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STATELESSNESS ENCYCLOPEDIA ASIA PACIFIC

Third Edition

Digital ID and its Impact on Statelessness in Southeast Asia

NATIONALITY FOR ALL

Advancing the right to a nationality in the Asia-Pacific region

SEAP

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Digital ID and its Impact on Statelessness in Southeast Asia

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List of Acronyms

APEC	Asia-Pacific Economic Cooperation
APEC-CBR	Asia-Pacific Economic Cooperation's Cross-Border Privacy Rules
ASEAN	The Association of Southeast Asian Nations
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BruneiID	Brunei Identiti Digital
BSP	Bangko Sentral ng Pilipinas
CAT	The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRC	Child Registration Certificate
CRPD	Convention on the Rights of Persons with Disabilities
CRVS	Civil Registration and Vital Statistics
CSC	Citizens Scrutiny Card
CSO	Civil Society Organization
DGA	Digital Government Development Agency
DICT	Department of Information and Communications Technology
DOJ	Department of Justice
DPI	Digital Public Infrastructure
DPP	Refugee Registration Document
e-ID	Electronic Identity
ETDA	Electronic Transactions Development Agency
EU	European Union
FIN	Foreigners Identification Number
FMA	Foundation for Media Alternatives
GDPR	General Data Protection Regulation
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICI	Bruneian International Certificate of Identity
ICJ	International Court of Justice
ICT	Information and Communications Technology
ID	Identity
ID4D	World Bank Identification for Development Initiative
IDEAS	World Bank's Identification for Enhanced Access to Services
IDP	Internally Displaced Person
IKD	Identitas Kependudukan Digital
IPIS	Integrated Population Identification System
KIDC	Khmer Identification Code
KTP/e-KTP	Kartu Tanda Penduduk
LCRO	Local Civil Registry Office
MOU	Memorandum of Understanding
MPTC	Ministry of Post and Telecommunications
MTIC 2025	Strategic Plan for the Ministry of Transport and Infocommunications 2025
NDI	National Digital Identity
NDID	National Digital ID
NFA	Nationality For All
NID	National Identification Card
NIK	National Identification Number (Nomor Induk Kependudukan)
NLD	National League for Democracy
NPC	National Privacy Commission
NRD	National Registration Department
NRIC	National Registration Identity Card
NRRC	National Registration Record Card
NSPI	National Strategic Plan of Identification
NVC	National Verification Cards
PDPA	Personal Data Protection Act
PDPC	Personal Data Protection Commission
PhilID	Philippine Identification Document
PhilSys	Philippines Identification System
PSA	Philippine Statistics Authority
PSN	PhilSys Number
PSPCC	PhilSys Policy and Coordination Council
SDG	Sustainable Development Goals
SEAP	Statelessness Encyclopedia Asia Pacific
TAC	Temporary Approval Card
TRC	Temporary Registration Card

UDHR	Universal Declaration of Human Rights
UID	Unique Identification
UIN	Unique Identification Number
UN	United Nations
UNDP	United Nations Development Programme
UNESCAP	The United Nations Economic and Social Commission for Asia and the Pacific
UNHCR	United Nations High Commissioner for Refugees
UPR	Universal Periodic Review

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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 p rovide 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: Southeast Asia

Countries Covered: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Timor Leste, Viet Nam

Legal Identity

Across all eleven countries in Southeast Asia, legal identity systems are primarily built around civil registration systems, national identity cards, and population registration databases, which serve as proof of identity, legal residence, and access to public and private services such as healthcare, education, banking, employment, social protection programs, and voting.

National identity cards are the primary legal identity document in all eleven countries in the sub-region and are mandatory for citizens. In seven countries (Thailand, Malaysia, Indonesia, Singapore, Brunei, Timor-Leste, the Philippines) identity cards are also issued to permanent residents or foreign nationals with legal residence status.[1]

The Southeast Asia sub-region is predominantly characterized by civil registration–based identity systems, where birth registration forms the foundation for obtaining national identity documents and population registration numbers.

Across Indonesia, Thailand, Viet Nam, Laos, Cambodia, and the Philippines, birth registration leads to the assignment of a personal identification number or entry into a population database. This is then used to obtain national ID cards later in life. Myanmar also assigns a National Registration Record Card from age 10 and Citizenship Scrutiny Card from age 18. Both identity documents require a birth certificate as a prerequisite document, although the system is ethnicity-based rather than universal.[2]

Across the sub-region, birth registration generally establishes legal identity, particularly in Indonesia, Malaysia, Singapore, Thailand, Timor-Leste, Viet Nam, Laos, Cambodia, and the Philippines. It leads to the assignment of a personal identification number or entry into a population database used later to obtain national identity documents. However, birth registration does not automatically confer citizenship, which is typically determined under nationality laws and proven through additional documents such as citizenship certificates, nationality documents, or specific categories of national identity cards. This distinction between proof of identity and proof of citizenship is particularly evident in countries such as Indonesia, Malaysia, the Philippines, Singapore, and Viet Nam, where national ID systems include residents or permanent residents who are not citizens. In countries such as Cambodia, Thailand, Timor-Leste, and Malaysia (for MyKad holders), national identity cards serve as proof of citizenship in addition to proof of identity.

Across the sub-region, countries have different approaches to providing legal identity documents to non-citizens and stateless persons. Singapore, Thailand, Malaysia, and Brunei, issue dedicated identity cards to at least some non-citizens and stateless persons.

However, access for stateless persons varies significantly. Thailand's pink ID card is explicitly available to stateless persons registered in the civil registration system, though many unregistered stateless persons remain excluded.

Malaysia issues the MyKAS card to persons born to unknown or stateless parents. However, despite its existence, MyKAS holders continue to face widespread discrimination and significant barriers to accessing services. The card has also been criticized for entrenching rather than resolving statelessness. Singapore's FIN is available to foreign nationals on long-term immigration passes and, in limited circumstances, to stateless persons holding equivalent passes. Yet, stateless persons without an immigration status cannot access it. Brunei's purple card covers some stateless permanent residents but does not extend to stateless persons who have not obtained permanent residency. Viet Nam also issues an Identity Certificate to persons of Vietnamese origin with undetermined nationality, though like the documents above, this does not confer citizenship and its practical utility remains limited. On the other hand, Indonesia and Timor-Leste provide residence permits or special certificates that confirm a person's right to remain in the country. However, these are neither equivalent to identity cards nor are they integrated into population registration systems. Stateless persons without any recognised legal status face barriers to obtaining even these more limited documents and are therefore frequently excluded from legal identity systems and public services altogether.

Overall, Southeast Asia's legal identity systems are characterized by civil registration based identity frameworks and mandatory national ID systems. They also maintain a legal distinction between identity and citizenship. As a result, individuals may possess some identity documentation but still remain stateless. In such cases, they are unable to access full citizenship rights.

Table 1

Primary Legal Identity Document and Application Requirements Across Southeast Asia

Country	Primary Legal Identity Document	Documents Needed	Does Legal Identity Serve as Proof of Citizenship?
Brunei	Smart Identity Card (yellow for citizens; purple for permanent residents including some stateless persons; green for certain foreign nationals)	Birth certificate (required for both yellow and purple cards); for naturalized citizens, citizenship certificate; valid immigration/work passes for non-citizens	Only the yellow card certifies citizenship; purple and green cards evidence legal identity but not citizenship
Cambodia	National Identity Card (NID), issued to Cambodian nationals aged 15 and above; valid for 10 years	Birth certificate; civil registration records; NID is the official document confirming Cambodian nationality	The NID is the official document confirming Cambodian nationality under the 2023 Law on CRVSID; birth registration alone does not prove citizenship
Indonesia	e-KTP (electronic National Identity Card), compulsory for all residents aged 17+; birth certificate (Akta Kelahiran); family card (Kartu Keluarga)	Birth certificate; family card; biometrics; for foreign nationals, proof of permanent stay permit (KITAP)	Neither e-KTP nor birth registration automatically constitutes citizenship; citizenship is governed by nationality law
Laos	National ID Card (chip-enabled E-ID from 2015), tied to a Unique Identification Number (UIN) generated at birth registration	Birth registration generating UIN; civil registration documents; biometrics for E-ID	There is insufficient information to conclude whether the National ID Card constitutes proof of citizenship; sources suggest civil registration services can only be accessed by citizens in possession of the National ID card. It is unclear whether non-citizens can access the National ID card at all
Malaysia	NRIC: MyKad (citizens 12+); MyKid (children under 12); MyPR (permanent residents); MyKAS (temporary residents including persons born to unknown/stateless parents)	Birth certificate; parental documentation; immigration/residence documents; proof of citizenship for MyKad	MyKad is proof of legal identity and citizenship; MyPR and MyKAS document non-citizen statuses; birth certificate does not prove citizenship in itself
Myanmar	Citizens Scrutiny Card (CSC): pink (full citizens), blue (associate citizens), green (naturalized citizens); NVC for persons undergoing citizenship verification; TRC revoked February 2015, replaced by TAC; NVC (turquoise card) issued since 2016 for citizenship verification	Birth certificate; household list; parental documents; proof of ethnicity and ancestry; national language proficiency (for naturalized citizens)	The CSC evidences specific categories of citizenship; NVCs do not constitute proof of citizenship or formal identity; not all legal identity documents prove citizenship
Philippines	PSA Birth Certificate (foundational); PhilID/ PhilSys Number (PSN) under the Philippine Identification System (PhilSys); ePhilID (printed digital version)	Birth certificate (or late registration documentation with affidavits); for PhilSys, birth certificate plus acceptable ID; for resident aliens, foreign passport and ACR/i-Card; late registration birth certificate has same legal effect as timely registration	PhilID/PSN is sufficient proof of identity but, by law, is not definitive proof of citizenship; citizenship is governed separately under Article IV of the 1987 Constitution
Singapore	NRIC for citizens and permanent residents (mandatory at age 15); FIN for foreign nationals on long-term passes	Birth certificate; proof of citizenship or permanent residence for NRIC; passport and long-term pass for FIN; Citizenship Certificate issued by ICA for proof of nationality	NRIC is proof of legal identity and citizenship or permanent residency, but not conclusive proof of citizenship, as permanent residents (who are non-citizens) can also obtain it; citizenship is established by a Singapore Citizenship Certificate
Thailand	Thai National ID Card (white with blue background) for citizens aged seven and above (for those under seven, identity is established via birth certificate, household registration book, or Thai passport); pink ID card for non-citizens including stateless persons	Birth certificate; household registration book (Blue Book, Thor Ror 14); civil registration records; certified civil records for pink card applicants	Thai National ID Card is proof of Thai citizenship; pink ID cards identify non-citizen or stateless legal status and do not confer citizenship

SUB-REGIONALOVERVIEW:SOUTHEASTASIA

Country	Primary Legal Identity Document	Documents Needed	Does Legal Identity Serve as Proof of Citizenship?
Timor-Leste	National identity card (Bilhete de Identidade), issued by the National Directorate of Registries and Notarial Services under the Ministry of Justice	Birth registration record (entered into civil registry); civil registration records supporting nationality; for foreign nationals, residence permit documentation	The national identity card serves as official proof of citizenship in addition to proving legal identity under Decree-Law No. 2/2004 on Civil Identification
Viet Nam	Citizen Identity Card (C□n c□□c công dân) for citizens aged 14 and above (ID cards can also be issued for children under 14 on request, as of 1 July 2024); Identity Certificate (Ch□ng Nh□n C□n C□□c) for persons of Vietnamese origin with undetermined nationality	Birth registration; entry in National Population Database; Personal Identification Number; supporting documents on nationality/origin	Citizen Identity Card evidences Vietnamese citizenship; Identity Certificate does not confer citizenship but enables access to education, healthcare, and basic services; birth certificate alone is not sufficient proof of citizenship

Overview of Digital ID

Of the eleven countries in Southeast Asia, eight (Indonesia, the Philippines, Viet Nam, Singapore, Malaysia, Thailand, Myanmar, and Brunei) have operational or near-operational digital identity systems. Three countries (Cambodia, Laos, and Timor-Leste) are still in the process of developing or implementing them, as part of broader digital government and digital public infrastructure initiatives. These digital ID systems are generally linked to existing civil registration and national identity systems rather than being replacements for them. Across the sub-region, digital IDs typically function either as foundational digital identity systems linked to population registries or as functional digital identity authentication platforms used to access government and private sector services.

Countries such as Indonesia, the Philippines, and Viet Nam have operational foundational digital identity systems, while Cambodia, Timor-Leste, Myanmar, and Brunei are developing or implementing systems with foundational characteristics linked to national population databases and unique identifiers. These systems are designed to uniquely identify individuals and serve as a base layer for accessing multiple public services.

In contrast, countries such as Singapore, Malaysia, Thailand, and Laos primarily operate functional digital identity systems, which act as authentication platforms that allow individuals to access digital government services and online transactions but are dependent on existing legal identity documents such as national ID cards or resident identification numbers. It should be noted that Laos's digital ID infrastructure is nascent and quasi-digital in character, relying primarily on the chip-enabled National ID Card and the Gov-X mobile application.[3]

Across the sub-region, digital IDs are increasingly integrated into digital public infrastructure. They are used to access services such as healthcare systems, social protection programs, tax services, banking and financial services, SIM card registration, education services, government portals, and business registration systems. In five countries (Brunei, Indonesia, Myanmar, the Philippines, and Viet Nam) digital IDs are increasingly treated as de facto mandatory, as key government and financial services are progressively tied to digital identity authentication even without a formal legal mandate.[4]

Across Southeast Asia, digital ID systems are accessible to citizens. In five countries (Indonesia, Singapore, Viet Nam, Brunei, and Malaysia) they are also available to foreign residents with legal residency status. However, access to digital ID is consistently dependent on possession of foundational legal identity documents such as national ID cards or residence permits. As a result, stateless persons are often excluded from digital ID systems because they lack the required documentation needed to enroll in digital identity platforms. This exclusion can prevent stateless individuals from accessing services linked to digital ID platforms, including government services, healthcare, education, banking, employment, and social protection programs.

Digital ID frameworks in Southeast Asia have largely been formulated and implemented through government-led initiatives, in several cases with technical support from international organizations including UNDP (Laos Gov-X app 2023; Timor-Leste Dalan ba Digital 2025), World Bank (Indonesia population administration), and EU funding (€3 million for Timor-Leste).[5] Public involvement in the design of digital ID systems has been limited across most countries in the sub-region. Malaysia conducted public consultations from July to August 2020 through the MCMC before launching its National Digital ID Framework.[6] There is limited publicly available evidence of structured consultation with civil society in Cambodia, Myanmar, Thailand, or Brunei's digital ID programmes, though some broader e-government or digital economy consultations have been held. Overall, public involvement has been limited, and there is little evidence that governments systematically consulted experts on issues like discrimination, statelessness, or social exclusion during the design and implementation of digital identity systems.

Table 2

Digital Identity Systems in Southeast Asia

Country	Digital ID system found in the country?	Key Features
Brunei	BruneiID	National digital identity launched in January 2026; replacing the legacy e-Darussalam account; used to access selected government digital services such as PSC Recruitment, TransportBN, BruHealth, eUndi, and TD123; functions as both an identity/authentication tool and service gateway; accessible to holders of Brunei identity cards, including some permanent residents and foreign nationals
Cambodia	IPIS, CamDigiKey, verify.gov.kh	IPIS is a developing system linked to the 2023 CRVSID law and assigns a lifelong Khmer Identification Code; CamDigiKey enables digital authentication and digital signatures for government services; verify.gov.kh verifies official documents through QR-based validation; rollout remains incomplete and entitlement for stateless persons is not yet clearly specified in public documents.
Indonesia	IKD (Identitas Kependudukan Digital)	Digital version of population identity linked to the national population database and e-KTP system; supports identity authentication and service access; tied to foundational civil registration and national ID infrastructure; from January 2026 it became the only method for verifying authenticity of ID documents in practice.
Laos	Gov-X app / E-ID ecosystem	Quasi-digital system built around the chip-enabled National ID Card and a government mobile app; primarily functional rather than fully standalone foundational digital ID; linked to the Unique Identification Number generated through birth registration; the digital ecosystem remains relatively early-stage.
Malaysia	MyDigital ID	A digital identity platform used for authentication across government services; linked in practice to MyKad and therefore closely tied to citizenship status; formally voluntary but increasingly required for selected services; operates within a broader digital government and cybersecurity framework rather than a standalone digital ID law.
Myanmar	UID Smart Card	Centralized biometric smart card system with a 10-digit unique identifier; stores personal and biometric data including fingerprints and facial recognition; intended as a foundational ID but increasingly used functionally for border crossings, SIM registration, banking, pensions, and benefits; eligibility for stateless persons and NVC/TRC holders remains unclear.
Philippines	PhilSys, PhilID, ePhilID, PSN	A national digital identity system that provides each registered person with a PhilSys Number and PhilID, with ePhilID as the digital/printed version; designed for use across government and private transactions; proof of identity but not definitive proof of citizenship; available to citizens and resident aliens.
Singapore	Singpass / National Digital Identity (NDI)	Functional digital identity and authentication platform widely used for government and private sector services; linked to NRIC for citizens and permanent residents and FIN for eligible foreign nationals; acts as the main gateway for e-government access rather than as proof of citizenship itself.
Thailand	ThaID and DGA Digital ID	ThaID is a mobile digital ID for Thai citizens with facial verification and broad public/private service use; DGA Digital ID is a functional authentication layer for accessing hundreds of government services through a single account; both are currently available only to Thai citizens and exclude pink-card holders.
Timor-Leste	UID (planned/ in development), supported through Dalan ba Dignidade	Strategic Plan 2021–2025 envisions a foundational national digital ID with a 10-digit UIN plus biographic and biometric data; intended to be inclusive, including for stateless persons, refugees, and those without existing ID documents; still in planning/early development and not yet the sole gateway for any services.
Viet Nam	VNeID	A foundational digital identity system linked to the national population database and citizen identity regime; legally recognized for use alongside the physical identity card; supports digital authentication and access to public and private services; extends some e-ID access to foreign residents through tiered accounts.

Laws

Domestic Law and Policy

Across Southeast Asia, ten of the eleven countries have legal and policy frameworks governing digital identity systems, although the scope and structure of these frameworks differ across countries. Two countries (the Philippines and Viet Nam) have specific legislation regulating digital identity systems, while others rely on broader laws governing civil registration, electronic transactions, digital government, cybersecurity, or population administration to provide the legal basis for digital identity systems. Laos has no dedicated digital ID legislation, only general ICT laws as part of its legal framework.

Digital identity is generally defined in legal frameworks across the sub-region as electronic information, digital credentials, or electronic authentication systems used to identify individuals in digital environments and enable secure access to online services and digital transactions.

In eight countries (Brunei, Cambodia, Indonesia, Myanmar, the Philippines, Thailand, Timor-Leste, and Viet Nam) digital identity systems are linked

SUB-REGIONALOVERVIEW:SOUTHEASTASIA

to civil registration and population databases, which means that digital identity systems are built on existing legal identity systems rather than functioning as independent identity systems.

Across all eleven countries in the sub-region, legal frameworks do not explicitly define digital identity as proof of citizenship. Instead, digital identity systems are usually linked to national ID systems or residency systems, meaning that digital identity often functions as a marker of legal identity or residency rather than citizenship.

Most countries also provide complaint mechanisms for digital ID–related issues through general administrative complaint systems, data protection authorities, or agency helpdesks. Notably, none of the eleven countries has a dedicated complaint mechanism specifically for digital ID systems.

Data Protection

Seven of the eleven countries in Southeast Asia have data protection or privacy laws regulating the collection, processing, storage, and sharing of personal data used in digital identity systems. Countries such as Malaysia, Singapore, Indonesia, Thailand, the Philippines, Viet Nam, and Brunei have enacted data protection or personal data protection laws that include safeguards for personal information and, in some cases, biometric data. These laws typically require consent for data collection, impose security obligations such as encryption and secure storage, and provide mechanisms for complaints and enforcement.

However, four countries (Cambodia, Laos, Myanmar, and Timor-Leste) lack comprehensive data protection frameworks specifically governing digital identity systems, raising concerns about privacy, surveillance, and misuse of personal data. In Myanmar in particular, the biometric UID Smart Card and biometric SIM card registration systems have raised concerns regarding surveillance and lack of oversight mechanisms.[7]

Across the sub-region, common concerns relating to digital ID systems include privacy risks, government surveillance, data breaches, centralized population databases, and exclusion from public services for individuals without digital identity credentials.

