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Myanmar: Analysis of Digital IDs and Human Rights

The Centre for Law and Democracy (CLD) is today releasing a Human Rights Analysis of Biometric Digital ID Systems providing insight into the issue of developing a human rights compliant biometric digital ID system. A system of this sort is currently being considered in Myanmar. The Analysis reviews the human rights that may be negatively impacted by a biometric digital ID system and describes how to avoid such harms. It also reviews digital ID developments in Myanmar, as well as in a selection of countries where courts have limited implemented or planned biometric digital ID systems.

“Biometric digital ID systems can have important advantages for both citizens and public authorities, but they also often negatively impact human rights, in particular privacy,” said Toby Mendel, Executive Director, CLD. *“At the moment, Myanmar lacks key elements of a protective legal framework which should be in place before adopting such an ID system.”*

In each of the three countries reviewed in this Analysis, India, Jamaica and Kenya, senior courts have either limited or halted entirely biometric digital ID systems, primarily on the basis of privacy but also other rights, such as social and economic rights which can be impacted through denial of access to services provided by both public and private actors.

Key recommendations in the Analysis include:

- Any biometric digital ID system should be set out clearly in law; otherwise, it will breach the international law requirement that limits on privacy be done only by law.
- A strong personal data protection regime should be put in place before adopting any biometric digital ID system.
- Registration in a biometric digital ID system should be voluntary and should not be a prerequisite for receiving social services or benefits.
- Any biometric digital ID system should be overseen by an independent body.
- Any biometric digital ID system should not be linked to sensitive personal data such as citizenship, race, ethnicity or religion.

The Analysis is available in English and Burmese at: <https://www.law-democracy.org/live/myanmar-analysis-of-digital-ids-and-human-rights/>

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