while enrollment remains voluntary, government services are increasingly being linked to digital IDs, making them increasingly important for accessing public services.*

In Mongolia, the E-Mongolia platform has now become the main method for citizens to access government services due to its convenience and ease of access.<sup>23</sup> Japan's My Number Card has become de facto mandatory for accessing health insurance cards or using the electronic certificates for convenience store issuance services.<sup>24</sup>

Across all six East Asian countries with digital ID systems, these platforms are generally accessible to both citizens and foreign residents with valid, legal residency documents. Reflecting the structure of existing legal identity frameworks, digital IDs are typically linked to established identity or residence registration systems and therefore do not necessarily function as direct markers of citizenship. However, stateless persons are often excluded in practice because they lack the required identity or residency documentation, which can prevent them from accessing services linked to digital ID platforms such as government services, healthcare and social insurance records, banking, and other administrative services.

*Digital ID frameworks have largely been formulated and implemented through government-led initiatives, often with technical collaboration from public agencies and, in some cases, private sector partners.*

Public involvement has generally been limited and varies by country, ranging from consultations, workshops, or pilot testing in countries such as Taiwan and Japan.<sup>25</sup> However, there is little evidence to show that these countries engaged with experts focusing on discrimination or broader social inclusion principles during the design and implementation of their systems.

**Table 4**  
Digital ID System and its Key Features across countries in East Asia

Country	Digital ID system found in the country?	Key Features
China	Internet ID - 2025	A voluntary, government-issued, functional, digital ID application that allows individuals to authenticate their identity across government services, private platforms, and social media. Registration requires scanning a legal identity document and completing biometric facial verification. The system generates an 'internet number' and 'internet certificate' used for online identity verification. Eligibility extends to citizens and foreign permanent residents with recognized identity documents, while individuals without legal identity documents cannot access the system.
Hong Kong	iAM Smart - 2020	A voluntary, functional, mobile digital ID application available to HKID holders that enables users to authenticate their identity and access government and private online services. The system provides four main functions: identity authentication for public and private services, legally recognized electronic signatures for digital transactions, automated form filling through the 'e-ME' feature, and personalized notifications for government services. The platform relies on the HKID card as the foundational identity document and functions primarily as a digital authentication tool.
Japan	My Number Card - 2015	My Number Card contains an IC chip with electronic certificates that enable identity authentication, digital signatures, and access to government and administrative services. Both foundational and functional ID that can be used for services such as electronic tax filing, accessing residence records, obtaining official certificates at convenience stores, financial transactions, and social security services including health insurance and pensions. Users can also install the card's electronic certificates on smartphones to authenticate identity through mobile devices and use digital verification services for activities such as e-commerce, online banking, facility reservations, and age verification. Access is available to citizens and foreign residents who are on the resident registry.

Mongolia	E-Mongolia - 2020	A voluntary, government issued mobile application and website allowing individuals to authenticate their identity using their e-ID number and phone number to access personal documents (such as ID cards, passports, birth and marriage certificates), government records, social insurance and health services, education services, and administrative processes. The platform resembles a functional ID as it acts as a platform to access a variety of public services. Access is available to citizens and foreign residents with valid residency permits.
North Korea	None	Not applicable
South Korea	Mobile ID - 2025	A voluntary, functional digital ID system that allows both citizens and foreign residents to use mobile versions of their official identification cards through an application or compatible digital wallets. It can be used for identity verification at government offices, banks, hospitals, and other services. Authentication relies on biometric verification and advanced encryption technologies, and each mobile ID is linked to a single smartphone and phone number.
Taiwan	Taiwan Digital Identity Wallet (TW DIW) - 2025; Taiwan Fast Identity Online (TW FiDO) - 2022; Citizen Digital Certificate (CDC) - 2005	The CDC is a smart card containing a digital certificate issued by the Ministry of the Interior Certification Authority, enabling users to authenticate their identity online, digitally sign documents, and access e-government services. The TW FiDO allows users to authenticate their identity using biometric verification on mobile devices, eliminating the need for a physical certificate card and enabling secure access to e-government services. The TW DIW is a voluntary mobile wallet application that stores multiple digital credentials, such as citizen digital certificates, health insurance cards, and driver's licenses. All three forms of digital IDs are functional IDs.

## Laws

### a. Domestic law and policy

All six countries with digital ID systems have domestic laws or policies governing digital identity, but the approaches and scope of their laws differ. Some have introduced new legal frameworks or amendments specifically for digital ID (China, Japan, South Korea), while others use existing legislation on data protection or electronic

signatures to provide a legal basis for digital ID systems (Hong Kong, Mongolia, Taiwan).

**Table 5**

**Laws and Policies regulating Digital ID systems across East Asia**

Countries	Laws & Policies
China	Measures on the Management of the National Online Identity Authentication Public Service <sup>26</sup>
Japan	Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (My Number Act) <sup>27</sup>
South Korea	Resident Registration Act; Electronic Government Act <sup>28</sup>
Hong Kong	The Electronic Transactions Ordinance <sup>29</sup>
Mongolia	Law on Public Information Transparency; Law on Personal Data Protection; Law on Electronic Signatures; and Law on Cyber Security <sup>30</sup>
Taiwan	Electronic Signatures Act; Financial Services Digital Identity Verification Guidelines <sup>31</sup>

In the three countries that have specific legislation regulating digital ID systems, China, Japan, and South Korea, laws or amendments were introduced relatively recently, between 2023 and 2025. This indicates that regulatory frameworks governing digital ID systems are still relatively nascent. These three countries all have explicit definitions of digital IDs, digital certifications, and permit the issuance of their digital ID cards and unique number. Digital ID is most commonly defined as a system of electronic authentication that uses digital identifiers or certificates to verify an individual's identity when accessing online services and conducting digital transactions. In China, the Measures define an 'internet number' as an online identifier composed of letters and numbers that corresponds to an individual's identity information without containing plaintext identity data, while an 'internet certificate' refers to an authentication certificate that carries this identifier and related encrypted identity information.<sup>32</sup> Similarly, in Japan, the My Number Act establishes a unique number assigned to identify individuals recorded in the resident registry, which forms the basis of the country's digital identification system.<sup>33</sup>

In the remaining three countries that do not have specific legislation on digital ID, existing laws, primarily those governing electronic and digital signatures, are used to provide the legal basis for the use of digital ID. For example, in Hong Kong, the Electronic Transactions Ordinance provides the legal foundation for the digital signing function on the iAM Smart platform by recognizing electronic and digital signatures as having the same legal status as paper-based signatures.<sup>34</sup> In Mongolia, the E-Mongolia platform operates within a broader legal framework consisting of several laws adopted in 2021, including the Law on Public Information Transparency, Law on Personal Data Protection, Law on Electronic Signatures, and Law on Cyber Security, which collectively regulate digital governance, data protection, and cybersecurity in the absence of a dedicated digital ID law.<sup>35</sup> Similarly, in Taiwan, digital identity initiatives such as the Digital Identity Wallet rely on the Electronic Signatures Act and the Financial Services Digital Identity Verification Guidelines, which establish the legal recognition of digital signatures and provide standards for identity verification in digital financial services.<sup>36</sup>

The laws and policies across all six countries do not establish a direct linkage between digital ID and citizenship. This is because digital ID systems are not designed as markers of citizenship; both citizens and foreign residents can access digital ID, provided they have documentation proving their legal residency status.

### b. Data Protection

*All countries in East Asia except North Korea have data protection and privacy laws in place. Across the sub-region, most countries provide legal safeguards governing the collection, processing, and use of personal information within digital ID platforms.*

These frameworks typically require consent, limit data collection to necessary purposes, and impose security obligations on entities handling personal data. In China, safeguards relating to digital ID systems are outlined in the Measures on the Management of the National Online Identity Authentication Public Service and supported by broader data governance laws such as the Personal Information Protection Law, which requires explicit consent for the processing of sensitive personal information such as biometric data.<sup>37</sup> Similarly, Taiwan's Personal Data Protection Act and Mongolia's Data Protection Law both provide comprehensive frameworks regulating the collection and use of personal data and classify biometric data as sensitive personal information.<sup>38</sup>

*South Korea's Personal Information Protection Act is considered to have one of the most comprehensive personal data protection frameworks in the sub-region.<sup>39</sup>*

The law strengthens data subjects' rights by requiring consent for personal data processing, mandating prompt notification of data breaches, and establishing oversight by the independent Personal Information Protection Commission.<sup>40</sup> It also explicitly recognizes biometric information

as sensitive personal data and has been further amended to introduce new protections such as data portability rights and AI-related data governance requirements.<sup>41</sup> Despite these safeguards, most countries do not include explicit provisions preventing government authorities from accessing or using personal data collected through digital ID systems. For instance, although Hong Kong's Personal Data (Privacy) Ordinance provides general protections for personal data, it does not contain provisions restricting government access to information collected through the iAM Smart system.<sup>42</sup> There are also concerns in the sub-region regarding privacy and surveillance as digital ID systems are implemented. In China, where the state-managed digital identity infrastructure has raised warnings from researchers and human rights organizations about risks of mass state surveillance, reduced online anonymity, and increased state monitoring of individuals' activities in online spaces.<sup>43</sup>

North Korea stands out as it lacks any data protection or privacy legislation and maintains extensive state surveillance over citizens' communications and information access.<sup>44</sup> However, even in countries like South Korea that have strong data protection regimes, there have been documented data breaches and concerns from civil society on the growing use of AI in public services amidst developing legal and ethical safeguards.<sup>45</sup>

### c. International Commitments

Across East Asia, there is no binding international treaty that specifically regulates digital ID systems. However, several countries in the sub-region participate in international and regional initiatives that shape norms around digital identity governance, digital infrastructure, and data protection. Three countries, China, Japan, Mongolia, and South Korea, adopted the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital

Statistics in Asia and the Pacific. This commits governments to strengthen civil registration systems and build secure digital public infrastructure while ensuring that vulnerable or digitally marginalized groups are not excluded from services.<sup>46</sup> Some countries participate in international digital governance and privacy cooperation frameworks. Japan and South Korea engage with the OECD Recommendation on the Governance of Digital Identity, which promotes trusted and user-centered digital identity systems, while Japan, South Korea, Hong Kong, and Taiwan participate in the APEC Cross Border Privacy Rules System to facilitate privacy-compliant cross-border data transfers.<sup>47</sup> Taiwan has also engaged with global technical standards through the World Wide Web Consortium, particularly on decentralized identity and verifiable credential standards.<sup>48</sup>

*Human rights treaties ratified by countries in the sub-region also create obligations relevant to digital ID systems, particularly regarding legal identity, birth registration, and non-discrimination.*

Many countries, including China, Japan, Mongolia, South Korea, Hong Kong, and Taiwan, are parties to major treaties such as the ICCPR, ICESCR, CRC and CEDAW.<sup>49</sup> These treaties require states to ensure access to legal identity, birth registration, and essential services without discrimination. UN treaty bodies have raised concerns in several countries where gaps in birth registration or nationality laws risk creating statelessness or exclusion from services, particularly for children of migrants, refugees, or undocumented persons.<sup>50</sup> The CRC Committee has also emphasized that digital systems should be designed to enable children to safely access essential digital services without discrimination.<sup>51</sup>

## Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

*Across East Asia, digital ID systems have generally neither contributed to nor reduced statelessness, as access to digital ID remains closely tied to possession of foundational legal identity documents such as national ID cards or residency permits.*

In most countries, the grant of digital ID is not formally linked to citizenship, but eligibility depends on legal identity or residency status, which stateless persons often lack. As a result, denial or inaccessibility of digital ID does not itself create statelessness, but it reinforces existing forms of exclusion faced by stateless individuals. In countries where stateless persons cannot obtain digital ID, such as in China, Hong Kong, Mongolia, Japan, and South Korea, they are excluded from a growing range of state-sponsored services that rely on digital identity verification.<sup>52</sup> These include government e-services, healthcare and insurance systems, social welfare programs, taxation, employment, banking and financial services, and access to education or digital public service platforms. Only one country in the sub-region, Taiwan, provides a pathway for stateless persons to obtain an Alien Resident Certificate (ARC), which can be used to access digital ID services.<sup>53</sup> However, eligibility for the ARC is subject to specific criteria that many stateless individuals may not be able to meet. Generally, there are few or no alternative avenues for stateless individuals to access these services beyond in-person procedures or assistance from civil society organizations. Legal and policy frameworks across the sub-region have not yet systematically incorporated safeguards to ensure inclusion of stateless persons within digital ID systems.

While some governments (Mongolia, Japan) have adopted accessibility measures, such as mobile registration teams, multilingual call centers, or digital literacy assistance for elderly population, these initiatives are typically aimed at bridging the digital divide rather than addressing barriers faced by individuals without legal identity.<sup>54</sup> Strengthening inclusivity around digital ID

systems requires reforms that ensure universal birth registration regardless of legal identity and a commitment to ensure essential public services remain accessible through alternative mechanisms even for those without digital IDs. Without such safeguards, digital ID systems risk deepening existing inequalities in terms of access to legal identity and public services.