Privacy concerns are pervasive across the sub-region. In Malaysia, the government has experienced major data security failures, including a December 2022 breach that compromised the personal information of nearly 13 million citizens.[8] In the Philippines, the 2016 COMELEC data breach exposed personal information of 55 million registered voters including biometric fingerprint data, demonstrating the catastrophic consequences of inadequate government data protection.[9]

In Viet Nam, Amnesty International and Human Rights Watch document spyware attacks and expansive monitoring powers under the 2019 Cybersecurity Law, raising risks that digital ID systems could be used to suppress dissent or target marginalised groups.[10] In Singapore, there has been sustained criticism of ubiquitous technology-fuelled surveillance, including documented surveillance experiments in low-wage migrant worker dormitories.[11]

Surveillance concerns have also been noted in Myanmar and Thailand. In Myanmar, the UID Smart Card and biometric SIM card registration are used to track individuals' movements and communications, operating without a legal framework and without independent oversight; since the 2021 coup, the National Unity Government has used digital technologies for mass surveillance, targeting dissent and opposition movements. [12] In Thailand, the PDP Act's public-interest exemption means Thai government agencies may access personal data collected through digital ID; Amnesty International documented that 15 women and LGBTQI activists were targeted with Pegasus spyware between 2020 and 2021; and biometric government systems in Thailand's Deep South have raised concerns about surveillance and ethnic profiling.[13] In Brunei, national security reasons are listed grounds permitting government use of user data without consent, placing migrants and stateless persons, who can be categorised as potential security risks, at elevated peril.[14]

The most documented instance of government use of digital ID/biometric data against marginalized populations in the sub-region involves Myanmar: in June 2021, Human Rights Watch reported that UNHCR shared the personal and biometric data of Rohingya refugees with the Bangladesh government. The data was later made accessible to Myanmar authorities, without obtaining the refugees' informed consent. Human Rights Watch warned that this data could be used by Myanmar authorities to facilitate forced or unsafe repatriation, surveillance, or discrimination against a population that remains stateless and persecuted. [15]

More broadly, UN agencies, international NGOs, and Rohingya civil society groups have documented that the NVC has functioned as a tool of population control and data extraction rather than a pathway to citizenship or security.[16]

In Malaysia, the creation of a separate government-run Refugee Registration Document (DPP) system that collects extensive biometric data for monitoring purposes. This system operates outside the PDPA framework. Human rights organizations and UN bodies have documented broader patterns of arbitrary detention, abusive conditions, and deportations affecting undocumented persons including refugees, asylum seekers, stateless persons, and migrant workers.[17]

In Indonesia, civil society organizations highlight privacy risks, function creep, and data breaches in the ID system, and surveillance concerns arise from documented procurement of intrusive spyware and migration-related biometric data sharing.[18]

International Commitments

Across Southeast Asia, there is no international treaty specifically regulating digital identity systems. However, most countries in the sub-region are parties to international human rights treaties that create obligations related to legal identity, birth registration, access to public services, privacy, and non-discrimination. Many countries in the sub-region are parties to treaties such as the ICCPR, ICESCR, CRC, CEDAW, CERD, and CRPD, which require governments to ensure access to legal identity, birth registration, and essential services without discrimination. The Philippines is the only country in the sub-region that has ratified both Statelessness Conventions.

At the regional level, ASEAN frameworks play an important role in shaping data governance and digital identity development. The ASEAN Framework on Personal Data Protection (2016) and the Framework on Digital Data Governance (2018) are endorsed by all states in the sub-region as ASEAN members.[19] Both frameworks set out non-binding principles encouraging member states to adopt national data protection laws and support mutual recognition. However, they do not impose binding commitments, provide specific mandates for digital ID systems or include provisions for the protection of stateless persons. The ASEAN Digital Economy Framework Agreement (DEFA), in which 10 countries (barring Timor-Leste) are engaged, also covers digital identity alongside data protection and cybersecurity.[20]

Beyond ASEAN, several South-East Asian states participate in broader regional data-governance arrangements. The Philippines and Singapore participate in the APEC Cross-Border Privacy Rules (CBPR) System and in the newer

Global CBPR Forum, which are certification mechanisms rather than treaties and aim to demonstrate compliance with agreed privacy and data-protection standards for cross-border data transfers, indirectly shaping how digital-ID-related data can be handled across borders.[21] Other APEC members in the sub-region (Brunei, Indonesia, Malaysia, Thailand and Viet Nam) apply the non-binding APEC Privacy Framework as a reference for domestic and regional data-governance rules, although they are not all part of the CBPR certification system.[22]

All countries in the sub-region have endorsed the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific (2025). Under this declaration, states pledged at the Third Ministerial Conference to ensure that every birth is registered by 2030.

They also committed to closing registration gaps among marginalized populations and to developing measures that prevent the exclusion of digitally marginalized or vulnerable groups from statistical data, services, and entitlements.

All countries in the sub-region are party to the CRC, and CRC General Comment No. 25 (2021) on Children's Rights in Relation to the Digital Environment is consistently cited as the most directly applicable international standard. It states that ''digital systems should be created such that they enable all children to safely access essential digital public services and educational services without discrimination.''[23] Exclusion of stateless children from digital ID systems and services is therefore directly relevant to CRC obligations across the sub-region.

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

Across Southeast Asia, digital ID systems have not significantly reduced statelessness in any of the eleven countries, because access to digital identity systems is usually dependent on possession of foundational legal identity documents such as birth certificates, national identity cards, or residence permits. Since many stateless persons lack these documents, they are often unable to enroll in digital identity systems.

In all eleven countries in the sub-region, the grant of digital ID is not formally linked to citizenship. However, eligibility for digital ID depends on legal identity or residency status – documents which stateless persons often lack. As a result, digital ID systems tend to reinforce existing patterns of exclusion rather than directly causing statelessness. Where stateless individuals cannot obtain digital ID, they are excluded from services such as: government e-services, healthcare systems, education enrollment, social protection programs, banking and financial services, employment systems, SIM card registration, tax and licensing systems

Across the sub-region, there are limited alternative mechanisms for stateless persons to access these services without digital identity credentials.

A limited number of countries have implemented outreach programs. Thailand directed provincial authorities in May 2025 to implement accelerated pathways to nationality for over 480,000 stateless individuals.[24] The Philippines conducted mobile birth registration missions in BARMM (over 1,300 children received birth certificates in 2023).[25] Singapore provides digital inclusion programmes for seniors and persons with disabilities.[26]

However, these programs generally address digital adoption rather than barriers faced by stateless persons in accessing digital identity systems.

Legal and policy frameworks across Southeast Asia in 10 of the 11 countries have not yet incorporated comprehensive safeguards to ensure inclusion of stateless persons within digital identity systems. The exception is Timor-Leste's UID Strategic Plan, which explicitly aspires to include stateless persons.[27] Ensuring inclusive digital identity systems in the region would require universal birth registration, accessible civil registration systems, alternative service access mechanisms for individuals without digital IDs, and stronger legal protections against discrimination and exclusion. In this regard, the commitment made by a majority of the countries in the sub-region under the 2025 Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific, which pledges to close registration gaps among marginalised populations and prevent the exclusion of vulnerable groups from digital services, provides a relevant regional benchmark against which progress on inclusive digital identity can be measured.

SUB-REGIONALOVERVIEW:SOUTHEASTASIA

Summary Table

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. Treaties Ratified (Data / Human Rights)
Brunei	Smart Identity Card (yellow/purple/green)	BruneiID — Foundational + Functional	✅ National Registration Act 2002; Digital Economy Masterplan 2025; MTIC 2025	✅ PDPO 2025 (private sector only)	De facto for selected services (Jan 2026)	✅ Stateless with PR: (purple card). ⛔ Stateless without PR	CEDAW, CRC, CRPD.
Cambodia	National Identity Card (NID), birth certificate	IPIS + CamDigiKey — Foundational (in development)	✅ 2023 Law on CRVSID; NSPI 2017–2026; Sub-Decree No. 47/2025; Cambodia Digital Government Policy 2022–2035	⛔ No comprehensive law; draft Law on Personal Data Protection released July 2025	Unclear (system still in development)	Not clearly specified for stateless persons or non-citizens in current publicly available documents	ICCPR, ICESCR, CEDAW, CRC, CERD, CAT.
Indonesia	e-KTP; birth certificate; family card	IKD (Identitas Kependudukan Digital) — Foundational + Functional	✅ Law No. 23/2006 on Population Administration (amended 2013); Law No. 11/2008 on Electronic Information and Transactions (amended 2024); implementing regulations on IKD and population administration.	✅ Personal Data Protection Law No. 27/2022	✅ IKD mandatory for ID verification from Jan 2026; e-KTP compulsory for all residents	Limited; stateless persons face administrative barriers to civil registration and e-KTP	ICCPR, ICESCR, CERD, CEDAW, CAT, CRC, CRPD.
Laos	National ID Card (chip-enabled E-ID), UIN from birth registration	Gov-X app / E-ID — Functional (quasi-digital)	✅ National IT Policy 2005; Law on e-Transactions 2012; ICT Law 2016; Law on Digital Signature 2018; no special digital ID laws	⛔ Only Law on Electronic Data Protection 2017	✅ National ID card mandatory; Gov-X voluntary	⛔ Stateless persons excluded from National ID card and Gov-X	ICCPR, ICESCR, CEDAW, CRC, CRPD.
Malaysia	NRIC (MyKad/MyPR/MyKAS)	MyDigital ID — Functional	✅ National Registration Act 1959; Electronic Government Activities Act 2007; Digital Signature Act 1997; Cybersecurity Act 2024; no standalone statute	✅ PDPA 2010 (amended 2024, private sector only); Data Sharing Act 2025 (public sector)	✅ Voluntary formally; mandatory for specific services (like, MyNIISe)	⛔ No — requires MyKad; stateless persons with MyKAS cannot enrol	CEDAW, CRC, CRPD
Myanmar	Citizens Scrutiny Card (pink/blue/green); NVC; TRC/TAC historically	UID Smart Card — Foundational (intended) + Functional (in practice)	✅ e-Governance Master Plan 2016–2020; Myanmar e-Governance Plan 2030; Electronic Transactions Law 2004 (amended 2021); no comprehensive legal framework	⛔ No — fragmented sectoral provisions only; no independent supervisory body	✅ Mandatory for border crossings, SIM cards, banking, government benefits	Unclear — no verifiable source confirms TRC/NVC holders (mainly Rohingya) eligible for UID	CRC, CRPD
Philippines	PSA Birth Certificate; PhilID/PSN (PhilSys); ePhilID	PhilSys — Foundational	✅ RA No. 11055 (2018); Revised IRR of RA 11055 (2021); Executive Order No. 162 (2022)	✅ Data Privacy Act 2012 (RA 10173), applies to both public and private sectors	Not formally mandatory for any single service; de facto indispensable for digital government and financial services	Limited — registration limited to citizens and resident aliens; undocumented stateless persons excluded; EO 162 and Rule on Facilitated Naturalization provide some pathways for recognised persons	ICCPR, ICESCR, CEDAW, CAT, CRC, CRPD, CERD; both 1954 and 1961 Statelessness Conventions; Refugee Convention (only country in SEA)

SUB-REGIONALOVERVIEW:SOUTHEASTASIA

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. Treaties Ratified (Data / Human Rights)
Singapore	NRIC (citizens/PRs); FIN (foreign nationals on long-term passes)	Singpass / NDI — Functional	National Registration Act 1965; Public Sector Governance Act 2018; PDPA 2012; Electronic Transactions Act.	PDPA 2012 (private sector only); public agencies largely exempt	De facto mandatory for many government e-services (used by ~97% of population)	Stateless with PR: potentially yes, but limited evidence of effective access. Stateless on Special Pass: No	CEDAW, CRC, CRPD.
Thailand	Thai National ID Card (blue/citizens); pink ID card (non-citizens/stateless)	ThaID (Foundational + Functional); DGA Digital ID (Functional)	Electronic Transactions Act B.E. 2544 (amended 2019); Digitalization of Public Administration Act 2019; Digital Government Development Plan 2023–2027; Digital ID Framework Phase 2 (2025–2027)	Personal Data Protection Act B.E. 2562 (2019), applies to public and private sectors with exemptions	Voluntary; but de facto important for access to hundreds of services	No-both ThaID and DGA Digital ID are available to Thai citizens only; pink card holders excluded	ICCPR, CEDAW, CAT, CRC, CRPD, CERD.
Timor Leste	National identity card (Bilhete de Identidade); birth registration	UID (planned/in development via Dalan ba Digital 2025) — Foundational (planned)	UID System Strategic Plan 2021–2025; Timor Digital 2032; Decree-Law No. 12/2024 on e-Commerce and Electronic Signatures; Decree-Law No. 2/2004 on Civil Identification	No — no comprehensive data protection law in force as of early 2026; Article 38 of Constitution provides constitutional data rights	No services currently accessible only through UID; system still in development	Aspirational — UID Strategic Plan explicitly includes stateless persons, refugees, and those without ID, but system not yet implemented	ICCPR, ICESCR, CRC, CEDAW, CERD, CAT, CRPD; Refugee Convention.
Viet Nam	Citizen Identity Card (Căn cước công dân); Identity Certificate for persons of Vietnamese origin with undetermined nationality	VNeID — Foundational	Law No. 26/2023/QH15 on Identification; Decree No. 69/2024/ND-CP on Electronic Identification and Authentication; Decree No. 72/2013 on internet identity verification	Decree No. 13/2023/ND-CP on Personal Data Protection (both public and private sectors)	Formally voluntary; increasingly required in practice for public and private services	Limited — stateless persons of Vietnamese origin can obtain Identity Certificates and potentially e-ID; pathway for non-Vietnamese stateless persons legally undefined	ICCPR, ICESCR, CEDAW, CRC, CERD, CRPD.

Photo: Jie Yeu Teoh

BRUNEI

Brunei

Legal Identity

The primary legal identity in Brunei is the Smart Identity Card.[28] According to Brunei's *National Registration Act* (2002), every person within Brunei must register and will then be issued an identity card.[29] There are different categories of such identity cards for citizens, permanent residents with a valid immigration pass, and foreigners intending to stay longer than 3 months with a valid immigration pass and work permit.[30]

These different categories of identity cards, for citizens, permanent residents, and foreign citizens holding immigration passes, are demarcated by different colors (yellow, purple, and green, respectively).[31] Only the yellow identity card, which is afforded to citizens, certifies citizenship in the country.[32] A birth certificate is required to apply for both the purple and yellow identity cards.[33]

For naturalized citizens, a citizenship certificate may also be required to apply for the yellow identity card.[34] The type of identity card determines an individual's eligibility for different public services.[35] For example, only those with yellow identity cards (citizens) can buy internet plans and receive government educational scholarships without restriction.[36]

Stateless persons with permanent residence status are eligible to apply for the purple identity card under the *National Registration Act (2002).*[37]

However, stateless persons without this status are ineligible for any identity card as well as barred from accessing government and basic services.[38] For the purpose of travel, according to the *Passports Regulation (2005)*, permanent residents with 'stateless' status in Brunei are issued a Bruneian International Certificate of Identity (ICI) instead of a passport, which acts as a travel document.[39]

Discrimination on the basis of race remains a major barrier for many ethnic Chinese to obtain permanent residence. Without it, they are unable to access identity documentation and essential services, leaving many effectively stateless.[40]

Overview of Digital ID

As of January 2026, Brunei's digital identity system is the Brunei Identiti Digital (BruneiID) which was launched by the Ministry of Home Affairs and the Ministry of Transport and Infocommunications.[41]

BruneiID is being introduced in a phased manner to access government digital services, starting with PSC Recruitment (a web-based platform for public and government servants), the Business Reporting Portal, TransportBN, BruHealth, EUndi (web-based system used for casting votes) and TD123 (a 24/7 national call center for non-emergency services), with other services to be integrated gradually.[42] BruneiID is expected to become the primary gateway for accessing a wide range of public services online. [43]

According to the Strategic Plan for the Ministry of Transport and Infocommunications 2025 (MTIC 2025), the government aimed to have all systems connected to Digital ID by 2024.[44]

This was first implemented through the eDarussalam Account. BruneiID is intended to replace e-Darussalam and user data is expected to be migrated to the new system.[45] There is limited information on the manner in which e-Darussalam will be phased out and fully replaced by BruneiID.[46]

The digital ID system in Brunei functions as both a foundational and functional ID.[47] The e-Darussalam Account previously acted as both a means of identity verification and as a central digital authentication key for accessing a range of government services online, including: government job applications, land application and registration, electric bill payments, vehicle and driving license renewal, education, health care, and employment, among others.[48] Information available indicates that government services will be progressively migrated to BruneiID, however there is limited information on the timeline for the same.[49] As a foundational ID, it serves as a primary means of identity verification for citizens and residents, integrating various forms of legal identification, such as the Smart Identity Card.[50] In Brunei, the possession of a digital identity credential is essential as it is required to access certain public services.[51]

This was previously under the e-Darussalam Account, and with the launch of BruneiID the government has begun to require BruneiID for authentication on selected services as of January 2026, with more services to be progressively incorporated in the system.[52]

Although the digital ID is a part of Brunei's legal identity framework it is only administered to individuals with national identity cards (yellow, purple, or green).[53] The digital ID system is thus accessible to citizens, permanent residents, and foreign citizens, including stateless persons with permanent resident status.[54] Stateless persons without permanent residence in Brunei could not acquire the e-Darussalam Account, and are therefore barred from access to the public services that required it.[55]

This is continued under BruneiID, which also requires government issued Smart Identity Cards for registration.[56] Notably, since non-citizens in Brunei can also access digital ID, it does not serve as a marker of citizenship.[57]

Laws

Domestic Law and Policy

Brunei's Digital Economy Masterplan 2025 includes the intention to develop policies and regulations.[58] To that effect, in November 2025, Brunei has enacted the Personal Data Protection Order (PDPO). This is a general data-protection regulation for private-sector organizations and non-governmental organizations. As such, there is no definition provided for digital ID in Brunei's legislation.

However, there are plans to amend the National Registration Act (2002) to accommodate digital ID.[59] Presently, there is no publicly available information regarding laws and regulations around the BruneiID digital system.

Data Protection

Brunei's digital identity and datasharing initiatives are framed as operating within a broader national approach to cybersecurity and data protection, which now includes the *Personal Data Protection Order 2025* for privatesector organizations and a set of government datasharing policies and security laws for the public sector.[60]

The sharing of personal data between government agencies is governed by existing legislation. The government has planned to develop this legislative and policy framework further.[61] Existing legislation applicable to government use and protection of personal data includes the *Internal Security Act (1983)*, the *Official Secrets Act (1940)*, the *Computer Misuse Act (2000)*, the *Electronic Transactions Act (2001)*, the PDPO, Brunei's Data Protection Policy, as well as sectoral laws on personal data management.[62]

Under the Personal Data Sharing Agreement, data between government agencies does not require

Photo: Anonymous

an application form whereas sharing data with entities outside of government does.[63] Similarly, under the Personal Data Sharing Guideline, data can be shared to the private sector through an orderly process and according to set procedures, e.g. data sharing request forms and contractual agreements.'[64]

Personal data may be shared by the government without consent in circumstances demanded by legal obligation, national security, public health, public order, public safety, public task, research purposes, to protect a person's life, and when there is a disclosure in line with government policies.[65] With national security reasons allowing for the use of users' data without consent,[66] it should be noted that migrants are at higher risk of being portrayed as a threat to national security.[67]

Stateless persons tend to be at greater risk of violation of their right to privacy as their data can be obtained for national security concerns, a result of national security reasons allowing for the use of users' data without consent.

