

Pacific Regional Workshop on Legal Identity and Identity Security

8-10th July, 2019

SPC Headquarters, Noumea, New Caledonia

Concept Note

Theme: *Universal and secure legal identity in the Pacific - the role of Health Information Systems, Civil Registration Systems, National Identification Systems and Information Technology.*

SUPPORTED BY THE BRISBANE ACCORD GROUP (BAG)

Introduction

1. It is becoming increasingly important for governments to establish universal, legal and secure identity management systems, particularly in this time of increased cross-border movements. The emphasis on inclusive development and the call to “leave no one behind” by the global sustainable development agenda further underlines the need for states to have an accurate record of the legal identities of each member of the population as a core requirement for good governance. It is not only crucial that each individual is identifiable and hence known to the government, but that the identities created are unique, authentic, and secure from theft and fraud.
2. The UN Inter- Agency Working Group on Legal Identity¹ defines legal identity as the basic characteristics of an individual’s identity, such as name, sex and date of birth, established by registration in the official State civil registers or other appropriate mechanisms, in accordance with national legislation and international recommendations and standards. A legal identity recognizes an individual as a subject of the law and protection of the state, and therefore establishes certain entitlements, rights and privileges that are specific to that particular identity.
3. Government agencies rely on individual and aggregate legal identity data and documents to transact between each other and with the public. These data and documents are critical to the health sector in systematising patient management and health service delivery. Passport issuance and electoral offices require the data and documents to establish specialised registers and to validate the identity of persons while issuing documents. The data and documents also facilitate enforcement of tax and pension programmes, banking services etc.
4. A legal identity empowers individuals with the basis to participate in the civil, economic and social transactions of society, and to enjoy the protection of the legal system and enforce rights or demand redress for violations of such rights². Those who lack a legal identity face considerable barriers in accessing many basic social and economic benefits, which may have significant impacts on their survival, quality of life and wellbeing. The lack of a legal identity is linked to poverty, vulnerability and under-development in several studies³.

A. Legal identity and identity security: the role of civil registration and civil identity systems

5. Civil registration (birth registration) establishes the first formal and legal relationship between an individual and the state. This process, which entails the collection of important biographic information, concludes with the creation of a birth registration record, and the issuance of a birth certificate. A birth registration record provides the legal proof of the facts surrounding an individual’s existence, identity, and personal and family situation⁴. In most countries, a birth certificate (which is an extract of the birth registration record) serves as a breeder` document for other important identity documents acquired later on in life such as passports, drivers licences etc. Civil registration of a death provides the legal closure of the identity created during birth registration, though not its legal effects. Death registration is particularly crucial in cleaning up the above-mentioned databases/registers (ensuring that the identities of the deceased are “closed”), and protected from misuse.

¹ *Source: Principles of Legal Identity in the Context of the 2030 Agenda for Sustainable Development, Working Paper of the Identity for Development Program, Series 1, September, 2018 (not yet officially published).*

² *Inter-American Development Bank; Democratic Governance, Citizenship and legal identity: Linking Theoretical Discussion and Operational Reality, 2009.*

³ *An econometric study conducted in Bolivia, Brazil, Colombia, Peru, and Nicaragua by Duryea, Oligati, and Stone (2006), concluded that a legal identity is central poverty reduction, since children and adults without legal identity are often denied access to health, education, housing, nutrition, and many other benefits guaranteed by public poverty reduction policies.*

⁴ *The essential purpose of civil registration is to furnish the public with legal probatory instruments, used to prove, with ironclad certainty, the facts relating to his or her existence, identity, and personal and family situation.*