## Summary Table

**Table 6**

Summary Table of Digital ID systems across East Asia

Country	Legal ID (Type)	Digital ID (Foundational/Functional)	Domestic Laws & Policy Covering Digital ID	Data Protection Law	Digital ID Mandatory?	Access for Stateless/Refugees	Intl. Treaty Ratified (Data/Human Rights)
China	Resident Identity Card; Internet ID	Functional	✓ Measures on the Management of the National Online Identity Authentication Public Service 2025	✓ Cybersecurity Law; Data Security Law; and the Personal Information Protection Law.	✗	✗	1951 Refugee Convention, ICESCR, ICERD, CRC, and CEDAW
Hong Kong	Hong Kong Identity Card (HKID); 'iAM Smart' digital ID	Functional	✓ Electronic Transactions Ordinance 2000	✓ Personal Data (Privacy) Ordinance (Cap.486)	✗	✗	1954 Stateless Convention, ICCPR, ICESCR, ICERD, CRC, and CEDAW

Japan	My Number Card -physical card and digital ID	Foundational and Functional	✓ Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (Act No. 27 of 2013)	✓ Act on the Protection of Personal Information (Act No. 57 of 2003)	✗	✓ Yes with legal residency status	1951 Refugee Convention, ICCPR, ICESCR, ICERD, CRC and CEDAW
Mongolia	Citizen ID card; E-Mongolia	Functional	✓ Public Information Transparency Law; Data Protection Law, Law on Electronic Signatures Law; Cyber Security Law.	✓ Data Protection Law (2021)	✗	✗	EU-Mongolia Partnership and Cooperation Agreement, ICCPR, ICESCR, ICERD, CRC, and CEDAW
North Korea	Citizen ID card	N/A	N/A	N/A	N/A	N/A	ICCPR, ICESCR, CRC, and CEDAW
South Korea	Resident Registration Card; Mobile IDs	Functional	✓ Resident Registration Act of 1962	✓ Personal Information Protection Act (2025)	✗	✗	1954 Stateless Convention, 1951 Refugee Convention and its 1967 Protocol, IC-CPR, ICESCR, ICERD, CRC, and CEDAW
Taiwan	National ID Card; Taiwan Digital Identity Wallet	Functional	✓ Electronic Signatures Act (2001); Financial Services Digital Identity Verification Guidelines.	✓ Personal Data Protection Act (2010)	✗	✓ Yes, through the Alien Citizen Digital Certificate IC Card	ICCPR, ICESCR, ICERD, CEDAW, CRPD, and CRC



Photo: Ling Tang

# CHINA

## CHINA

### Legal Identity

The official recognized proof of legal identity in China is the Resident Identity Card (RIC) that became mandatory for all citizens since 2013 as part of the second generation of identity cards.<sup>55</sup> Chinese citizens over the age of 16 are required to apply for identification cards while those under 16 years can voluntarily apply for an RIC with the assistance of a guardian. Alternatively, they can use other identity documents as proof of legal identity, typically the hukou, the household registration book or birth certificate.<sup>56</sup>

*RICs are required for hukou household registration, employment, bank accounts, passports, driver's license, applications for tertiary study, travel by plane or train, marriages, court matters, and internet cafes.<sup>57</sup>*

RICs include the cardholder's name, sex, ethnicity, date of birth, residential address, a unique 18-digit ID number and color photograph.<sup>58</sup> There are embedded digital microchips in each card containing the same identifying information, as well as work history, educational background, religion, police record, medical insurance status, landlord's telephone number, and reproductive history.<sup>59</sup>

Chinese citizens must apply for RICs in person at the local public security bureau, where they complete a registration form and present their hukou, the household registration book that verifies permanent residence.<sup>60</sup> However, if a citizen is applying for the RIC with a public security bureau in a region outside their permanent residence, they must provide sufficient supporting documents proving their legitimate residency and study or employment in that region.<sup>61</sup>

The following categories of individuals, as defined in Articles 4 to 7 of the Nationality Law of the People's Republic of China, are eligible to apply for a Resident Identity Card (RIC) if they hold residency status:

- ◆ Article 4: (i) individuals born in China; and (ii) either one or both of their parents are Chinese citizens;
- ◆ Article 5: (i) individuals born outside China; and (ii) either one or both of their parents are Chinese citizens, unless either one or their parents are residing in a foreign country and they obtained a foreign nationality automatically at birth;
- ◆ Article 6: (i) individuals born in China; and (ii) their parents are stateless or have uncertain nationality and they are now residing in China.
- ◆ Article 7: foreigners or stateless persons who are willing to abide by China's Constitution and laws and who meet any of the following conditions may be naturalized upon approval of their applications: (i) they are near relatives of Chinese citizens; (ii) they have settled in China; or (iii) they have other legitimate reasons.<sup>62</sup>

For foreign nationals or stateless persons stipulated under Article 7, who wish to apply for the RIC, they can apply for naturalization as a Chinese national by submitting copies of their: foreign passport, foreigner permanent resident certificate, and supporting documents.<sup>63</sup> These strict requirements for documentation make it difficult for foreign nationals or stateless persons to be naturalized and thus obtain a RIC.<sup>64</sup>

However, under the provisions of Article 9 of the Law of the Resident Identity Cards of the People's Republic of China (2011 amendment), 'foreigners and stateless persons who reside in the territory of the People's Republic of China and are approved to acquire or restore the nationality of the People's Republic of China', when applying for permanent residence registration, must also apply for an RIC.<sup>65</sup> This refers to individuals who either have 'become Chinese nationals due to their long-term permanent residence in China' or have applied for the 'restoration of the nationality of the People's Republic of China that has been approved by the relevant departments in accordance with the relevant laws and regulations of China'.<sup>66</sup> According to the National Immigration Administration, foreign nationals or stateless persons applying for naturalization must be willing to abide by China's laws and meet one of the following conditions: be near relatives of Chinese nationals, settled in China, or have other legitimate reasons.<sup>67</sup>

*Birth registration in China does not, by itself, constitute the primary legal identity but operates as an integral component of the household registration (hukou) system that underpins access to legal identity and citizenship.*<sup>68</sup>

While the Medical Certificate of Birth functions as the primary legal and medical proof of birth and citizenship, its issuance is contingent on parents presenting valid RICs and their hukou registration book.<sup>69</sup> As a result, stateless parents or parents of uncertain nationality who do not possess these identity documents are often unable to secure birth registration for their children.<sup>70</sup> In practice, the absence of birth registration prevents the child from being entered into the hukou system, thereby excluding them from access to social services, employment, housing, healthcare, and education.<sup>71</sup> Although birth registration is not expressly provided in law, it is regarded as an essential part of the hukou household registration system that determines citizenship rights, access

to public services, and eligibility to apply for RICs.<sup>72</sup>

## Digital ID Overview

*China's new digital ID system was passed through new legislation known as the National Online Identity Authentication Public Service on 15 July 2025, following a year-long beta phase.*<sup>73</sup>

The digital ID, known as the 'Internet ID', enables Chinese residents to voluntarily enroll through a government app on NFC-enabled mobile phones.<sup>74</sup> To obtain the digital ID, individuals scan their legal identity document to verify their identity, then submit a facial scan, mobile phone number, and password.<sup>75</sup> The legal identity documents that can be used to register are the RIC; residence permits for Hong Kong, Macau and Taiwan; mainland travel permits for Hong Kong, Macau and Taiwan residents; foreign permanent residence ID card; and passports of overseas Chinese.<sup>76</sup> The Internet ID requires children aged 14 years and below to obtain parental or guardian consent, with the application submitted on their behalf, while for those aged between 14 and 18 may apply in their own name but only under the supervision of a parent or guardian.<sup>77</sup>

*Upon registration, the app generates a 'internet number' and 'internet certificate' for Chinese residents that allows individuals to access social media platforms, government sites, and commercial platforms with their Internet ID.*<sup>78</sup>

The app centralizes the process and shifts identity verification from private companies to government agencies, allowing the government to track users' activity across platforms, removing the anonymity of users, and restricts users who make statements deemed sensitive.<sup>79</sup> Researchers have raised concerns that this state-issued Internet ID, designed with 'information security and fraud prevention' in mind, could be used to further limit



Photo: Munue.com

freedom of expression in digital spaces since it allows the government more control of online spaces.<sup>80</sup>

The internet ID for citizens and non-citizens with permanent residence status acts as a functional ID because it is used for identity verification purposes and to access public services platforms, commercial platforms, as well prominent online social media and commerce platforms such as We Chat, Xiaohongshu (RedNote), and TaoBao.<sup>81</sup> Although it is not mandatory to use the digital ID for citizens and non-citizens, the government is encouraging public services, private services, and general users to adopt it, with more than 80 mobile applications trialling the app during the testing phase in 2024.<sup>82</sup> According to Article 19, the platform has registered six million users who have activated the service and the app has provided authentication services more than 12.5 million times.<sup>83</sup>

*In terms of access to Internet ID for non-citizens, foreign residents who hold foreign permanent resident ID cards are eligible to register for Internet ID since it is linked to the physical registration cards.*<sup>84</sup>

However, stateless persons, refugees, asylum seekers, or other undocumented migrants who

are unable to obtain essential legal identity documents such as the Medical Certificate of Birth and the residence identity cards are unable to access the Internet ID along with the public and private services linked to the digital ID.<sup>85</sup> Since China's Internet ID is based on the physical residence identity cards which are available for citizens and foreign permanent residents, both IDs are not a marker of citizenship and function as a method of identity verification and provide access to services.

The government launched its national digital ID trial for 81 applications on 6 August 2024, one week after releasing its draft regulations for public comment.<sup>86</sup> The feedback period for the public to register for the digital ID as part of the beta testing was until 25 August 2024.<sup>87</sup> Critics have been skeptical of the testing and public feedback phase because posts on social media criticizing the digital ID plan were removed from Chinese platforms.<sup>88</sup> The Internet ID was developed by the Ministry of Public Security (MPS) and the Cyberspace Administration of China (CAC), showing no indication of any private sector involvement.<sup>89</sup>

## Laws

### Domestic law and policy

The main law regulating China's digital ID system is the Measures on the Management of the National Online Identity Authentication Public Service, effective 15 July 2025 released by the CAC.<sup>90</sup> According to DataGuidance, the Measures require public service platforms to collect only necessary information, obtain consent, ensure data security, and store data in China, while internet platforms must provide equal services regardless of identity verification method and obtain separate consent for third-party data sharing.<sup>91</sup> The aim of the Measures is to promote the development of national public services for online identity authentication, protect the security of citizens' identity information, and supporting the development of the digital economy, as stipulated in Article 1.<sup>92</sup>

*According to Article 2 of the Measures, 'internet number' refers to an online identifier that corresponds to the identity information of a natural person, consisting of letters and numbers, and contains no plaintext identity information.*

Whereas, 'internet certificate' means an online identity authentication certificate that carries the online identifier and non-plaintext identity information of a natural person.<sup>93</sup> China's Internet ID can be defined as a combination of letters and digits that is encrypted and corresponds one-to-one with an individual's ID number without containing the plaintext of such information, while the web certificate refers to an online identity authentication certificate that holds the Internet ID and the identification of an individual.<sup>94</sup>

Penalties are imposed for violations of these key provisions on platforms' use of digital ID service, including data handling, user notice and consent, and information security, under Article 14 of the

Measures as well as other relevant cybersecurity and data protection laws.<sup>95</sup>

### Data Protection

There are data protection safeguards within the Measures on the Management of the National Online Identity Authentication Public Service that mandates the 'public service platform' (the government run centralized online system that provides digital identity authentication services) to:

- ◆ limit collection of 'sensitive' personal information,<sup>96</sup> including biometric data, to what is necessary, obtain informed notice and voluntary consent (Art. 9–11);
- ◆ prohibit handling or sharing data without independent consent and restrict use to authentication purposes (Art. 9);
- ◆ delete personal information in accordance with law or user request (Art. 9);
- ◆ provide clear transparency on its data practices (Art. 11);
- ◆ implement strong security, operational and data protection measures including domestic storage and incident response (Art. 12);
- ◆ comply with the requirements related to the state management of encryption (Art.13);
- ◆ comply with related data protection laws with sanctions for violations (Art. 14).<sup>97</sup>

According to DLA Piper, China does not have a single comprehensive data protection law. Instead, its legal framework is built on three key statutes: the Cybersecurity Law (CSL), the Data Security Law (DSL), and the Personal Information Protection Law (PIPL).<sup>98</sup> The CSL, the first law established in 2017 addressing cybersecurity and

data protection, establishes broad obligations for network operators to protect network security and personal or important data, including requirements for data localization, security measures, and protection of critical information infrastructure across networks in China.<sup>99</sup> The DSL, taking effect in 2021, focuses on regulating all data processing, introducing data classification (important, core data), requiring data localization for critical data, and restricting cross-border transfers. The PIPL, also introduced in 2021, is the first comprehensive national privacy law that governs how personal information of individuals is collected, used, stored, and transferred, grants data subject rights, and imposes consent and compliance requirements on organizations processing such data.<sup>100</sup> The PIPL treats biometric data as sensitive personal information, requiring explicit and informed consent for its collection, with clear specification of purpose and adherence to proportionality.<sup>101</sup>

There are also provisions within these data protection laws that set the foundation for the government to develop digital ID systems. Article 62 of the PIPL grants the CAC the power to research, develop, and roll out digital identity verification technologies that are secure and convenient.<sup>102</sup> Article 24 of the CSL stipulates the State shall implement 'network identity credibility strategy' and support research secure and convenient digital identity verification technologies.<sup>103</sup>

Despite all the safeguards for protection of personal information guiding the Internet ID, the government has full access and control of all data collected because the Internet ID system and its identity verification services is developed and managed by government.<sup>104</sup> This raises major concerns around mass state surveillance, data centralization, and risks of government censorship and control of digital information.<sup>105</sup> The primary apprehension is that the system links all online activity to an individual's real identity,

enabling the government to track and monitor their digital trail.<sup>106</sup> Researchers studying internet freedom warned that with the state-led system capable of real-time monitoring and blocking of users' access to any online platform, 'the Internet ID becomes more than a surveillance tool, but an infrastructure of digital totalitarianism.<sup>107</sup> The reduction of anonymity in the digital ID system has led legal scholars and activists who criticized it online to face censorship and social media bans, underscoring the broader issue of state repression against dissenting voices.<sup>108</sup> The organizations, Article 19 and Chinese Human Rights Defenders warned that the digital ID system would intensify surveillance and reduce anonymity, increasing the risks of censorship, state retaliation and reprisals against already at-risk human rights defenders.<sup>109</sup>

*Human rights groups also warned that this digital ID model could inspire other authoritarian regimes to use digital identity tools to monitor people online.<sup>110</sup>*

### International Commitments

The Republic of China has ratified several major human rights treaties including the 1951 Refugee Convention, ICESCR, ICERD, CRC, and CEDAW.<sup>111</sup> In its 2018 and 2023 concluding observations, the CERD and CEDAW Committees raised concerns that children born in China to women from North Korea are effectively prevented from birth registration due to the risk of refoulement or deportation, resulting in heightened risks of statelessness and denial of access to basic rights and services. The Committees recommended that China ensure birth registration and eligibility for nationality.<sup>112</sup> The CRC Committee<sup>113</sup> in 2013 also highlighted low birth registration rates in poor and remote areas of mainland China, linked to the household registration (hukou) system, noting how the numerous administrative requirements towards birth registration creates barriers to accessing legal identity. It recommended systemic reform to ensure universal birth registration.<sup>114</sup> The CRC Committee, in its General Comment

No. 25 in 2021, also stated that digital systems should be created in a way that enable children to safely access essential digital public services and educational services without discrimination.<sup>115</sup>

On 26 June 2025, China adopted the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific, pledging commitments to universal access, gender equality, digital inclusion, and resilient civil registration and vital statistics systems.<sup>116</sup>

*The Declaration commits to building secure digital public infrastructure that enables equitable access to services and entitlements, while ensuring that 'vulnerable and digitally marginalized groups' are not excluded.<sup>117</sup>*

## Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

China's digital ID systems framework has neither contributed to nor reduced statelessness. However, in practice, it reinforces existing exclusions based on access to legal identity. Access to the Internet ID is contingent on possession of foundational legal identity documents, primarily the RIC or foreign permanent residence ID, which are themselves closely tied to citizenship or approved permanent residency status.<sup>118</sup> As a result, stateless individuals who are unable to secure birth registration or hukou registration are excluded from both physical and digital identity systems.<sup>119</sup> This is despite Article 7 of the Nationality Law of the People's Republic of China formally providing pathways for foreign or stateless persons to acquire nationality and become eligible for an RIC, though the implementation of these provisions are uncertain.

*As stateless persons cannot apply for a digital ID, they are also excluded from a wide range of State-sponsored and State-enabled services that rely on digital identity verification.<sup>120</sup>*

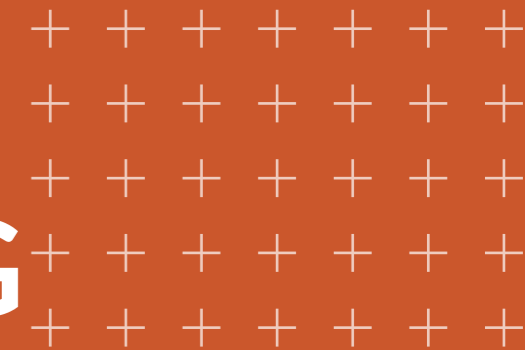
These include access to government e-services, healthcare and medical insurance systems, education platforms, employment registration, banking and financial services, transportation booking systems, and major commercial and social media platforms. There are no alternative avenues available for stateless individuals to access digital public services, leaving them dependent on informal arrangements or entirely excluded from digital systems.

