



# ID Systems and SOGI Inclusive Design

© 2021 International Bank for Reconstruction and Development/The World Bank  
1818 H Street, NW, Washington, D.C., 20433  
Telephone: 202-473-1000; Internet: [www.worldbank.org](http://www.worldbank.org)

## Some Rights Reserved

This work is a product of the staff of The World Bank with external contributions. The findings, interpretations, and conclusions expressed in this work do not necessarily reflect the views of The World Bank, its Board of Executive Directors, or the governments they represent. The World Bank does not guarantee the accuracy of the data included in this work. The boundaries, colors, denominations, and other information shown on any map in this work do not imply any judgment on the part of The World Bank concerning the legal status of any territory or the endorsement or acceptance of such boundaries.

Nothing herein shall constitute or be considered to be a limitation upon or waiver of the privileges and immunities of The World Bank, or of any participating organization to which such privileges and immunities may apply, all of which are specifically reserved.

## Rights and Permission



This work is available under the Creative Commons Attribution 3.0 IGO license (CC BY 3.0 IGO) <http://creativecommons.org/licenses/by/3.0/igo>. Under the Creative Commons Attribution license, you are free to copy, distribute, transmit, and adapt this work, including for commercial purposes, under the following conditions:

**Attribution**—Please cite the work as follows: Toni Joe Lebbos, Victoria Esquivel-Korsiak, and Julia Clark. 2021. *ID Systems and SOGI Inclusive Design*, Washington, DC: World Bank License: Creative Commons Attribution 3.0 IGO (CC BY 3.0 IGO)

**Translations**—If you create a translation of this work, please add the following disclaimer along with the attribution: *This translation was not created by The World Bank and should not be considered an official World Bank translation. The World Bank shall not be liable for any content or error in this translation.*

**Adaptations**—If you create an adaptation of this work, please add the following disclaimer along with the attribution: *This is an adaptation of an original work by The World Bank. Views and opinions expressed in the adaptation are the sole responsibility of the author or authors of the adaptation and are not endorsed by The World Bank.*

**Third Party Content** — The World Bank does not necessarily own each component of the content contained within the work. The World Bank therefore does not warrant that the use of any third-party-owned individual component or part contained in the work will not infringe on the rights of those third parties. The risk of claims resulting from such infringement rests solely with you. If you wish to re-use a component of the work, it is your responsibility to determine whether permission is needed for that re-use and to obtain permission from the copyright owner. Examples of components can include, but are not limited to, tables, figures, or images.

All queries on rights and licenses should be addressed to World Bank Publications, The World Bank, 1818 H Street, NW, Washington, DC, 20433; USA; email: [pubrights@worldbank.org](mailto:pubrights@worldbank.org).

Cover images: Shutterstock.

# Contents

---

<b>About ID4D</b>	<b>iv</b>
<b>Acknowledgments</b>	<b>1</b>
<b>Summary</b>	<b>2</b>
<b>Key Issues</b>	<b>3</b>
<b>Emerging Global Norms</b>	<b>6</b>
<b>Good Practices</b>	<b>7</b>
1. Which attribute to collect—gender or sex?	7
2. How to code gender attributes	8
3. How to collect or change gender or sex attributes for inclusion and nondiscrimination	10
4. Should gender or sex markers appear on physical credentials?	11
5. How to understand the country context and include affected minorities	12
<b>Conclusion</b>	<b>13</b>

## Tables

Table 1. Current Practices on Collection and Display of Gender or Sex Attributes	2
Table 2. Countries Allowing Flexibility in Gender Disclosure	6

# About ID4D

---

The World Bank Group's Identification for Development (ID4D) initiative uses global knowledge and expertise across sectors to help countries realize the transformational potential of digital identification systems to achieve the Sustainable Development Goals. It operates across the World Bank Group with global practices and units working on digital development, social protection, health, financial inclusion, governance, gender, legal, among others.

The mission of ID4D is to enable all people to access services and exercise their rights, by increasing the number of people who have an official form of identification. ID4D makes this happen through its three pillars of work: thought leadership and analytics to generate evidence and fill knowledge gaps; global platforms and convening to amplify good practices, collaborate and raise awareness; and country and regional engagement to provide financial and technical assistance for the implementation of robust, inclusive and responsible digital identification systems and with civil registration.