6. Civil Registration is universal, continuous, permanent and compulsory. This means that a well-functioning system collects and maintains information on all persons within the boundaries of a country, on a continuous basis and importantly at the closest to the time of occurrence of an event (birth or death) as possible, which is critical in securing the authenticity of the record. Unfortunately, even countries with complete and well-functioning civil registration systems are faced with critical risks of identity fraud, related to documents and records created during birth and death registration. There are numerous examples where fraudulent birth certificates have been used to obtain genuine identity documents under a false name or age. Many governments often have to deal with “dead voters”, “ghost workers” and impersonated travel documents. These are fundamental threats to national and international security and development.
7. It is crucial that civil registration documents are secured from any form of adulteration. A key question commonly arising regarding the authenticity of civil registration documents is how genuine is the paper record (a birth certificate or death certificate) presented by an individual as proof of identity? Secondly, what is the means to verify that the holder of the certificate is the actual owner of the identity presented? Civil identification systems address this among other concerns, by providing the government with a second layer of verification of personal identity records and documents.
8. The essential and principal *raison d'être* of civil identification is to verify and authenticate the identity of persons. Of primary interest is the need to identify an individual as unique from another. Common types of electronic credentials (used to authenticate the identity of an individual) fall into three categories: (a) something you know (e.g., a password), (b) something you have (e.g., an ID card, mobile phone or a cryptographic key), or (c) something you are (e.g., a fingerprint or other biometric data).
9. Civil identification builds on the biographic information collected during civil registration, and appends either/ all of the above-mentioned authentication factors to build an individual's civil identity profile. In many countries, a national identity card (including a unique identity code), or in some an Electronic Identity Documentation (e-ID)⁵ is issued to the public as a means to prove identity.
10. Recognising the dynamicity of human populations arising from births, deaths, in and out-migrants, the link and interoperability of the civil registration and civil identification systems is mandatory for the latter to remain authentic and functional.

B. Legal identity and identity security: the role of Health care system

11. A basic requirement for universal and secure legal identity is that all vital events (births and deaths) occurring within the boundaries of the country are brought to the knowledge of government and registered through a legal process known as civil registration. In many developing countries, births and deaths go unregistered while in some instances one event is registered without the other. Unregistered identities may result in exclusion, including from critical health services such as immunisation. An unregistered death (with an unreported/uncertified cause of death) poses a critical health risk to the larger population, especially if it resulted from a communicable cause. Partially registered identities create a risk of impersonation and identity theft. An individual whose death is not registered continues to “live” through government systems, potentially receiving benefits such as pensions and being able to participate in important social transactions such as voting.
12. Health information systems and the health care system in general provide a critical source of birth and death data, needed by civil registration and civil identification systems to achieve universal

⁵ *Electronic Identity Documentation (e-ID) is a token that proves an individual's identity and is used for the purposes of identity, authentication, and electronic signature. Generally, it is a smart card that contains a contact or contactless chip. It is an identity management trend begun in Europe.*

completeness and universal and secure legal identity. The health care system is often the first point of contact that the government has with new births and death occurrences. A significant proportion of births and deaths occur within health facilities or under the supervision of a health professional. This makes the health system one of the pivotal stakeholders of secure legal identity for any country. In this regard, it is essential that the relationship between civil registration offices and ministries of health are fortified and that an institutionalised data sharing arrangement and governance framework is established.

13. The health care system is a key beneficiary of unique identity codes and universal civil registration systems. Unique identity codes facilitate secure and systematic patient management within the health system, which is crucial for efficient planning and service delivery. In many countries where deaths occur at home or outside the health care system, interoperability between health and civil registration systems ensures that there is closure of the record of a deceased person within the health database. This is critical in enabling the health sector to derive health outcomes data, which is needed for assessing the efficiency in health service delivery. Unique identity codes facilitate linkage of records across these two databases.

C. Legal identity and identity security: The role of Information and communication technology (ICT) systems

14. In any country with more than a few hundred records, databases managing individual identity records and documents need to be supported by robust Information and communication technology (ICT) systems and infrastructure. Secure ICT systems are needed to systematise data collection processes (especially eliminating duplicates and facilitating easy record retrieval), and to protect the integrity and facilitate the availability of the information that these entities collect, process, store and communicate. Two critical components in the legal identity context is the ability to link birth and death records of an individual within one database and secondly being able to track a particular identity across databases such as the health, civil registration, civil identity, and passport issuance databases without sharing superfluous private personal information. Unique identity codes (that are of alphanumeric/numeric sequence, unique, unintelligible and random) facilitate this latter function.
15. Though possible, it is difficult to implement unique identity codes and secure data sharing frameworks while operating manual (paper-based) systems. In this regard, it is recommended that country investments in legal identity systems target improvements in ICT for the three core systems (health information, civil registration and civil identification) simultaneously, especially ensuring that they operate against common standards that facilitate their critical functions, while also securing the confidentiality of the records and documents maintained by these systems.