The current legal and policy framework does not have specific safeguards for stateless persons or other vulnerable groups within the digital ID system.<sup>121</sup> There are no reported provisions for mobile registration units, legal aid, or exemptions from documentation requirements. There are however strong concerns raised by human rights groups and academics on the potential for intensified state surveillance, censorship, and control targeting human rights defenders and other dissenters.<sup>122</sup> Without any reforms to ensure all residents (regardless of citizenship status) can access essential services, ensure universal and safe birth registration, and remove restrictions on the freedom of expression in online spaces, China's digital ID system remains designed around citizenship and is seen as a tool for mass state surveillance and censorship of digital spaces.



Photo: Manson Yim

# HONG KONG



# Hong Kong

## Legal Identity

The officially recognized proof of legal identity in Hong Kong Special Administrative Region (HKSAR) is the Hong Kong Identity Card (HKID), mandatory for all residents aged 11 years and above to register to use as proof of identity and residency to access public and private services such as banking, medical services, immigration purposes, voting in elections, tax purposes, and social security benefits.<sup>123</sup>

*There are two types of HKID, the Permanent Identity Card (PIC), for residents with a permanent right to abode in Hong Kong, and the Non-Permanent Identity Card, for residents permitted to stay in Hong Kong for more than 180 days for work or study purposes.<sup>124</sup>*

The Immigration Department, the issuing department, started introducing smart ID cards in 2003, with embedded microchips, displaying information such as the individual's name in Chinese or English, picture, date of registration, date of birth, sex, and identity card number.<sup>125</sup> The Immigration Department introduced a new generation of smart HKIDs as part of its territory-wide identity replacement exercise from 26 November 2018, with improved durability, security features, chip technology and protection of personal data.<sup>126</sup>

To apply for a PIC, an individual first needs to verify their eligibility on 'the right to abode' in Hong Kong by applying for a certificate of entitlement for a PIC, as per the Registration of Persons Ordinance.<sup>127</sup> Under the Immigration Ordinance, there are six categories of people eligible to enjoy the right to abode in the HKSAR:

- ◆ A Chinese citizen born in Hong Kong before or after the establishment of the HKSAR (after 1 July 1997).
- ◆ A Chinese citizen who has ordinarily resided in Hong Kong for a continuous period of not less than seven years before or after the establishment of the HKSAR.
- ◆ A person of Chinese nationality born outside Hong Kong before or after the establishment of the HKSAR to a parent who, at the time of birth of that person, was a Chinese citizen falling within category (a) or (b).
- ◆ A person not of Chinese nationality who has entered Hong Kong with a valid travel document, has ordinarily resided in Hong Kong for a continuous period of not less than seven years and has taken Hong Kong as his/her place of permanent residence before or after the establishment of the HKSAR.
- ◆ A person under 21 years of age born in Hong Kong to a parent who is a permanent resident of the HKSAR in category (d) before or after the establishment of the HKSAR if at the time of his/her birth or at any later time before he/she attains 21 years of age, one parent has the right of abode in Hong Kong.
- ◆ A person other than those in categories (a) to (e), who, before the establishment of the HKSAR, had the right of abode in Hong Kong only.<sup>128</sup>

For the non-permanent HKID, all foreign nationals aged 11 or above who have stayed over 180 days must apply for a HKID.<sup>129</sup> The applications must be made in person with their proof of identity (e.g. valid travel document or passport), proof of residency status through a valid employment, investment, dependent, or student visa, birth certificate (for those aged between 11 and 17 years), and previously issued identity card (if any).<sup>130</sup>



Photo: iAMSmart.gov.hk

Since HKSAR is a special administrative region of China, the territory does not have its own nationality law and operates under China's nationality laws.<sup>131</sup>

*Generally, the HKID does not prove citizenship and instead is a proof of identity and legal residency status in Hong Kong for Chinese citizens, permanent residents, and foreign nationals living there.<sup>132</sup>*

The only linkage of the HKID to Chinese citizenship is for holders of permanent HKIDs which signifies that a person has a right to abode, meaning they are either Chinese citizens with an established connection to Hong Kong through birth, long-term residence of at least seven years, or birth by descent outside Hong Kong.<sup>133</sup>

Birth registration in Hong Kong is an essential document that establishes an individual's legal identity and provides access to medical treatment, education and welfare benefits.<sup>134</sup> The birth certificate is a prerequisite document needed to apply for the HKID for children aged 11 and above.<sup>135</sup> It is mandatory for parents to register the birth of their children in accordance with the Section 7 of the Births and Deaths Registration Ordinance, and there is a penalty for failure to register the birth.<sup>136</sup>

*Birth registration for a child born to married parents in Hong Kong requires the attendance of either parent and the submission of the parents' marriage certificate, along with identity or travel documents depending on whether the parents are Hong Kong permanent residents, residents, or non-residents, primarily to verify the child's immigration status.<sup>137</sup>*

For children born out of wedlock where the father's name is to be recorded, registration requires personal attendance by one or both parents and documentary proof of paternity, which may include statutory declarations by the parents or a relevant court order, with the child's written consent if aged 16 or above.<sup>138</sup>

*While the HKID is framed as proof of identity and legal residence rather than citizenship, access to the system is reliant upon immigration status, recognized nationality, and civil registration documents.*

Stateless persons, particularly children born to migrants, refugees, or parents with uncertain nationality status, often lack the documentation required to obtain either permanent or non-permanent HKIDs, including valid travel documents, proof of residency status, or birth certificates establishing parentage and immigration status.<sup>139</sup>

## Digital ID Overview

Hong Kong's digital ID system, 'iAM Smart', was launched in December 2020.<sup>140</sup> It is a mobile application for HKID holders aged 11 and above, enabling users to log in and access digital government and private services via their mobile phones in a smart and convenient manner.<sup>141</sup> It has four main features: for authentication to access online government and private services such as health records, tax records, library services, and paying bills; electronic signatures for legal documents and online processes; 'e-ME' form filling function to complete forms automatically; and set up personal assistant services for receiving government service updates.<sup>142</sup>

Residents can register for 'iAM Smart' by downloading and registering for the app remotely, or alternatively, they can visit self-registration kiosks or registration service counters to register.<sup>143</sup> There are also mobile registration teams set up at shopping malls and government premises to assist those in need with registration, such as the elderly.<sup>144</sup> As of 23 December 2025, the Digital Policy Office announced it had amassed over 4 million registered users on the digital service platform.<sup>145</sup> 'iAM Smart' is not mandatory but certain government services such as GovHK Notifications have fully migrated (from January 2026 onwards) and can only be accessible via the mobile app.<sup>146</sup>

*Since the 'iAM Smart' system is linked to the HKIDs, it is not linked to citizenship and is a marker of identity and legal residency status in Hong Kong.*

The 'iAM Smart' system is more of a functional ID system because it provides identity authentication to access public and private online services while relying on the HKID card system as the foundational system that establishes legal identity. Because access to 'iAM Smart' is contingent on possessing a valid HKID card,

only Chinese citizens, permanent residents, and foreign nationals who are eligible for HKIDs, are able to access the digital ID system. Stateless persons who do not have the HKID are unable to register for the 'iAM Smart' app and access the public and private services linked to it.

The 'iAM Smart' platform was first announced in the 2017 Policy Address, to develop plans to provide an electronic identity for all Hong Kong residents, enabling them to use a single digital identity and authentication method to conduct online government and commercial transactions.<sup>147</sup> The 'iAM Smart' platform was developed by the Office of the Government Chief Information Officer (OGCIO), now merged with the Efficiency Office to be the Digital Policy Office, as a government-led initiative.<sup>148</sup>

*The government conducted targeted user engagement through design-thinking workshops involving selected citizens from different demographic groups to gather feedback on user experience and interface design of the 'iAM Smart' platform.*<sup>149</sup>

In addition, consultations were undertaken with relevant authorities, such as the Privacy Commissioner, focusing on the compliance of the digital ID registration process with data protection and information security requirements.<sup>150</sup>

## Laws

### Domestic law and policy

There is no specific legislation governing Hong Kong's 'iAM Smart' digital ID system nor is digital ID defined in any legislation. The government defines electronic authentication on its official website as 'the process of establishing confidence in user identities presented electronically to an information system' while a digital certificate is defined as 'a form of electronic record that serves

as an identification of who you are in conducting online transactions.'<sup>151</sup>

*The Electronic Transactions Ordinance (ETO) (Cap. 553), enacted in 2000, does provide the legal basis for the digital signing feature on 'iAM Smart' platform, as it recognizes the validity of electronic or digital signatures by having the same legal status as paper-based signatures.*<sup>152</sup>

Besides 'iAM Smart' platform, the ETO also provides the legal framework for the Hong Kong Post e-Certs, digital certificates issued by a recognized certificate authority to verify identity and enable legally binding digital signatures, and the Digi-Sign ID-Certs, digital certificates issued by a commercial certification authority.<sup>153</sup>

The 'iAM Smart' government has a dedicated hotline and email for individuals to contact should they encounter any fraud or scams related to 'iAM Smart' as well as information not to use fraudulent 'iAM Smart' websites.<sup>154</sup>

### Data Protection

Hong Kong's main data protection law is the Personal Data (Privacy) Ordinance (Cap.486), as amended in 2021 (PDPO) and its regulator as the Office of the Privacy Commissioner for Personal Data (PCPD).<sup>155</sup>

It was first enacted on 20 December 1996, where it introduced data subject rights in Hong Kong, specifying obligations for data controllers and overseeing the collection, processing, holding, and use of personal data.<sup>156</sup> The amendments in 2012 focused on the governing the use and provision of personal data in direct marketing while the current 2021 amendments introduced penalties for doxxing, the unauthorized disclosure of personal data without consent.<sup>157</sup>

*According to DataGuidance, the PDPO does not explicitly outline requirements for data processors,*

*data protection officers, or mandatory breach notifications in the event of a breach and there are gaps in the implementation of Section 33 on regulating data transfers.*<sup>158</sup>

In February 2023, the PCPD announced it was studying amendments to strengthen personal data protection such as establishing a mandatory data breach notification mechanism, requiring data users to develop a data retention policy, empowering the PCPD to impose administrative fines, and introducing direct regulation of data processors.<sup>159</sup> These amendments were reportedly put on hold in 2024.<sup>160</sup>

The safeguards for protection of personal information for the 'iAM Smart' system is guided by government policies and guidelines on information security as well as provisions in the PDPO.<sup>161</sup> The "iAM Smart" system has been awarded ISO/IEC 27001 and ISO/IEC 27701 international standard certifications, assuring that the DPO has formulated and implemented comprehensive information security and privacy management measures.<sup>162</sup> Any personal information provided for registration in the 'iAM Smart' system is encrypted and stored in government data centres.<sup>163</sup> For example, any photos provided in the app or registration kiosk is deleted immediately after verification of user's identity.<sup>164</sup> The system only keeps minimal user records, such as login time or time when digital signing is used and will not access users' transaction data.<sup>165</sup> The types of personal information stored on the system include the HKID number, name, gender, date of birth, email address, contact number, residential address, as well as biometric data.<sup>166</sup> Biometric data will only be stored in users' personal mobile phones and will not be stored on the digital ID system.<sup>167</sup>

Although the PDPO does not have a legal definition for biometric data or sensitive data, the PCPD has released guidance on the collection and

use of biometric data outlining good practices on protecting sensitive personal data.<sup>168</sup>

Despite all these safeguards and provisions in the PDPO, there are no provisions to prohibit government access to the personal information collected and stored from the ‘iAM Smart’ system. The government announced in October 2025 that it plans on installing tens of thousands of surveillance cameras with AI-powered real-time facial recognition, following the steps of China to use them to monitor public spaces.<sup>169</sup>

*Researchers have warned there are no clear rules on the use of AI by law enforcement agencies and whether the existing legal framework is sufficient to prevent abuse of power by police.<sup>170</sup>*

Academics have observed that since the enactment of the National Security Law by China, there have been notable changes in Hong Kong’s internet governance and digital surveillance environment that raise broader questions about privacy safeguards and state access to personal data under evolving legal and policy frameworks.<sup>171</sup>

### International Commitments

Hong Kong has ratified the following major human rights treaties, the 1954 Convention relating to the Status of Stateless Persons as well as the ICCPR, ICESCR, ICERD, CRC, and CEDAW.<sup>172</sup> As a signatory to the CRC, Hong Kong has an obligation to ensure all children are able to access essential services, which includes access to services that are linked to digital systems as well.<sup>173</sup>

Hong Kong became a participating member in the APEC Cross-Border Privacy Enforcement Arrangement (CPEA) in July 2010, where the PCPD is a recognized privacy enforcement authority.<sup>174</sup> The CPEA provides a framework for participating authorities to share information and

aid with cross-border data privacy investigations and enforcement matters.<sup>175</sup>

## Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

The ‘iAM Smart’ digital ID system is not linked to proof of citizenship in Hong Kong, as citizenship is governed by China’s nationality laws and administered separately from the HKID and digital ID.<sup>176</sup> As such, the ‘iAM Smart’ system does not reduce or contribute to statelessness. However, because access to ‘iAM Smart’ is contingent on possession of a valid HKID, which in turn requires legal residency status, the digital ID system indirectly reinforces exclusions faced by stateless individuals who are unable to obtain an HKID.

Stateless individuals who do not qualify for HKIDs are unable to register for ‘iAM Smart’ and are therefore excluded from a growing number of public and private services that are increasingly accessible primarily through the digital app. These include access to government e-services such as digital health records, tax filings, social welfare applications, online appointment systems, library services, and electronic notifications through GovHK, as well as private sector services such as banking, insurance, and utility payments.<sup>177</sup>

The current legal and policy framework governing digital ID in Hong Kong lacks explicit provisions on inclusivity, transparency, and accountability for individuals without legal identity or residency status. However, the government has undertaken some measures to facilitate access to ‘iAM Smart’ for specific groups, particularly the elderly and persons with limited digital literacy, such as mobile registration teams at shopping malls, self-registration kiosks, and in-

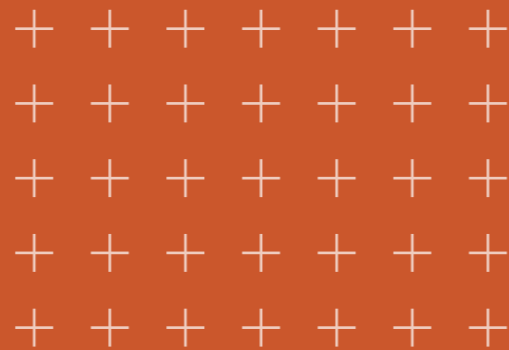
person assistance at service counters.<sup>178</sup> The government could undertake more inclusive measures towards vulnerable populations such as stateless individuals, persons with disabilities, and minorities, by ensuring access to essential public and private services can be accessed through alternative mechanisms regardless of possession of a legal identity.





