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STATELESSNESS ENCYCLOPEDIA ASIA PACIFIC

Third Edition

**Digital ID and its Impact on Statelessness in
The Pacific**



NATIONALITY FOR ALL

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

SEAP

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Third Edition

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Digital ID and its Impact on Statelessness in
The Pacific

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List of Acronyms

AGDIS	Australia Digital ID System	G7	Group of Seven Countries	OECD	Organisation for Economic Co-operation and Development
APP	Australian Privacy Principles	HIPPA	Health Insurance Portability and Accountability Act	ONMDIC	Official Northern Marianas Descent Identification Card
CCPA	California Consumer Privacy Act	ICCPR	International Covenant on Civil and Political Rights	OTP	One-Time Password
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	PNG	Papua New Guinea
COP27	27th Conference of the Parties to the United Nations Framework Convention on Climate Change	ICESCR	International Covenant on Economic, Social and Cultural Rights	SDG	Sustainable Development Goals
CRC	Convention on the Rights of the Child	ID	Identity	SDIN	10-digit identification number for Samoa
CRIM	Civil Registration and Identity Management	ID4D	World Bank Identification for Development Initiative	SEAP	Statelessness Encyclopedia Asia Pacific
CRPD	Convention on the Rights of Persons with Disabilities	IPP	Information Privacy Principles	TIN	Tax identification number
CSO	Civil Society Organization	ISO	International Organization for Standardization	UDHR	Universal Declaration of Human Rights
CRVS	Civil Registration and Vital Statistics	ITU	International Telecommunication Union	UN	United Nations
DISTF	Digital Identity Services Trust Framework	KDGP	Kiribati Digital Government Project	UNDP	United Nations Development Programme
DRIC	Digital Residency Identification Card	MOU	Memorandum of Understanding	UNHCR	United Nations High Commissioner for Refugees
DPI	Digital Public Infrastructure	NDID	National Digital Identification System	UNICEF	United Nations Children's Fund
E-ID	Electronic ID	NFA	Nationality For All	US	United States of America
EU	European Union	NGO	Non-governmental Organization	USCIS	United States Citizenship and Immigration Services
GDPR	General Data Protection Regulation	NID	National ID	VNI	Vanuatu National Identity
GLBA	Gramm-Leach-Bliley Act	OACPS	Organisation of the African, Caribbean, and Pacific States		

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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.¹

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]".² 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 2030.³ 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.⁴ 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.⁵ 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".⁶ Between 2015 and 2020, the World Bank's initiatives provided over 60 countries support in establishing digital ID systems.⁷

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.⁸ 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".⁹ 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".¹⁰ 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.¹¹ 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.¹² 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.¹³ 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.¹⁴

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.¹⁵ 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.¹⁶ 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.¹⁷ 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.¹⁸ 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) Initiative¹⁹.

Overview

This section provides an overview of digital identification (digital ID) systems in each country within the Asia Pacific, with a focus on their structure, scope, and implications. Our primary

conceptual reference for referring to a digital ID system is drawn from the World Bank's Glossary on Digital Identification. It further assesses whether each country's digital ID is classified as foundational or functional, following the distinctions made in the World Bank's ID4D Guide. Foundational IDs are "primarily created to manage identity information for the general population and provide credentials that serve as proof of identity for a wide variety of public and private sector transactions and services"²⁰, 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"²¹. 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.²² The absence of strong regulatory protections exposes this data to potential misuse, surveillance, and security breaches, as has been widely reported.²³ 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 Afghanistan²⁴, Nepal²⁵, Fiji²⁶. 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 National ty 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 approaches²⁷.

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 systems²⁸, 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: The Pacific

Legal identity

Across the Pacific, birth certificates, instead of national ID cards, are used as the primary legal identity to access services and in some cases, proof of citizenship. In seven out of the 17 countries (in the Pacific, birth certificates allow access to other identity documents and access to services such as passports, voting, enrolment in schools, health insurance, driver's license and access to banking. For example, access to a birth certificate in Fiji allows access to a tax identification number, a voter ID card, Fiji National Provident Fund card, a driving license and a passport.²⁹ Besides access to services, birth certificates serve as proof of citizenship in three countries (Fiji, Palau, Samoa). In six other states, individuals need to meet the citizenship requirements stipulated in law. In the other eight countries in the region, national ID

cards and other identity documents, as opposed to birth certificates are the primary legal identity.