The work of ID4D is made possible through support from the Bill & Melinda Gates Foundation, the UK Government, the French Government, and the Omidyar Network.

To find out more about ID4D, visit [id4d.worldbank.org](http://id4d.worldbank.org). To participate in the conversation on social media, use the hashtag #ID4D.

# Acknowledgments

---

This note was prepared by Toni Joe Lebbos, Victoria Esquivel-Korsiak, and Julia Clark under the supervision of Vyjayanti Desai and Clifton Cortez. The contents and recommendations in this note benefited greatly from consultations with over 40 civil society organizations working on SOGI across Africa—including Nigeria, Guinea, Côte d'Ivoire, Tanzania, the Democratic Republic of Congo, and Uganda—between 2018 and 2019. In addition, this note benefited from reviews and input from Joseph Atick, Louise Cord, Maninder Gill, Caren Grown, Sanjay Jain, Tarik Malik, Anna Metz, Maletela Tuoane-Nkhasi, and Felix Ortega.

# Summary

---

The Principles on Identification for Sustainable Development, endorsed by 30 organizations, provides a framework for how to design identification (ID) systems that fulfill the promise of inclusive, sustainable development. The first principle on inclusion seeks to ensure universal access to identification, free from discrimination. To realize this ideal in practice, ID systems need to be fully inclusive of and accessible to all individuals regardless of their sexual orientation or gender identity (SOGI, see box 1 for definitions). This note describes key issues and emergent good practices to help practitioners build inclusive ID systems that prevent or reduce discrimination against individuals based on SOGI.<sup>1</sup>

## Box 1: SOGI Terms and Definitions Used throughout This Note

**Sex:** Sex is a person's biological status as male, female, or intersex. There are a number of indicators of biological sex, including sex chromosomes, internal reproductive organs, and external genitalia. Sex is frequently assigned at birth for civil registration purposes and captured on birth certificates.

**Gender:** Gender refers to social, behavioral, and cultural attributes, expectations, and norms associated with being male or female and is not necessarily tied to biological indicators. Gender is frequently collected instead of "sex" by ID systems.

**Gender identity:** Each person's deeply felt internal and individual experience of gender (e.g., of being a man, a woman, in-between, neither, or something else) which may or may not correspond with the sex they were assigned at birth or the gender attributed to them by other people based on their appearance. Gender identity is internal; it is not necessarily visible to others. Note that this sense of self is not related to sexual orientation.

**Gender expression:** The way we show our gender to the world around us, through such things as clothing, hairstyles, and mannerisms, to name a few examples.

**Gender diverse:** Refers to persons whose gender identity, including their gender expression, is at odds with what is perceived as being the gender norm in a particular context at a particular point in time.

**Transgender:** Persons who identify with a different gender than the one assigned at birth.

**Nonbinary:** A gender identity that is neither exclusively masculine nor feminine.

**Sexual orientation:** Sexual orientation refers to a person's physical, romantic and/or emotional attraction toward other people. Sexual orientation is not related to gender identity or sex characteristics.

---

1 Although similar issues are also relevant for civil registration (CR), the analysis and recommendations in this note are specific to ID systems that provide credentials commonly used by adults to prove their official or legal identity in their daily lives, such as national or digital ID systems.

# Key Issues

---

**The collection of gender or sex attributes in ID systems is considered critical by many countries for the administration of public programs, authentication of identity, and to provide sex- or gender-disaggregated data for development purposes.** Gender or sex information is also important for monitoring progress and addressing gender gaps in ID coverage for both women and gender minorities. Findings from consultations with SOGI groups further indicate that affected minorities prefer that ID systems collect demographic data on gender for the purposes of visibility, advocacy, planning, research, and statistics.

**However, discrimination on the grounds of gender identity may arise during the collection or validation of identity information (registration) or based on how this information is written or stored on ID credentials and used in practice.** For example, the process through which gender or sex attributes are collected during registration, the processes for asserting or changing gender or sex attributes, and the inclusion of a visible gender or sex attribute or “marker” on an ID credential (e.g., a physical card or certificate) are all potential points where discrimination can arise. This is particularly the case when IDs contain information that contradicts the appearance or gender expression of a person.