Photo: David Edelstein

# JAPAN



## Japan

### Legal Identity

*The primary legal identity document in Japan, ‘My Number Card’ (in Japanese) or ‘Individual Number Card’ (in English), introduced in 2015, includes a unique 12-digit identification number assigned to Japanese citizens and foreign residents.<sup>179</sup>*

My Number Card is a plastic card that shows the individual’s full name, registered address, date of birth, gender, face photo, ID number and has an IC chip containing additional information.<sup>180</sup> A resident can apply for a My Number Card through the application form online (via phone or PC), town photo booth, or the local municipal office, using the unique Individual Number delivered to them through the Individual Number Notice (a notification card that states their assigned individual number).<sup>181</sup>

My Number Card is currently used for identity verification as well as access to public services and administrative procedures, including online banking, social security, taxation, health insurance, and disaster countermeasures.<sup>182</sup> Once an identification number is assigned to an individual, this My Number Card will remain unchanged throughout an individual’s lifetime, unless there is any change prompted by any data leaks or risk of improper use.<sup>183</sup>

*Before the Individual Number Card was introduced, the Basic Resident Registration Card (also known as Juki card) was used from July 2013, which includes an 11-digit number that is randomly selected and assigned to all citizens and foreign residents, recorded in the Basic Resident Registration Network System.<sup>184</sup>*

The Juki card was a physical ID used for identification purposes when applying to or notifying administrative bodies, including services

such as applying for a passport, registering as a qualified real estate agent, or applying for a pension.<sup>185</sup> With the issuance of the Individual Number Card in 2015, the government stopped issuing out the Basic Resident Registration Card in December 2015, but allowed the use of these cards until it expired.<sup>186</sup>

My Number Card is not a marker of citizenship as it is an ID card given to everyone who has a resident registry in Japan, including foreign residents.<sup>187</sup> My Number Card is connected to the resident registry system and is assigned based on each individual’s Resident Record Code (Juminhyo Code).<sup>188</sup>

All foreign citizens who fall within the following categories must make a resident application to the local government office where they reside:

- ◆ persons legally residing in Japan for a medium-to long-term period (over three months) with a valid status of residence, excluding temporary visitors, diplomats, or officials;
- ◆ Special Permanent Residents, such as those with ancestral origins in Japan’s former colonies like Korea during the colonial period;
- ◆ persons granted landing permission for temporary refuge or provisional stay; and
- ◆ persons who may continue to stay transitionally in Japan by birth or those who have lost Japanese nationality.<sup>189</sup>

In other words, all foreign citizens who are recorded in the resident registry are eligible for a My Number Card, while stateless persons, refugees, asylum seekers, or undocumented persons who do not fall within any of the above-mentioned four categories, cannot obtain a My Number Card.



【おもて面】



【うら面】

Photo: Toshima City Website

The Family Registry Records (Koseki system) that records births, coming of age, marriages, and deaths for Japanese citizens, serves as a way to verify citizenship.<sup>190</sup> Birth registration involves submitting the hospital-issued birth notification form and a birth certificate issued by the hospital, along with parents' identification documents, to the local ward office within 14 days of birth.<sup>191</sup>

Birth registration for children of parents with mixed nationality depends on whether one parent is Japanese and the marital status of the parents. If the mother is a Japanese national, the child automatically acquires Japanese nationality at birth, regardless of marital status, pursuant to Article 2 of the Nationality Act (Act No. 88 of 2008).<sup>192</sup>

*However, where the mother is not Japanese and the parents are not married, the Japanese nationality of the father does not automatically confer nationality on the child.<sup>193</sup> In such cases, the child acquires Japanese nationality only if the father acknowledges paternity before birth or completes the required legal procedures after birth.<sup>194</sup>*

Without this recognition, and if the foreign mother's nationality laws in their origin country do not confer citizenship, the child may face the

risk of statelessness.<sup>195</sup> According to ISSJ, an NGO working on statelessness, if a foreign mother does not report the birth to the municipal office and the embassy of their home country in Japan, their child may be without a nationality and be considered stateless.<sup>196</sup>

## Digital ID Overview

Japan's digital ID centers around the My Number Card system, the 12-digit number assigned to all citizens and foreign residents, that has a digital ID component in addition to the physical ID card with the IC-embedded chip. It has an electronic certificate function for user identification to access residence records, registration certificates at convenience stores, or for validation of the user's signature when submitting electronic documents over the Internet.<sup>197</sup>

In May 2023, Japan's Digital Agency launched a 'Service with Electronic Certificates for Smartphones' for Android phones allowing users to install an electronic certificate of their My Number Card on their devices with the same functions as the physical My Number Card.<sup>198</sup> The Agency plans on revamping this service by introducing additional biometric authentication to verify identity and age, as well as a change of

name to 'Android My Number Card'.<sup>199</sup> In June 2025, Apple introduced the 'iPhone My Number Card,' enabling users to link their Individual Number Card to their iPhones for easy access.<sup>200</sup>

In 2025, the Digital Agency launched the 'Digital Identification App,' primarily for identity verification for e-commerce or online banking, online reservation for public facilities, and age verification to purchase alcoholic beverages.<sup>201</sup> The service also offers a free API for public and private sectors to implement online identity verification using the My Number Card system.<sup>202</sup>

*The use of My Number Card is not mandatory but strongly encouraged, as it becomes de facto mandatory for certain purposes such as accessing health insurance cards or using the electronic certificates for convenience store issuance services.<sup>203</sup> There is currently no law in Japan that mandates the use of the My Number Card.*

The My Number Card is both a foundational and functional ID given it assigns a unique 12-digit ID to establish a national ID and is also used to access certain administrative procedures, public services or other regulated activities (e.g. public pensions, unemployment insurance, welfare, disaster relief and various benefits and subsidies). Particularly, the My Number Card is required for electronic tax filings, transactions with financial institutions such as opening an account or obtaining loans, and to access national health insurance cards after the older health insurance card is phased out from December 2024.<sup>204</sup> This is despite a lawsuit challenging the government's plan to make the My Number digital ID mandatory for health services in April 2023, brought by 274 individuals in Japan who argued that replacing insurance cards with the ID requires legal amendments and raises privacy concerns.<sup>205</sup>

*Foreign nationals can apply for a My Number Card as long they are on the resident registry in Japan. In theory, stateless persons are eligible for a My*

*Number and can apply for it as long as they have an established residence status and are on the resident registry in Japan.*

However, in practice, stateless persons, especially children born to foreign parents in Japan, may face challenges establishing legal residency status in Japan and thus cannot obtain the My Number Card.<sup>206</sup> In other words, stateless persons without legal residency status in Japan cannot access the wide range of government services or benefits and may face difficulty in opening a bank account or accessing health insurance.

To develop the My Number system, the Japanese government carried out a Public Comment Procedure to request opinions and comments on My Number system for a period of one month from July 2010, following the announcement of the 2010 Tax Reform Outline on 22 December 2009.<sup>207</sup> Additionally, the Japanese government held various symposiums across Japan in 2011 and 2012 to explain the My Number system by holding panel discussions and Q&A sessions.<sup>208</sup>

## Laws

### Domestic law and policy

Japan's My Number Card system is governed by the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (Act No. 27 of 2013), commonly known as the 'My Number Act', which limits its use strictly to social security, tax, and disaster relief.<sup>209</sup> Since the My Number system assigns each person a unique, unchangeable personal number, the My Number Act provides additional regulations to the general personal information protection law.<sup>210</sup> My Number Act was amended on 9 June 2023 to expand the scope of My Number use and to integrate My Number Card with health insurance cards.<sup>211</sup>

My Number is defined under Article 2(5) of My Number Act, as the number designated in order to identify an individual recorded in the resident registry which contains the Resident Record Code and generated by converting an individual's Resident Record Code.<sup>212</sup> Since the Individual Number is linked to residency status, there is no direct linkage between My Number and citizenship stipulated in law.

*Individuals facing issues around the loss or theft of My Number Card or smartphones with the My Number Card or electronic certificate installed, can call the 'Individual Number Card Call Center', available in multiple languages.<sup>213</sup>*

### Data Protection

The My Number Card is protected as personal information under the general personal information protection law, the Act on the Protection of Personal Information (Act No. 57 of 2003 as amended in 2020) (APPI).<sup>214</sup> The APPI, introduced in 2003, underwent private sector amendments that introduced new obligations around data subject rights, breach notification, data transfers, and the processing of pseudonymized data, among other things.<sup>215</sup> Additionally, there are relevant guidelines issued by the Personal Information Protection Commission, an independent organization established under My Number Act to ensure the proper handling of personal information to protect the rights and interests of individuals.<sup>216</sup> The guidelines apply not only to governmental agencies but also to private business operators such as banks which process the My Number Cards.<sup>217</sup>

The My Number Act provides for the circumstances where Individual Numbers can be legally handled by business operators to collect, store, and use Individual Numbers, and in addition, the Act includes heavy penalties for improper use or leakage of My Number.<sup>218</sup>

Japan's rollout of the My Number system has faced serious data protection challenges in 2023 and 2024, including public distrust due to system errors, rising cases of forged ID cards, and incidents of fraud.<sup>219</sup> In response, authorities are trialing stricter identity verification measures through the newly launched 'Digital Identification App' to restore public confidence and improve security.<sup>220</sup>

### International Commitments

Japan has ratified several major human rights treaties including the 1951 Refugee Convention, ICCPR, ICESCR, ICERD, CRC and CEDAW.<sup>221</sup> As a signatory to the ICERD, Japan is obligated to protect persons in its territory from discrimination based on nationality or legal status as well as ensure their equal civil rights regardless of nationality or legal status.

*The Committee on the Elimination of Racial Discrimination has recommended in 2014 to 'develop a statelessness determination procedure to adequately ensure the identification and protection of stateless persons'.<sup>222</sup>*

The CRC Committee in 2019 also recommended that Japan strengthen its nationality laws to better protect against de jure statelessness, to grant citizenship at birth to children who would otherwise be stateless, and to ensure that children of irregular migrants in particular are registered at birth.<sup>223</sup> The Committee on the Rights of the Child, in its General Comment No. 25 in 2021, noted that digital systems should be created in way that enable children to safely access essential digital public services and educational services without discrimination.<sup>224</sup>

On 26 June 2025, Japan adopted the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific, pledging commitments to

universal access, gender equality, digital inclusion, and resilient CRVS systems.<sup>225</sup>

*The Declaration commits to building secure digital public infrastructure that enables equitable access to services and entitlements, while ensuring that 'vulnerable and digitally marginalized groups' are not excluded.<sup>226</sup>*

According to OneTrust DataGuidance, a global data protection regulation database, on 23 January 2019, Japan became the first country in Asia to be granted adequacy status by the European Commission for providing an adequate level of personal data protection.<sup>227</sup> The EU and Japan signed a memorandum of cooperation in April 2024 under their Digital Partnership Council that strengthens cooperation in key areas such as semiconductors, artificial intelligence, quantum technology, cybersecurity, and secure connectivity, aiming to ensure trusted digital transformation and resilience of supply chains.<sup>228</sup> In their third Digital Partnership Council meeting in May 2025, the EU and Japan pledged to deepen cooperation on digital identity and trust services, aiming to align standards, strengthen interoperability, and enhance security frameworks to support cross-border digital transactions and trusted online services.<sup>229</sup>



Photo: My Number Card Website

Japan also partnered with the World Bank in December 2024, through the Tokyo Digital Academy event to share digital transformation expertise, including lessons on how digital identity

systems can be utilized to enhance resilience against climate change, public health emergencies, and economic disruptions.<sup>230</sup>

As a member of the OECD, Japan was a part of the G7 Mapping Exercise of Digital Identity Approaches Report in October 2024, which focused on the guidelines for online identity verification in administrative procedures.<sup>231</sup> Japan joined the Asia-Pacific Economic Cooperation Cross Border Privacy Rules System (APEC CBPR) as a participant in 2014, to facilitate secure, privacy-compliant international data transfers and to promote consumer, business, and regulator trust.<sup>232</sup>

## Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

*Digital ID in Japan, through the My Number Card system, is linked to residency status rather than citizenship, and therefore does not contribute to or reduce statelessness.*

Stateless individuals who are able to establish legal residency may obtain a My Number and access certain services, but the card does not confer nationality. Denial or revocation of the My Number Card is not a cause of statelessness, though it can exacerbate the vulnerabilities of stateless persons by limiting their access to essential public and private services. Those without legal residency status, including many stateless children born to foreign parents, cannot apply for a My Number Card and therefore face exclusion from state-sponsored services such as health insurance, social security, taxation benefits, and the ability to open bank accounts. In practice, there are few avenues for stateless individuals to access these services, leaving them dependent on support from NGOs such as International

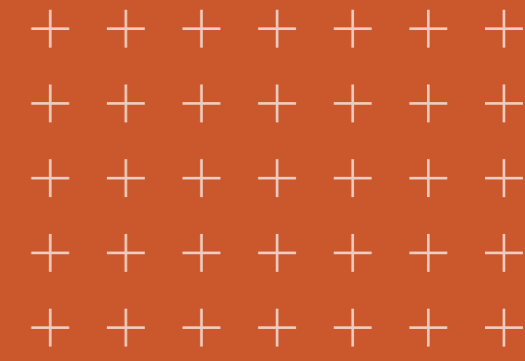
## JAPAN

Social Service Japan, which assist with adoption, divorce, and acquisition of nationality for stateless children.<sup>233</sup> There are some measures in place to improve accessibility for vulnerable and marginalized groups such as multilingual call centers and free in-person application support in certain municipality offices.<sup>234</sup> While Japan's digital ID system is formally based on residency rather than citizenship, its dependence on legal residency can reinforce the exclusion of stateless persons and other vulnerable groups who lack access to legal identity.