Brunei has recently enacted the Personal Data Protection Order (PDPO) as well as a Data Protection Policy.[68] The PDPO has been enacted to govern the collection, use and disclosure of personal data by private organizations. It provides a framework that balances the private sector's need to collect and use personal data with individuals' right to protect their personal information.[69] The Data Protection Policy aims to protect information collected on individuals and to facilitate data sharing within the Government.[70] Together, the PDPO and Data Protection Policy establish a dual framework in Brunei, safeguarding personal data in the private sector while enabling secure government data sharing, in line with the Personal Data Protection Order 2025's phased implementation.[71]

International Commitments

Brunei has ratified several major human rights treaties such as CEDAW, CRC and CPRD. Under the CRC, Brunei is also obligated to uphold the right to education for children.[72]

Moreover, General Comment No. 25 by the Committee on the Rights of the Child states that digital ID systems should be created to enable all children to safely access essential digital

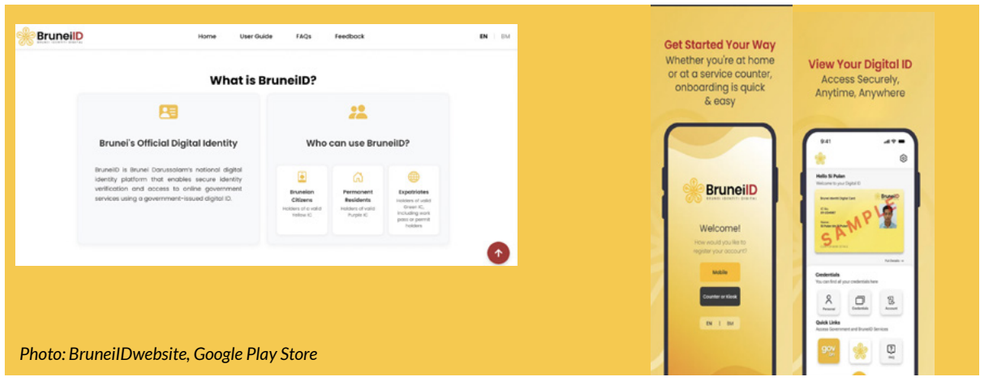

Photo: BruneiIDwebsite, Google Play Store

public services and educational services without discrimination.[73] Exclusion of stateless children without permanent residence from accessing the health and education services tied to legal identity violates this obligation.[74] The exclusion of certain stateless children from legal identity raises concerns regarding the full realization of the principle of non-discrimination, protected under Article 7 of the UDHR.[75]Regionally, the ASEAN Framework on Personal Data Protection and Framework on Digital Data Governance set out non-binding principles to facilitate coordination and raise standards on data protection, privacy, and secure digital economies. These principles encourage member states to adopt national data protection laws and support mutual recognition.

However, they do not establish binding commitments or specific requirements for digital ID systems, nor do they include provisions addressing the protection of stateless persons.[76]

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

Neither the e-Darussalam Account nor BruneiID certify citizenship. Brunei's digital ID systems do not, therefore, affect the scale of statelessness in the country.[77] However, the functional nature of the digital ID means that without it people, particularly stateless persons without permanent residence, cannot access public services.[78] Under e-Darussalam, these services include: government job applications, land application and registration, electric bill payments, vehicle and driving license renewal, education, health care, and employment services, among others.[79] There is limited information on the extent to which BruneiID impacts access to services presently. There is, nonetheless, social stigma attached to the color of one's identity card, particularly those that are not yellow.[80]

As the BruneiID system is rolled out to replace the e-Darusslam Account before it, it may be timely for Brunei to consider expediting amendments to the *National Registration Act (2002)* to provide a clear legal basis for the introduction of a digital ID.

In addition, to enhance the inclusivity of the system, Brunei could explore measures to ensure that stateless persons without permanent residence are able to obtain a form of national identity, enabling them to access an e-Darussalam account and the services linked to it.

Photo: Women Peace Makers

CAMBODIA

Cambodia

Legal Identity

In Cambodia, all live births must be reported and registered at the commune or sangkat.[81] An informant is required to submit an application for live birth registration within 30 days from the child's birth.[82]

This is in accordance with the Law on Civil Registration, Vital Statistics and Identification (2023) (2023 Law on CRVSID) and in consonance with the National Strategic Plan of Identification 2017-2026.[83]

While the 2023 Law on CRVSID does not explicitly define the term 'informant', the National Strategic Plan of Identification 2017-2026 refers to informants as public institutions or public servants who witness the occurrence of vital events in their jurisdiction, including health centers, public and private hospitals, midwives, village chiefs, commune/sangkat chiefs and religious clerics.[84]

The Cambodian National Identity Card (also referred to as 'National Identification Card' (NID)) is the primary identity document for Cambodian citizens. It is administered by the General Department of Identification, Ministry of Interior.[85] As per the 2023 Law on CRVSID, the identity card is the official document confirming Cambodian nationality.[86] The identity card is issued in accordance with SubDecree No. 36/1996 and subsequent SubDecree No. 60/2007 on Cambodian Nationality Identity Cards.[87] All Cambodian nationals aged 15 and above are issued an identity card, which is valid for 10 years.[88] In April 2025, the government issued Sub-Decree No. 47/2025 which specifies the new format and essential information required on the identity cards.[89] The identity card includes the card number, a personal identification code, biographic and biometric data, and the digital identity QR code.[90] Additionally, for individuals aged 60 and above, the identity card is valid for life.[91]

Birth registration in Cambodia does not prove citizenship, however it is required to apply for an NID.[92] In its 2024 Universal Periodic Review (UPR) submission, UNHCR noted that while the law anticipates all individuals in Cambodia can access birth registration and civil status certificates, there are several obstacles in practice. These include: requirements for a permanent address and the absence of special procedures for refugees, asylum seekers, and stateless persons.[93]

Civilsociety submissions on statelessness report widespread exclusion from birth registration, especially for minorities and stateless groups (such as ethnic Vietnamese and Khmer Krom). They also highlight that some local officials conflate issuing a birth certificate with granting citizenship.[94]

Overview of Digital ID

Cambodia is presently developing a digital ID system known as the Integrated Population Identification System (IPIS). It is based on the 2023 Law on CRVSID and National Strategic Plan of Identification 2017-2026 (NSPI).

The goal of this legal and policy framework is captured in the language of 'one person, one identity and universal legal identity for all persons in the country'.[95] As of 2025, the Royal Government of Cambodia has not yet publicly confirmed the dates for the nationwide rollout of the IPIS or a standalone digital ID. The IPIS is part of an effort to digitize crucial identity documents, including birth certificates, national identity cards, and passports.[96] The IPIS assigns a unique Khmer Identification Code (KIDC) to everyone at the time of birth registration, which serves as their lifetime identifier.[97]

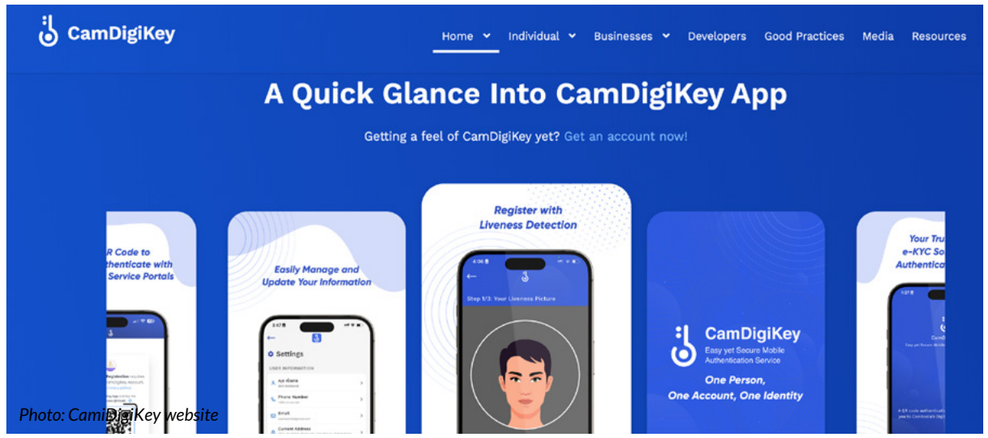

Photo: CamDigiKey website

The NSPI confirms that a single lifelong identity code is intended to support a unified population database so that people's personal information is up to date and can be used to deliver public and private services more efficiently.[98]

Cambodia has also developed a mobile application called CamDigiKey that allows individuals to authenticate themselves digitally in order to access government services and register a digital identity.[99]

Users must enroll and then use the application for secure login and digital signatures when accessing online services provided through government portals.[100] In addition, verify.gov.kh is Cambodia's national digital platform for verifying the authenticity of official documents as part of the country's digital public infrastructure.[101] Verify.gov.kh is described by the Ministry of Post and Telecommunications (MPTC) and associated partners as the Cambodian government's official platform for document verification.[102] It allows citizens, businesses and government institutions to view, check and verify any document issued by a government agency or participating educational institution that carries a standard QR code.[103]

IPIS can be considered as a foundational digital ID system because it is intended to provide universal legal identity and to serve as a base layer for access to a wide range of public services.[104] IPIS and CamDigiKey are not a marker of citizenship. Instead, these digital ID initiatives aim to provide legal identity to all residents.[105] The primary goal is to ensure that every resident has a recognized legal identity.[106]

As the digital identity system in Cambodia is still at its early stages of implementation, it remains unclear whether or not the digital identity is mandatory.[107] The Civil Registration Department of Cambodia noted that it faces challenges in raising public awareness across various sectors such as overcoming geographic barriers, especially in remote areas with limited internet access.[108]

Cambodia's CRVS, under the new law, is intended to cover registration of births, deaths, marriages and divorces for citizens and noncitizens, including stateless residents of Cambodia.[109]

Vital Strategies' 'Identity for All' article frames the 2023 Law on CRVSID as a step toward ensuring that 'everyone in the country is counted,' but focuses primarily on people lacking proof of existence rather than on detailed categories of noncitizens, stateless persons or refugees.[110]

However, accessible public documents do not yet clearly specify whether stateless persons or noncitizen residents are entitled to the new biometric eID card or to CamDigiKey accounts.

Laws

Domestic Law and Policy

In addition to the National Strategic Plan of Identification 2017-2026, the 2023 Law on CRVSID and the Sub-Decree No. 47, the Cambodian government laid out the Cambodia Digital Government Policy 2022-2035 with an aim to build and strengthen digital identity infrastructure from 2022 to 2030.[111]

According to Sub-Decree No. 47, digital identity refers to data that identifies an individual in the digital world, which is linked to the individual's identity in the real world.[112]

In the Cambodia Digital Government Policy 2022-2035, digital identity is defined as 'information in the digital form for the identification of individuals or objects that may be natural persons, legal entities, programs, or devices.'[113] The policy also states that '[t]he Digital Identity allows for the automation of user identification and verification of user identities of the user who interacts with digital systems without the need for direct verification by humans'.[114]

Under the Cambodia Digital Government Policy 2022-2035, the government also aims to digitally transform governance and public services by establishing an online complaint management system.[115]

The policy outlines general complaint management mechanisms for public service delivery but does not establish a specific grievance redress mechanism for digital identity systems.[116]

Data Protection

Apart from establishing an integrated identity ecosystem, the 2023 Law on CRVSID also aims to strengthen privacy protections for personal data.[117]

Article 159 of the Law on CRVSID provides that the confidentiality of private information of individuals recorded and stored in various registers including the Khmer nationality identity card register and other personal identity registers shall be protected.[118]

The list of names of individuals included in such registers shall not be published or displayed without authorization by the law.[119] Article 156 allows the competent authorities of public institutions to use data in the population register to perform public functions including for administrative, tax, educational, health and security. There is a stipulation that the data shared for the performance of public functions shall be limited to the what is necessary and proportionate to the specific objectives of use.[120]

In July 2025, Cambodia publicly released a draft comprehensive Law on Personal Data Protection, establishing GDPRinspired principles (lawfulness, fairness, transparency, purpose limitation, data minimization, storage limitation, integrity and confidentiality).[121] The draft law includes the following key features: (1) recognizes datasubject rights imposing controller/processor obligations; (2) regulate processing of sensitive personal data, including biometric data, which is central to any digital ID system; (3) impose restrictions and conditions on crossborder data transfers and data breaches.[122] The draft contemplates a twoyear implementation period after promulgation. Even though these provisions are not yet binding until the law is enacted and comes into force, they signal that Cambodia recognizes its digital ID implementation will need to comply with modern dataprotection standards.[123]

International Commitments

Cambodia is not a party to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.

Cambodia has ratified ICCPR, ICESCR, CEDAW, CRC, CERD, and CAT.[124] *As a party to the CRC, it should be noted that the Committee on the Rights of the Child, in its General Comment No. 25 states that digital systems should be created such that they enable all children to safely access essential digital public services and educational services without discrimination.*[125]

In addition, the CEDAW (2019), CERD (2020), CRC (2022) and Human Rights Committee (CCPR) have raised concerns and made recommendations about the right to a nationality, birth registration, statelessness and protection of minority groups in Cambodia, particularly ethnic Vietnamese and Khmer Krom.[126] Obstacles to universal birth registration and late registration, undermine children's rights under the CRC and equality guarantees under ICCPR and CERD.[127]

The ASEAN Framework on Personal Data Protection and Framework on Digital Data Governance set out non-binding principles that encourage member states to adopt national data protection laws and support mutual recognition. However, they do not impose binding commitments or specific mandates on digital ID systems or make provisions for the protection of stateless persons.[128] In 2025, Cambodia also pledged to the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific, in which countries pledged to ensure that every birth is registered by 2030 and to close registration gaps among marginalized populations.[129]

The Declarations highlight the barriers faced by stateless persons in accessing civil registration services and pledge to 'develop and implement measures to avoid the potential exclusion of digitally marginalized or vulnerable populations from statistical data and facilitate their access to services and entitlements'.[130]

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

Cambodia is digitizing its civil registration and identification through the NSPI (2017–2026) and the 2023 Law on CRVSID, which aims to create a unique registration code, digital civil registry and integrated population identification system (IPIS), and a new biometric eID card with QRcode based 'electronic identity card' for all Cambodian nationals aged 15 years and above.[131]

These instruments are explicitly framed as providing 'universal legal identity' for citizens, but there is no indication that digital ID is designed as a route to nationality for stateless persons, nor that it has reduced statelessness.[132] Stateless persons face structural barriers to birth registration, civil registration and nationality, and thus to national ID cards and digital eID.[133]

The Cambodian government describes the current reforms as a 'digital revolution' that aims to build legal identity and ensure that every person in the country to State administration.[134] The 2023 Law on CRVSID, the NSPI and the IPIS/KIDC infrastructure together create a strong legal and technical foundation for universal registration and digital identification.[135] While the legal framework aspires to universal registration, available evidence does not demonstrate that stateless persons or non-citizens are currently able to access national ID cards or digital identity credentials on equal terms.

Cambodia has taken positive steps toward building an inclusive legal identity system, collaborating with UNHCR and civil society organizations.[136] Continued engagement with government institutions indicates the gradual building of an inclusive system which could serve as a positive example for other countries seeking to strengthen inclusive, rights-based digital identity systems.[137]

It is also important to highlight that implementation must actively prioritize marginalized and historically excluded communities such as stateless persons among others, so that they may register and receive usable identity documentation.

Regional commitments under the UNESCAP Ministerial Declaration, and recommendations from UN treaty bodies and UNHCR, emphasize that digital identification systems must be inclusive, resilient and rightsrespecting, with explicit safeguards against discrimination and exclusion as well as strong privacy and dataprotection guarantees.[138]

Photo : Eugenia Clara @fleetingstill

INDONESIA

Indonesia

Legal Identity

Indonesia's national identity card (Kartu Tanda Penduduk, KTP/eKTP), birth certificates (Akta Kelahiran), and family cards (Kartu Keluarga) form the core legal identity in the country.[139] Citizenship is governed by nationality law and is evidenced by specific nationality-related documents; neither KTP nor birth registration, on their own, automatically constitute citizenship.[140]

Law No. 23 of 2006 on Population Administration (as amended by Law No. 24 of 2013), defines the identity card as the official identity of residents as proof of identity valid throughout Indonesia and is issued by the population administration authority.[141]

KTP/eKTP is compulsory for all residents (penduduk), which the law defines to include Indonesian citizens and foreign nationals with permanent stay permits (KITAP), aged 17 years and above, married, or previously married.[142] The validity period of eKTP for foreign nationals is dependent on the length of their residency permit and should be renewed at least 30 days before expiration in case individuals intend to continue to stay in the country.[143]

For children below age 17, Article 27 of the Population Administration Law stipulates that a child's personal identity is to be established from birth through an official birth certificate (Akta Kelahiran), including for foundlings, based on information from the person who found the child.[144] Law No. 23 of 2002 on Child Protection under Article 27 stipulates that every child's personal identity must be established from birth through the means of an official Birth Certificate.[145] According to Article 77(1) of Regulation No. 96 of 2018 on Requirements and Procedures for Population Registration and Civil Registration, in the event that a non-Indonesian national residing in Indonesia without proper immigration documentation experiences important life events, the Civil Registry Office at the regency or city level where the events occur is authorized to issue an Official Notification letter.[146] A birth certificate is typically expected for the chain of documents leading to eKTP (birth certificate, family card and then eKTP), and some local procedures explicitly list a copy of the birth certificate among required documents.[147] It should be noted that Article 77 of this Regulation does not mention stateless individuals per se and there is no publicly available information that indicates this as applicable for all stateless persons.

Overview of Digital ID

Indonesia has a national digital ID ecosystem built around the electronic identity card (eKTP), introduced in 2011.[148] The Digital Population Identity (Identitas Kependudukan Digital, IKD) is now being implemented as a central component of the country's digital public infrastructure and a gateway to many public services.[149] As stated above, the eKTP is mandatory for all residents in the country.[150]

This framework is foundational, built on the population registry and the unique National Identification Number (Nomor Induk Kependudukan, NIK). It is increasingly being integrated into other digital public infrastructure layers such as payments and data exchange.[151]

eKTP is a biometric smartcard linked to the central population database and NIK. It has been rolled out to over 170 million residents and is used as the basis for multiple government and private-sector transactions.[152]

Since May 2024, the government has introduced the Identitas Kependudukan Digital (IKD, Digital Population Identity), a smartphone-based digital ID application that digitizes the KTP, family card, birth certificate and other population documents for online identity verification and access to services.[153] From January 2026, the government has announced a change in document verification.[154] Scan results using third-party applications or ordinary cameras will no longer be automatically connected to the authentic verification system and the IKD application will be the only way to check the authenticity of ID documents.[155]

The eKTP and IKD are anchored in Indonesia's population administration regime under the Law No. 23 of 2006 on Population Administration. This law designates the NIK and associated identity documents as the core means of population identification for public services.[156]

The IKD acts as the digitalization of existing legal identity credentials, not as a separate parallel system, aiming to make these legal identity documents usable in digital interactions.[157]

Between 2011 and 2013, senior government officials and business persons were involved in a corruption case manipulating the eKTP budget and awarding of contracts.[158] It is estimated that the scheme resulted in the siphoning of roughly Rp 2.3 trillion (around US $170–173 million) in state funds through rigged tenders, markups, and kickbacks to lawmakers and officials.[159] The case has become emblematic of systemic corruption in largescale infrastructure and technology procurements, and has triggered ongoing trials, asset recoveries, and public debate about accountability in Indonesia's digitalidentity rollout.[160]

Indonesia's digital ID is both foundational and functional in nature. It is foundational as it is derived from and linked to the National Civil Registration and Population Registry, is intended to uniquely identify all residents, and is used as the base credential for a wide range of unrelated services.[161] As a functional ID, eKTP/NIK and IKD are continuously being integrated for access to population administration services, education and health services, social assistance, financial transactions, government administration and police services, issuance of passports, driving licenses, taxpayer identification numbers, insurancepoliciesandlandcertificates.[162]Indonesia issues different population documents to citizens and non-citizens.[163] While the legal structure

accommodates non-citizen residents, public digital ID initiatives are described as targeting citizens and are built on the citizen-focused population administration database.[164] Available sources provide limited clarity on whether refugees or stateless persons can obtain equivalent digital credentials. Analysis by organizations like the UNHCR and NGOs emphasize that the mandatory use of NIK/eKTP risks excluding communities that face barriers to civil registration, including indigenous groups, undocumented persons and those at risk of statelessness.[165]

The lack of eKTP/NIK leads to exclusion from government programs and public services, demonstrating that while the ID may not be formally required for access to every service, it is operationally indispensable.[166]