In the nine countries where birth certificates are their primary legal identity, birth registration depends heavily on the strength and accessibility of the State's civil registration systems; geographic distance between islands and their registries; and the level of public awareness about birth registration. In Palau, where birth registration rates are close to 100%, this success can be attributed to strong registration practices and demand for birth certificates, and widespread understanding of the value of civil registration.³⁰ Similarly, Nauru's 98% registration rate is attributed to good data-sharing between the hospital and civil registry as well as strong financial incentives to encourage birth registration.³¹ In the case of countries with lower birth registration rates, such as Samoa at 60%, there are gaps in legislation on birth registration, problems in the management of the birth registry (especially in rural areas), and social stigma placed on young and unwed mothers making birth registration more difficult.³² In the Solomon Islands, with one of the lowest registration rates of 30%, the remoteness, the large geographical distance between islands and the stigma of registering children born to

Table 1

Comparison of Countries That Rely on Birth Certificates as Their Primary Legal Identity and Those That Do Not

Nine countries that rely on birth certificates as primary legal identity	Eight countries that rely on national ID cards and other documents as primary legal identity
Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Palau, Samoa, Solomon Islands, Tuvalu	American Samoa, Australia, Guam, New Zealand, Northern Mariana Islands, Papua New Guinea, Tonga



unmarried parents and young mothers are some of the barriers to birth registration.³³

In three countries, Papua New Guinea, Tonga, and Vanuatu, National ID (NID) cards serve as the primary legal identity document. Birth certificates are required to apply for ID cards. The NIDs prove citizenship in Papua New Guinea³⁴ while in Tonga, it is mandatory to possess an NID card regardless of citizenship; so, stateless persons, refugees, and foreign nationals are mandated to register for this.³⁵ In Vanuatu, only citizens or permanent residents can access ID cards, and proof of citizenship is through a Citizenship Certificate.³⁶

For American Samoa, Guam, and the Northern Mariana Islands, which are all United States (U.S.) territories, establishing legal identity is tied to the United States' recognized legal identity document, such as birth certificates, driver's licenses, or personal identification cards. Unlike other U.S. territories such as Guam and Northern Mariana Islands, American Samoans are classified

as U.S. nationals instead of citizens who are unable to vote in Federal elections and do not need to pay Federal taxes.³⁷ Guam and American Samoa both rely on birth certificates issued by the country as the primary legal document. Northern Mariana Islands rely on two cards, the Northern Mariana Identification Cards and the Official Northern Marianas Descent Identification Card, which can both be used to prove identity and citizenship.³⁸

Australia and New Zealand are the only two countries in the Pacific that do not have one primary legal identity document but accept various identity documents such as birth certificates, passports, citizenship certificates, driver's licenses, or firearms licenses. New Zealand is the only country in the sub-region to have identity documents for refugees and stateless persons through the certificate of identity or refugee travel document, respectively.³⁹

Table 2

Primary Legal Identity Document and the Documents Needed to Apply across The Pacific

Country	Primary Legal Identity Document	Documents Needed	Does legal identity serve as proof of citizenship
American Samoa	Birth certificate and a personal identification card.	Date and time of birth, the name of the father and mother, if known, and the sex of the applicant.	No, a birth certificate needs to be submitted with other documents, such as a Certificate of Non-Citizen Nationality. ⁴⁰
Australia	No one primary document establishes legal identity, but the process begins with a birth certificate, which also includes an Australian passport, an Australian Citizenship Certificate, an ImmiCard issued by the Department of Home Affairs, and an Australian visa used upon entry into Australia with a foreign passport.	Date and time of birth, the name and details of the parents, proof of identity such as birth certificate, passport, driver's license.	No, a birth certificate does not prove citizenship, but it is a mandatory document to apply for citizenship.
Federated States of Micronesia	Birth certificate.	Birth needs to be recorded in the health system before a birth can be registered in the civil registry. ⁴¹	No, a child acquires citizenship if at least one parent is a citizen. ⁴²
Fiji	Birth certificate.	Notification of birth from hospital, registration of birth form, photo identification of parents, copy of marriage certificate of parents (if relevant). ⁴³	Yes, when it is completed in accordance with the guidelines of Fiji's Citizenship Act (2009).