Photo: Dembee Tsogoo

# MONGOLIA



# Mongolia

## Legal Identity

*The official proof of legal identity in Mongolia is the citizen ID card of Mongolia, a mandatory electronic ID card issued to citizens aged 16 and over.*<sup>235</sup>

The card contains personal information including the citizen's full name, date of birth, photograph, and a unique identification number.<sup>236</sup> The card, issued by the General Authority for State Registration, features a biometric chip that stores personal data and identity verification through fingerprint scanning and facial recognition.<sup>237</sup> The citizen ID card is used as a proof of legal identity as well as to access public and private services including voting, banking, school enrollment, and healthcare.<sup>238</sup>

*First time applicants for the citizen ID must register in-person at a State Civil Registry Office as the process involves collection of biometric data.*

Renewal of the card must also take place in-person at ages 25 and 45.<sup>239</sup> The documents required to apply for a citizen ID card include the Mongolian birth certificate, Mongolian passport, and a filled in application form.<sup>240</sup>

The citizen ID card is available exclusively to Mongolian citizens while residency permits are compulsory for foreign nationals residing in Mongolia.<sup>241</sup> The citizen ID card is not proof of citizenship: a passport or birth certificate are the primary documents certifying citizenship according to Article 5 of the Law of Mongolia on Citizenship (1995, as amended in 2000) (referred to hereafter as LMC).<sup>242</sup>

Foreign nationals and stateless persons can obtain a Mongolian citizen ID card only after acquiring Mongolian citizenship through naturalization.<sup>243</sup>

Stateless persons and foreign nationals can apply for Mongolian citizenship through naturalization by meeting the criteria stipulated under Article 9 of the LMC.<sup>244</sup> Applicants must be resident in Mongolia for at least five years, possess a legal income that is 10 times higher than the minimum wage, speak the Mongolian language, understand local customs, have no criminal record, maintain no ties with foreign powers and demonstrate no interference with the reputation or interests of Mongolia.<sup>245</sup> The 'Procedure for Establishing the Criteria for Foreign Citizens and Stateless Persons Who Apply for Citizenship in Mongolia', published in 2003, outlines detailed processes and documentation needed for stateless persons and foreign nationals to apply for citizenship.<sup>246</sup> This includes providing a notarized copy of the residence permit, bank statement, conducting an interview with the applicant, as well as obtaining statements from the police and the Central Intelligence Agency.<sup>247</sup>

Foreign nationals residing in Mongolia for more than 90 days for work, study, or private visits must apply for a residency permit which is valid for five years. Applications can be submitted in-person at the Immigration Agency of Mongolia or online.<sup>248</sup>

*The F-register number, a unique 13-digit identification number, is issued to foreign nationals who hold residence permits.<sup>249</sup> Stateless persons are afforded the same rights as Mongolian citizens to travel abroad according to Article 9(3) under the Law of Mongolia on the Legal Status of Foreign Citizens (2010, as amended in 2021) (referred to hereafter as LLSFN).<sup>250</sup>*

However, it is unclear whether provisions in the LLSFN apply to stateless persons as most of them predominantly relate to 'foreign nationals', defined as a person who has foreign citizenship thereby excluding stateless persons.<sup>251</sup>

It is mandatory for all births to be registered within 15 days in central areas and 30 days in remote rural areas.<sup>252</sup> Documents required for birth registration include a hospital-issued birth certificate, parents' identification documents such as passports, citizen ID cards, or residence permits, marriage certificate of parents, and translations of foreign documents if applicable.<sup>253</sup> Once a birth has been registered with the required documentation in-person at a civil registry office and the documents have been verified by the office, an official birth certificate is issued, serving as a legal proof of birth.<sup>254</sup>

*If a child is born in Mongolia and both parents are foreign nationals or stateless persons, a letter confirming the birth will be provided by the hospital.<sup>255</sup>*

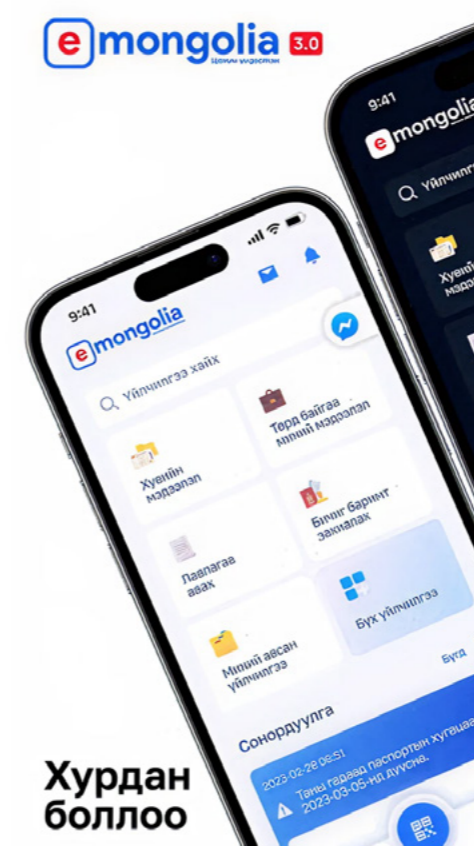


Photo: Wikimedia Common Source and E-Mongolia Website

Children born to foreign national or stateless parents will be issued a birth certificate but it does not include a citizen registration number.<sup>256</sup>

Children born to stateless persons within Mongolia may apply for Mongolian citizenship upon reaching the age of 16 as stipulated under Article 7 of the Mongolia Law on Citizenship (1995, as amended in 2000).<sup>257</sup> This provision leaves children stateless until they are 16 years old with no guarantee of receiving citizenship as they have to apply for citizenship.<sup>258</sup>

*Children born abroad to one or both Mongolian parents are eligible for Mongolian citizenship and a birth certificate, but the birth must be registered within 30 days at the nearest Mongolian embassy or consulate.<sup>259</sup>*

If registration is not done within the time period, additional documentation is required to prove that the child has not acquired another country's citizenship.<sup>260</sup> For foundlings or children whose parents are unidentifiable, the child will be regarded as a Mongolian citizen under Section 7(4) of the Mongolia Law on Citizenship (1995, as amended in 2000).<sup>261</sup> For children born out of wedlock, particularly when an unmarried father is to be named on the birth certificate, both parents must complete a declaration of paternity to confirm legal recognition of parentage.<sup>262</sup>

## Digital ID Overview

*Mongolia launched its e-government services platform known as E-Mongolia, aimed to improve ease and access to public service services by streamlining government services into a single digital platform.<sup>263</sup>*

The E-Mongolia platform, a government-led initiative, was developed and launched by the Minister and Chief of the Cabinet Secretariat and the Communications and Information Technology Authority.<sup>264</sup> When it was first launched in October 2020, 181 government services were available through the E-Mongolia mobile app and website.<sup>265</sup> To apply for E-Mongolia, users can apply by downloading the mobile app and entering

their e-ID number and phone number.<sup>266</sup> As of May 2024, the government launched the fourth version of E-Mongolia, offering 1,263 public services from 87 organizations and enrolled nearly seven million users.<sup>267</sup> This digital platform includes:

- ◆ access to personal documentation such as ID cards, passports, driver's licenses, birth certificates, marriage certificates;
- ◆ establishing business entities, managing company data and licenses;
- ◆ access to government records such as land or property records as well as tax information;
- ◆ access to social insurance, vaccine certificates, and health services;
- ◆ access to online textbooks and schooling information.<sup>268</sup>

Although enrolling in the E-Mongolia platform is voluntary, it is becoming the primary method for citizens to access government services due to its convenience and ease of access.<sup>269</sup> The E-Mongolia platform resembles a functional ID as it acts as a platform to access a variety of public services while the e-ID acts as a foundational ID system providing proof of legal identity.

Since E-Mongolia is accessible to both citizens and foreign nationals who hold a residency permit, access to the digital platform is not a marker of citizenship.

*E-Mongolia is mainly as a platform to access key government services. Foreign nationals can register for the E-Mongolia app using their F-register, the ID number assigned through the residency permits, and a valid phone number, as of November 2023.*<sup>270</sup>

There is no available information on whether refugees or stateless persons without a residency

permit can access E-Mongolia, although in theory refugees or stateless persons possessing a residency permit should be able to access it. Without access to E-Mongolia, stateless persons are excluded from accessing the public services listed above, including legal identity documentation, business and banking services, government records, social insurance and health records.<sup>271</sup>

The use of E-Mongolia accelerated during the Covid-19 lockdowns in 2020 to ensure access to public services such as access to ID cards or information about the Covid-19 infections and vaccinations.<sup>272</sup>

## Laws

### Domestic law and policy

Mongolia does not have a specific legal framework governing the E-Mongolia platform. It is shaped by these key legislations, the Law on Public Information Transparency (2021) (referred to hereafter as Public Information Transparency Law), Law on Personal Data Protection (2021) (referred to hereafter as Data Protection Law), Law on Electronic Signatures (2021) (referred to hereafter as Electronic Signatures Law), and Law on Cyber Security (2021) (referred to hereafter as Cyber Security Law).<sup>273</sup> These legislations are part of a package of new or revised legislation enacted in December 2021 to accelerate the development of the country's digital transformation initiatives.<sup>274</sup>

*The E-Mongolia platform is a key initiative under the government's 'Digital Nation Strategy (2022-2027)' to advance digital transformation and technological innovation in Mongolia aimed at improving the quality of life for citizens, strengthen economic competitiveness, and modernize government functions through digital and technological solutions.*<sup>275</sup>

The focus areas of the strategy include developing robust IT infrastructure, enhancing cybersecurity measures, and integrating emerging technologies such as AI, blockchain, and the Internet of Things for economic and social benefits.<sup>276</sup>

The E-Mongolia Academy is a state-owned entity established in January 2022 to support the implementation of the e-government transition, conduct research on the digitalization of government services and operations, develop information technology products and services, and organize training in information technology.<sup>277</sup> This agency is also tasked with ensuring customer satisfaction through effective management of complaints, requests, or feedback related to digital public services by managing the 11-11 Center, the government's Citizen and Public Relations Center.<sup>278</sup>

Since the focus of these relevant laws are on digitization, cybersecurity, and public information, and the digital nation strategy focus on developing digital infrastructure, there is no apparent linkage between the E-Mongolia platform and citizenship.

### Data Protection

On 17 December 2021, the Parliament of Mongolia adopted the Data Protection Law which came into effect on 1 May 2022 and repealed the Law of Mongolia on Personal Secrets (1995) and the Law of Mongolia on Data Transparency and Right to Data (2011).<sup>279</sup> The Data Protection Law appoints the National Human Rights Commission of Mongolia and the Ministry of Digital Development and Communications as its regulators.<sup>280</sup>

The Data Protection Law covers matters related to personal privacy and the collection, processing, use, and security of personal data through technology and software.<sup>281</sup> The law defines 'personal data' to include first and last name; date and place of birth; permanent address

and location data; citizen registration number; properties; education and membership; and online identifiers.<sup>282</sup>

*It further defines 'sensitive personal data' to include ethnicity and race; religion and beliefs; health information, correspondences, genetic and biometric data; personal key of an electronic signature; criminal records; and data concerning sexual orientation and sexual relationships.*<sup>283</sup>

Other relevant legislation includes the Electronic Signatures Law, the Cyber Security Law and the Public Information Transparency Law, that were adopted alongside the Data Protection Law in December 2021.<sup>284</sup> The Electronic Signatures Law establishes that digital signatures have the same legal effect as handwritten signatures and official seals, making them binding for contracts and electronic documents.<sup>285</sup> The Cyber Security Law establishes the legal framework for cybersecurity governance, protection and response, by mandating risk assessments, audits. It also provides strict regulations on data handling.<sup>286</sup> The Public Information Transparency Law ensures citizens' right to search and receive public information, by requiring all government information be made accessible. It also provides the legal basis for government activities to be conducted electronically.<sup>287</sup>

In 2021, a major cybersecurity incident involved the compromise of MonPass, one of Mongolia's primary certificate authorities (CAs), when attackers breached MonPass's infrastructure to distribute backdoored software to users in the region.<sup>288</sup> Previous cybersecurity incidents in Mongolia and other Asian countries have been linked to a Chinese hacking company or to Chinese cyber-espionage groups.<sup>289</sup>

### International Commitments

Mongolia is a signatory to agreements related to data protection including the EU-Mongolia

Partnership and Cooperation Agreement, which commits Mongolia to cooperate with the European Union (EU) to improve its level of data protection to the highest standard.<sup>290</sup> This agreement, which came into force on 1 November 2017, establishes political dialogue to encourage convergence of positions on international issues and cooperate for stability, security, and respect for democracy and human rights.<sup>291</sup> Besides developing trade and investment between the two countries, it also encourages cooperation in sectors of mutual interest such as financial services, taxation, media, science and technology, energy, transport, agriculture, and health.<sup>292</sup>

Although Mongolia has ratified the major human rights treaties including the ICCPR, ICESCR, ICERD, CRC, and CEDAW, it has not ratified both the 1954 and 1961 Stateless Convention, as well as the 1951 Refugee Convention.<sup>293</sup> In its 2022 concluding observations, the ICESCR Committee expressed concerns regarding the ongoing discrimination towards asylum-seekers, refugees, and stateless persons and noted the absence of a comprehensive anti-discrimination law against marginalized and disadvantaged groups.<sup>294</sup> In its 2017 concluding observations, the CRC Committee recommended that Mongolia ensure a legal identity through birth registration for ‘Kazakh children, those who migrate within the territory of the State party and those who were born at home or without midwife support’, as well as take measures to ensure children who would otherwise be stateless be granted citizenship.<sup>295</sup> In its 2016 concluding observations, the Committee against Torture raised concerns on the lack of consideration around the risk of torture and whether the ‘extradition of foreign citizens or stateless persons who have committed crimes or have been sentenced to punishments in the territory of a foreign country violates the principle of non-refoulement.’<sup>296</sup> The CERD Committee in its 2019 concluding observations also raised concerns that that asylum seekers, refugees and stateless persons, in particular those who are not

registered, may have difficulties accessing public services, such as health care, social security and education.<sup>297</sup>

In 2013, the Special Rapporteur on Extreme Poverty and Human Rights recommended that Mongolia ‘resolve the issue of statelessness, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), through improved registration of persons who previously held Mongolian nationality and expedite procedures for (re-) acquisition of Mongolian nationality.’<sup>298</sup> In 2025, the Special Rapporteur on the Right to Privacy applauded the government for enacting the Data Protection Law and advancing digitalization.<sup>299</sup> She further encouraged the government to prioritize increasing citizens’ awareness of the right to privacy and to close the digital divide in its population, particularly amongst vulnerable groups.<sup>300</sup>

On 26 June 2025, Mongolia adopted the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific, pledging commitments to universal access, gender equality, digital inclusion, and resilient CRVS systems.<sup>301</sup> The Declaration commits to building secure digital public infrastructure that enables equitable access to services and entitlements, while ensuring that ‘vulnerable and digitally marginalized groups’ are not excluded.<sup>302</sup>

## Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

*Mongolia’s digital identity platform, E-Mongolia, has not directly reduced statelessness, as eligibility for its foundational legal identity document, the citizen ID card, remains tied to citizenship.*<sup>303</sup>

The citizen ID card is mandatory for Mongolian citizens and serves as the primary credential for accessing public and private services, while stateless persons may only obtain it through naturalization.<sup>304</sup> The government’s digital government platform, E-Mongolia, functions instead as a service access portal rather than proof of nationality, allowing both citizens and foreign nationals with residency permits to log in using their unique registration numbers.<sup>305</sup> As a result, digital ID is not itself linked to the granting of citizenship and does not cause statelessness through denial or revocation. However, because access to the platform requires either a citizen ID number or a residency-based F-registration number, stateless persons without formal residency documentation are effectively excluded, which may reinforce existing legal identity barriers.

Stateless persons who cannot register for the E-Mongolia platform must rely solely on in-person procedures as the platform has become the primary channel for accessing more than a thousand public services, including retrieval of civil documentation such as birth and marriage certificates, applications for identification documents and passports, access to health insurance and vaccination records, social insurance information, education services, property and tax records, and business registration.<sup>306</sup>

*While Mongolia’s legal and policy framework governing digital transformation emphasizes cybersecurity, data protection, and service efficiency, it does not explicitly address inclusion of stateless persons or others lacking legal documentation.*<sup>307</sup>

Strengthening inclusivity would therefore require embedding principles of non-discrimination within digital ID policy, by clarifying eligibility criteria for vulnerable or marginalized groups, and ensuring that civil registration, particularly birth registration for children at risk of statelessness, is connected to digital ID.