**Secondary sources, and findings from consultations conducted by the World Bank with over 40 civil society organizations working on SOGI in multiple countries across Africa,<sup>2</sup> highlight some major challenges:**

1. **For people identifying as transgender, the gender or sex marker on official ID credentials, which in most countries reflects the sex assigned at birth, is a perpetual cause of discrimination.** Such discrimination could happen both while attempting to obtain an ID or when trying to access services with an ID. As a result, transgender people often try to avoid any interaction that requires presenting official identification.
2. **Transgender people are often subjected to violence, by state agents and others, upon realization that the gender or sex marker on an ID does not “match” the person’s current physical appearance.** As a result, transgender people have a legitimate fear of being stopped by the police and getting asked for their ID or of accessing certain services that require showing their ID.
3. **Gender or sex markers on IDs also affect individuals with gender expressions that do not fit stereotypical gender roles embedded in societies (i.e., effeminate men and masculine women).** Such individuals do not necessarily identify as gay, lesbian, bisexual, transgender, intersex, or queer. Despite this, effeminate men and masculine women are often discriminated against or attacked because they do not present themselves or behave the way people “expect” them to based on the gender or sex indicated on their IDs.

**In light of these experiences, and to ensure nondiscrimination and inclusion of all people, it is important for ID practitioners to carefully consider:**

1. What data to collect (gender or sex) based on the purpose of the ID system
2. How that data are coded in the system
3. How to collect, validate, or enable changes to this information for maximum inclusion and to ensure nondiscrimination
4. Whether to include gender or sex markers on ID credentials

---

<sup>2</sup> Including Nigeria, Guinea, Côte d’Ivoire, Tanzania, the Democratic Republic of Congo, and Uganda.

**In making these critical decisions, it is also important to understand the country context.** This requires, among other things, consideration of the needs and experiences of affected minorities via stakeholder engagement and meaningful inclusion of SOGI communities in the design and implementation of ID systems.

Global norms are currently evolving, and emerging good practice, as discussed further below and throughout this note, centers around the right to self-determination of gender identity, ensuring simple processes for self-assertion<sup>3</sup> of gender or sex in ID systems, and the gradual removal of gender or sex markers from ID documents.

**Currently, ID systems roughly fall into two broad categories with regard to the collection and display of gender or sex based on whether the ID system is integrated with or derived from the CR system or not.** Table 1 provides a broad overview of current practice on the collection and display of gender or sex in ID systems.

**Table 1. Current Practices on Collection and Display of Gender or Sex Attributes**

Common practices in existing systems		
	Core ID data derived from CR system	Core ID data collected independently
Collecting gender vs. sex attributes	Generally collect sex Sex is treated as binary—only male or female options	Collect either gender or sex Sex is almost always treated as binary—only male or female options Gender may be binary (M/F) or include third options (X, T, or O) which denote “nonbinary” gender status or a desire not to disclose one’s gender (e.g., ICAO standards)
		Legal framework: What is collected (gender or sex) is often codified in law, limiting ability of the system to change to collecting gender without revision of legal framework.
How gender or sex is first collected and verified	Collection is generally based on sex as originally recorded in or seeded from the civil registry or as taken from birth certificates	Collection may be based on documents (e.g., birth certificates) or may be self-asserted
		Legal framework: Laws may dictate how gender or sex should be substantiated (e.g., which documents are required or if it must be derived from the CR system), including if it can be self-asserted.

<sup>3</sup> This note understands “self-asserted” to mean “attributes which are neither validated nor verified” as laid out, for example, in “NIST Special Publication 800-63A Digital Identity Guidelines: Enrollment and Identity Proofing Requirements” (June 2017), available at <https://pages.nist.gov/800-63-3/sp800-63a.html>.