Guam	Birth certificate in Guam, but in the United States, a birth certificate, a driver's license and a personal identification card are needed to establish identity.	Informational Sheet for Completion of Certification of Live Birth needs to be completed so a Certified Birth Certificate can be provided by the Public Health, Vital Statistics. ⁴⁴	Yes, individuals with a birth certificate issued by Guam, born in Guam after 24 December 1952, are considered citizens of the United States since Guam is a U.S. overseas territory. ⁴⁵
Kiribati	Birth certificate.	Birth Notification Form to be submitted to the Island Council Clerk, which is then processed and sent to the Civil Registry Office. ⁴⁶	No, individuals need to meet eligibility criteria to obtain citizenship, which is dependent on jus soli and jus sanguinis provisions, with an additional condition of births in or out of wedlock. ⁴⁷
Marshall Islands	Birth certificate.	Process requires families to come to the office either in Majuro or on Kwajalein, the two most populated atolls, to complete the birth registration and be issued birth certificates. ⁴⁸	No, citizenship is acquired by parentage, birth if not eligible for citizenship in another country, registration if adopted, or through naturalization. ⁴⁹
Nauru	Birth certificate.	Registration number and letters are issued to parents upon the birth, which then need to be taken to the Civil Registration Office to complete the process. ⁵⁰	No, citizenship is granted through jus sanguinis provisions with a child born either within or outside the country to at least one Naurean citizen. ⁵¹
New Zealand	New Zealand or overseas Passport, driver's license, or firearms license. Other acceptable documents include birth certificates, citizenship certificates, certificate of identity, refugee travel document, or emergency travel document. ⁵²	To apply for a passport, driver's license, or firearms license, one needs a valid photo, proof of identity documents, referees to confirm the applicant's identity, and, for passport applications, a RealMe login. ⁵³	No, children born in New Zealand to at least one parent who is a New Zealand citizen or who has a visa allowing them to reside in the country indefinitely are automatically granted citizenship at the time of birth registration.

Northern Mariana Islands	Northern Mariana Identification Cards issued in 1990 ⁵⁴ , Official Northern Marianas Descent Identification Card (ONMDIC) were introduced in 2011 ⁵⁵ . In the United States, a birth certificate, a driver's license and a personal identification card are needed to establish identity.	A ONMDIC can only be issued to a person who meets the requirements of Article XII, § 4 of the Northern Mariana Islands Constitution. ⁵⁶ To obtain a driver's license in Northern Mariana, the applicant satisfy a number of requirements, such as completing a driver's education course, providing proof of age and a legal ID, passing a driver's test, and other requirements. ⁵⁷	Yes, both documents, the Northern Mariana Identification Cards and the ONMDIC, can be used to prove identity and citizenship.
Palau	Birth certificate.	Those born will be issued a hospital number when a Certificate of Live Birth is recorded at the Belau National Hospital. ⁵⁸	Yes, birth registration serves as proof of citizenship, which is based on descent, and those born to foreign national parents are registered as citizens of the parents' countries. ⁵⁹
Papua New Guinea	Birth certificate and the National Identification (NID) card.	To register a birth and apply for an NID card, both parents must provide their nationality. ⁶⁰	Yes, only the NID card can verify a person's identity, citizenship, and residency. ⁶¹
Samoa	Birth certificate.	To register a birth, a birth notification is required followed by submission of a birth registration form and documentation. ⁶²	Yes, a birth certificate can serve as proof of Samoan citizenship. ⁶³
Solomon Islands	Birth certificate.	To register a birth, a Notification of Birth Form is completed, then the notification needs to be agreed by two ministries and the hospital. It is finally authorised by the Home Ministry after which registration is completed, and then a birth certificate issued. ⁶⁴	No, individuals who meet the criteria under the Citizenship Act 2018 must apply for citizenship with the Citizenship Commission. ⁶⁵