The government has adopted several practical measures to bridge the digital divide for vulnerable and geographically isolated populations.

*These include the deployment of mobile public service units and ‘KhurDan’ service points that bring digital government services directly to rural and remote communities, as well as initiatives to improve digital literacy and provide on-site assistance to elderly persons and individuals with limited technological skills.*<sup>308</sup>

In addition, the nationwide 11-11 Citizen and Public Relations Center provides a hotline and complaints mechanism through which individuals can seek support, submit grievances, or obtain guidance regarding public and digital services.<sup>309</sup> These outreach measures improve accessibility in practice for elderly persons and those living in rural, remote areas, although they are not specifically targeted at stateless persons, refugees, or asylum seekers.

International human rights bodies have repeatedly highlighted that stateless, refugees, and marginalized populations face difficulties accessing essential services such as health care, education, and social protection, which may become more challenging as more services are digitalized.<sup>310</sup>

*While Mongolia’s digital ID system has improved convenience and administrative efficiency for many residents, access to these benefits are reliant on possessing legal identity documents, leaving stateless persons at risk of continued exclusion unless targeted legal and policy reforms are adopted.*

## North Korea

### Legal Identity

*There is extremely limited information around North Korea's legal identity systems. According to NK News, the main legal identity document revolves around ID cards available for citizens, foreigners, and stateless persons.<sup>311</sup>*

The citizens' ID card is a mandatory card issued to all citizens of the Democratic People's Republic of Korea (DPRK) upon reaching the age of 17.<sup>312</sup> The card includes an individual's name, sex, date of birth, ethnicity, place of birth and residence, marital status, unique personal number, issuance date, and blood type.<sup>313</sup> For residents living in Pyongyang, the capital city of North Korea, they are issued a 'Pyongyang resident identity card' instead, which is similar to the citizen's ID card. This resident card emerged in the late 1990s as a form of migration control since residents living outside the capital needed a permit to enter.<sup>314</sup>

In February 2019, the North Korean government announced it had completed the rollout of its new electronic chip-embedded registration cards in cities and towns. Residents living in remote or very small counties were excluded from the initial phase.<sup>315</sup> Nine months later in November 2019, the government announced that this new ID card would be rolled out to residents in rural and mountainous regions as well.<sup>316</sup> There is reportedly no fee for the new cards, but all citizens are required to take blood tests, have new ID photos taken, and provide fingerprint data for them.<sup>317</sup> Radio Free Asia reported that residents in rural areas expressed concerns that the rollout of the new ID cards prioritized cities earlier in the year, with rural areas addressed at a later stage.<sup>318</sup> In the same article, some residents criticized the plan for the new ID cards to be issued on an eight-year cycle, saying authorities could use the system

to label citizens who do not obtain the new card as 'defectors' who have left North Korea.<sup>319</sup> According to reporting by Daily NK, authorities launched a large-scale citizen registration verification campaign in May 2025 requiring citizens to reconfirm their personal registration data in the South Pyongan province.<sup>320</sup> These efforts are reportedly aimed at identifying individuals living 'illegally' without documentation or 'people who registered as having left the province due to exile or relocation measures but didn't leave'.<sup>321</sup>

For foreigners, there are three types of ID. The first is a tourist ID for those visiting the country which includes an individual's name transliterated to Korean, citizenship, ethnicity, date of birth, and home address.<sup>322</sup> The second is a permanent stay certificate (sangju) for those with a long-term visa.<sup>323</sup> The third is a foreigner's identity document, a certificate of permanent residence of DPRK, typically held by the Chinese residents of North Korea (Hwagyo, meaning 'overseas Chinese').<sup>324</sup> The Hwagyo are descendants of Chinese people who settled in the Korean peninsula prior to the founding of North and South Korea.<sup>325</sup>

*The last ID card, a stateless person's identity document, exists mainly to address the stateless persons of Chinese diaspora living in North Korea in the early 1970s who were given a choice to reinstate their Chinese citizenship.<sup>326</sup>*

Those wanting to reinstate their Chinese citizenship had to firstly renounce their North Korean citizenship and became stateless. They were then issued a stateless persons' identity documents by the DPRK. Thereafter, the Chinese government reinstated them as Chinese citizens.<sup>327</sup>

Birth registration includes a birth certificate issued when a child is born that includes the citizen's name, date of birth, sex, ethnicity, parents' names, place of birth and residence.<sup>328</sup> There is no available information about the birth registration process for foreign nationals, stateless persons, refugees, or asylum seekers.

Photo: Thomas Evans

# NORTH KOREA

According to Article 7 of the Citizen Registration Act 1997, amended in 2015, the legal identity documents confirming one's citizenship of the DPRK are a birth certificate, a citizen identity card, and in some cases, a Pyongyang Resident Identity Card.<sup>329</sup>

In addition to legal identity documents, an individual's social status and access to rights in the DPRK are shaped by the songbun family registration and classification system, which records perceived socio-political background (known as social songbun) and family history (known as birth songbun).<sup>330</sup> The system groups people into one of four categories, soldier, office worker, worker, or farmer, which reportedly affects access to education, employment, and mobility.<sup>331</sup> While songbun is not a legal identity document, each individual is assigned a 'songbun number' that is generated based on their birth certificate and citizen ID card.<sup>332</sup>

## Digital ID overview

North Korea does not have any digital ID system in place. There is no information available about any plans or policies in place to implement a digital ID system. While North Korea does not have a digital ID system, individual electronic certificates are used to verify a person's identity for specific digital payment and online services, such as money transfers and fee payments, with users obtaining these certificates through post offices or authorized vendors, according to Daily NK.<sup>333</sup>

## Laws

### Domestic law and policy

Since North Korea has no digital ID system, there are no reported laws, policies, or guidelines around digital identity.

### Data Protection

North Korea has no data protection and privacy laws in place in general. According to Law Gratis, the government maintains strict control over its citizens' personal information and activities with the Ministry of State Security (MSS) overseeing surveillance operations including monitoring phone conversations, internet usage, and private communications, as well as residents' movements and activities.<sup>334</sup> The government has enacted laws to prevent the leakage of classified information and restricts citizens' access and dissemination of information, as stipulated under the Law on Protection of State Secrets, adopted in 2023.<sup>335</sup> Internet access is also heavily restricted with citizens' access limited to Kwangmyong, that only allows access to government-approved websites and email systems.<sup>336</sup>

Amnesty International has documented how the North Korean government has absolute and systematic control of all forms of telecommunications, detailing it spies on its citizens through mass surveillance programs and censoring online media and internet sites that do not comply with the authorities' propaganda.<sup>337</sup> Researchers warned that the continued adoption of digital technology allows the government to further build its surveillance capabilities as it is looking to build a national biometric database of photographs and fingerprints linked to the citizen ID cards.<sup>338</sup>

### International Commitments

North Korea has ratified the ICCPR, ICESCR, CRC, and CEDAW.<sup>339</sup> The country has not yet ratified the 1954 Stateless Convention, the 1961 Stateless Convention, and the 1951 Refugee Convention.<sup>340</sup> In the DPRK's submission of periodic reports to the CRC Committee in 2016, the state reported that birth registration and nationality of children are guaranteed by the Citizenship Law, Nationality Law and the Law

on the Protection of the Rights of Children.<sup>341</sup> It also stated that since the DPRK Nationality Law applies to both jus sanguinis and jus soli, no child born in its territory is left stateless, with provisions for children born in mixed marriages and children born out of wedlock.<sup>342</sup>

In its 2017 concluding observations, the CRC Committee recommended that North Korea ensure that children born to North Korean mothers outside of North Korea have access to birth registration and nationality without being forcibly returned to North Korea.<sup>343</sup> The Committee also expressed serious concerns regarding the lack of official data on stateless children in North Korea.<sup>344</sup> As a signatory to the CRC, North Korea has an obligation to ensure all children are able to access essential services, including those linked to digital systems.<sup>345</sup>

## Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

North Korea does not have a digital ID system. However, the state's expanding use of digital technologies, such as biometric data collection linked to citizen ID cards and electronic certificates for digital services, raises serious concerns about mass surveillance.<sup>346</sup> Since access to rights and services is closely tied to legal identity and songbun classification, any future digital ID system would most likely be tied to existing ID cards. The absence of legal safeguards for data protection and privacy alongside documented mass surveillance practices, highlights the need to expand digital identity infrastructure with caution and to promote inclusion, transparency, and accountability into its systems.

## South Korea

### Legal Identity

The mandatory proof of legal identity for South Korean citizens is the Resident Registration Card issued at the age of 17, which includes a unique 13-digit resident identification number (RIN) that encodes the individual's birth date, gender, and other identifiers.<sup>347</sup> The Resident Registration Card is the national identity card (NID) which serves as a primary form of identification for citizens to access government agencies, banking, health insurance, under Article 6 of the Resident Registration Act, as amended in 2014.<sup>348</sup> The Resident Registration Card was first introduced in 1962 and began being used as a functional ID for identity verification to access civil services in the 1990s.<sup>349</sup>

*Children aged nine to 18 can apply for an optional Youth ID Card at a local community center to use as proof of identity and access discounted fees to public services.<sup>350</sup>*

Foreign citizens residing in South Korea for more than six months and overseas Korean residents may also be issued an RIN and different types of 'Foreign Residence Cards.'<sup>351</sup> Long-term foreign citizens residing in Korea for more than 90 days such as students or those on working holidays are required to apply for a Residence Card (formerly known as Alien Residence Card), which serves as an official ID card and provides access to banking, housing, tax, and health insurance.<sup>352</sup> Other resident cards include the Permanent Resident Card for those who hold permanent residency status and the Overseas Korean Resident Card for those who meet requirements of 'Korean nationals residing abroad' under Article 2 of the Registration of Overseas Korean Nationals Act (2023).<sup>353</sup>

Birth registration differs in South Korea as it relies on three documents, the Birth Certificate, the Basic Certificate and the Family Relations Certificate, that need to be submitted together to show proof of identity and citizenship.<sup>354</sup> This is because the citizenship law operates mainly on a jus sanguinis structure where citizenship is granted based on parents' citizenship.<sup>355</sup> South Korea's birth registration is regulated by the Act on the Registration of Family Relations (2021), effective from 1 January 2008, to replace the traditional 'Hoju' system that the Constitutional Court in Korea declared unconstitutional as it violated the right to gender equality.<sup>356</sup>

The Birth Certificates are hospital-issued documents to record birth. They include details like date, time, place of birth, and information of the child's parents.<sup>357</sup> The Basic Certificate contains information about the applicant's address of registration, name, gender, place of family origin, date of birth, nationality, recognition of parentage, parental authority, and the RIN. While the Family Relations Certificate contains information about the applicant's immediate family members (biological and adoptive parents, spouse, and children).<sup>358</sup> The Basic Certificate, along with the Family Relations Certificate, act as a foundational legal identity document that verifies both identity and proof of Korean citizenship.<sup>359</sup> The Birth Certificates are typically only used to register births and cannot be used as legal identity documents.<sup>360</sup>

Children born to non-Korean national parents are not eligible for a Basic Certificate and are instead issued a Certificate of Acceptance which officially confirms the birth as reported and accepted by the authorities.<sup>361</sup> According to the Human Rights Committee in 2023, refugees, asylum seekers, stateless persons and undocumented persons are unable to acquire birth registration and other legal identity documents because the government reportedly requires foreigners to register births through their embassies – embassies that are often inaccessible for these groups.<sup>362</sup>

Photo: Mathew Schwartz

# SOUTH KOREA

## Overview of Digital ID

*In January 2021, South Korea launched its digital ID system with the Mobile Public Official Card. This smartphone-based credential allows civil servants to prove their identity and professional status digitally, replacing the need for physical ID cards.<sup>363</sup>*

Other mobile phone based IDs such as driver's license (introduced in July 2022) and veterans' registration cards (introduced in June 2023) have also been rolled out.<sup>364</sup>

On 10 January 2025, the Ministry of Justice launched Mobile (Foreign) Residence Cards for foreign national residents aged 14 and above, including Foreign Residence Cards, Permanent Residence Cards, and Overseas Korean Residence Cards.<sup>365</sup> The government then undertook the rest of its digital ID rollout with its nationwide issuance of the Mobile Resident Registration Card for citizens on 14 March 2025.<sup>366</sup>



Photo: Korea Herald Website

The mobile resident registration cards ('mobile IDs') for citizens and non-citizens act as a functional ID because they hold the same validity as physical residence cards and can be used for identity verification at any place where a physical card may be required such as government offices, banks, hospitals, and convenience stores.<sup>367</sup> Although it is not mandatory for citizens and foreign residents to apply for mobile IDs, many government and financial services are increasingly being tied to mobile IDs for identity verification such as applying for bank accounts,

insurance, investments or credits cards; accessing government websites, online voting, domestic flight check ins, and to pay taxes.<sup>368</sup> Individuals can apply for a Mobile Resident Registration Card either by applying directly on the 'Mobile IDentification App' using newer residence cards with an IC-chip embedded Resident Registration Card or by scanning the QR code at a community center for those with the old resident cards that have no IC-chip embedded.<sup>369</sup> Foreign residents who hold physical residence cards are eligible to use mobile IDs, as access is linked exclusively to these registration cards. However, stateless persons, refugees, and asylum seekers remain excluded, since they lack legal identity documents such as birth certificates and, consequently, physical residence cards.<sup>370</sup>

*Each mobile ID is limited to one phone number (and smartphone) under an individual's name, presenting an additional barrier for stateless persons, refugees, and asylum seekers as they are unable to access SIM cards without passports.<sup>371</sup>*

Individuals can access their mobile ID cards through the 'Mobile IDentification App' and Samsung Wallet.<sup>372</sup> The South Korean government is looking to expand access through other wallets and applications as part of its wider plan to bridge public and private services with the development of mobile IDs.<sup>373</sup> The government relies on the private sector to increase adoption of mobile IDs as well as to connect mobile IDs to more digital services.<sup>374</sup> Samsung has significantly increased its ability to collect biometric data, including through its new Galaxy Ring, which can now collect data such as 'heart rate variability, time to fall asleep, movement during sleep, and sleep-time heart rate and respiratory rate'.<sup>375</sup>

According to the World Bank, South Korea's Mobile Resident Registration Card system is a global model.<sup>376</sup> The system is secured with 'advanced encryption and blockchain technology' and 'biometric verification is required to prevent

identity theft.' However, it remains unclear what blockchain is being used for.<sup>377</sup> The system was designed and implemented by Korea Minting, Security Printing & ID Card Operating Corp. (KOMSCO), a state-owned corporation.<sup>378</sup> KOMSCO has expanded its cooperation with the World Bank to share its expertise in system design with countries such as the Philippines, Indonesia, Costa Rica, Paraguay, and the UK, helping them explore the adoption of systems similar to South Korea's.<sup>379</sup> Even so, the system has experienced some issues, including a 56-hour outage where it could not be accessed. This outage was attributed to shortfalls in intensive monitoring for potential errors.<sup>380</sup>

## Laws

### Domestic law and policy

*The legal foundation for South Korea's digital ID system is the Resident Registration Act of 1962. In November 2024, partial amendments to the Act were passed, including Article 24(2), which authorizes the issuance of mobile resident registration cards, and Article 25, which establishes identity verification through mobile IDs.<sup>381</sup>*