	Common practices in existing systems	
	Core ID data derived from CR system	Core ID data collected independently
<b>Changes to gender or sex attribute</b>	<p>May not be possible to change the attribute</p> <p>Where change is possible it can be onerous and discriminatory (e.g., requiring medical procedures/interventions, examinations, or certificates)</p>	<p>May not be possible to change the attribute</p> <p>Changes may be self-asserted or may require substantiation through documentation which can be onerous/discriminatory (e.g., medical certificates, court documents, revised birth certificates, etc.)</p>
<b>Legal framework:</b> Inability to change attribute or onerous change procedures may be codified in legal framework.		
<b>Gender or sex marker on ID credentials</b>	<p>Sex is the marker in use and is frequently printed on ID credentials</p>	<p>Gender or sex marker may be visible on ID credentials</p>
<b>Legal framework:</b> Laws may or may not dictate whether the marker is printed on credentials.		
<b>Example country</b>	<p>Peru (ID system is directly linked to the CR and sex information is seeded from CR)</p>	<p>India (third option “T” for transgender; gender or gender changes are self-asserted)</p> <p>Pakistan (third option “X” for transgender; gender is self-asserted at enrollment, but gender changes require some documentation)</p>

Note: CR = civil registration; ICAO = International Civil Aviation Organization.

# Emerging Global Norms

---

**Effective measures to ensure respect of gender identity across sectors and societies have been developed at global, regional, and national levels, raising awareness of the need to carefully design or rethink the procedures for collection, change, and display of gender or sex attributes in ID systems and on ID credentials.**

UN experts and the Inter-American Commission on Human Rights, the African Commission on Human and People's Rights, and the Council of Europe have each called on states to facilitate quick, transparent, and accessible gender recognition without abusive or onerous conditions. Several countries have put in place legal frameworks which recognize gender based on self-determination (e.g., Argentina, Denmark, Colombia, Ireland, Malta, Norway, Belgium, Austria, Brazil, and Pakistan). Many of these countries' laws also establish simple processes based on self-determination for the modification of name and gender or sex markers on official documents through civil registration or ID systems without arduous requirements (e.g., medical procedures or certificates). There is also an increasing legal precedent in countries such as Botswana, Kenya, Chile, Colombia, Ecuador, India, Pakistan, and Bangladesh, which have established that transgender persons have the right to their gender identity and, frequently, to have their names changed on identity documents.<sup>4</sup>

As legal and international precedents continue to evolve, it is critical for ID practitioners to continuously review and update, as needed, their countries' legal and regulatory frameworks and the design of existing or planned ID systems to ensure they promote inclusion and nondiscrimination as they relate to gender identity, aligned with the Principles on Identification (see box 2).

## Box 2. Principles on Identification

**Principle 1 calls for countries to “Ensure universal access for individuals, free from discrimination.”**

In particular, it highlights that:

*... All identification systems should be free from discrimination in policy, in practice, and by design. This includes ensuring that legal frameworks; requirements and procedures to register, obtain, or use identification; and the data that are collected or displayed on credentials do not enable or reinforce discrimination against particular groups, such as those who may face increased risks of exclusion for cultural, political, economic, or other reasons. Such groups include people living in poverty; women; children; rural populations; racial, ethnic, linguistic, and religious minorities; persons with disabilities; sexual and gender minorities; migrants; asylum seekers, refugees, and the forcibly displaced; and stateless persons, among others.*

For more information, see <https://id4d.worldbank.org/principles>.

---

4 UN General Assembly. 2018. “Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity,” A/73/152, July 12, 2018. [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/73/152](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/152).

# Good Practices

---

Based on these emerging precedents and country practices—as well as the need to tailor policies to the specific country context—this section outlines basic recommendations on common questions to guide practitioners working to address the key issues identified above and ensure that ID systems are inclusive of everyone.

## 1. Which attribute to collect—gender or sex?

**Collecting gender rather than sex attributes reduces the risk of discrimination and more closely matches a person and their gender identity.**

The collection of gender—rather than sex—attributes in ID systems is increasingly becoming an international precedent as more countries move toward recognition of the right to a gender identity, separate from sex, and incorporate this into official systems and documents. Recording a person’s gender, rather than sex, has the following advantages:

- There is a significant gender gap in identification, and collecting this attribute is essential for quantifying this gap and tracking progress to ensure that everyone has equal access to an ID.<sup>5</sup>
- Although collecting a sex attribute may have relevance for medical purposes—e.g., on birth notifications from hospitals or for medical practitioners—gender is more relevant for ID systems because it is the attribute that more closely matches the person, their gender identity, and potentially how they choose to express their gender (i.e., their appearance).
- Collecting gender rather than sex provides greater flexibility for an individual to assert their gender identity and can reduce discrimination when people are using the ID system or credential to access services or authenticate themselves (see discussion of gender markers below).