D. The Pacific context: An overview of the status, priorities and requirements

E.1 Civil Registration and Civil identification

16. In the Pacific, the state of legal identity varies widely by country. While all countries have operational civil registration systems (with varying levels of development), only a few have moved to establish civil identification systems that issue secure identity documents and hardly any provide digital identity. In a few countries, civil identification systems are designed as 'stand-alone' systems, operating with minimal interaction with civil registration databases. The latter limits their credibility, since they are not routinely updated with new events of birth and death.

In several countries, there are multiple unique identity codes in use, issued by different government departments, which run in parallel and with none identified as the main one, and none facilitating the tracking of individuals across systems especially for record validation purposes. In most of the smaller populated islands countries, no civil identification system is in place.

17. It is notable that there is a growing demand among government departments for unique, shared, identity codes in order to facilitate record management and governance. The recently held regional workshop for Pacific Heads of Health recognised the importance of unique identity numbers in facilitating record management and tracking of individuals within the health system. The meeting took note of the critical role that civil registration systems play in facilitating such unique identity and the need for collaboration between the two departments for this purpose.
18. The establishment of a robust civil identification system that collects biometric information requires heavy resource investments, which most of the countries in the Pacific region may not be in a position to do in the short term. However, it is worth noting that national identity codes can be implemented through simpler processes and would yield critical internal and cross-departmental benefits, including improving record management within the civil registration system.
19. The question of who holds the responsibility of generating unique national identity codes is a pertinent one for most Pacific Island Countries and Territories (PICTs). National laws in most countries do not anticipate this critical government function; this has left most government departments with no option but to attempt to implement “silo” identity management frameworks—though with fundamental limitations in completeness and hence authenticity, viability and sustainability. Addressing this challenge necessitates dialogue including with and among the core stakeholder departments that manage birth and death records and other identity information (in the main health departments and civil registration offices).

E.3 Information Communication Technology (ICT) systems

20. A few countries manage manual civil registration systems while others operate partially automated systems, with a number looking into adopting new ICT software. Improvements in ICT are a key priority in the national CRVS improvement plans of many PICTs. However, many PICTs are faced with significant challenges in this area, one of these being the ability to choose appropriate solutions that respond to the country context, and secondly being able to develop and maintain ICT systems in a sustainable way. This is illustrated by the number of PICTs where Civil Registration software has failed to meet a minimum standard of performance despite heavy financial investments by governments. Issues of inadequate internet coverage, lack of capacity for interoperability, vendor-locked solutions and problems with succession and/or in-country skill transfer are key challenges faced by many countries. The rapidly changing ICT environment providing for numerous technological solutions further compounds the problem, making it difficult for countries to keep abreast/make ideal technological choices especially with the largely inadequate ICT capacity within governments.

E. The objectives of the Workshop

21. This workshop aims to review progress and to build momentum towards the achievement of: (a) target 16.9 of the global sustainable development agenda (which commits countries to achieving universal civil registration) and (b) the commitments made by countries towards the Asia and Pacific decade for civil registration and vital statistics and the regional action framework. Specifically, the workshop will:
 - a. Build awareness on the importance of civil registration and legal identity in development
 - b. Provide orientation on the International principles and guidelines on Legal Identity based on the UN Guidelines on Legal Framework for CRVS and Identity Management,
 - c. Share experiences and deliberate on the best approaches to engaging the health sector to support universal civil registration and hence universal legal identity
 - d. Discuss the importance and approaches to integrating unique identification numbers in civil registration systems.

- e. Provide orientation on the key principles and basic standards for the implementation of a robust ICT platform to support civil registration.

F. Workshop dates and Venue

The workshop will be held at the SPC Headquarters in Noumea, New Caledonia on 8-10 July 2019.

G. Participants

The workshop will bring together Civil Registrars, Health professionals and selected professionals managing civil identification systems in Pacific Island countries. The workshop will also seek to learn from experiences of other countries that are already operating effective civil identification systems including unique identity codes within and outside the region.

H. Organisers

The workshop is organised by the Brisbane Accord Group, under the leadership of the Pacific Community (SPC) Statistics and Health Divisions, the Australian Bureau of Statistics, the World Health Organisation, the United Nations children's fund (UNICEF) and the Pacific Civil Registrars Network (PCRN).