Laws

Domestic Law and Policy

Indonesia's digital ID ecosystem is governed mainly by population administration laws, the Law No. 11 of 2008 on Electronic Information and Transactions Law (as amended by Law No. 1 of 2024), and the Law No. 27 of 2022 on Personal Data Protection.[167] Law No. 23 of 2006, as amended by Law No. 24 of 2013, provides the legal basis for the national population database and the electronic ID card containing biometric data.[168] These laws empower the Ministry of Home Affairs to create a unified population database and store biometric elements for each registered resident.[169]

The new Digital Population Identity (IKD) policy replaces or complements the physical eKTP with a digital credential on smartphones.[170]

The amended Electronic Information and Transactions Law (EIT) introduces digital identity used for authentication and access to services, with only licensed Electronic Certification Providers authorized to issue digital IDs and electronic certificates.[171] *Electronic signature provisions require linkage to verified identity and cryptographic protections.*[172]

There is no single statutory definition of digital identity, but policy documents describe IKD as digital population identity derived from national population data, and digital ID under the EIT framework as a unique number verified against civil registration records.[173]

Data Protection

Indonesia enacted the Personal Data Protection Law (PDP Law) in 2022, now the primary cross-sector framework governing processing of personal data, including digital ID.[174] The PDP Law applies to electronic and non-electronic processing and introduces safeguards such as, purpose limitation, data minimization, data subject rights, and security obligations. The Personal Data Protection Law No. 27 of 2022 covers biometric and other personal data in the eKTP and IKD systems.[175]

Biometric data is classified as specific personal data subject to enhanced protection.[176] The PDP Law imposes a general obligation on controllers to implement appropriate technical and organizational security measures, including encryption where needed, but does not require encryption of all data in all contexts.[177] The PDP Law permits government access to digital ID data on legal and public interest grounds.[178] Population administration laws allow for the sharing of population data across government agencies towards public administration.[179] Civil society organizations highlight privacy risks, function creep, and data breaches in the whole ID system in the country.[180] Surveillance concerns arise from documented procurement of intrusive spyware and migration-related biometric data sharing.[181] Access to public resources is often conditioned on possession of eKTP/NIK, creating risks of exclusion.[182]

International Commitments

Indonesia is not party to any treaty specifically regulating digital ID. It participates in UN Legal Identity Agenda processes. UNHCR Executive Committee Conclusions emphasize access to documentation for stateless persons.[183]

Indonesia has ratified ICCPR, ICESCR, CERD, CEDAW, CAT, CRC and CRPD, but has not ratified the 1951 Refugee Convention or the 1954 and 1961 Statelessness Conventions.[184]

As a party to the CRC, it should be noted that the Committee on the Rights of the Child, in its General Comment No. 25 states that digital systems should be created such that they enable all children to safely access essential digital public services and educational services without discrimination.[185] The ASEAN Framework on Personal Data Protection and Framework on Digital Data Governance sets out non-binding principles encouraging member states to adopt national data protection laws and supports mutual recognition, but does not impose binding commitments or specific mandates on digital ID systems or make provisions for the protection of stateless persons.[186] The country has also pledged in 2025 to the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific where countries pledged to ensure that every birth is registered by 2030 and to close registration gaps among marginalized populations.[187]

The Declarations highlight the barriers faced by stateless persons in accessing civil registration services and pledged to 'develop and implement measures to avoid the potential exclusion of digitally marginalized or vulnerable populations from statistical data and facilitate their access to services and entitlements'.[188]

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

Indonesia's digital ID has largely reinforced existing documentation-based exclusion and has not been used as a tool to resolve statelessness. The grant of a NIK/eKTP is dependent on recognition in the population registry and, for Indonesians, reflects but does not constitute citizenship. Statelessness typically precedes the absence of digital ID.

Evidence shows strong exclusion from services due to lack of NIK/eKTP, affecting access to education, healthcare, social assistance, employment and political participation. During COVID-19 vaccination, NIK requirements excluded undocumented communities.[189] Without legal identity documents (birth certificates, KTP/eKTP), people struggle to access public education, healthcare and national health insurance, social assistance and povertytargeted benefits, formal employment and labor protections.

UNHCR has identified that stateless persons in Indonesia face administrative barriers to civil registration.[190] *Civil society reports shows difficulty accessing services due to lack of KTP, with few systematic alternatives.*[191]

Taken together, increasing reliance on NIK-linked digital ID, combined with non-ratification of statelessness treaties and absence of a legal statelessness category, creates a high-risk environment where persons at risk of statelessness are effectively denied enjoyment of rights guaranteed under Indonesia's ratified human rights treaties.

Photo: Boudewijn_Huysmans

LAOS

Laos

Legal Identity

The official legal identity in the Lao People's Democratic Republic (Laos) is the National ID Card.[192] When a birth is registered, a Unique Identification Number (UIN) is automatically generated and assigned.[193] Once an individual reaches the age of 15, they can use their UIN to obtain the National ID Card, which has been chip-enabled since 2015.[194]

As a result, birth registration is required to acquire a legal identity in Laos. National ID cards are a compulsory form of identification and the main form of identification for citizens. It is unclear whether non-citizens can access the National ID card.[195]

There is insufficient information to conclude whether the National ID Card constitutes citizenship. Sources claim that civil registration services can only be accessed by citizens in possession of their National ID card.[196]

Overview of Digital Identity

There is no formal Digital ID system established in Laos, instead it relies on a quasi-Digital ID service.[197] In June 2018, a Memorandum of Understanding (MoU) was signed between the Lina Network and the Department of Science and Technology for the implementation of a digital ID system using blockchain technology.[198] However, since the signing of the MOU there has been minimum progress in establishing the technological and regulatory infrastructure to implement and administer the digital ID system.[199]

In June 2023, the Government of Laos, in partnership with UNDP, developed and launched Gov-X - an application which aims to improve the delivery of government services to its citizens.[200] As mentioned above, Laos operates a mandatory National ID card system administered by the Ministry of Public Security, which assigns individuals a Unique Identification Number (UIN) originating at birth registration.[201] In principle, this provides a common identifier across government systems. However, due to limited publicly available information, it is difficult to assess whether this identifier is consistently used throughout the full 'identity lifecycle' or fully integrated across digital platforms.[202] The ID system is functional in nature. It operates through the implementation of its one-stop application, Gov-X. The application Gov-X, while not-mandatory, allows for online access to public services claimed to 'make government services more accessible, efficient, and transparent.'[203] It permits users to digitize official documents, including identity cards, passports, and driver's licenses.[204]

Other services that can be accessed through the application include birth registration and forms for other civil registration. Users can also monitor the status of their application for various documents, check their eligibility for social welfare benefits, and register for SIM cards.[205] *The government plans to link more public services Gov-X in the future.*[206]

The civil registration systems have been integrated into the digital ID framework in Laos. Up until 2020, Laos's civil registration system was completely paper-based, However, it is now being digitized.[207] The new digitized system, called the Civil Management Information System (CMIS), was launched in September 2022.[208] One of the key barriers to full digitalization of the system is the high cost of internet, as well as the difference in internet access in urban and rural communities.[209]

All persons in Laos are required to carry the National ID Card as is the main form of digital identification for citizens.[210] In 2015, the older national IDs were converted to Electronic- IDs (E-ID), through a government initiative that cost USD 37.5 million.[211] The E-ID program aims to replace paper IDs by issuing new digital ID cards to all Lao citizens.[212]

Laws

Domestic Law and Policy

There are no special laws related to digital identification in Laos.[213] Albeit in the last 17 years, the government has introduced several policies and legislation relevant to the broader digital ecosystem including the National IT Policy (2005), Law on Telecommunications (2011), Law on e-transactions (2012), Law on Cybercrime (2015), ICT Law (2016), Law on Electronic Data Protection (2017), and Law on Digital Signature (2018), The Penal Code (2017) also plays an important role by criminalising unauthorized access, disclosure and misuse of personal information.[214] The Code criminalizes the unauthorized disclosure of personal and confidential information, including conduct that may involve digital identities, identity theft, or fraudulent use of personal data.[215]

Despite this framework, significant gaps remain in cybersecurity regulation, digital identification governance, and data protection legislation.[216]

Data Protection

There are no laws related to data protection of digital identity in Laos, except the Law on Electronic Data Protection (2017).[217] There is also no definition of digital identity in the national laws or guidelines of Laos.

International Commitments

Laos has not ratified any international treaty that directly governs Digital ID. However, the country is a party to most of the core international human rights treaties, except the 1954 and 1961 Statelessness Conventions, and the Refugee Convention. Laos excludes stateless persons from accessing the National ID card and by extension the Gov-X application.[218] There is risk that stateless children in Laos may face exclusion from public services and education due to the lack of access to the birth registration and National ID card. This raises concerns regarding the full realization of obligations under CRC along with the principle of non-discrimination, under Article 7 of the UDHR.

Furthermore, Laos has pledged to the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific at The Third Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific (2025).[219] This Declaration affirms commitments to ensure universal birth registration by 2030 and to close registration gaps among marginalized populations.[220]

Laos has also noted barriers faced by stateless persons to access civil registration services and pledged to 'develop and implement measures to avoid the potential exclusion of digitally marginalized or vulnerable populations from statistical data and facilitate their access to services and entitlements.'[221]

The ASEAN Framework on Personal Data Protection and Framework on Digital Data Governance sets out non-binding principles to promote coordination and raise standards around data protection, privacy, and secure digital economies. It encourages member states to adopt national data protection laws and supports mutual recognition. However, the frameworks do not impose binding commitments or specific mandates on digital ID systems or make provisions for the protection of stateless persons.[222] As a member of ASEAN, the framework nevertheless carries persuasive value and serves as a benchmark that member states may aspire to.

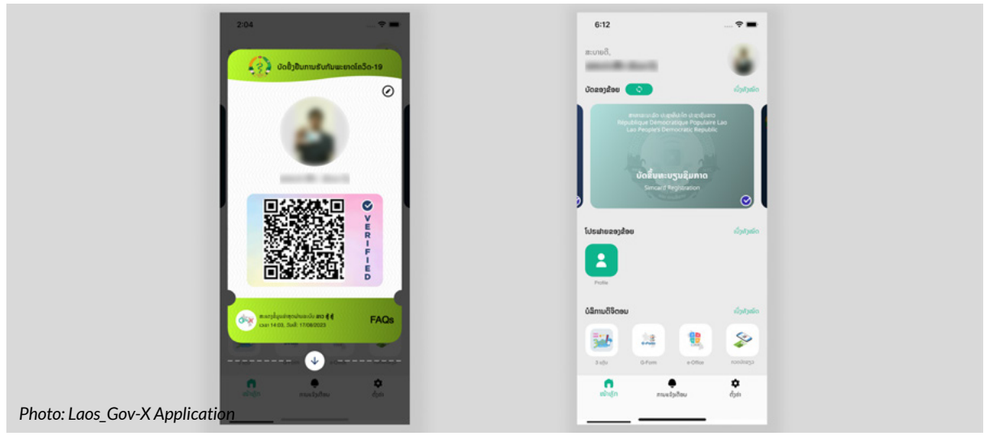

Photo: Laos_Gov-X Application

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

The Civil Registration System in Laos is integral in providing legal identity to its citizens, which in turn is crucial for accessing services such as health, financial services, education, social welfare, among others.[223] There is little information available to assess the extent to which the patchy execution of the digital ID system in Laos has excluded portions of the population.

It is assumed that due to the digital ID system being built on the basis of civil registration, those who lack documentation and/or live in remote areas may be disproportionately disadvantaged in accessing the new ID system.[224]

Until 2022, the digital identification process was undertaken on an ad-hoc basis, without much consultation with civil society, academia, local governments and other stakeholders.[225]

Moreover the Furthermore, a quasi-digital identification system that is being implemented currently lacks a tailored regulatory framework to support it and render it accountable. Missing are provisions on 'digital signature infrastructure, interoperability standards, enterprise service bus, open data platforms, or a centralized citizen portal.'[226] Concerns regarding potential exclusion have been noted in the implementation of the digital ID project, particularly the risk that ethnic minority groups may face barriers to birth and family registration systems. As these systems are essential for securing legal identity, any gaps in access could inadvertently contribute to challenges of statelessness within the country.

Photo : Esmonde_Yong

MALAYSIA

Malaysia

Legal Identity

The National Registration Act (1959) mandates compulsory registration and identity card issuance.[227] Part III of the Federal Constitution and its Second Schedule govern citizenship rules.[228] The National Registration Identity Card (NRIC) is the officially recognized legal identity in Malaysia that is issued by the National Registration Department (NRD).[229] There are three primary types of NRICs issued. MyKad, which serves as proof of legal identity and citizenship for Malaysian citizens aged 12 and above. Children under the age of 12 have can register for the MyKid identity document.[230] MyPR, the permanent resident identity document for non-citizens with permanent residence (PR) status in the country.[231] MyKAS, the temporary resident card which is valid for five years.[232]

The MyKAS is also issued to persons born in Malaysia to parents whose citizenship is unknown or they are stateless.[233] Additionally, stateless persons may also apply for a Certificate of Identity if they are permanent residents, for the purpose of traveling outside the country.[234]

Every child born in Malaysia must be registered, regardless of parents' citizenship or immigration status in the country.[235] Birth registration serves as a foundational document for obtaining a MyKid and MyPR, but it does not indicate citizenship by itself.[236] While universal registration is followed in principle, conflicting immigration policies and enforcement practices create significant gaps.[237] The NRD's administrative practice of marking birth certificates as 'bukan warganegara' (non-citizen) or 'elum ditentukan' (undetermined) has created issues of statelessness in Malaysia.[238] Requirements for parental passports, entry permits, late fees, geographic barriers in Sabah and Sarawak, and deportation fears deter registration among undocumented parents, refugees, and migrants, leaving many with birth certificates that fail to secure MyKad or equivalent status.[239]

Overview of Digital ID

Malaysia introduced a digital identity system known as MyDigital ID in March 2024.[240] It is managed and developed by MIMOS Berhad and MyDigital ID Sdn. Bhd. as a secure digital authentication tool for online transactions.[241] Its primary purpose is to facilitate online transactions and digital identity verification.[242]

Public consultations were held from July to August 2020 to introduce the concept of the National Digital ID (NDID) Framework.[243] The Malaysian Communications and Multimedia Commission gathered feedback on the potential uses, and recommendations from relevant stakeholders. The public consultation was launched through the Malaysian Communications and Multimedia Commission, to gather people's views on the NDID Framework and its uses and benefits.[244]

Malaysia's Digital Economy Blueprint and associated NDID materials similarly frame MyDigital ID as a key enabler of trusted digital interactions across government and private sectors.[245]

However, at this stage, actual integrations are limited to specific government systems. MyDigital ID currently operates as a single sign-on (SSO) or authentication layer for different government online services.[246] The MyDigital ID application has been integrated with several government platforms, including HRMIS Mobile (which manages government employee information), MySejahtera (health and wellness application), MyJPJ (service portal for motor vehicles and drivers' licenses) and the MyGov portal (a platform for various government services and information).[247]

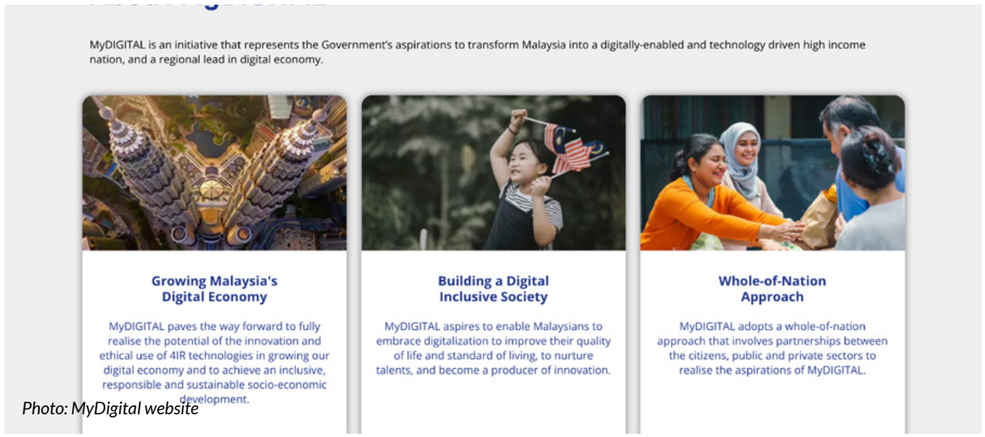

Photo: MyDigital website

There are plans to further expand the use of MyDigital ID as an SSO for services provided by other government and private sectors.[248] *The government plans to integrate 95% of federal government services with MyDigitalID by 2030.*[249]

Presently, some services require MyDigital ID as mandatory, which could extend to other services in the future.[250] However, there are alternative methods to log in for other services like MySejahtera, and MyGov.[251] MyDigital ID registration is currently voluntary, and the government encourages citizens to register and utilize the system to enhance cybersecurity and streamline access to government applications.[252]

The MyDigital ID does not substitute physical identification documents such as MyKad.[253] However, registration requires a MyKad card, limiting access to Malaysian citizens.[254] With digitalization of civil registration in Malaysia, there remain large populations without MyKad, particularly among marginalized communities.[255] These groups are structurally unable to enroll in MyDigital ID and may face additional barriers as more services move toward MyDigital ID-based authentication.[256]

Laws

Domestic Law and Policy

The National Registration Act (1959) and its regulations provide the foundation for registering individuals and issuing identity cards.[257] The Electronic Government Activities Act (2007) promotes e-government including confidentiality and security of electronic records.[258]

The Digital Signature Act (1997) governs digital transactions and contracts.[259] To safeguard data privacy and security, MyDigital ID must adhere to the Cybersecurity Act (2024), and Official Secret Act (1972).[260] The Cybersecurity Act (2024) addresses the management of cybersecurity threats in Malaysia, and the Official Secrets Act (1972) safeguards sensitive government information, including personal data, to protect national security and public interest.[261]

The MyDigital ID Helpdesk provides an avenue for individuals who experience problems with digital identity–based access to services to file complaints through the general feedback system.[262]

Additionally, the complaint mechanisms of agencies that have integrated their platforms with MyDigital ID, such as ministerial portals or the Malaysian Communications and Multimedia Commission's online consumer redress portal for telecommunications-related issues and data protection complaints to the Personal Data Protection Commissioner.[263]

However, current publicly available information does not indicate the existence of a specialized, statutory dispute-resolution body or appeal process specifically for MyDigital ID registration refusals, account suspension, or authentication errors.

Data Protection

The Personal Data Protection Act (2010) (referred to hereafter as PDPA) regulates the processing of personal data in the private sector, requiring that personal data is processed fairly, kept accurate and up to date, and protected by appropriate security measures.[264]

Photo: MyDigital Application

The PDPA has been substantially amended in 2024 to introduce new obligations such as mandatory data protection officers for certain data users, 72-hour breach notification, data portability, and enhanced rules for cross-border transfers.[265] However, the PDPA applies only to 'commercial transactions' and Section 3(1) expressly excludes the Federal and State Governments from its scope, which means that core government-run systems, including the national digital ID infrastructure, generally fall outside the PDPA's direct scope.[266]As a result of the government exemption in the law, the PDPA does not directly govern the design or operation of the MyDigital ID system.[267] Nevertheless, under the PDPA framework, private-sector controllers and processors that handle personal data in connection with digital ID–enabled services must still ensure that data is processed for specific purposes, is accurate and up to date, and is protected through appropriate technical and organizational measures, including access controls, secure storage, and safeguards for data.[268]

The 2024 amendments also require such entities to designate data protection officers, implement formal breach-response processes with 72-hour notification to regulators, and conduct transfer impact assessments when sending biometric or other sensitive data abroad, thereby indirectly influencing the broader digital ID ecosystem.[269]

To address governance of public-sector data, Malaysia has introduced the Data Sharing Act (2025) (DSA), which applies to public sector agencies and regulates how data is shared between them.[270] Section 12 of the DSA provides that a public sector agency may only request data from another agency for specified purposes and that such a request is subject to an evaluation process before sharing can occur, thereby creating a formal gatekeeping mechanism for inter-agency exchange.[271]

Once data is shared, the DSA imposes obligations on both the requesting and receiving agencies, including duties relating to data security, record-keeping, reporting particulars of data sharing, and preventing unauthorized onward sharing, which in principle should constrain how identity-related data can circulate within government.[272] These requirements appear consistent with public statements that MyDigital ID encrypts all data while in transit (while it is being transmitted between private networks or through the internet) and processes user data only temporarily during authentication, aligning operational design with statutory duties to ensure secure handling and controlled sharing of public-sector information.[273]

Taken together, PDPA obligations on private actors and DSA obligations on public agencies create a hybrid governance landscape for digital ID–related data, even though a comprehensive, unified public-sector data protection regime remains absent.