For ID systems that currently collect sex attributes or derive gender or sex attributes from CR systems, there may be a need to revise legal and regulatory frameworks for the ID system to facilitate the change in the attribute that is collected and/or the procedures for updating this attribute. Even without changing the legal and regulatory framework, there are steps countries can take within their existing frameworks to make it easier to self-assert and/or change sex attributes, as discussed below.

---

<sup>5</sup> This Practitioner’s Note in no way advocates for the complete cessation of the collection of gender or sex attributes in ID systems. As noted above, collecting this data is important to monitor progress and address gender gaps in ID coverage for women and gender minorities. Data show that transgender or nonbinary people are often less likely to have an ID, as are women. For example, the ID4D-Findex data show a 16 percentage point gap in ID coverage between men and women in low-income countries; the 2019 State of Aadhaar reports that, compared with an overall coverage rate of 95 percent of adults, an estimated 27 percent of “third gender” residents do not have the ID (see, respectively, World Bank. 2019. “Global ID Coverage, Barriers, and Use by the Numbers: An In-Depth Look at the 2017 ID4D-Findex Survey.” Washington, D.C.: World Bank Group; and <https://stateofaadhaar.in/>).

## 2. How to code gender attributes

If appropriate given prevailing norms about gender identity, flexibility beyond the binary (M/F) gender classification is supported by ICAO standards and can promote greater recognition of gender minorities.

If suitable in the country context,<sup>6</sup> including a third gender category for coding the gender attribute is preferable to having only “M” and “F” options. For example, the International Civil Aviation Organization (ICAO) standards on machine readable travel documents, which often guide the implementation of national IDs and other foundational ID systems, allow for the collection and exhibition of three options: “F,” “M,” or “X.” The “X” usually denotes “nonbinary” or “undeclared/undisclosed gender” and is by far the most common nonbinary gender marker in existing ID systems (see table 2). Some countries use other letters, for example, Nepal allows an O (“other”)<sup>7</sup> as a gender marker, while India uses a T to refer to transgender people on passports and Aadhaar IDs.<sup>8</sup> Table 2 lists countries that, as of August 2021, allow for flexibility in gender disclosure beyond the binary system and indicate the marker they have adopted on different ID documents.<sup>9</sup>

**Table 2. Countries Allowing Flexibility in Gender Disclosure**

Country	Gender marker
<b>Argentina</b>	<ul style="list-style-type: none"><li>“X” on passport and ID cards</li><li>Hidden or written answer on other identity documents</li></ul>
<b>Austria</b>	<ul style="list-style-type: none"><li>“X” on passports</li><li>“divers”, “inter”, “diverse”, “open,” as well as the option to delete the gender marker on birth certificates</li></ul>
<b>Australia</b>	<ul style="list-style-type: none"><li>“X” on passports</li><li>‘non-binary’ or ‘X’ options on official documents of government department that operates at a federal level,</li></ul>
<b>Canada</b>	<ul style="list-style-type: none"><li>“X” on passports and proof of citizenship certificates</li><li>hidden or “X” markers on identity documents</li></ul>
<b>Denmark</b>	<ul style="list-style-type: none"><li>“X” on passports</li></ul>
<b>Germany</b>	<ul style="list-style-type: none"><li>“X” on passports</li><li>“divers” on birth certificate for intersex people</li></ul>
<b>Iceland</b>	<ul style="list-style-type: none"><li>“X” on all official documents</li></ul>

6 See recommendations on how to engage SOGI groups to understand the country context through research and consultations.

7 Kyle Knight. 2015. “Nepal’s Third Gender Passport Blazes Trails” (Human Rights Watch, October 26, 2015).

8 Neelam Pandey. 2013. “In a first, Aadhar recognises 1,600 transgender persons,” Hindustan Times (August 27, 2013).

9 International Lesbian, Gay, Bisexual, Trans and Intersex Association: Chiam, Z., Duffy, S., and González Gil, M. 2020. “Trans Legal Mapping Report 2019: Recognition before the law” Geneva: ILGA World, 2020.