Tonga	National ID card.	To apply for a national ID card, one needs a birth certificate. To register a birth, a notification of birth is issued, followed by a certificate of live birth. To complete the registration, parents must present this certificate to the civil registry to register the birth. ⁶⁶	No, under Tonga's Nationality Identity Card Act, revised in 2020, all residents must possess a national ID card regardless of citizenship status. ⁶⁷
Tuvalu	Birth certificate.	The birth of every child born in Tuvalu must be registered within 10 days by a qualified informant, typically the parents or someone present at the birth. ⁶⁸	No, a birth certificate does not constitute citizenship, as citizenship is generally acquired through descent (jus sanguinis), where individuals born to Tuvaluan parents are automatically granted citizenship. ⁶⁹
Vanuatu	National ID card.	To get a national identification card, a citizen or permanent resident must complete a Vanuatu ID Card and EID form, provide a birth certificate and a photo. ⁷⁰	No, the National ID card does not by itself prove citizenship. Proof of citizenship is through a Citizenship Certificate. ⁷¹

Overview of Digital IDs in the Pacific

Across the Pacific, the development of digital identity systems is still in its early stages, with only a few countries having established frameworks while many others are still navigating the initial stages of planning and implementation. Only three out of the 17 countries (Australia, New Zealand and Vanuatu) have digital ID systems in place. A common theme across these systems is that they are designed primarily to support secure online access to government services, although they differ in scope and function. Australia's myID and New Zealand's RealMe are voluntary. Both IDs are foundational and functional, offering secure verification but not serving as proof of citizenship.⁷² In contrast, Vanuatu's E-ID acts as a

foundational ID, forming the primary legal identity for citizens and permanent residents, and the NID card is mandatory, while E-ID is voluntary.⁷³

Most of the remaining countries that have plans to roll out a digital ID system are at different stages of development. Fiji announced in 2025 that it will build a comprehensive National Digital ID System which is expected to take three years to complete.⁷⁴ Kiribati intends to develop a digital ID as part of its Digital Government Master Plan, while the Marshall Islands is progressing through a World Bank-supported Digital Republic Project to lay the groundwork for digital identity.⁷⁵ Papua New Guinea has already begun rolling out its SevisPass system, although it is not yet fully implemented.⁷⁶ Samoa has legislated its future digital ID framework through the National Digital Identification Act, but is still preparing for its

rollout.⁷⁷ Tonga is receiving World Bank support to digitize and integrate its civil registration and national ID systems, and Nauru plans to establish a national digital ID in the next five years through

its Digital Transformation Strategy 2025-2030.⁷⁸ Smaller countries such as Tuvalu have outlined ambitions to be a "digital nation", but implementation remains uncertain.⁷⁹

Table 3
Digital ID System and its Key Features Across The Pacific countries

Country	Digital ID system found in the country?	Key Features
American Samoa	None	Not applicable
Australia	myID - 2024	MyID is a voluntary, foundational and functional ID system evolved from myGovID, designed to securely verify identity for accessing government services online. It does not prove citizenship, as non-citizens with valid visas can obtain a digital ID. ⁸⁰
Federated States of Micronesia	None	There were plans in 2019 to implement a voluntary National Digital Identification (NDID) system by the government to provide a 'unique legal identity to all citizens and residents of Micronesia.' ⁸¹
Fiji	None	There was an announcement in 2025 to establish a comprehensive and secure National Digital ID System by the National Identification Steering Committee which is expected to take three years to complete. ⁸²
Guam	None	Not applicable
Kiribati	None	Aims to establish a digital identity (ID) system as part of its broader digital transformation efforts outlined in the Digital Government Master Plan (2021). ⁸³
Marshall Islands	None	It is in the early stages of implementing a digital ID system as part of a broader World Bank-supported Digital Republic Project. ⁸⁴
Nauru	None	It plans to implement a national digital ID system in the next five years as part of their National Digital Transformation Strategy 2025-2030. ⁸⁵
New Zealand	RealMe - 2013	RealMe is both a functional and foundational digital ID that enables individuals to securely prove their identity online and access government and private services. RealMe is generally optional and not required in order to access services, aside from applying for a visa to New Zealand. ⁸⁶