According to official MyDigital ID documentation and statements from the Malaysian government, the MyDigital ID system does not automatically store biometric data such as fingerprints or facial recognition templates on its own servers.[274] Instead, the system functions as an authentication layer that verifies a user's identity for government services by matching biometric data and MyKad information against pre-existing records held by the National Registration Department (NRD), without retaining this biometric or personal data in the MyDigital ID infrastructure after the transaction.[275] However, it should be noted that the government has experienced major data security failures in the past. In December 2022, a data breach compromised the personal information of nearly 13 million citizens.[276] Government-linked databases have experienced repeated leaks, creating widespread public skepticism about the security of centralized digital identity infrastructure.[277]

Human rights organizations and UN bodies have also documented broader patterns of arbitrary detention, abusive conditions, and deportations affecting undocumented persons in Malaysia, including refugees, asylum seekers, stateless persons, and migrant workers with irregular status.[278]

For instance, the creation of a separate government-run Refugee Registration Document (DPP) system that collects extensive biometric data for "monitoring" purposes is outside the PDPA framework.[279]

International Commitments

Malaysia is not a signatory to any specific international treaty or framework dedicated solely to digital IDs. The ASEAN Framework on Personal Data Protection is a non-binding regional instrument that aims to harmonize data protection standards across Southeast Asia.[280]

Malaysia participates in the Asia-Pacific Economic Cooperation's Cross-Border Privacy Rules (APEC CBPR) System.[281] The APEC CBPR is a certification mechanism, not a treaty, that verifies compliance with data protection standards for cross-border data transfers.[282] It is engaged in the ASEAN Digital Economy Framework Agreement (DEFA), which covers digital identity alongside data protection and cybersecurity.[283] Malaysia has ratified CEDAW (1995 with Article 9(2) reservation), CRC (1995 with Articles 2 and 7 reservations), and CRPD (2010 with Articles 15 and 18 reservations).[284]

However, Malaysia has not ratified the Statelessness Conventions, Refugee Convention, ICCPR, ICESCR, or ICERD.[285] The 2024 CEDAW Committee highlighted risks of statelessness arising from discriminatory nationality laws, including provisions affecting children born out of wedlock to Malaysian fathers. It also highlighted the restrictions on Malaysian women's ability to pass down citizenship in certain circumstances.[286]

The Universal Periodic Review 2024 urged Malaysia to resolve the issue of statelessness create systems that recognize refugee document.[287]

The country has also pledged in 2025 to the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific where countries committed to ensure that every birth is registered by 2030 and to close registration gaps among marginalized populations.[288]

The Declaration highlights the barriers faced by stateless persons in accessing civil registration services and pledges to 'develop and implement measures to avoid the potential exclusion of digitally marginalized or vulnerable populations from statistical data and facilitate their access to services and entitlements'.[289]

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

Digital ID has neither contributed to nor reduced statelessness in Malaysia. The grant of digital ID is directly associated with proof of citizenship and cannot be accessed by stateless persons. Even where stateless individuals have temporary identity documents such as MyKAS, these do not qualify for MyDigital ID enrollment.[290]

Registration requires scanning the MyKad, creating a barrier for stateless persons who lack this foundational documentation required for enrollment.[291] The government's target of 95% public service integration with MyDigital ID by 2030 raises concerns. As essential services migrate to digital-first platforms with access requiring MyDigital ID, stateless persons face compounding barriers.[292]

Education access for stateless children remains heavily constrained, with many turned away from public schools despite the 2019 Zero Reject Policy permitting stateless children to attend primary school.[293]

Even if not rejected, individuals are required to pay additional levies if admitted to school. Ultimately, however, they are unable to sit for national examinations without an identity card number.[294] In some cases, stateless children or young adults may hold MyKAS, but schools and examination boards treat MyKAS as a non-citizen documentation, meaning fees, quotas and exam access barriers largely mirror those faced by completely undocumented stateless persons.[295] Health services are similarly stratified, with stateless persons charged two to three times citizen rates in public facilities. This led many individuals to face heightened exclusion during crises such as COVID-19.[296] Furthermore, the lack of legal identity forces many into informal, low-paid and exploitative work.[297]

Under Malaysian immigration law and practice, undocumented individuals are commonly categorized as 'illegal migrants'.[298] *This classification applies broadly to refugees, asylum seekers, undocumented migrant workers, and stateless persons.*[299]

As a result, individuals lacking recognized identity documentation may face arrest, immigration detention, and deportation, sometimes for prolonged periods and under difficult conditions.[300] The absence of legal identity restricts access to services, exposes individuals to enforcement measures and creates continued insecurity.Malaysian courts have, however, produced several important precedents: the Federal Court's CYM decision in 2021 confirmed that an abandoned child (foundling) is a citizen by operation of law under the Constitution.[301] In a 2024 High Court ruling, it was held that stateless persons can legally register marriages without an identity card.[302] Despite the precedent, the 2024

constitutional amendments, which converted foundling citizenship from 'operation of law' to 'by registration', threaten to legislatively overturn this judicial protection.[303] Administrative measures such as issuing MyKAS temporary resident cards to some stateless individuals provide only a precarious, renewable status with no guaranteed pathway to citizenship or to full access to digital ID–linked services.

The government's measures initiated towards inclusion remain geographically limited and do not embed accessibility features or procedural adjustments for persons with disabilities, older persons, people living in rural and remote areas or indigenous communities who are at high risk of being excluded from the MyDigital ID framework.[304] It is therefore recommended that Malaysia establish a dedicated statelessness determination procedure in domestic law.

Access to essential digital services should be separated from strict citizenship requirements. Legal aid must be guaranteed in nationality and documentation matters. Independent oversight mechanisms should be created to monitor and prevent exclusion.

Temporary documentation, such as MyKAS, should ensure pathways to permanent residence or citizenship as well as access to MyDigital ID and services tied to it. Without parallel reforms to nationality laws and access to civil registration, the expansion of digital identity systems risks reinforcing existing documentation hierarchies rather than resolving them.

Photo : Yves_Alarie

MYANMAR

Myanmar

Legal Identity

In Myanmar, every child has the right to receive a birth certificate under the Child Rights Law (2019).[305] All births and deaths must be registered with local ward or village tract administrators in accordance with the Ward and Village Tract Administration Law (2012).[306]

A birth certificate does not prove citizenship but is a crucial document for accessing a wide range of rights and services in Myanmar, such as enrolling in school, accessing healthcare and applying for citizenship documentation.[307]

While the law indicates that all births should be registered, in practice, minority communities such as Rohingya as well as Kachin and Karen face barriers in access to birth registration.[308] Rohingya newborns in Rakhine State face multiple barriers in registration.[309] These include medical verification, administrator recommendations, and township approval.[310] Parents are often required to provide documents they do not possess, pay bribes, or marriage permissions (unique to the Rohingya community).[311] As a result many children go unregistered, leading to their erasure from official records.[312]

The Village and Ward Tract Administrators are also tasked with maintaining and updating household lists.[313] Although these lists do not prove citizenship they are used to track population movements, including relocations, marriages, and changes in household composition.[314] Household lists are important for the issuance of identity documents, school enrolment, accessing electricity, water, health services and other public services.[315] The Ministry of Immigration and Population and the Ministry of Home Affairs jointly oversee the issuance and updating of household lists.[316] It should be noted that Rohingya households endure deliberate delays or deletions during annual 'population checks' if members are absent, while other stateless groups like ethnic Chinese, Indians, or displaced border minorities (e.g., Karen) struggle with outdated lists due to conflict, poverty, or lack of property proof, blocking access to services.[317]

The primary identification document for citizens of Myanmar is the Citizens Scrutiny Card (CSC), which is issued by the Ministry of Immigration and Population.[318] Introduced under the Burma Citizenship Law (1982), the CSC is the primary identification document for citizens in Myanmar.[319] The 1982 law demarcates three categories of citizenship, and different CSCs are issued accordingly:

- (Full) Citizens (Pink card): Individuals who belong to one of the 135 officially recognized national races (Taing Yin Thar) or can trace their ancestry to residents who permanently settled in Myanmar before 04 January 1823 (the start of British colonization).[320]
- Associate Citizens (Blue card): Individuals who acquired citizenship under the Union Citizenship Act (1948) (repealed) but do not meet the ancestry requirements for full citizenship.[321]
- Naturalized Citizens (Green card): Individuals who have resided in Myanmar since before 4 January 1948 and applied for citizenship after the 1982 law came into effect.[322] They must demonstrate fluency in a national language, good character, and lawful conduct.[323]

At age 10, all citizens are required to apply for a National Registration Record Card (NRRC), which serves as a precursor to the CSC.[324] At age 18, individuals must renew and upgrade their NRRC to a CSC.[325]

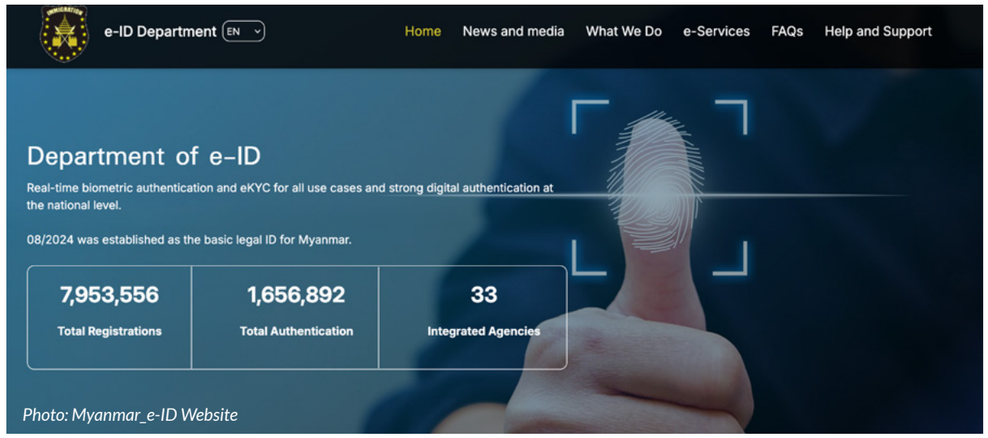

Photo: Myanmar_e-ID Website

The Temporary Registration Card (TRC) was originally introduced as a temporary replacement for individuals whose National Registration Card (pre-cursor to the CSC) was lost or damaged.[326] Sources also mention that TRCs were issued to minority communities that had not been recognised under the 1982 Citizenship Law while their citizenship status was being determined.[327] In February 2015, TRCs were revoked by the government and replaced with a Temporary Approval Card (TAC) or a 'white card receipt'.[328] It functions primarily as an acknowledgment of identity pending further verification, but it offers no pathway to citizenship and no legal protection.[329] For the Rohingya community, TRCs and TACs labeled individuals as 'foreigners' or 'Bengalis', reinforcing their exclusion.[330] Many Rohingya who once held TRCs became effectively undocumented when those cards were revoked without a replacement that conferred substantive status.[331]

Lastly, National Verification Cards (NVC) have been issued since 2016 to people undergoing citizenship verification.[332] These were previously known as Identity Card of National Verification but were changed when the National League for Democracy (NLD) came to power in March 2016.[333] The NVC (turquoise card) is not considered proof of citizenship or a formal identity document.[334]

Overview of Digital ID

In 2016, the Myanmar government first conducted a pilot to replace Citizenship Scrutiny Cards/National Registration Cards with smart digital IDs.[335] In 2020, the Ministry for Labour, Immigration and Population announced the implementation of the e-ID system with the collection of biometric data and assigned a unique identity to individuals.[336] The plan was reintroduced in May 2024, when Myanmar's National Unity Government announced the continuation of the 10-digit Unique Identification (UID) Smart Card.[337] This digital identity system is designed to serve as a centralized biometric identity platform, storing personal and biometric data (including fingerprints and facial recognition) on an embedded chip.[338]

The UID Smart Card is issued by the Ministry of Immigration and Population and is free of charge, according to official statements.[339] However, widespread reports indicate months-long delays in issuance and demands for bribes for expedited processing.[340]

The UID is intended to be used across multiple sectors.[341] It is mandatory for accessing certain services, including border crossings, SIM card registration, banking and financial services, government benefits and pensions.[342] It is intended to be a foundational ID that digitally verifies the identity of an individual.[343] Reports suggest that the growing number of services requiring a UID is effectively turning it into a functional ID.[344]

As per information available, the UID is available to verified citizens, permanent residents and permanent taxpaying foreigners.[345] It is not mandated by a specific law, however, increasingly reports indicate it is required to access travel, immigration and other essential services.[346]

Information available does not specify whether the UID is available to refugees and stateless persons. There is also no verifiable source available regarding whether holders of documents such as the TRC or NVC are eligible for the UID.

Laws

Domestic Law and Policy

Myanmar presently does not have a comprehensive legal framework that governs digital identity systems.[347] From 2013 onwards, government strategies (e-Governance Master Plan 2016–2020, and the 12-point Economic Policy) identified digital ID and 'smart cards' as priorities.[348] More recently, the Myanmar e-Governance Master Plan 2030, released in December 2024, outlines the country's transition plan to a digital government.[349] This plan, however, does not provide a detailed outline of the digital identity system.[350]

Data Protection

As mentioned above, there is no specific law or comprehensive digital ID statute in force in Myanmar and 'digital identity' is not specifically defined.[351] Article 357 of the 2008 Constitution protects the 'privacy and security of home, property, correspondence and other communications of citizens'.[352] Additionally, the *Law Protecting the Privacy and Security of Citizens (2017)* regulates searches, surveillance and interception, but does not create a general data protection regime or detailed rules for digital ID databases.[353]

Myanmar's digital ID system raises serious concerns in relation to privacy, surveillance, and access to public resources.[354] The UID Smart Card and biometric SIM card registration are used to track individuals' movements and communications. However, they operate without a legal framework, and there is no independent system to ensure accountability or provide redress..[355]

While certain provisions related to privacy exist in laws such as the Electronic Transactions Law (2004, amended in 2021), Law Protecting the Privacy and Security of Citizens (2017) and Cybersecurity Law (2025), none of these laws provide a comprehensive or enforceable structure for safeguarding personal data, particularly in the context of the country's expanding digital identity system.[356] Furthermore, there is limited information available regarding the legal requirement for encryption of UID data. There are also no restrictions on government access to this information. The DLA Piper *Data Protection Laws of the World* report confirms that Myanmar relies on fragmented sectoral provisions and that there is no general data protection law in Myanmar nor an independent supervisory body to oversee data processing by public authorities or private actors.[357]

Additionally, in June 2021, Human Rights Watch reported that the UN High Commissioner for Refugees (UNHCR) shared the personal and biometric data of Rohingya refugees with the Bangladesh government.[358] This information was later made accessible to Myanmar authorities, and the transfer occurred without obtaining the refugees' informed consent.[359]

Human Rights Watch warned that this data could be used by Myanmar authorities to facilitate forced or unsafe repatriation, surveillance, or discrimination against a population that remains stateless and persecuted.[360]

International Commitments

Myanmar is not a party to international data protection frameworks such as the GDPR. Myanmar is a party to the CRC, and the CRPD.[361] The implementation of the UID system may violate the country's human rights obligations with respect to access to essential services such as healthcare, education, and employment.[362]

Most notably, the fulfilment of the country's obligations under the CRC (Articles 7 and 24), and CRPD (Article 5, 24, and 25).[363] Myanmar has not ratified the ICCPR, ICESR, or acceded to the 1954 and 1961 Statelessness Conventions or the Refugee Convention.[364]

In addition, as a member state, the ASEAN Framework on Personal Data Protection and Framework on Digital Data Governance sets out non-binding principles to promote coordination and raise standards around data protection, privacy, and secure digital economies.[365] It encourages member states to adopt national data protection laws and supports mutual recognition. However, it does not impose binding commitments or specific mandates on digital ID systems or make provisions for the protection of stateless persons.[366]

Lastly, the country has also pledged to the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific at The Third Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific (2025).[367]

As per the declaration, countries have pledged to ensure that every birth is registered by 2030 and to close registration gaps among marginalized populations.[368] Moreover, the declaration notes the barriers faced by stateless persons in access to civil registration services and pledged to 'develop and implement measures to avoid the potential exclusion of digitally marginalized or vulnerable populations from statistical data and facilitate their access to services and entitlements'.[369]

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

Available information does not indicated that the introduction of the Unique Identification (UID) Smart Card has contributed to reducing statelessness. It is possible that it has reinforced and institutionalized the exclusion of stateless populations from legal identity and access to essential services.[370]

For stateless persons, like the Rohingya community in particular, the UID system continues the administrative exclusion they have faced. Digital identity initiatives have not altered the legal and policy foundation in the country. United Nations bodies and independent fact-finding missions have repeatedly identified the denial of citizenship and identity documentation as a core element of the persecution of the Rohingya.[371]

The denial or revocation of digital ID in Myanmar does not directly cause statelessness in a legal sense, but it functions as a mechanism of exclusion that entrenches statelessness. Without access to the UID, stateless individuals are unable to access a wide range of state-sponsored services,

including – healthcare, education, formal employment, travel permits, banking and financial services, SIM card registration and public benefits and pensions.[372]

While the government promotes the NVC as a pathway to citizenship, in practice, it has failed to guarantee any citizenship rights.[373] Those who are documented are often required by the government to obtain an NVC as a prerequisite for further scrutiny, even when they may qualify for a Citizenship Scrutiny Card.[374] For Rohingya particularly, UN agencies, international NGOs, and Rohingya civil society groups have documented that possession of an NVC has not resulted in citizenship, security of status, or protection from abuse, but has instead functioned as a tool of population control and data extraction.[375]

As of 2025, there is no public evidence that the government has undertaken special measures to ensure access to digital ID for vulnerable or isolated communities, such as stateless persons, persons with disabilities, or the elderly. There is no available information about mobile registration units, legal aid programs, or policy provisions aimed at facilitating inclusive access and the system as a whole remains centralized, opaque, and exclusionary.[376]

This absence of safeguards has particular consequences for the Rohingya, many of whom lack freedom of movement, face language and literacy barriers, and reside in camps or segregated villages under heavy surveillance.[377] No credible evidence indicates that Rohingya holding Temporary Registration Cards (TRCs), Temporary Approval Cards, or NVCs are eligible for UID enrolment, nor that UID issuance could override their exclusion from citizenship.

Additionally, since the 2021 coup, human rights reports indicate that the National Unity Government has used digital technologies to carry out mass surveillance, identify dissent and target opposition movements.[378] The violation of right to privacy also exacerbates discrimination against ethnic and religious minorities, women, LGBTIQ+ communities, persons with disabilities, older persons, and other marginalised groups.[379] Therefore, the digital ID infrastructure can potentially be used to further target individuals, including stateless persons.

To improve the system, Myanmar would need to enact a comprehensive data protection law aligned with international human rights standards. The state should establish independent oversight mechanisms for digital ID governance and ensure non-discriminatory access to digital ID, regardless of ethnicity, religion, or citizenship status.[380]

In addition, introduce legal pathways for stateless individuals to obtain identity documentation and access services.[381] Furthermore, implement safeguards against surveillance and misuse, such as judicial oversight of data access and prohibitions on profiling individuals.[382] Lastly, the government should provide accessible grievance mechanisms for individuals denied ID or services, including appeals processes and legal aid.[383]

Photo : Jarno_Colijn

PHILIPPINES

Philippines

Legal Identity

In the Philippines, legal identity is established through civil registration and enrollment in the Philippines Identification System (PhilSys).[384] *Civil registration is governed by Act No. 3753, An Act To Establish A Civil Register (1930).*[385]

This civil register records the civil status of persons, including births, deaths, marriages, legitimations, adoptions and other acts affecting civil status.[386] All births should be registered with the Local Civil Registry Office (LCRO) at the place where the birth occurred, within 30 days of the birth.[387] A physician, midwife, or either parent must file a declaration certifying key details such as the child's name, date and place of birth, sex, and the parents' names and citizenship.[388] The LCRO creates a birth record and a Certificate of Live Birth is endorsed by the Philippine Statistics Authority (PSA) which then issues a PSA Birth Certificate.[389] PSA birth certificates are the foundational document for accessing a wide range of rights and services, such as school enrollment, social security registration, passport issuance and other government IDs.[390] For those births that are not registered on time, there is a process for delayed or late registration that requires affidavits and additional corroborating documents.[391] A late registration birth certificate has the same legal effect as a timely registration for purposes of establishing legal identity.[392]

The Philippine Identification System (PhilSys) provides every Filipino citizen and qualifying 'resident alien' with a unique 12-digit identification number, PhilSys Number (PSN), and a corresponding Philippine Identification Document (PhilID).[393] Once registered, the individual's PSN and authenticated PhilSys record are accepted by all government agencies and private entities as sufficient proof of identity for transactions, regardless of whether the person presents a physical PhilID card.[394] Laws such and the Republic Act No. 11055 (referred to hereafter as the Republic Act) and An Act Establishing the Philippine Identification System (2018) (referred to hereafter as the Philippine Identification System Act) defines a 'resident alien' as 'an individual who is not a citizen of the Philippines but has established residence in the Philippines for an aggregate period of more than 180 days'.[395] Information available does not confirm whether this extends to stateless persons, refugees or irregular migrants in the country.