South Korea launched its 'Digital Bill of Rights' in September 2023 by the Ministry of Science and ICT, to establish digital norms and principles, as well as to position the country as a leader in global digital governance.<sup>382</sup> The Bill outlines five principles: guarantees of freedom and rights; fair access and equal opportunities; building a trustworthy digital society; promoting digital innovation; and advancing global human well-being.<sup>383</sup> On 21 January 2025, South Korea became the first jurisdiction in the Asia-Pacific to adopt comprehensive artificial intelligence (AI) legislation to regulate and enforce the use of AI, through the passing of the AI Basic Act (2025) which takes a similar approach to the EU's AI Act.<sup>384</sup>

Whilst there may not be a single comprehensive legislation on mobile ID in South Korea yet, the Electronic Government Act (2001, under Article 26, provides safeguards for the legal validity of electronic or digitized documents.<sup>385</sup> Although the Act does not define digital IDs, it nonetheless provides definitions of 'digitized documents' and 'electronic documents' in Article 2(7) and 2(8).<sup>386</sup> The Act also contains provisions to compel administrative agencies to take measures to protect personal information and privacy, such as Articles 4(1) and 4(4), amongst other Principles of Electronic Government set out in the Act.<sup>387</sup> Such crucial provisions position the Act as foundational for a digital ID system.<sup>388</sup>

### Data Protection

According to OneTrust DataGuidance, a global data protection regulation database, South Korea is said to have in place 'some of the strictest personal information protection requirements in the world'.<sup>389</sup> The Personal Information Protection Act (2025) ('PIPA') is South Korea's core law governing data privacy which provides a comprehensive framework for the collection and processing of personal data in general and is supplemented by a detailed Enforcement Decree.<sup>390</sup>



Photo: Korea.net

It is also complemented by other laws regulating data collection and processing in specific contexts, such as the Act on Promotion of Information and Communication Network Utilization and Information Protection (2001), which regulates

the use of personal data by information and communication service providers, as well as the Use and Protection of Credit Information Act (2009), which regulates the use of personal data in conducting due diligence for financial or commercial transactions.<sup>391</sup> The PIPA Act and other sector-specific laws are also supported by a number of guidelines issued by data protection authorities. Whilst such guidelines may not be legally binding, they facilitate the interpretation of the laws.

*Initially enacted in 2011, the PIPA was amended in 2020 and in 2023 to strengthen data subjects' rights, particularly regarding consent for personal data processing. It also introduced technology-neutral regulations for online and offline data handling, mandates for prompt notification of data breaches, and outlined rules for mobile visual data processing devices.<sup>392</sup>*

The PIPA was amended twice in 2025, with data portability rights coming into effect on 13 March 2025 and the second amendment on 2 October 2025, introduced binding AI-specific data protections and new obligations for foreign data controllers operating in Korea.<sup>393</sup> The new amendment establishes a legal basis for utilizing personal information beyond its original collection purpose when deemed necessary for AI technology development or performance enhancement, subject to the review and approval of the Personal Information Protection Commission ('PIPC').<sup>394</sup> The amendments also require foreign companies operating in South Korea that collect or process personal information to designate a local representative responsible for management, training, planning and inspections of personal information to ensure their compliance with local privacy laws.<sup>395</sup>

Biometric data is included under the PIPA's definition of 'sensitive personal data' but it does not yet have a comprehensive legislation of its own.<sup>396</sup> With the government's increasing use

of biometric technology for identity verification from mobile resident registration cards to event tickets purchases, the government reported it is looking to introduce a legally binding regulatory framework for biometric information to ensure biometric data privacy regulations keep up with increasing use in 2025.<sup>397</sup> Without a strong legal framework for the collection and use of biometric data, developments such as Samsung's Galaxy Ring, which collects a wide range of biometric data capable of predicting many aspects of a person's life, remain unregulated.<sup>398</sup>

*The right to privacy is highly protected by South Korea's Constitution. For data protection, Article 17 of the Constitution provides specifically that '[t]he privacy of no citizen shall be infringed.'<sup>399</sup> This provision appears to be an absolute and unqualified safeguard for the right to privacy of citizens. Moreover, Article 18 of the Constitution also provides that '[t]he privacy of correspondence of no citizen shall be infringed'.<sup>400</sup>*

There have been incidents of data breach. In September 2025, the PIPC, a data protection watchdog, launched a probe into a massive credit card data breach at Lotte Card that exposed the personal data of about 3 million customers.<sup>401</sup> In December 2025, South Korea's largest online e-commerce retailer Coupang headquarters was raided by the police's cyber investigation unit over a major leak involving 33 million customers information.<sup>402</sup> The PIPC is looking to establish a 'personal information protection system that provides citizens with peace of mind,' in response to major data breaches in 2025.<sup>403</sup> Besides data breaches, there are concerns that the fraudulent sales of mobile IDs, mainly targeting minors seeking age-restricted products, undermines the implementation of the mobile ID system.<sup>404</sup>

Digital rights groups have raised concerns that the rapid adoption of AI in public administration, law enforcement, education, and social welfare, is outpacing legal and ethical safeguards, potentially

putting human rights at risk.<sup>405</sup> The report, launched in March 2025, raises red flags about opacity, surveillance, data privacy, and a lack of public oversight on what types of AI are being implemented, for what purposes, or how they are being governed.<sup>406</sup> In August 2025, the High Court ruled in favor of civil society groups in their lawsuit against Google, which must now provide Korean users with greater transparency about the handling of their data, including individualized responses to requests regarding third-party data disclosures.<sup>407</sup>

### International Commitments

*South Korea has ratified several major human rights treaties including the 1954 Statelessness Convention, 1951 Refugee Convention and its 1967 Protocol, ICCPR, ICESCR, ICERD, CRC, and CEDAW.*

As a signatory to the CRC, South Korea has an obligation to ensure all children are able to access essential services, which includes access to services that are linked to digital systems as well.<sup>408</sup> In its 2023 concluding observations, the Human Rights Committee expressed its repeated concerns for inadequate birth registration for foreign children, undocumented children, and stateless children, who are often unable to rely on assistance from their embassies, which creates barriers towards accessing birth registration.<sup>409</sup> South Korea also has an obligation to fulfill the universal right to birth registration for all children, regardless of documentation status or nationality of parents, under Article 24(2) of the ICCPR. The Foreign Child Birth Registration Act, a new bill to implement a birth registration system for non-Korean children born in South Korea, in order to provide legal status to newborns, regardless of their parents' legal status, has been in development by the Ministry of Justice since February 2021.<sup>410</sup>

On 26 June 2025, South Korea adopted the Ministerial Declaration on a Decade of Action

for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific, pledging commitments to universal access, gender equality, digital inclusion, and resilient CRVS systems.<sup>411</sup> The Declaration commits to building secure digital public infrastructure that enables equitable access to services and entitlements, while ensuring that 'vulnerable and digitally marginalized groups' are not excluded.<sup>412</sup> South Korea has made a non-binding pledge, as part of the Global Compact for Migration's fourth indicator 'Legal Identity and Documentation', to implement a system for foreign children or stateless children's birth registration by December 31, 2026.<sup>413</sup>

South Korea, as a member of the Organization for Economic Co-operation and Development (OECD), actively aligns with and contributes to the OECD Recommendation on the Governance of Digital Identity (2023). South Korea has topped the OECD Digital Government Index in 2023 and 2019 for its 'efforts made by governments to establish the foundations necessary for a digital transformation of the public sector that is coherent and human-centred'.<sup>414</sup> The OECD Digital Government Review concluded in October 2025 finds that South Korea is a global leader in digital government, with strong governance, strategic use of data in the public sector, pioneering AI adoption in government, and citizen-centred public administrative services, though challenges remain around talent retention, regulatory agility, transparency, and aligning central and local service delivery.<sup>415</sup>

*South Korea also joined the Asia-Pacific Economic Cooperation Cross Border Privacy Rules (APEC CBPR) system in 2017, to facilitate secure, privacy-compliant international data transfers and to promote consumer, business, and regulator trust.<sup>416</sup>*

The APEC CBPR is a voluntary, accountability-based framework where businesses are required to implement privacy policies consistent with

## SOUTH KOREA

APEC Privacy Framework's principles on data handling, security, and consumer rights.<sup>417</sup>

### Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

The introduction of the mobile ID system in South Korea may be understood as part of the country's broader digital government development.<sup>418</sup> Efforts to improve the efficiency of public administration by enhancing government information processing capabilities and computerisation had gone hand in hand with South Korea's economic development starting from the 1960s.<sup>419</sup> Subsequently, digitalisation of government activities further coupled the development of the digital economy from the 1990s onwards. Over the past two decades, South Korea has been generally regarded around the globe as a successful model of digital government development. According to information available on its website, the South Korean government has in recent years continuously topped or scored leading positions on indexes such as the United Nations e-Government Survey, the World Bank GovTech Maturity Index, and the OECD Digital

Government Index.<sup>420</sup> Further, South Korea's mobile ID system has also reportedly triggered interest from Southeast Asian countries such as the Philippines and Indonesia, and even Latin American countries such as Costa Rica.<sup>421</sup> The World Bank has recently begun exploring pathways to implement South Korea's mobile ID elsewhere based on their system as well.<sup>422</sup>

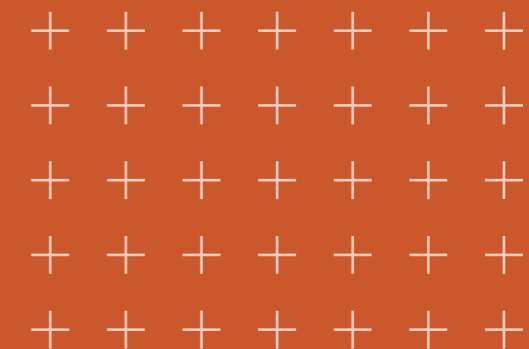
Based on the required documents to apply for mobile registration cards for both citizens and foreign nationals, stateless and undocumented persons would not have access to the mobile IDs without any form of birth registration as proof of legal identity.

*As a result, they are unable to access many government services, financial services, hospitals, and age verification at convenience stores. South Korea's digital inclusion issues center on older persons who face low digital literacy, lack of skills or confidence, and unequal access to infrastructure.<sup>423</sup>*



Photo: Timo Volz

# TAIWAN



# Taiwan

## Legal Identity

*Taiwan's primary legal identity is the National ID Card, a mandatory document issued to citizens who are 14 years and above, who hold both Taiwanese nationality and household registration in Taiwan.*<sup>424</sup>

Article 3 of the Enforcement of the Name Act (1953, as amended in 2024) states that '[t]he legal name of a national registered in a household shall be identified by the National Identification Card'.<sup>425</sup> The document serves as proof of identity to access public and private services such as opening a bank account, filing taxes, applying for health insurance, and obtaining a driver's license.<sup>426</sup>

For first-time applicants, they must apply in person at a household registration office and must submit a recent photograph, their original household registration book, and a personal seal (carved stamp used in place of a signature for legal, financial, and official documents).<sup>427</sup> Those aged 14 and above can apply in person but applications for individuals under the age of 14 years must be made by their legal guardian.<sup>428</sup> The ID card features a photograph, name in Chinese characters, date of birth, sex, a unique 10-character identification number, date and place of issue, and household address.<sup>429</sup>

*Holding a National ID Card constitutes having Taiwanese nationality and an established household registration.*<sup>430</sup> *Only nationals with household registration are eligible to apply for a National ID Card which grants individuals the right to reside, work and vote in Taiwan.*<sup>431</sup>

On the other hand, there are nationals who possess Taiwanese nationality but do not have household registration (NWOHR) in Taiwan, typically

Taiwanese nationals living or born overseas.<sup>432</sup> NWOHRs, who have 'partial citizenship', are not eligible to apply for a National ID card but may hold a Taiwan passport.<sup>433</sup>

NWOHRs seeking full citizenship to be nationals with household registration, can apply for a Taiwan Area Residence Certificate (TARC) but must provide a reason for applying and documents such as national ID cards, birth certificates, or household registration books of parents.<sup>434</sup>

*Foreign nationals and stateless individuals in Taiwan cannot obtain a National ID card as it is only accessible to nationals with household registration.*<sup>435</sup>

Instead, they can apply for the Alien Residence Certificate (ARC), a temporary, renewable residency permit for foreign nationals staying over 90 days, or Alien Permanent Resident Certificate (APRC), for those who have legally resided in Taiwan for five consecutive years.<sup>436</sup>

Article 8 of the Regulations Governing Visiting, Residency, and Permanent Residency of Aliens (2000, as amended in 2023) allows stateless persons from Thailand, Myanmar, or Indonesia who entered Taiwan before the Immigration Act (1999, as amended in 2024) took effect on 21 May 1999 and cannot be deported to apply for the ARC for themselves and their children born in Taiwan, subject to approval and required documentation.<sup>437</sup>

The only pathway for foreign nationals or stateless individuals to obtain a National ID is if they apply for naturalization as a national of Taiwan. For this they have to meet the requirements stipulated in Article 3 of the Nationality Act:

- ◆ have legally resided in the territory of the Republic of China (ROC) for more than 183 days each year for at least five consecutive years;

- ◆ are aged 20 or above and legally competent in accordance with the laws of both the ROC and their original nation;
- ◆ have demonstrated good moral character and have no criminal record;
- ◆ possess sufficient property or professional skills to support themselves and lead a stable life; and
- ◆ possess basic proficiency in the national language of the ROC and basic knowledge of the rights and obligations of ROC nationals.<sup>438</sup>

Household registration (known as *hùjǐ*) is a centralized civil registry mandated by the Household Registration Act (1931, as amended in 2015) for all Taiwan nationals that records personal and family data such as birth, marriage, death, adoption, family relationships, and residential address.<sup>439</sup> Household registration is a prerequisite for National ID cards which allows access to voting, healthcare, education, and benefits.<sup>440</sup>

*Birth certificates in Taiwan are initially issued by hospitals immediately after birth and parents must then register the birth at a local Household Registration Office within 60 days.*<sup>441</sup>

Documents required to register births are parents' ID cards or passports, personal seals, marriage certificates, and the hospital-issued birth certificate.<sup>442</sup> When parents are not married at the time of birth, the child is registered under the mother's nationality and surname by default, and registration under the father's nationality is only possible where paternity has been formally acknowledged and reflected in the household registration record.<sup>443</sup> Article 6 of the Household Registration Act (1931, as amended in 2015) mandates that all children born in Taiwan, including foundlings who do not have household registration, are eligible for birth registration.<sup>444</sup>

For children born to non-Taiwanese nationals, the parents must apply for an ARC for their child within 15 days of birth.<sup>445</sup>