Northern Mariana Islands	None	Not applicable
Palau	None	No digital ID system for citizens, but it offers Palau a “Web3-based digital ID platform” for non-citizens, serving as both a foundational and functional ID. It enables access to financial platforms, government services, and digital contracts, but does not prove citizenship or grant residency rights. ⁸⁷
Papua New Guinea	None	It’s digital ID system, SevisPass, entered the rollout phase in May and June of 2025 but has yet to be fully implemented. It is envisioned as a foundational ID for identity verification and provides access to online government services. ⁸⁸
Samoa	None	In February 2024, Samoa’s digital ID system, as well as its main legislative framework, were envisioned under the National Digital Identification Act as a part of the country’s CRVS framework, but it has yet to be rolled out. ⁸⁹ Intended to be both a foundational and functional ID. It will introduce a unique 10-digit identification number (SDIN) and a biometric national identity database to provide citizens and residents with a legally recognized digital identity. ⁹⁰
Solomon Islands	None	Not applicable
Tonga	None	There are plans to implement one with the World Bank granting Tonga \$4.65 million to support the Tonga Digital Government Support Project, including the digitization and linking of Tonga’s civil registration and national ID systems. ⁹¹
Tuvalu	None	At COP27 (2022), the Tuvaluan Minister of Justice, Communications and Foreign Affairs announced that Tuvalu would become the first ‘digital nation’ and aims to ‘digitally recreate its land, archive its rich history and culture, and move all governmental functions into a digital space’, but there have been no updates on this since then. ⁹²
Vanuatu	E-ID – 2025	The E-ID is a foundational ID linked to the mandatory National ID. It serves as the primary legal identity for citizens and permanent residents. ⁹³ It can be used to access government services such as obtaining a driver’s license, opening bank accounts, applying for an international passport, and conducting land transactions. The National ID (and thus the E-ID) is mandatory for certain services.

Laws

Domestic Law and Policy

Across the Pacific sub-region, the development of domestic laws and policies on digital identity depends on the presence of national digital ID system.

Only three countries (Australia, New Zealand and Vanuatu) in the sub-region have established legal and policy frameworks to govern digital ID. The 14 other countries are still in early stages of planning and developing necessary frameworks for its implementation.

Australia and New Zealand have detailed statutory and policy definitions of digital identity in the Digital ID Act (2024) and the Digital Identity Services Trust Framework Act (2023), respectively.⁹⁴ Digital identity in Australia and New Zealand is typically defined as an electronic representation or service that enables individuals to authenticate themselves and securely share personal information when accessing online services.⁹⁵ Vanuatu regulates its national ID system without explicitly defining ‘digital identity’ in law. The ID system is governed by the Vanuatu National Identity Card Policy (2017), Civil Registration and Identity Management Act (2021) and the Vanuatu National Identity Act (2021).⁹⁶ All three countries separate digital ID systems and citizenship status in their laws or policies.

Two countries, Samoa and Papua New Guinea, have not yet rolled out their digital ID systems but have introduced laws or policy frameworks that establish the legal basis for future implementation. Samoa’s National Digital Identification Act (2024) sets out the structure of a digital ID system anchored in a unique identification number and biometric database, while explicitly stating that digital credentials do not confer citizenship.⁹⁷ Papua New Guinea has finished its draft of its Digital ID Policy, with the digital ID system being

defined as ‘electronic identity verification system so individuals can access services or conduct transactions.’⁹⁸

The remaining countries in the Pacific are still in early planning phases and do not yet have domestic laws that define digital identity. Kiribati’s existing legislative and policy framework does not define digital IDs despite its plans to create a digital ID system under the Kiribati Digital Government Project.⁹⁹ The Marshall Islands is similarly without a legal framework for digital identity, with plans to introduce an Information and Communication Technology policy.¹⁰⁰ In two countries, other relevant legislation includes the Electronic Transactions Act (introduced in 2021 in Kiribati and 2025 in the Marshall Islands) that aim to facilitate the use of electronic transactions, signatures, and records in a secure and reliable manner.¹⁰¹ Nauru has no legal framework to define digital identity, but has outlined plans to develop a national digital ID within its National Digital Transformation Strategy 2025–2030.¹⁰²