<b>India</b>	<ul style="list-style-type: none"> <li>“T” on passport</li> <li>“Transgender” on Aadhaar cards—gender change on Aadhaar is self-asserted (no documents required)</li> </ul>
<b>The Netherlands</b>	<ul style="list-style-type: none"> <li>“X” on passport</li> <li>No gender data collected or markers on ID cards within five years</li> </ul>
<b>Malta</b>	<ul style="list-style-type: none"> <li>“X” on passport</li> <li>“X” on identity documents</li> </ul>
<b>Nepal</b>	<ul style="list-style-type: none"> <li>“O” on passport</li> <li>“O” on citizenship certificate</li> </ul>
<b>New Zealand</b>	<ul style="list-style-type: none"> <li>“X” on passport</li> <li>“indeterminate” on birth certificate</li> <li>“gender diverse” for statistical purposes</li> </ul>
<b>Pakistan</b>	<ul style="list-style-type: none"> <li>“X” on passport</li> <li>“X” on national identity card (CNIC)</li> </ul>
<b>United States</b>	<ul style="list-style-type: none"> <li>Working to add third gender option on passport. M/F gender markers on US passports are now based on self-assertion and not based on documents such as birth certificates</li> <li>“X” on state IDs (in certain states only)</li> </ul>
<b>Uruguay</b>	<ul style="list-style-type: none"> <li>“O” on passport</li> <li>“O” on national ID</li> </ul>

Sources: ILGA World. 2020. Zhan Chiam, Sandra Duffy, Matilda González Gil, Lara Goodwin, and Nigel Timothy Mpemba Patel, Trans Legal Mapping Report 2019: Recognition before the law. Geneva: ILGA World; ILGA Europe. 2021. Austria. <https://www.ilga-europe.org/sites/default/files/2021/austria.pdf>; Jamie Wareham. 2020. “Dutch ID Cards To Become Gender Free—Could More Of Europe Follow?” Forbes. July 7, 2020; U.S. State Department. 2021. “Proposing Changes to the Department’s Policies on Gender on U.S. Passports and Consular Reports of Birth Abroad.” Press Statement, June 30, 2021, available at <https://www.state.gov/proposing-changes-to-the-departments-policies-on-gender-on-u-s-passports-and-consular-reports-of-birth-abroad/?fbclid=IwAR1qPZK6j7nlipGIKd4jwStPkRqtjTvhzLH9VCD1uwjx6y4ELaO1AtdfuHQ>.

### 3. How to collect or change gender or sex attributes for inclusion and nondiscrimination

**Self-assertion of gender or sex attributes can help ensure fully inclusive and discrimination-free ID registration or updating of such attributes.**

Globally, approaches to gender recognition have increasingly focused on the principles of self-determination and bodily autonomy.<sup>10</sup> In May 2012, Argentina became the first country to pass a gender identity law that allowed transgender people to adjust the gender or sex markers on their birth certificates and all official documents, based solely on a person's self-determined and informed request. Argentina has no requirement for diagnosis, surgeries, or hormonal treatment.<sup>11</sup> Uruguay has a similar process for changing a person's gender on ID credentials. Denmark,<sup>12</sup> Malta,<sup>13</sup> Ireland,<sup>14</sup> and Norway<sup>15</sup> have also enacted gender recognition laws that allow transgender people to legally self-determine their gender identity without requiring a medical diagnosis, surgeries, or a hormonal treatment. In Latin America, a 2015 decree in Colombia and a 2016 law in Bolivia have both simplified the process for amending gender markers.<sup>16</sup> The Bolivian law includes antidiscrimination provisions and reduces the role of medical professionals to confirm that the transgender person is making an informed decision to change their gender marker.<sup>17</sup>

For existing ID systems, moving toward self-assertion at registration may require delinking gender from the sex attribute recorded in a civil registration system. This may necessitate amendments to the ID system's legal and regulatory framework and/or changing procedures to not require a person's gender or sex to match their birth certificate or to not automatically seed ID systems with sex data from civil registration systems.