Philippine law maintains a clear distinction between proof of identity and proof of citizenship; proof of identity under PhilSys does not automatically equate to proof of citizenship.[396] Citizenship is governed primarily by Article IV of the 1987 Constitution, which follows a jus sanguinis model under which those whose fathers or mothers are citizens of the Philippines are themselves citizens.[397] Additional provisions cover those who were citizens at the time of the Constitution's adoption. These include certain persons born before 17 January 1973, and those naturalized in accordance with law.[398]

> The PSA birth certificate is usually the primary document used to establish both identity and prima facie evidence of citizenship as it records the parents' names and citizenship at the time of birth.[399] However, it does not itself indicate citizenship status.[400]The ePhilID was introduced in 2022 as the printed digital version of the national ID, generated from the PhilSys database and containing a QR code that can be verified against the registry.[401] Philippines' national ID system, the Philippine Identification System (PhilSys), was established in 2018 by Republic Act (RA) No. 11055 (2018) as a 'single national identification system' for all Filipino citizens and 'resident aliens' to streamline public service delivery and support a digital economy.[402]

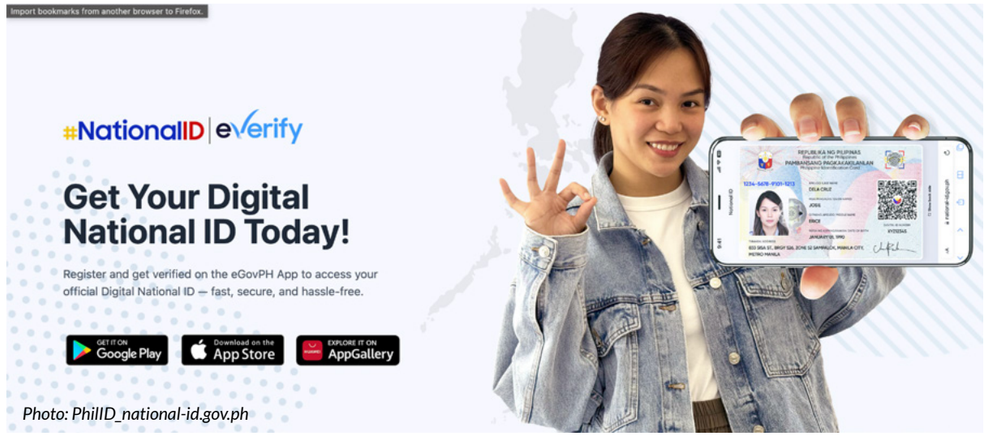

Photo: PhilID_national-id.gov.ph

The ePhilID can be accessed via online channels and the eGovPH Super App.[403]

The official PhilSys website explicitly presents it as a foundational digital ID designed to support 'presenceless, paperless, and cashless' transactions and to serve as the core legal identity credential integrated across government and private sector systems.[404]

Section 13 of the Republic Act No. 11055 authorizes the PhilID or PSN to be used for a wide range of public and private purposes, including access to social welfare benefits, health services, education, employment, tax dealings, passports, driver's licenses, and banking and financial services. This indicates that it performs the role of a functional ID along with being conceived as a foundational ID.[405]

PhilSys authentication is being integrated into civil registration services, social protection programs. Banks and e-money issuers are using PhilSys-based authentication to simplify customer due diligence and promote financial inclusion.[406] While Philippine law does not currently make PhilID the exclusive ID for any specific service, there are regulatory mandates for its integration into major platforms.[407] This means that PhilSys is becoming indispensable in order to access many digital government and financial services.[408] Available government and media reports indicate that PhilSys credentials, particularly the Digital National ID through eGovPH, are increasingly treated as the primary or default form of ID for online onboarding and transactions, even though other IDs may still be accepted in some cases.[409]

Citizens receive their initial PhilID free of charge and with lifetime validity.[410] Foreign residents must register using a foreign passport and Alien Certificate of Registration (ACR/i-Card), pay standard fee and periodically renew their PhilID.[411] Information available does not confirm whether this service extends to stateless persons, refugees or irregular migrants in the country.

The design and rollout of PhilSys have been led primarily by government actors, notably the PSA and the multi-agency PhilSys Policy and Coordination Council (PSPCC), with technology support from the Department of Information and Communications Technology (DICT), the Bangko Sentral ng Pilipinas (BSP), open-source and financial sector partners.[412] Available documentation describes PhilSys as a government-driven initiative with private partners mainly involved in providing technology

platforms and financial-sector integration, rather than as a co-designed scheme with civil society or independent equality bodies.[413]

Laws

Domestic Law and Policy

The Philippines does have a dedicated legal framework for its national digital ID system. Republic Act, the Philippine Identification System Act, establishes the Philippine Identification System (PhilSys), creates the PhilSys Number (PSN), the Philippine Identification Card (PhilID), and the PhilSys Registry.

It designates the Philippine Statistics Authority (PSA) as the main implementing body alongside the PhilSys Policy and Coordination Council (PSPCC).[414] The Revised Implementing Rules and Regulations (IRR) of RA 11055 (2021) further specify registration procedures, authentication modes, governance arrangements for the PSPCC, and data-protection and security duties, including appointment of a PhilSys Data Protection Officer and detailed penal provisions for misuse of PhilSys data or credentials.[415] Executive Order No. 162 (2022) complements this framework by requiring all government agencies and private entities to accept the PhilID, PSN and PSN derivatives as sufficient proof of identity and age in their transactions, while leaving other government-issued IDs valid, and explicitly linking PhilSys to goals of improved service delivery, financial inclusion and reduced red tape.[416]

The Philippines does not legally define 'digital identity' as a concept in any domestic statute, but the PhilSys law and IRR together describe the functional components of a digital identity system. The Republic Act defines PhilSys as the government's central identification platform for all citizens and resident aliens and provides that a person's record in PhilSys, and the PSN 'in print, electronic or any other form, subject to authentication,' shall be accepted as sufficient proof of identity in public- and private-sector transactions.[417] The IRR further defines the PSN, PSN derivatives (for example the PhilSys Card Number), relying parties and trusted service providers, and lays out online and offline authentication processes that use combinations of demographic data, biometric data and cryptographically protected QR codes.[418]

There is no single, PhilSys-specific complaint and redress system in statute; instead, people affected by misuse or mishandling of PhilSys data or credentials must rely on general legal and regulatory mechanisms. The Republic Act and its IRR contain criminal and administrative penalties for conduct such as refusing to accept PhilSys credentials without just cause, falsifying or fraudulently using PhilID or PSN, and unlawfully processing or disclosing PhilSys data. However, it does not establish a dedicated PhilSys complaints office, internal appeal routes within the PSA, or fixed timelines for resolving individual grievances.[419]

Operational issues like delayed or undelivered PhilIDs are generally handled through PSA helpdesks and online tracking or enquiry channels, with more serious disputes or alleged misconduct taken to the courts, the Ombudsman or broader government complaint platforms.[420]

Data Protection

The Philippines' data protection framework is built upon Republic Act No. 10173, the Data Privacy Act (2012) (referred to hereafter as DPA), which applies to all processing of personal data by natural or juridical persons in both the government and private sectors.[421] The DPA is administered by the National Privacy Commission (NPC), an independent body mandated to implement the law, monitor compliance, receive complaints, conduct investigations, and issue enforcement orders including cease-and-desist orders.[422] Individuals whose PhilSys-related personal data are misused or exposed can file complaints with the NPC under the Data Privacy Act, using procedures set out in NPC issuances; the NPC can investigate, mediate, order correction or deletion of data, and impose administrative fines, including under amendments that expanded its enforcement powers.[423]

The DPA does not define 'biometric data' anywhere in its text.[424] Biometric data is captured indirectly under the DPA's definition of 'sensitive personal information' in Section 3(l), which includes information about an individual's health, education, genetic or sexual life, as well as any data specifically established by an executive order or act of Congress to be kept classified.[425] The DPA's broad definition of 'personal information', any information from which an individual's identity is apparent or can be reasonably and directly ascertained, would also independently cover biometric data.[426]

Section 22 of the DPA requires government agencies to secure sensitive personal information 'with the use of the most appropriate standard recognized by the information and communications technology industry, and as recommended by the Commission'.[427] The NPC has demonstrated rigorous enforcement of biometric data protections, as seen in its October 2025 cease-and-desist order against Tools for Humanity (Worldcoin) for unauthorized iris biometric collection.[428]

The Commission ruled that biometric data is 'non-negotiable' as a 'unique and permanent identifier,' and emphasized that consent compromised by financial compensation 'ceases to be a genuine expression of choice'.[429]

Section 23(b)(3) of the Data Privacy Act explicitly requires that 'any technology used to store, transport or access sensitive personal information for purposes of off-site access...shall be secured by the use of the most secure encryption standard recognized by the Commission'.[430] This applies when government employees access sensitive personal information off government property, limited to 1,000 records at a time with agency head approval.[431] Section 17 of the PhilSys Act establishes a prohibition on the disclosure of PhilSys data to third parties, expressly including law enforcement agencies, national security agencies, and units of the Armed Forces of the Philippines, except where the registered person has given prior specific consent, or where a competent court orders disclosure upon establishing a substantial risk to public health or safety, with the registered person notified within 72 hours.[432]

Civil society organizations have raised substantial concerns about function creep - the expansion of data use beyond originally declared purposes.[433] The Foundation for Media Alternatives (FMA) documented that the PhilSys Act's provision allowing disclosure when 'compelling interest of public health or safety so requires' creates ambiguity about who determines such interests and what safeguards prevent mission creep.[434] The 2016 COMELEC data breach, which exposed personal information of 55 million registered voters including biometric fingerprint data, demonstrated the catastrophic consequences of inadequate data protection in government systems.[435]

International Commitments

The Philippines is the first and only country in Southeast Asia to have ratified both Statelessness Conventions: the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[436] The Philippines is the Co-Chair of the Advisory Committee of the Global Alliance to End Statelessness, and is a solution seeker state.[437] The Philippines introduced the National Action Plan to End Statelessness by 2024, launched in November 2017 as a seven-point framework aligned with

UNHCR's Global Action Plan and #IBelong campaign, with commitments to resolve existing cases of statelessness, ensure that no child is born stateless, improve birth registration, accede to statelessness conventions, and strengthen data on stateless populations.[438] The Philippines operates a dedicated statelessness status determination procedure under Department of Justice Circular No. 58 (2012), administered by the DOJ Refugees and Stateless Persons Protection Unit.[439]

The Philippines has ratified all core human rights treaties, including the ICCPR, ICESCR, CEDAW, CAT, CRC, CRPD, and CERD.[440] The Philippines is not a party to any binding international treaty that specifically establishes obligations in relation to digital identity systems.

As a signatory, the country is obliged to ensure birth registration (ICCPR Article 24(2); and CRC Article 7), non-discrimination (ICCPR Article 2, 26; ICESCR Article 26; and CRC Article 2), and access to essential services like health (ICESCR Article 12), education (ICESCR Article 13), and social security (ICESCR Article 9).[441] Furthermore, in its General Comment No. 25, the CRC Committee states that digital systems should be created such that they enable all children to safely access essential digital public services and educational services without discrimination.[442]

The country has also pledged in 2025 to the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific where countries committed to ensure that every birth is registered by 2030 and to close registration gaps among marginalized populations.[443] The Declaration highlights the barriers faced by stateless persons in accessing civil registration services and pledges to 'develop and implement measures to avoid the potential exclusion of digitally marginalized or vulnerable populations from statistical data and facilitate their access to services and entitlements'.[444]

Additionally, as a member state, the Philippines is committed to the ASEAN Framework on Personal Data Protection and Framework on Digital Data Governance, which sets out non-binding principles encouraging member states to adopt national data protection laws.[445] The Philippines also participates in the APEC Privacy Framework, although it is not part of the Cross-Border Privacy Rules certification system.[446] The framework aims at promoting electronic commerce throughout the Asia Pacific region, and highlights the value of privacy to individuals and to the information society.[447]

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

The National Digital ID has neither contributed to nor reduced statelessness in the Philippines. The Philippine Identification System limits registration to citizens and 'resident aliens' of the Republic of the Philippines.[448] There is no publicly available evidence that indicates that stateless persons can access this documentation. As the ePhilID is progressively integrated in government services, stateless persons face compounding and accelerating barriers as essential services migrate to digital-first platforms requiring PhilID verification.

Education access for stateless children is heavily constrained because the Department of Education requires a birth certificate as a basic documentary requirement for enrollment, creating an upstream barrier that prevents children without civil registration from entering the system that leads to PhilSys registration.[449] In the Philippines, an estimated 3.7 million individuals lacked birth certificates as of 2020, with over a third being children aged 14 and below, disproportionately from indigenous and conflict-affected communities. Without a birth certificate, such children cannot obtain a PhilID and face persistent exclusion from government programs and opportunities requiring proof of identity.[450] Health services linked to the National Health Insurance Program (PhilHealth) similarly require identification for membership enrollment and benefit claims. While PhilHealth signed an inter-agency agreement with the DOJ and UNHCR in 2018 to enroll formally recognized Persons of Concern in the Sponsored Program, undocumented stateless persons who have not undergone formal determination proceedings remain unable to access this pathway.[451] Furthermore, the lack of legal identity forces stateless persons into informal, low-paid, and exploitative work, as they are effectively barred from the formal employment sector that requires valid identification for SSS, PhilHealth, and HDMF membership contributions mandated by law.[452]

Under Philippine immigration law, the Bureau of Immigration classifies individuals lacking valid immigration documentation as undocumented aliens, creating a risk of arrest, detention, and deportation for stateless persons unable to prove lawful status. [453]

Philippine courts have produced important precedents relevant to statelessness and identity rights. In Poe-Llamanzares v. COMELEC (2016), the Supreme Court ruled that foundlings are presumed natural-born Filipino citizens, holding that concluding otherwise 'creates an inferior class of citizens who are made to suffer that inferiority through no fault of their own,' thereby preventing foundling children from falling into statelessness.[454]

In February 2022, the Supreme Court promulgated A.M. No. 21-07-22-SC, the Rule on Facilitated Naturalization of Refugees and Stateless Persons, which reduces residency requirements, permits online publication of petitions, and provides that inability to submit documentary requirements shall not be a ground for denial where the totality of evidence is sufficient.[455] The government has also undertaken targeted measures including mobile birth registration missions in BARMM and Maguindanao in collaboration with UNHCR and UNICEF, with over 600 unregistered children receiving birth certificates in March 2023 alone.[456] However, these measures operate parallel to PhilSys rather than integrated with it.

It is therefore recommended that the Philippines amend legislation to explicitly recognize stateless persons as an eligibility category, independent of visa status. This would align PhilSys with the country's obligations under the 1954 and 1961 Conventions.

Access to essential services, including healthcare, education, social protection, and banking, should be formally decoupled from strict PhilID requirements. Government agencies should be prohibited from denying services to persons whose exclusion from PhilSys results from statutory barriers. Without parallel reforms to registration law and civil identity infrastructure, the expansion of digital identity systems risks reinforcing existing documentation hierarchies rather than resolving them.

Photo : Hu_Chen

SINGAPORE

Singapore

Legal Identity

Singapore has a mandatory National Registration Identity Card (NRIC) for all citizens and permanent residents in the country. Citizens must apply for the NRIC when they reach the age of 15.[457] The National Registration Act (1965) governs the NRIC system. The NRIC can be used as proof of legal identity and citizenship or permanent residency for people living in Singapore.[458] However, it is not in itself a proof of citizenship as permanent residents who are non-citizens can also acquire it.[459]

In Singapore, birth registration is a foundational identity for a child. According to the Registration of Births and Deaths Act (2021),[460] all births, regardless of the parents' immigration status in Singapore, must be registered within 42 days of childbirth. The failure to register a child's birth within the stipulated time can result in a fine and/or imprisonment.[461] Birth registration constitutes legal identity in Singapore. It includes details such as name, date of birth, and parents' names. It is issued to every child born in the country or to those who are registered with Singapore authorities overseas.[462]

A birth certificate does not grant citizenship but is one of the supporting documents for proof of citizenship.[463] Citizenship is formally established by a Singapore Citizenship Certificate, which is issued by the Immigration and Checkpoints Authority.[464]

Foreigners living in Singapore, who are not permanent residents, are given a Foreigners Identification Number (FIN) by the Immigration and Checkpoints Authority. The FIN is issued to foreigners residing in Singapore with long-term passes (such as Employment Pass or Student Pass). The FIN serves as their legal identity document for the duration of their stay in the country.[465] The FIN is reportedly also issued to stateless persons living in Singapore.[466] Legal identity is therefore well-established for citizens and permanent residents through the NRIC and foreigners and unregistered persons through the FIN systems.

Overview of Digital ID

Singapore has a National Digital Identity (NDI) system which is part of its legal identity framework, commonly known as Singpass, developed as part of the country's Smart Nation initiative.[467] The minimum age requirement to enrol for Singpass is 15 years.[468]

To be eligible for Singpass, citizens and permanent citizens must use their NRIC, while foreigners must use their FIN.[469] As a result, only individuals with an NRIC or FIN can register for Singpass, excluding those without formal citizenship or residency status. There is no official source confirming that stateless persons can apply for Singpass.

The Singpass is a functional ID that allows access to a wide range of government and private sector services.[470] Approximately 97% of the population use the Singpass to access more than 2,000 public and private sector services online, such as financial services, healthcare, education, business services, and transportation.[471] Although Singpass is not legally mandatory, it is required to access many government e-services as part of the Smart Nation initiative.[472]

As of December 2023, there are approximately 853 stateless persons residing in Singapore.[473] Stateless persons are eligible for a Special Pass card, which legalises their stay in the country.[474] Approximately 204 stateless persons in Singapore hold the Special Pass, and the Ministry for Manpower, in October 2024, stated that stateless persons who are issued the Special Pass do not have Singpass accounts.[475]

Approximately 76% of the stateless population in Singapore have PR status and therefore, in theory, have access to Singpass.[476] However, there is no information available to verify the extent to which stateless individuals with permanent residence have registered for Singpass or have access to register for the digital ID.

The framework for Singapore's digital ID system has been primarily formulated and implemented by government agencies, with significant technical input from private sector partners. The Singapore Government Technology Agency (GovTech) led the design, development, and roll-out of the NDI, including Singpass and associated platforms such as MyInfo.[477] The implementation of the digital ID system involved partnerships with private technology companies for developing technical components.[478]

While there was outreach and education initiatives, the primary mode of public involvement was through feedback and user-testing phases.[479] There is no evidence of large-scale formal public consultations prior to the launch of the digital ID system or during major architectural decision-making.