Data Protection

Most countries in the Pacific do not have data protection and privacy laws tied to digital ID in place, as many do not have digital ID systems. Only seven out of the 17 countries (Australia, Kiribati, New Zealand, Palau, Papua New Guinea, Samoa, Vanuatu) have legal or policy frameworks addressing personal data protection in the context of digital identity.

Palau stands out as it has established data protection and privacy laws that are in line with the International Organization for Standardization (ISO) 27001 for Cyber Security Compliance, for its Digital Residency Program designed for non-citizens.¹⁰³

New Zealand’s Privacy Act (2020) and Australia’s Privacy Act (1988) both provide comprehensive data protection, including principles on how personal information can be collected, used,

stored, and disclosed.¹⁰⁴ However, they do not mandate encryption of digital ID, and there is no way to erase personal data. Samoa’s National Digital Identification Act (2024) includes principles of data retention and secure storage, as well as penalties for data breaches.¹⁰⁵ Vanuatu’s Data Protection and Privacy Act (2024) outlines reasonable safeguards, including purpose limitation, data minimization, data accuracy, and security measures, but it does not clearly regulate biometric data used within its E-ID system, and it does not prohibit government access.¹⁰⁶ Papua New Guinea and Kiribati also have data governance laws which provide general data protection safeguards, but they are limited in relation to digital ID systems.¹⁰⁷

Across the Pacific sub-region, these gaps give rise to growing concerns regarding privacy and surveillance as digital ID systems are implemented. Countries such as Vanuatu are creating centralised identity databases without embedding strong safeguards around the collection, storage, or sharing of biometric data, raising fears that identity information could be repurposed for surveillance.¹⁰⁸ Even in states with more established privacy laws, such as New Zealand, civil society has expressed concerns around surveillance without adequate consent safeguards put in place.¹⁰⁹

International Commitments

Most Pacific countries are not currently party to any international treaty or binding framework that explicitly outline obligations for digital ID systems.

However, New Zealand is a member of the Digital Identity Governance Working Group and aligns with the OECD Recommendation on Digital Identity, which emphasises the importance of user-centred and inclusive digital ID systems.¹¹⁰ Australia has made a non-binding commitment to provide legal identity for all, as part of Goal 16.9 of the Sustainable Development Goals. It has also

committed itself to aligning its digital services with OECD’s Recommendation of the Council on Digital Government Strategies (2014).¹¹¹ Palau has engaged with international initiatives such as the United Nations’ Global Digital Compact, aiming to foster enhanced global digital cooperation, which aligns with its non-citizen-focused digital residency program.¹¹² As for Guam, even though it currently has no digital ID system, as part of the United States and as an OECD member, it is involved in a G7 Mapping Exercise of Digital Identity Approaches.¹¹³

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

Most Pacific countries have not yet implemented a digital ID system, so it is difficult to assess whether stateless persons are or would be included.

In the three countries that have digital ID systems in place (Australia, New Zealand, and Vanuatu), it is challenging for stateless persons to access digital ID systems. In Australia, stateless persons often lack foundational identity documents such as visas and passports needed to apply for the digital ID system.¹¹⁴ Similarly, in New Zealand, stateless persons and undocumented persons would not be able to access the RealMe platform because they do not possess the required documents needed such as passports, citizenship certificates, or birth certificates.¹¹⁵ In Vanuatu, the E-ID is only available to citizens and permanent residents, so stateless persons cannot apply for a digital ID and access the government services attached to it.¹¹⁶

In countries where digital IDs are expected to become the primary means of accessing government services, the absence of strong and rights-based data protection laws and policies may exacerbate exclusion for communities

without secure digital access or already struggling with low birth registration rates, such as in Fiji, Papua New Guinea and Samoa.¹¹⁷

their digital IDs, access to digital IDs for stateless persons or refugees, and the international core human rights treaties ratified in the Pacific sub-region.