## Digital ID overview

In December 2025, the Ministry of Digital Affairs (MODA) launched the Taiwan Digital Identity Wallet (TW DIW), a voluntary mobile app that stores various digital credentials, allowing users to verify their identity through biometric authentication methods to access public and private services.<sup>446</sup> The system functions as a credential management container, rather than a single digital ID, as it can store multiple digital credentials such as citizen digital certificates, health insurance cards, driver's licenses, student IDs, and professional licenses.<sup>447</sup> The TW DIW uses a decentralized design in which credentials are stored directly on users' devices, rather than in a central government database.<sup>448</sup> The app also ensures that individuals retain control over their data by allowing users to selectively disclose only necessary information, such as verifying age without revealing birthdate.<sup>449</sup> In March 2025, MODA launched a prototype of the TW DIW, released the wallet's program code, and announced plans for public testing and input throughout 2025, in order to garner public trust and promote digital security.<sup>450</sup> In July 2025, the Ministry of Digital Development concluded a series of workshops on the TW DIW bringing together experts and the public to gather feedback and explore risks, opportunities, and future use-case scenarios for the digital wallet.<sup>451</sup>

Since it is still in its testing phase, it is unclear whether foreign residents with the ARC and APRC cards, refugees, or stateless persons, will be able to access the TW DIW. The TW DIW functions primarily as a functional ID system, because it does not establish legal identity but instead enables digital authentication and verification using credentials stored in the app.<sup>452</sup>

However, the TW DIW represents the latest development in a longer and contested history of electronic identification initiatives in Taiwan. The Mobile Citizen Digital Certificate (CDC) initiative, launched in February 2022, introduced the TW FiDO (Taiwan Fast Identity Online).<sup>453</sup>

The TW FiDO is a mobile application that replaces the need for a physical chip card, allowing users to authenticate their identities using facial or fingerprint recognition on their mobile devices, to access more than 238 integrated public services.<sup>454</sup> This system was developed according to global authentication standards set by the FIDO Alliance, an international consortium focused on enhancing digital security through passwordless authentication.<sup>455</sup> The Ministry of the Interior Certification Authority (MOICA) is the official agency responsible for issuing the Citizen Digital Certificate, a secure identity smart card that acts as an 'internet ID' for citizens and residents.<sup>456</sup> In 2005, an earlier version of Citizen Digital Certificate was introduced allowing users to access e-government services, file taxes online, and verify their identity for certain legal and financial transactions.<sup>457</sup>

Foreign residents who hold a chip-embedded ARC can apply for an Alien Citizen Digital Certificate IC Card.<sup>458</sup> Only individuals over the age of 18 are eligible for the card and must apply in person at a National Immigration Agency service station. This Alien Citizen Digital Certificate IC Card issues digital certificates so holders can access government e-services such as household registration, taxes, digital receipts, pension, immigration records, and health records.<sup>459</sup> The card cannot be used as a replacement for an ARC or passport as proof of legal identity.<sup>460</sup>

Prior to TW FiDO, the government proposed rolling out electronic ID cards (eIDs), a move that faced significant public pushback.<sup>461</sup> In January 2021, the government suspended its plan to issue eIDs, due to significant pushback from

civil rights groups and cybersecurity experts on data security and protection concerns.<sup>462</sup> The eIDs were initially planned to run as a trial for residents in Hsinchu City before nationwide implementation.<sup>463</sup> First announced in 2018, the eIDs were designed to replace paper-based ID cards and include biometric data and cryptographic security features.<sup>464</sup> Amidst mounting criticism, the government postponed this policy until a special law could be enacted to address information security breaches and cyber threats.<sup>465</sup> Opposition legislators from the New Power Party similarly argued that the existing Household Registration Act did not provide an adequate legal basis for the eIDs, citing other countries such as Japan, Germany, and Estonia, which have adopted specific laws to implement their eID systems.<sup>466</sup>

*Digital rights advocates also raised the issue that specific laws are needed to prevent the government from 'frivolously' collecting personal data using the eIDs and for an independent agency to be established to enforce the law.*<sup>467</sup>

In November 2020, more than 50 professionals along with the Taiwan Association for Human Rights (TAHR), filed a preventive injunction against the Ministry of the Interior on the proposed eIDs over concerns over privacy and data security.<sup>468</sup> This legal suit followed an anti-eID petition launched in April 2020, where TAHR argued the government had no legal authority to implement mandatory eIDs unless it ensured citizens retained the right to opt out of eIDs, strengthened data security legislation, and established an independent agency to provide oversight and accountability.<sup>469</sup> The case was dismissed in May 2023 by the Taipei High Administrative Court which found that the injunction did not meet the legal criteria for a 'preventive nonfeasance' lawsuit.<sup>470</sup>

## Laws

### Domestic law and policy

*There is no specific legal framework governing Taiwan's Digital Identity Wallet nor is 'digital identity' defined in any laws. Instead, it is shaped by the Electronic Signatures Act (2001, as amended in 2024) and the Financial Services Digital Identity Verification Guidelines.*<sup>471</sup>

In 2024, Taiwan amended the Electronic Signature Act to provide a legal foundation for the use, scope, and technical standards of digital signatures.<sup>472</sup> The 2024 amendment defines digital signature as 'an electronic signature generated by the use of a mathematical algorithm or other means to create a certain length of digital data encrypted by the signatory's private key, and capable of being verified by the public key, backed by a certificate issued by a certification authority'.<sup>473</sup> It grants digital signatures the same legal status as physical signatures. It also broadened the application of digital signatures to public services, financial and insurance sectors.<sup>474</sup>

In 2023, Taiwan's Financial Supervisory Commission (FSC) issued the Financial Services Digital Identity Verification Guidelines to standardize identity verification procedures for financial institutions to ensure the security and compliance of digital financial services.<sup>475</sup> The guidelines instruct companies to conduct self-assessments of appropriate identity authentication methods based on risk levels and apply to financial regulators for a trial implementation.<sup>476</sup> These guidelines also require companies to pay attention to consumer rights and consent around data collection.<sup>477</sup>

*Additionally, there are technical and operational standards outlined in documents such as the Government Public Key Infrastructure Certificate Policy and the Ministry of Interior Certification*

*Authority (MOICA)'s Certificate Practice Statements that set out how MOICA issues, manages, and uses public key certificates, along with specific terms and conditions for the use of citizen digital certificate.*<sup>478</sup>

Based on MOICA's website, there is no formal mechanism for filing and resolving complaints around digital certificates, beyond general customer service channels for technical support.<sup>479</sup> Similarly, there is no available information on any complaint mechanisms for Taiwan's Digital Identity Wallet.

### Data Protection

*Data protection in Taiwan is governed by the Personal Data Protection Act (2010, as amended in 2023) (PDPA) and the Enforcement Rules of the Personal Data Protection Act (2012, as amended in 2016) (Enforcement Rules).*<sup>480</sup>

The PDPA provides a comprehensive framework for protecting personal data by ensuring personal data is managed responsibly and securely to protect individuals' data from potential misuse and unauthorized access.<sup>481</sup> The PDPA defines 'personal data' as the name, date of birth, identification card number, passport number, special traits, fingerprints, marital status, family, education, profession, medical history, medical treatment, genetic information, sexual life (including sexual orientation), health examination results, criminal record, contact information, financial condition, and social activities, as well as other data by which an individual can be directly or indirectly identified.<sup>482</sup> The PDPA further defines 'sensitive personal data' as medical records, medical treatment, genetic information, sexual life (including sexual orientation) and health examination and criminal records.<sup>483</sup>

The previous regulatory body for data protection was the National Development Council (NDC).<sup>484</sup> However, following the PDPA amendment in 2023 and constitutional ruling, the NDC was replaced

by the newly established independent agency Personal Data Protection Commission (PDPC).<sup>485</sup> This development was made based on Taiwan's Constitutional Court's Judgement 111-Hsien-Pan-13 (2022) in the case concerning the National Health Insurance Research Database.

*The judgment held that, to ensure the protection of personal information and the right to privacy under Article 22, the establishment of an independent data protection mechanism is required.<sup>486</sup> The Preparatory Office of the PDPC was set up in December 2023 to draft regulations and establish the framework for the PDPC in conjunction with the amendments to the PDPA.<sup>487</sup>*

On 11 November 2025, the latest amendments to the PDPA were promulgated with the effective date to be determined by the government.<sup>488</sup> These latest amendments establish the PDPC and new regulatory compliance obligations, aiming to enhance personal data protection standards and foster a more secure environment.<sup>489</sup> The key updates are as follows:

- ◆ Establishment of a new independent supervisory agency, the PDPC, to oversee personal data protection (Article 1-1);
- ◆ Introduction of new data breach notification requirements, including mandatory reporting to the PDPC and affected individuals (Article 12);
- ◆ Enhanced security measures for personal data files and contingency planning (Article 20-1);
- ◆ The PDPC is empowered to conduct administrative inspections and enforce corrective actions (Article 22).<sup>490</sup>

The Enforcement Rules provide specific implementation guidelines for both government and non-government agencies regarding data

collection, processing, and use.<sup>491</sup> Key rules include mandatory notice methods (email, text, phone), requirements for appointing personnel to secure data, and procedures for handling data subject rights like correction or deletion.<sup>492</sup> On 22 January 2026, the PDPC announced draft amendments to the Enforcement Rules that includes updates to definitions and deletion of outdated provisions that apply to both public and private entities.<sup>493</sup>

*The PDPC has initiated a 60-day consultation period for stakeholders to submit comments via postal mail, telephone, fax, email, or the Public Policy Network Participation Platform.<sup>494</sup>*

Between 2019 and 2021, Taiwan's proposed rollout of eIDs faced sustained opposition from civil society groups, digital rights advocates, and cybersecurity experts, who raised concerns about mass data collection, surveillance risks, and the absence of adequate legal safeguards. Critics argued that the lack of a dedicated legal framework, weak oversight mechanisms, and unclear limits on data use could enable disproportionate state access to personal information and increase vulnerability to data breaches, particularly in the context of cross-border cybersecurity concerns.<sup>495</sup> These concerns ultimately led to the suspension of the eID policy in January 2021 pending the enactment of stronger data protection laws and independent oversight coming into force.<sup>496</sup>

*Even now with the enactment of stronger data protection laws and establishment of an independent agency, the underlying concerns around digital ID security and cybersecurity threats are still present.<sup>497</sup>*

Opposition legislators cautioned, in June 2025, that the government's responses towards handling cybersecurity threats should be more transparent and that stronger authentication protocols should be adopted to tackle scams and fraudulent digital certificates.<sup>498</sup>

## International Commitments

*Taiwan has a limited role in the UN considering its contested sovereignty and absence of permanent observer status at the UN.<sup>499</sup> Despite this, it has voluntarily incorporated major human rights treaties into its domestic laws, including ICCPR, ICESCR, ICERD, CEDAW, CRPD, and CRC.<sup>500</sup>*

In the International Review Committee's (IRC) 2022 concluding observations on the human rights treaties, it raised concerns about the high number of children facing statelessness.<sup>501</sup> The Committee recommended that the government should provide stateless children born in Taiwan with citizenship, to meet its obligations under Article 24 of the ICCPR on the right to nationality for children.<sup>502</sup> The IRC in its concluding observations for CRC reiterated its concern about children of foreign and undocumented migrants facing statelessness and recommended the government look into problems of 'acquisition of identity documents, residency rights and/or access to basic services', keeping in mind the child's best interest.<sup>503</sup> The IRC, in its concluding observations for CEDAW in 2022, noted that the government failed to provide adequate help to non-national mothers with stateless children, particularly in social and healthcare services.<sup>504</sup>

In January 2023, Taiwan joined the World Wide Web Consortium (W3C), a multi-stakeholder organization that establishes open internet standards in the name of protecting digital human rights.<sup>505</sup> It has also joined two working groups; the decentralized identifier working group and verifiable credential working group.<sup>506</sup> The Ministry of Digital Affairs (MODA) also announced plans to develop a digital identity wallet as part of the Digital Infrastructure Project for 2024-2027, following Taiwan's collaboration with W3C.<sup>507</sup> Under this plan, MODA aims to create a decentralized identity system by implementing DID and VC standards to form a secure digital civic infrastructure consisting of an issuer, wallet,

and verifier.<sup>508</sup> MODA also hosted an international digital wallet forum in 2024 featuring high profile tech stakeholders to discuss global applications of digital credentials and verification standards, as well as the need to balance privacy concerns with user convenience.<sup>509</sup>

*Taiwan also joined the Asia-Pacific Economic Cooperation Cross Border Privacy Rules (APEC CBPR) system on 23 November 2018, to facilitate secure, privacy-compliant international data transfers and to promote consumer, business, and regulator trust.<sup>510</sup>*

At the time of joining, the PDPC did not exist, so it involved at least 15 related ministries or commissions to facilitate its participation in the CBPR system.<sup>511</sup> The APEC CBPR is a voluntary, accountability-based framework where businesses are required to implement privacy policies consistent with APEC Privacy Framework's principles on data handling, security, and consumer rights.<sup>512</sup>

## Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

*Taiwan's digital ID framework has neither contributed to nor reduced statelessness. Since it is still in its testing phase, it is currently unclear whether the TW DIW will be accessible to both citizens and foreign residents and the type of legal identity documents required to register for the system.<sup>513</sup>*

The government should ensure that the digital identity wallet can be accessed by everyone regardless of their type of ID card, nationality, immigration status, and whether they have household registration. It is too early to conclude whether TW DIW functions as a mechanism for establishing legal identity, nationality, or

residency. Based on available information, it does operate solely as a digital authentication and verification tool built on pre-existing legal identity documents.<sup>514</sup> The denial or inaccessibility of digital ID does not in itself create statelessness, but it can reinforce existing forms of exclusion faced by foreign nationals, stateless persons, and refugees. This is particularly as access to public and private services increasingly depends on digital credentials linked to the National ID card or the ARC.

Foreign residents who hold a chip-embedded ARC can apply for an Alien Citizen Digital Certificate IC Card, which allows access to certain government e-services, including household registration services, taxation, digital receipts, pension systems, immigration records, and health records.<sup>515</sup> However, this card does not serve as proof of legal identity and cannot replace an ARC or passport.<sup>516</sup> Eligibility for an ARC is limited to stateless persons who meet the criteria set out in the Regulations Governing Visiting, Residency, and Permanent Residency of Aliens (2000, as amended in 2023), potentially excluding many others.<sup>517</sup> Those unable to obtain an ARC remain excluded from the alien citizen digital certificate system and consequently from accessing government e-services.

There are currently no known specific legal or policy measures to promote inclusivity, transparency, or accountability for vulnerable or

isolated communities to ensure their access to Taiwan's digital ID systems.

There are also no known judicial or authoritative precedents addressing the rights of stateless individuals in the context of digital ID systems in Taiwan, except for the constitutional ruling declaring the use of national health insurance database as unconstitutional in 2022.<sup>518</sup> This ruling, along with civil society debates, has largely centered on privacy and surveillance concerns affecting personal data, rather than how digital ID affects statelessness.<sup>519</sup>

Overall, Taiwan's digital ID system, including the Taiwan Digital Identity Wallet and its predecessor systems such as the Citizen Digital Certificate and the Alien Citizen Digital Certificate IC Card, risks replicating existing exclusions in access to essential public and private services based on legal identity and nationality. While the government has taken significant steps to address public concerns around data protection, cybersecurity, and privacy, it has yet to address the structural exclusion embedded in its legal identity framework. As Taiwan continues to develop its digital ID systems, adopting special measures to ensure greater inclusion of vulnerable, marginalized, and isolated communities remains necessary.

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