Government programmes focused on on-boarding seniors and those less digitally literate, providing in-person service points and digital literacy training to facilitate adoption, but there is limited evidence of targeted engagement with other marginalized or isolated communities (such as stateless persons or minorities) in the initial design phase. There is no public evidence that the digital ID programme's formulation involved panels or direct consultation with experts in racial discrimination, social exclusion, or similar human rights or civil society organisations. Most academic and NGO analyses point to a government focus on technical excellence, economic impact, and convenience, rather than on political or social dimensions of exclusion at the design stage.[480] The legal framework governing Singpass and the NDI system is not established through a single statute but operates under broader data governance and ICT laws

Laws

Domestic Law and Policy

To date, there is no specific legislation for Singpass and Singapore's National Digital Identity (NDI) system. Instead, the system functions within an existing legislative framework governed by the following laws[481] - The Public Sector (Governance) Act (2018), which covers, among other areas, the management of data by government agencies, including personal data protection and data sharing[482]; The Personal Data Protection Act (2012) (PDPA) which provides a baseline standard for protection of personal data by the private sector in Singapore[483]; The National Registration Act (1965), underpins Singapore's foundational ID system, on which the digital identity system is built[484]; and The Electronic Transactions Act, which establishes and regulates trustworthy digital certification services in Singapore.[485]

There is no specific definition of digital identity within Singapore's domestic laws. However, Singpass's 'Terms of Use' describes it as 'the electronic identification, authentication, or authorisation service of the Government of Singapore known as 'Singpass' through such Devices, websites, channels or platforms, as may be designated by us from time to time.'[486]

Singpass is linked with foundational identity systems such as the NRIC or FIN that prove citizenship or residency status. The digital identity by itself is not a proof of citizenship, rather a proof of residency status in the country.[487] When applying for citizenship, Singpass is required in order to access and complete the application processes.[488]

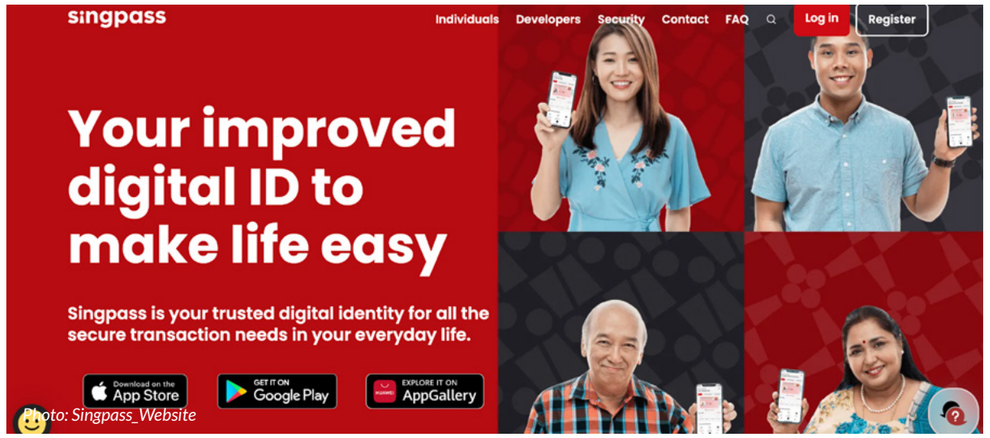

Photo: *Singpass_Website*

Individuals whose digital ID data is misused, lost, or mishandled can file complaints with the Personal Data Protection Commission (PDPC), which investigates, enforces penalties, and can order rectification.[489] Individuals can also submit complaints to GovTech or the Immigration and Checkpoints Authority, both of which have formal feedback and escalation channels.[490] Data breaches, identity theft, or disputes relating to transactions via Singpass are subject to investigation and enforcement under both PDPA and relevant criminal legislation.[491] It is important to note that PDPA does not ordinarily apply to "public agencies" when they collect personal data to carry out public functions.[492] Since Singpass is operated by the government, much of the personal data processed via Singpass is handled by public agencies in their official capacity; therefore, a significant volume of data-processing activities tend to be outside the PDPA's regulatory remit.[493]

Data Protection

Singapore's data protection framework is one of the most established in the region. It is built on a model that draws a clear distinction between private sector and public sector obligations. The key data protection law in Singapore is the PDPA: it provides a baseline standard of protection for personal data in Singapore. It complements sector-specific legislative and regulatory frameworks such as those related to banking and insurance. It comprises various requirements governing the collection, use, disclosure and care of personal data.[494]

The PDPA does not expressly address the NDI. The Singpass Terms of Use, however, refer to the PDPA and specify that "personal data" carries the same meaning as in the PDPA.[495] Accordingly, data protection in the use of Singpass is regulated by the Singpass Privacy Statement, interpreted alongside the Terms of Use, and is ultimately subject to the overarching framework of the PDPA.[496]

The PDPA's provisions also extends to biometric data. According to the Singapore government's FAQs about Singpass, the application collects biometric data and any data retained is encrypted in storage and protected with tamper-evident logging. The government also deletes data that is no longer required; however, no specified timeframe is stipulated regarding when data should be removed.[497] The collected biometric data is encrypted and generally, Singpass requires authentication for access to any service. As the authentication is backed by encryption

technologies and security safeguards,[498] the government does have access to this data.[499]

Singpass authentication uses biometric facial verification through the MyInfo platform and app-based features, but there is limited publicly available information on data retention, access, and sharing between agencies. The data that the government has access to includes biometrics, personal data, information on devices and may extend to other information that is collected from the individual in using their Singpass and Singpass materials.[500]

As per information available, when a service (government or private) seeks to retrieve data via MyInfo, the user must authenticate access (via Singpass) and explicitly consent to that data sharing.[501]

There is no evidence of direct violations of rights around privacy or surveillance in connection with the use of data obtained through Singpass and Singapore's NDI system on stateless persons, refugees, or migrant populations. However, there has been criticism of Singapore's ubiquitous technology-fuelled surveillance of its residents.[502] While Singapore maintains a comprehensive private-sector data protection law, the lack of independent oversight for government-held digital identity data presents challenges for accountability and rights protection.

International Commitments

Singapore has not ratified the ICCPR, ICESCR, the 1954 and 1961 Statelessness Conventions, nor the Refugee Convention. However, the country has acceded to CEDAW, CRC and UNCRPD.[503] In particular, the Committee on the Rights of the Child has elaborated the rights of children in digital environments. General Comment No. 25 by the Committee advocates for the creation of digital systems that enable all children to safely access essential digital public services and educational services without discrimination.[504] There is risk that stateless children in Singapore may face exclusion from public services and education due to the lack of access to Singpass. This raises concerns regarding the full realization of obligations under CRC along with the principle of non-discrimination, under Article 7 of the UDHR.[505] Furthermore, since Singapore is not a party to the GDPR, it is not privy to other binding international commitments with respect to digital ID systems.

The ASEAN Framework on Personal Data Protection and Framework on Digital Data Governance sets out non-binding principles encouraging member states to adopt national data protection laws and supports mutual recognition. However, it does not impose binding commitments or specific mandates on digital ID systems or make provisions for the protection of stateless persons.[506]

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

Singapore's digital ID system enhances access and digital inclusion for those who already have legal status in the country, but does not directly address the situations of stateless persons. The Singpass is not formal proof of citizenship. It is issued to citizens, permanent residents and certain foreigners with legal identity documents. There is limited information on whether stateless persons with permanent resident in Singapore are able to access Singpass and, by extension, various government and private services linked through it.[507] Singapore offers digital inclusion programmes, workshops, subsidies and support such as the Silver Infocomm Initiative and Seniors Go Digital for persons with disabilities, senior citizens and low-income households.[508] However, there are no specific legal or policy frameworks providing access to a digital ID for stateless persons. Assistance for stateless people typically depends on ad-hoc legal relief as opposed to systemic mechanisms for inclusion.

Moreover, there are currently no significant judicial precedents involving stateless individuals and their right to access digital ID. Policy, legal and design reforms could help to ensure that stateless persons are able to access digital IDs and services linked to them.

Photo : Alejandro_Cartagena

THAILAND

Thailand

Legal Identity

In Thailand, the legal identity system is maintained by the Department of Provincial Administration (DOPA).[509] This includes birth registration and household registration. The Civil Registration Act B.E. 2534 (1991, amended in 2008 and 2019) ensures universal birth registration for all births in the country, irrespective of nationality or immigration status.[510]

In addition, a specific individual 13-digit personal identification number is assigned to each person residing in the country at the time of birth or first registration (this includes late birth registration or initial population registration for persons not registered at birth).[511]

The primary form of legal identification for Thai nationals is the National ID Card.[512] According to the Identity Card Act B.E. 2526 (1983), Thai nationals who have reached seven years of age and whose names appear in the household registration are required to obtain a National Identification Card.[513] For Thai nationals under the age of seven, identity can be issued using a birth certificate, a household registration book, or a Thai passport.[514]

The Thai National ID Card is divided into two categories.[515] The first type, a white card with a blue background, is issued to Thai nationals above the age of seven. This serves as proof of Thai citizenship.[516] In order to obtain this Thai National ID Card, first-time applicants must provide their birth certificate and the household registration book.[517] The relevant household registration book, known as the Blue Book (Thor Ror 14), confirms the applicant's name and address in the civil registration system.[518] While there is no comprehensive list of services requiring a National ID Card, it remains indispensable for key functions such as voting and accessing government programs.[519]

The second category is a pink ID card for individuals without Thai nationality, including stateless persons, individuals born in Thailand but not granted Thai nationality, and children under state care or in shelters operated by private welfare organizations.[520] Pink ID card holders are also assigned a 13-digit personal identification number; however, the number is coded to indicate non-citizen legal status and does not provide access to citizenship rights.[521]

There are two types of pink ID cards: (1) a fully pink card for non-Thai nationals whose names appear in a household registration, and (2) a pink and white card for non-Thai nationals whose names do not appear in a household registration but who have registered their personal records.[522] It follows that a pink ID card does not constitute proof of Thai citizenship because it is specifically designated for non-citizens.[523] Although not mandatory, it can expedite access to healthcare services and simplify processes such as obtaining SIM cards, driver's licenses and public services in the country.[524]

Non-Thai nationals must meet certain requirements before they can obtain a pink ID card. Applicants are required to provide a civil registration record (e.g., a household registration), proof of identity, (e.g., birth certificate), that has been certified by the Thai authorities.[525]

Overview of Digital ID

Thailand's legal identity framework has two key digital ID systems. The first is the ThaID, a mobile application developed by the Department of Provincial Administration that aims to simplify access to services requiring identity verification.[526] It serves as a digital form of identification for Thai citizens, allowing them to verify their identity electronically.[527] As part of this system, the Department of Provincial Administration has developed a facial verification service, allowing service providers to submit a citizen's ID number and facial image for comparison against the Department's biometric database and the system then returns a percentage match score.[528] Initially launched on 10 January 2023 as the Digital Identity Verification and Authentication System, it was rebranded as the ThaID application on 14 March 2023.[529]

The Thai ID application has elements of a foundational and functional form of identification as it provides a digital ID certificate available to all Thai citizens, enabling access to a wide range of digital services across both the public and private sectors.[530]

The second digital ID system is the DGA Digital ID developed by the Digital Government Development Agency (DGA).[531] Access to DGA Digital ID is based on authentication against the national civil registration database using the Thai National ID number.[532] This service allows Thai citizens to access certain government services through a single account without the need to re-authenticate for each service.[533] The DGA Digital ID is best characterized as a 'functional' form of identification because it operates as a framework to streamline access to specific Thai governmental services rather than serving as a universal identity credential.[534]

The DGA Digital ID is integrated into services including the Citizen Portal and the Government Service Center for Businesses (Biz Portal), and digital services from other Thai government agencies such as the Food and Drug Administration's e-submission system for approval of new food and drug products, the Department of Employment's platform for job seekers, and the National Broadcasting and Telecommunications Commission, among others.[535] Like ThaID, participation in the DGA Digital ID system is voluntary.[536]

Both the ThaID and the DGA Digital ID are only available to Thai citizens.[537] One of the objectives of Phase 2 of the Thai government's Thailand Digital ID Framework Phase 2 (2025–2027) is to extend Digital ID services to 'foreigners and vulnerable groups' including migrant workers.[538] The present objectives of Phase 2 do not specifically include stateless individuals.

	ThaID	DGA Digital ID
Issuing Authority	Department of Provincial Administration	Digital Government Development Authority
Purpose	Identity verification for electronic transactions with government/private sectors	Access to 400+ government services (e.g., taxes, welfare, health records) online
Key services	Voting verification, election reporting, digital household registration, public health, vehicle registration, tax payments	Welfare applications, medical records, school information; future digital voting/licenses

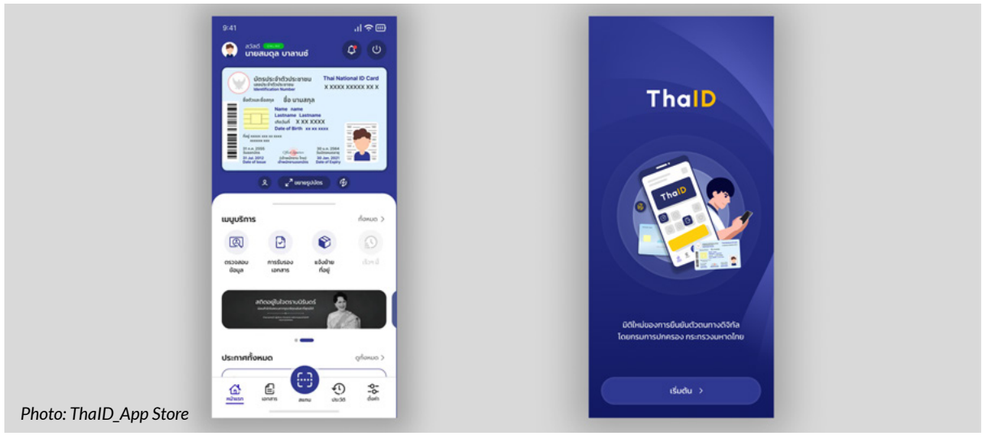

Photo: ThaID_App Store

Laws

Domestic Law and Policy

The Electronic Transactions Act, B.E. 2544 (2001, amended in 2019), governs electronic transactions in Thailand.[539] It provides the legal framework to ensure that digital communications, contracts, and signatures are recognized, enforceable, and secure.[540] Amendments introduced in 2019 to the Electronic Transactions Act dealing with Digital ID and authentication systems aim to standardize digital ID services and create a regulatory system overseeing Digital ID service providers.[541]

The 2019 amendments establish ETDA as the regulator of digital identity service providers, introduce accreditation requirements, and grant legal recognition of electronic identity verification mechanisms.

The Digitalization of Public Administration and Services Delivery Act, B.E. 2562 (2019) (also known as the Digital Government Act) aims to modernize and digitize public administration and services.[542] It requires Thai government agencies to implement digital systems for public administration and the delivery of services.[543] Under the Digital Government Act, government agencies are required to establish digital identity authentication and verification systems to facilitate service delivery.[544]

Thailand's government policy toward digital ID frameworks is made up of a patchwork of overlapping initiatives. The Digital Government Development Plan (2023–2027) is a broad national strategy for transforming public administration and service delivery through digital technologies.[545] One of its components is to mandate the development of a national digital identity verification system to support secure access to government services.[546] The plan was developed by the DGA and approved on 28 February 2023.[547]

The DGA has developed and published Standards and Guidelines for Digital Processes and Operations related to Digital ID (Digital ID Standards).[548] The Digital ID Standards were announced on 11 October 2021 and agencies were given two years to comply.[549]

Data Protection

Thailand's data protection and privacy law is the Personal Data Protection Act B.E. 2562 (2019)

(PDP Act).[550] The DGA has stated that Thailand's system of digital identity authentication and verification should incorporate strong personal data protection measures that ensure high standards of data security and comply with applicable laws, which includes the PDP Act.[551] The PDP law applies to both public and private digital identity systems, with certain exemptions for national security and public interest involving government agencies.[552]

The PDP Act regulates how personal data is collected, used, disclosed, and stored.[553] Personal information and biometric data collected for the purposes of digital ID are subject to the requirements under the PDP Act as they comprise information relating to a person that directly or indirectly enables the identification of such person.[554]

However, the PDP Act's restrictions on access to personal data do not apply where a Thai government agency is legally authorized to request personal data from a data controller to fulfill duties pertaining to a matter of public interest.[555] It is therefore possible that Thai government agencies may access personal data collected through the digital ID system.

Despite safeguards within the legislative framework, implementation of government biometric systems has raised concerns about surveillance and ethnic profiling.[556] Amnesty International documented that 15 women and LGBTI activists were targeted with Pegasus spyware between 2020 and 2021.[557]

There is no direct evidence of the Thai government using personal data of stateless persons, refugees, or migrant populations specifically through digital ID systems in a way that violates fundamental rights to privacy. However, evidence of misuse of personal data of Thai nationals raises broader concerns.

International Commitments

Thailand is not party to any international framework, agreement or treaty on data protection which directly governs the implementation of its digital ID framework. Additionally, Thailand is not a signatory to either the Convention Relating to the Status of Stateless Persons 1954 or the Convention on the Reduction of Statelessness 1961. However, Thailand has ratified several key human rights treaties, such as ICCPR, CEDAW, CAT, CRC, CRPD, and CERD.[558] The implementation of the ThaID and DGA Digital ID system may violate the country's human rights obligations with respect to access to essential services such as healthcare, education, and employment.[559] Most notably, the fulfillment of the country's obligations under the CRC (Articles 7 and 24), and CRPD (Articles 5, 24, and 25).[560] As a party to the CRC, it should be noted that the Committee on the Rights of the Child, in its General Comment No. 25, states that digital systems should be created such that they enable all children to safely access essential digital public services and educational services without discrimination.[561]

Additionally, as a member state, Thailand is committed to the ASEAN Framework on Personal Data Protection and Framework on Digital Data Governance, which set out non-binding principles encouraging member states to adopt national data protection laws.[562]

The country has also pledged, in 2025, to the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific where countries pledged to ensure that every birth is registered by 2030 and to close registration gaps among marginalized populations.[563]

The Declarations highlight the barriers faced by stateless persons in accessing civil registration services and pledges to 'develop and implement measures to avoid the potential exclusion of digitally marginalized or vulnerable populations from statistical data and facilitate their access to services and entitlements'.[564]

Thailand also participates in the APEC Privacy Framework, although it is not part of the Cross-Border Privacy Rules certification system.[565] The framework aims to promote electronic commerce throughout the Asia Pacific region, and highlights the value of privacy to individuals and to the information society.[566]

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

Thailand's digital ID systems are currently accessible only to Thai nationals.[567] Stateless persons remain excluded from digital ID systems unless they first obtain citizenship. Thailand's digital ID systems have not alleviated previously existing inequalities generated by the Identification card scheme; rather, in practice, they have continued to perpetuate them.[568]

Stateless persons in Thailand face systemic barriers in accessing state-sponsored basic services mainly because these services depend on holding a Thai ID card or other state-issued documents, which they generally do not possess.[569]

They are excluded from universal health coverage schemes and must pay out-of-pocket for most medical care, except for limited public health interventions like child immunizations.[570] In education, stateless children can attend primary and lower secondary school, but access to vocational and higher education is blocked because institutions require Thai ID or foreign citizenship documentation.[571]

They are similarly restricted in employment, banking, land ownership, and inter-provincial mobility, all of which require formal Thai ID or legal foreign status, leaving them largely confined to informal, low-wage work and financial exclusion.[572] Thailand does issue pink ID cards to some stateless persons, enabling limited access to certain services, but these documents do not confer citizenship and do not allow access to digital ID systems or full Thai public services.[573]

Phase 2 of Thailand's Digital ID Framework (2025–2027) includes provisions to extend digital identity access to foreigners and migrant workers who meet legal criteria.[574] However, implementation details remain limited, and access will still depend on prior legal recognition.[575]

Digital ID has not reduced statelessness in Thailand. Legal identity reforms and nationality grants remain the primary mechanisms for addressing statelessness. On 1 May 2025, the Thai government directed provincial government authorities to implement accelerated pathways to nationality and permanent residence for over 480,000 stateless individuals in Thailand.[576]

Digital ID could support these efforts in the future, but only if systems are designed to be inclusive of stateless populations and integrated with broader legal recognition frameworks.

Photo : Trevar_Skillicorn-Chilver

TIMOR-LESTE

Timor-Leste

Legal Identity

All children born in Timor-Leste must be registered after birth and registration is free of charge for children under the age of five.[577] *Registration must occur within four weeks of the birth of the child.*[578]

A 2011 draft bill, the Child's Code, that is available on the Ministry of Justice website mentions registration of birth must be done irrespective of the parents' marital status or national origins.[579] The same bill also states that health facilities must identify newborns after birth and inform parents of the registration procedures.[580]

The birth record is entered into the civil registry maintained by the Ministry of Justice's National Directorate of Registries and Notarial Services.[581] This birth registration record forms the legal basis for subsequent identity documents, including the national identity card.[582] There is limited information available on whether birth registration is available to stateless children and what are the barriers they may face.