For the purpose of changing one's gender or sex attribute on an ID, an emerging practice (as noted above) suggests that this should also be self-asserted and based solely on the free and informed consent of the applicant without involving abusive requirements such as medical, psychological or other certifications, or hormonal therapy. Processes for a gender or sex attribute change should also be prompt and, insofar as possible, cost free. These standards should also apply to rectifications of a name, as well as the rectification of an image in public records and on identity credentials.<sup>18</sup>

---

10 UNDP, MSDHS. 2018. "Legal Gender Recognition in Thailand: A Legal and Policy Review." May.

11 Ley 26743: Derecho a la identidad de género. Law No. 26743: Right to gender identity.

12 TGEU. 2014. "Danish Trans Law Amendments 2014," September 26, <http://tgeu.org/danish-trans-law-amendments-2014-l-182-motion-to-amend-the-act-on-the-danish-civilregistration-system>.

13 Malta's Gender Identity, Gender Expression and Sex Characteristics Act; TGEU. 2015. "Malta Adopts Ground-breaking Trans and Intersex Law" [Press Release] April 1.

14 Transgender Equality Network Ireland. 2015. "Legal Gender Recognition in Ireland."

15 Lov om endring av juridisk kjønn 17 Juni 2016. Nr. 46 [Law amending legal status] 17. June 2016. Nr. 46.

16 Colombian Ministry of Justice Decree 1227 of 2015, 4 June 2015; Lavers, M. 2015. "Colombia to Allow Gender Change without Surgery." The Washington Blade, June 8; Bolivian Law No. 807: The Gender Identity Law, May 21, 2016.

17 Solares, Mateo Rodrigo and Edelman, Elijah Adiv. 2016. "Bolivia Prioritizes Transgender and Transsexual Human Rights," Anthropology News, May 19.

18 American Society of International Law. 2018. "The Inter-American Court of Human Rights' Advisory Opinion on Gender Identity and Same-Sex Marriage." Volume 22 Issue 9.

## 4. Should gender or sex markers appear on physical credentials?

**Not including a gender or sex marker (attribute) on identity credentials or as part of the numbering logic of ID numbers reduces the risk of discrimination.**

In many countries, a gender or sex “marker,” i.e., a “male” or “female” or third option (“X” or “O”), is visibly printed on ID cards and other credentials (see table 2) or hardcoded into structured ID numbers that contain information about the person and their registration.<sup>19</sup> Discrepancies between the gender or sex listed on an official ID or coded into an ID number and a person’s gender identity and gender expression can often cause incidences of discrimination or violence.

Removing information and attributes from IDs that are inherently discriminatory or can lead to discrimination and persecution is not a new issue. In the past, race, ethnicity, and religion were often used to identify people in countries such as Canada,<sup>20</sup> South Africa,<sup>21</sup> and Rwanda.<sup>22</sup> This is no longer the case in many countries due to concerns around the sensitivity of this information and the potential for abuse; gender or sex markers should be considered under the same scrutiny.

***What are the risks associated with displaying gender or sex on an ID card while using an “X” or “other” as a third option?***

In certain contexts that are hostile toward sexual and gender minorities, having a visible marker or coded ID number that identifies a person as a gender other than male or female increases the likelihood of a person being discriminated against based on their “X” or “other” gender attribute, particularly if it is printed on an ID. It is important to stress that hostility toward an “X” gender attribute on an ID document is highly dependent on the context. In other words, discrimination and violence are less likely to occur in a country with accepting social attitudes toward transgender people, as opposed to countries where public opinion (or even laws) are hostile toward transgender people.

***What about ensuring the accuracy and integrity of IDs—i.e., using the gender or sex attribute to help verify or authenticate someone’s identity?***

Gender or sex markers are not necessary to authenticate the identity of a person to a high level of assurance. There are many more reliable ways to verify the identity of an individual, including a simple photograph, fingerprints PINs, knowledge factors, or other authentication factors.

Gender attributes shown on identity documents are also prone to error, often rendering them of limited use for identity verification or authentication. Data from countries such as New Zealand and India show that a large number of IDs are issued displaying the wrong gender across the population.<sup>23</sup> Gender minorities are up to four times more likely to have an error in their gender data (even in the case where a third option for gender exists).<sup>24</sup> For many people, the process of correcting errors in issued IDs can be too complicated or costly, thus they may choose to live with the error, putting them at risk of discrimination. In addition to causing strain on the individual, these errors can also strain ID systems that have to process the corrections.

19 Hardcoding gender or sex into ID numbers (e.g., in the first two digits “01” = male, “02” = female), is often, but not always, a result of CR systems that commonly structure numbers by gender/location/date of registration. In general, coding personal information into ID numbers is not recommended, as it creates data protection risks and makes errors harder to change. For more, see <https://id4d.worldbank.org/guide/unique-id-numbers>.

20 Buck, Genna. 2019. “What is that M, F or X actually there for? The case for removing gender from Canadian IDs.” National Post.

21 Posel, Deborah. 2001. “What’s in a name? Racial categorisations under apartheid and their afterlife.” Michigan State University.

22 <http://www.preventgenocide.org/prevent/removing-facilitating-factors/IDcards/>.

23 International Civil Aviation Organization—Technical Advisory Group on Machine Readable Travel Document. 2012. “A review of the requirement to display the holder’s gender on travel document.” Information Paper. Retrieved from [https://www.icao.int/Meetings/TAG-MRTD/Documents/Tag-Mrted21/Tag-Mrted21\\_IP04.pdf](https://www.icao.int/Meetings/TAG-MRTD/Documents/Tag-Mrted21/Tag-Mrted21_IP04.pdf).

24 State of Aadhaar. 2019. “State of Aadhaar: A People’s Perspective” 2019 Edition.

## 5. How to understand the country context and include affected minorities

Ultimately, as different countries have different SOGI contexts, decisions related to the design of ID systems and the collection of gender attributes should be taken with consideration of the prevailing legal and regulatory frameworks, local context, and in close coordination with local sexual and gender minorities.

**ID practitioners are encouraged to engage with the legal and regulatory framework as well as operational policies and procedures to identify challenges and potential ways forward to ensure nondiscrimination.** In some cases, the existing legal and regulatory framework may make it difficult to implement good practices around gender identity and nondiscrimination in ID systems. Practitioners are also encouraged to explore whether changes in administrative policies and procedures are possible within existing legal and regulatory frameworks, and to consider ways to amend these frameworks, following the example countries cited above.

**It is equally important to understand the challenges faced by sexual and gender minorities with accessing and using existing identity documents by engaging in stakeholder and civil society consultations with vulnerable or disadvantaged individuals.<sup>25</sup>** In addition to ongoing civil society consultations, practitioners can also consider conducting qualitative research facilitated by or in partnership with SOGI organizations and communities. This will provide essential information on common experiences and allow policy makers to better understand preferences or concerns about the status quo or any proposed changes to the ID system.<sup>26</sup>

**Gender minorities should also be involved in the design and implementation of ID systems.** In some countries—where policy makers had knowledge that sexual and gender minorities tended to avoid ID registration centers out of fear of further discrimination—special measures were implemented to ensure they were reached. These include mandatory trainings on nondiscrimination for service providers, as well as contracting with civil society organizations (CSOs), including those that represent or regularly engage with members of sexual and gender minorities, to provide ID registration/processing services. This type of engagement has also been found to increase trust in the system among the affected populations.

**Finally, countries should invest in building the capacity of institutions and staff on nondiscrimination.** This requires the implementation of robust trainings for all those who play a part in ID system design and implementation. Such trainings should explicitly address common grounds for discrimination, including real and perceived sexual orientation, gender identity, disability, albinism, social status, and more.

---

<sup>25</sup> The World Bank's SOGI team has conducted several consultations in the context of World Bank projects and is available to support World Bank task teams and clients. For additional guidance on public engagement and people centered in the ID context, see also <https://id4d.worldbank.org/guide/public-engagement>; and <https://id4d.worldbank.org/qualitative-research>.

<sup>26</sup> For more, see the ID4D Qualitative Research Toolkit, available at <https://id4d.worldbank.org/qualitative-research>.

# Conclusion

---

There is no one-size-fits-all solution when it comes to the collection and display of gender or sex attributes in the context of government-recognized ID systems, but ensuring flexibility, engagement, and responsiveness to the needs of sexual and gender minorities is critical. As legal and international precedents continue to evolve, ID practitioners are encouraged to regularly review the rationale and processes for whether and how gender or sex attributes are collected, validated, and shown on identity documents, with the goal of adhering to the principles of inclusion and nondiscrimination.

[id4d.worldbank.org](http://id4d.worldbank.org)



IDENTIFICATION FOR DEVELOPMENT