The national identity card (Bilhete de Identidade) is the primary official proof of legal identity in Timor-Leste.[583] This document is issued by the National Directorate of Registries and Notarial Services under the Ministry of Justice.[584] It contains identity data such as the name, parentage, place and date of birth, gender, marital status, photograph, signature and citizenship.[585] The national identity card in Timor-Leste serves as an official proof of citizenship in addition to proving legal identity.[586]

Timor-Leste provides residence permits to foreign nationals through its Immigration Service, governed primarily by Law No. 11/2017 on Migration and Asylum.[587] Timor-Leste issues two main types of residence permits: temporary and permanent.[588] Temporary residence permits are valid for up to two years and renewable for the same period.[589] They are available for professionals, family reunification, victims of human trafficking, or certain other exceptional reasons.[590] Permanent residence permits have no expiry date but must be renewed every five years.[591] They are granted after at least 12 consecutive years of legal residence in the country.[592] Information available does not indicate that these residence permits are available to stateless persons in the country.

Overview of Digital ID

Timor-Leste developed a comprehensive Unique Identity (UID) System Strategic Plan 2021-2025, approved by the Council of Ministers in June 2021.[593] This plan outlined the creation of a digital identity system consisting of a 10-digit random Unique ID Number (UIN), biographical data (name, date of birth, place of birth), and biometric information (facial image, fingerprints, iris scans).[594] In October 2025, the government launched 'Dalan ba Digital,' a new €3 million initiative funded by the European Union and implemented by UN Development Program (UNDP), which aims to 'support the creation of a unique digital ID for citizens' over the next three years.[595]

The Strategic Plan states that the UID is intended for all people in TimorLeste, specifically mentioning, 'Everyone can receive a UID, including foreigners, orphans, refugees, stateless persons, and those with no existing ID.'[596] *However, it is yet to be determined if this will be the case when the system is practically implemented.*

Digital identity is also defined in the Strategic Plan as 'a collection of electronically captured and stored identity attributes that uniquely describe a person within a given context and are used for electronic transactions…A person's digital identity may be composed of a variety of attributes, including biographic data and biometric data (e.g., fingerprints, iris scans, handprints) as well as other attributes that are more broadly related to what the person does or something someone else knows about the individual.'[597] No services are currently designated as accessible only through the UID, and the Strategic Plan positions the UID as complementary to existing identification such as the national identity card.[598]

Laws

Domestic Law and Policy

The main policy framework for digital identity in Timor-Leste is the *Unique Identity (UID) System Strategic Plan 2021–2025* which envisions the creation of a national, unique, digital ID system that is presently in the initial stages of planning and development.[599] Under the Constitution of the Democratic Republic of Timor-Leste, Article 38 protects the right to personal data and privacy, establishing that everyone has the right to access personal data stored in computer systems or records, to be informed of the purpose of data collection, and to oppose the processing of data on beliefs, religion, or other private matters without consent.[600]

Decree-Law No. 2/2004 on Civil Identification governs the issuance of physical national identity cards, which are issued only to Timorese citizens and administered by the National Directorate of Registries and Notarial Services under the Ministry of Justice.[601] This law includes provisions on data protection and access to records, but it does not regulate a digital UID system and specifically applies to the physical ID card regime.[602]Timor-Leste's broader digital policy framework is set out in *Timor Digital 2032*, a tenyear national digital strategy launched in 2023 that aims to apply digital technologies and Information and Communication Technologies (ICT) in priority areas for human and economic development.[603] In addition, Decree-Law No. 12/2024 on General Legal Regime for Electronic Commerce and Electronic Signatures, establishes the legal framework of electronic transactions and electronic signatures.[604]

Data Protection

Timor-Leste does not have a comprehensive data protection and privacy law currently in force. As mentioned, Article 38 of the Constitution specifically addresses personal data protection, granting citizens the right to access their personal data and demand the purpose of its collection.[605]

As part of the Strategic Plan, a *Data Privacy and Protection Law* was planned to establish comprehensive data protection rules and independent oversight.[606] However, as of January 2026, no data protection law has been enacted in Timor-Leste, and there is no independent data protection authority.

In addition, a draft Cybercrime Law, which contains provisions on unauthorized access to computer systems and related offenses, remains in draft form as of early 2025 and has not yet been enacted.[607] Civil society and human rights monitoring reports have noted concerns that the draft law may restrict online freedoms and lack adequate data protection safeguards.[608]

No dedicated law protects biometric data collected for digital ID. No legal mandate requires encryption of digital ID data, despite Decree-Law 12/2024 mentioning electronic security measures.[609] There are no explicit prohibitions on government access to UID data. No specific evidence establishes government misuse of digital ID data in violation of privacy or individual rights, as the system remains in the pilot stage. It must be noted that without data protection legislation, there remains an elevated risk of profiling, breaches, and discrimination through data linkage to banking, health, and other sectors.[610]

International Commitments

Timor-Leste has ratified the core UN human rights treaties, including the ICCPR, ICESCR, CRC, CEDAW, CERD, CAT, and CRPD.[611] Timor-Leste has also acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, though with some reservations concerning access to courts and social assistance.[612] However, Timor-Leste has not ratified the 1954 Convention relating to the Status of Stateless Persons nor the 1961 Convention on the Reduction of Statelessness.[613]

As a signatory, the country is obliged to ensure birth registration (ICCPR Article 24(2); and CRC Article 7), non-discrimination (ICCPR Article 2, 26; ICESCR Article 26; and CRC Article 2), and access to essential services like health (ICESCR Article 12), education (ICESCR Article 13), and social security (ICESCR Article 9).[614]

Furthermore, in its General Comment No. 25, the CRC Committee states that digital systems should be created such that they enable all children to safely access essential digital public services and educational services without discrimination.[615] The Committee on the Elimination of Discrimination against Women in its fourth periodic report, recommended that Timor-Leste strengthen birth registration systems and collect disaggregated data on stateless women and girls to better assess the impact of birth registration.[616]

In October 2025, Timor-Leste was confirmed as a member of ASEAN, therefore the ASEAN Framework on Personal Data Protection and Framework on Digital Data Governance hold persuasive value for the country to enact data protection and privacy laws. These frameworks set out non-binding principles encouraging member states to adopt national data protection laws and support mutual recognition, but do not impose binding commitments or specific mandates on digital ID systems or make provisions for the protection of stateless persons.[617]

The country has also pledged in 2025 to the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific. Countries pledge to ensure that every birth is registered by 2030 and to close registration gaps among marginalized populations.[618] The Declaration highlights the barriers faced by stateless persons in access to civil registration services and pledges to 'develop and implement measures to avoid the potential exclusion of digitally marginalized or vulnerable populations from statistical data and facilitate their access to services and entitlements'.[619]

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

Timor-Leste is in the early stages of implementing a digital identity system, and there is currently no evidence that digital ID has either contributed to or reduced statelessness, as the system remains in a pilot or development phase.[620] The Unique ID is explicitly designed as a foundational digital identity that is separate from civil registration and citizenship, and the granting, denial, or revocation of UID does not itself confer, remove, or alter nationality status.[621] The UID Strategic Plan explicitly allows enrollment without birth certificates, using alternative mechanisms such as witnessed declarations, NGO endorsements, and parental or guardian biometrics for children, with the aim of including vulnerable and hard-to-reach

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populations such as stateless persons, refugees, children, persons with disabilities, and those living in remote areas.[622]

Despite these inclusive intentions, Timor-Leste still faces gaps in preventing statelessness. Under the Constitution, children born to stateless parents, parents of unknown citizenship, or parents whose nationality cannot be determined are entitled to acquire citizenship automatically. However, UNHCR noted that foundlings must prove birth on Timorese territory, and children whose parents cannot confer nationality may not automatically receive citizenship.[623] There are currently no reliable statistics on stateless persons, and the country has not acceded to the 1954 and 1961 UN statelessness conventions, which UNHCR recommends, along with establishing a formal statelessness determination procedure.[624]

Legal and policy frameworks in Timor-Leste support privacy, data protection, and human rights, though a comprehensive data protection law is not yet in force. The Ombudsman for Human Rights and Justice (PDHJ) has a mandate to investigate rights violations, including access to services. It has begun cooperation with Indonesia's National Human Rights Commission (Komnas HAM) on statelessness and cross-border issues.[625]

Timor-Leste's UID Strategic Plan is explicitly designed to increase inclusivity and reduce barriers for stateless, undocumented, and marginalized populations.[626] However, the system is still in its early stages, with no public evidence of enrollment or inclusion of stateless persons. Challenges remain in birth registration, geographic accessibility, bureaucratic complexity, and social discrimination.[627] The potential of the UID system to mitigate these gaps depends on effective implementation, mobile outreach, legal safeguards, and continuous monitoring to ensure that it fulfills its inclusive objectives without reinforcing exclusion.

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VIET NAM

Viet Nam

Legal Identity

The primary proof of legal identity in Viet Nam is the Citizen Identity Card (Căn cước công dân).[628] The Citizen Identity Card is issued by the Ministry of Public Security and serves as the primary means of verifying identity and legal information in the country.[629] Every Vietnamese citizen aged 14 and above is eligible for an identity card.[630] Additionally, ID cards can be issued for children under 14 on request, as on 01 July 2024.[631]

A birth certificate is issued once a child is registered with the local People's Committees.[632] The Law on Civil Status (2014) states that parents or relatives must complete the registration of a birth within 60 days of the birth of the child.[633]

The law also makes provisions to register foundling children as well.[634] Citizenship of individuals is determined separately under the Law on Vietnamese Nationality (2008, amended 2014, 2025).[635] Once a birth is registered, the individual is entered into the National Population Database managed by the Ministry of Public Security and issued a Personal Identification Number.[636]

According to the Law of Vietnamese Nationality (2008, amended 2014), citizenship is primarily acquired by descent from at least one Vietnamese parent, or through naturalisation under statutory criteria.[637]

While birth certificates and Citizen Identity Cards are evidence used in nationality determination, a birth certificate alone does not establish Vietnamese citizenship, particularly for children of non-citizen parents.[638]

It should be noted that the Law on Identity (2023) has created an Identity Certificate (Chứng Nhận Căn Cước) for persons of Vietnamese origin with undetermined nationality.[639] These certificates do not confer citizenship, but they can be used to access education, healthcare, and other basic services.[640] There is limited information on whether stateless persons who are not of Vietnamese origin can apply for these Identity Certificates.

Overview of Digital ID

Development of Viet Nam's digital ID system began as part of the government's 'Project 06' on National Digital Transformation for 2022–2025.[641] The Government's Decision 06/QĐ-TTg (2022) sets out a scheme on developing the application of data on population, identification and electronic authentication for the national digital transformation in the period 2022–2025.[642]

The VNeID application, which was launched nationwide in 2023, enables users to authenticate electronically for online and offline transactions, display e-documents, and access services.[643] Services attached to the system include enrolment for social insurance, tax payments, medical records, e-government services, and digital banking authentication.[644]

Vietnamese citizens may apply for VNeID accounts through local police authorities or via the VNeID mobile application, using a valid Citizen Identity Card and biometric verification.[645] Participation is formally voluntary, but in practice increasingly required to access public and private services.[646]

The country's digital ID system is a process led by the Ministry of Public Security.[647] Public involvement in the law-making process is mandatory under Vietnamese law.[648] Relevant agencies, organizations, and individuals have the right, and must be enabled to provide comments on draft legal documents.[649] The law drafters and related agencies or organizations are responsible for facilitating the participation of other agencies, organizations, and individuals in providing feedback on the draft legislation including consulting with those directly impacted by the relevant draft law.[650] However, limited information is available on whether public consultations took place in the creation of the digital identity system law and policy.

Foreign nationals residing in Viet Nam may apply for e-ID accounts under Decree No. 69/2024, using their passports or residence cards.[651] The decree defines two levels of access for foreigners, depending on the documentation submitted - Level 1, which allows limited authentication using basic identity information; and Level 2, which permits broader access to public services following biometric verification and residence documentation.[652] Stateless persons of Vietnamese origin are eligible for identity cards, but information available is limited on whether they are explicitly able to access e-ID accounts.[653]

Laws

Domestic Law and Policy

Law No. 26/2023/QH15 on Identification regulates electronic identification and authentication.[654] Under this law, digital identity is defined as an electronic account containing a citizen's identification number, biometric data, and other information verified through the national database.[655]

In addition, Decree No. 72/2013/ND-CP introduces mandatory online identity verification requirements for certain internet services, raising concerns regarding privacy, surveillance, and access for individuals lacking recognized digital identities.[656] Each citizen is issued one unique electronic identification credential, which has the same legal validity as the physical identity card.[657]

Law No. 26/2023/QH15 provides in Article 6 an avenue for complaints, to settle complaints and denunciations and handle violations of the law on identity in accordance with law.[658] This suggests that the law does provide for complaints and handling of violations in the identity/ID regime.

Decree No. 69/2024/ND-CP on Electronic Identification and Authentication regulates issuance, use, locking/unlocking of electronic identification accounts (e-ID) for individuals, foreign nationals, organizations; integration with the national population or immigration databases; connection and sharing of data; legal validity of electronic identification and authentication services.[659] This decree also defines 'electronic identity' as information about an agency or an organization or an individual existing in an electronic identification and authentication system that makes it possible to uniquely identify that individual or agency or organization in cyberspace.[660]

The legal and policy framework does establish a linkage between digital identity and citizenship, in that the identity card regime is for Vietnamese citizens, and the digital identity regime maps onto that system.[661] However, the digital identity framework also extends to foreign residents, so it is not strictly limited to citizens.[662]

Data Protection

Data Protection is primarily governed by two decrees, that is - Decree No. 13/2023/ND-CP (Decree No. 13) and Decree No. 69/2024/ND-CP (as discussed above). Decree No. 13 on Personal

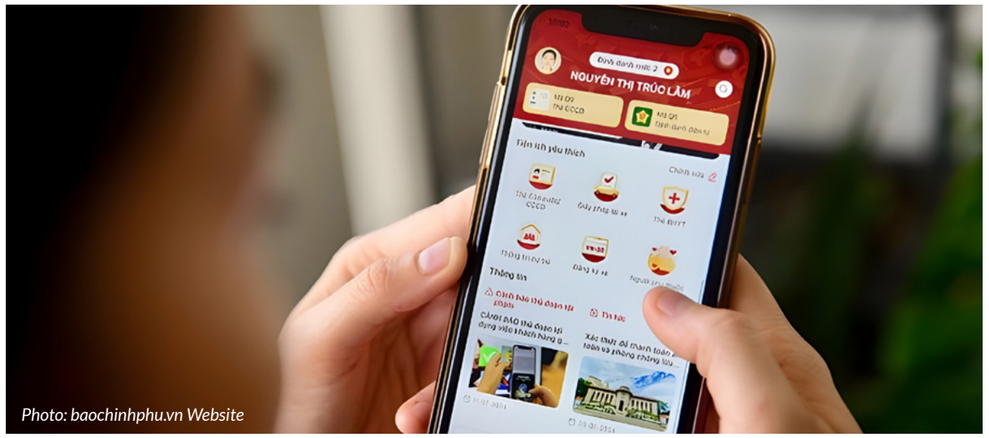

Photo: baochinhphu.vn Website

Data Protection sets out rights of data subjects and the manner in which personal data shall be used.[663] It states that data subjects have the right to be informed, to consent (and to withdraw consent), rights of access or correction, and rights to request deletion or return, except where other laws provide exceptions.[664] Decree No. 69/2024/ND-CP requires the Ministry of Public Security to build, operate and protect the e-ID system; it mandates permanent storage of e-identification in the national e-ID system and retention of access history for 5 years.[665]

Decree No. 13 lists 'distinctive physical attributes and biological characteristics' (i.e. biometric information) among 'sensitive personal data', which triggers higher protection measures and additional organisational/technical requirements for controllers/processors.[666]

With regard to the encryption of data, Decree No. 13 requires appropriate technical and organisational security measures and encourages the application of standards; it lists encryption or decryption as processing operations and requires technical safeguards.[667] Decree No. 69 also brings cryptographic or cipher guidance into the picture by naming the Government Cipher Committee to provide cryptographic standards and to assess cryptographic security for e-ID users.[668] Decree No. 13 also requires Personal Data Controllers to notify the Ministry of Public Security (Department of Cybersecurity & Hi-tech Crime Prevention) within 72 hours of detecting a violation of personal data regulations.[669] The decree also sets up a National Personal Data Protection Portal to receive notifications and complaints as well as to handle violations in relation to personal data protection in accordance with the law.[670]

While there is no publicly available documentation indicating the misuse of data, it should be noted that the government has statutory power to access/process personal data for state functions and national security.[671] Civil society organisations have raised concerns that Viet Nam's expanding digital identification and cybersecurity framework may facilitate state surveillance, particularly of human rights defenders and civil society actors.[672] Reports by Amnesty International and Human Rights Watch document spyware attacks and expansive monitoring powers under the 2019 Cybersecurity Law (Law No. 24/2018/QH14), raising risks that digital ID systems could be used to suppress dissent or target marginalised groups.[673]

The aforementioned laws permit government access under statutory exceptions and do not institute an absolute prohibition.[674] Decree No. 13 establishes the Department at Ministry of Public Security as the specialised agency, with powers to inspect, receive notifications and handle violations.[675] Controllers or processors are explicitly required to cooperate and to supply information for investigations.[676] Similarly, Decree No. 69 places the build, operation, administration of the national e-ID system in the hands of the Ministry to connect or share data with other state bodies, and prescribes that e-ID records be stored permanently and access logs for five years.[677]

International Commitments

Viet Nam is not a party to any international treaty explicitly governing digital identification or data protection, but it is a signatory to major human rights treaties relevant to these domains. Notably, the Committee on the Rights of the Child, in its General Comment No. 25 states that digital systems should be created such that they enable all children to safely access essential digital public services and educational services without discrimination.[678]

The ASEAN Framework on Personal Data Protection and Framework on Digital Data Governance sets out non-binding principles encouraging member states to adopt national data protection laws and supports mutual recognition.[679]

However, it does not impose binding commitments or specific mandates on digital ID systems or make provisions for the protection of stateless persons.[680] The country has also pledged in 2025 to the Ministerial Declaration on a Decade of Action for Inclusive and Resilient Civil Registration and Vital Statistics in Asia and the Pacific where countries pledged to ensure that every birth is registered by 2030 and to close registration gaps among marginalized populations.[681] The Declaration highlights the barriers faced by stateless persons in access to civil registration services and pledged to 'develop and implement measures to avoid the potential exclusion of digitally marginalized or vulnerable populations from statistical data and facilitate their access to services and entitlements'.[682]

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

The introduction of Viet Nam's digital ID system has had mixed implications for statelessness and inclusion. On one hand, it has reduced administrative exclusion for people of Vietnamese origin lacking nationality confirmation, who can now receive identity certificates and access certain services.[683] On the other hand, it has digitized existing inequalities by embedding access barriers into digital platforms dependent on legal documentation.

The grant of a digital ID does not confer citizenship. While revocation of a digital ID does not affect an individual's legal nationality or possession of a physical Citizen Identity Card, it may result in functional exclusion from essential public and private services, creating conditions of de facto statelessness without altering formal legal status. Stateless individuals and undocumented migrants face exclusion from essential services integrated into VNeID and the national authentication system, such as social insurance and public healthcare, banking and telecommunications registration, education enrolment, among other administrative procedures.[684]

The Identification Law (2023) constitutes a significant step forward by providing identity certificates to a previously unrecognized group.[685] However, access for non-Vietnamese stateless persons remains legally undefined. Additionally, there are no publicly reported judicial precedents on digital ID and rights related to statelessness in Viet Nam.

The issuance of identity certificates to persons of Vietnamese origin with undetermined nationality represents meaningful progress and is a positive step towards addressing documentation gaps. However, without extending similar protections to all stateless residents, many individuals remain excluded due to the lack of documentation. As digital ID becomes the gateway to nearly all public services, ensuring inclusive access and data privacy is essential for Viet Nam's compliance with its human rights obligations and towards safeguarding the right to legal identity for all persons within its territory.

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