Summary Table

The table summarises the types of legal IDs available, whether their digital IDs are foundational or functional, whether they have data protection laws, the voluntary nature of

Country	Legal ID (Type)	Digital ID (Foundational/Functional)	Domestic Laws & Policy Covering Digital ID	Data Protection Law	Digital ID Mandatory?	Access for Stateless/Refugees	Intl. Treaty Ratified (Data/Human Rights)
American Samoa	Birth certificate and a personal identification card.	N/A	N/A	N/A	N/A	N/A	OECD - G7 Mapping Exercise of Digital Identity Approaches.
Australia	Birth registration, passport, myID digital ID.	Foundational and functional.	✔ Digital ID Act 2024.	✔ Privacy Act 1988.	✖	No in practice.	ICCPR, CERD, CRC, CEDAW, CRPD.
Federated States of Micronesia	Birth certificate.	N/A	N/A	N/A	N/A	N/A	CRC
Fiji	Birth certificate.	N/A	N/A	N/A	N/A	N/A	CRC, 1954 Convention on Statelessness.
Guam	Birth certificate in Guam.	N/A	N/A	N/A	N/A	N/A	OECD - G7 Mapping Exercise of Digital Identity Approaches.

Kiribati	Birth certificate.	N/A	N/A	✔ Data Protection Policy; Data Protection Act (2025).	N/A	N/A	Statelessness Conventions, the CRC, and CEDAW.
Marshall Islands	Birth certificate.	N/A	N/A	N/A	N/A	N/A	CRC
Nauru	Birth certificate.	N/A	N/A	N/A	N/A	N/A	1951 Refugee Convention and its 1967 Protocol, the CRC, and CEDAW.
New Zealand	New Zealand or overseas Passport, driver's license, or firearms license, RealMe digital ID.	✔ Functional and foundational.	✔ Digital Identity Services Trust Framework Act 202.3	✔ Privacy Act (2020).	✘	✘	Digital Identity Working Group (DIWG).
Northern Mariana Islands	Northern Mariana Identification Cards issued, Official Northern Marianas Descent Identification Card.	N/A	N/A	N/A	N/A	N/A	OECD - G7 Mapping Exercise of Digital Identity Approaches.
Palau	Birth certificate, Root Name System for non-citizens.	✔ Functional.	✔ Digital Residency Program Cyber Security Regulation.	✔ Privacy Act.	✘	✘	Global Digital Compact framework.
Papua New Guinea	Birth certificate and the National Identification (NID) card, Sevis-Pass digital ID (yet to be rolled out).	✔ Foundational	✔ Digital ID Policy in its final draft.	✔ National Data Governance & Data Protection Policy (DGDP) (2024).	✘	✘	1951 Refugee Convention and its 1967 Protocol, ICCPR, ICESCR, ICERD, CRC, and CEDAW.

Samoa	Birth certificate, National Digital Identification System (yet to be rolled out).	None	✔ National Digital Identification Act. (2024).	✔ National Digital Identification Act. (2024).	✘	✘	1951 Refugee Convention and its 1967 Protocol, the ICCPR, CRC, and CEDAW.
Solomon Islands	Birth certificate.	N/A	N/A	N/A	N/A	N/A	1951 Refugee Convention and its 1967 Protocol, ICESCR, CRC, and CEDAW.
Tonga	National ID card.	N/A	N/A	N/A	N/A	N/A	ICERD, CRC.
Tuvalu	Birth certificate.	N/A	N/A	N/A	N/A	N/A	1951 Refugee Convention, CEDAW, CRC, CRPD.
Vanuatu	National ID card, E-ID.	Foundational.	✔ Vanuatu National Identity Card Policy, Civil Registration and Identity Management Act (2021) and the Vanuatu National Identity Act. (2021).	✔ Vanuatu National Data Protection and Privacy Policy (2023).	✘	✘	CRC, IC-CPR.



American Samoa

Legal Identity

Primary forms of legal identity in American Samoa include a birth certificate and personal identification card.¹¹⁸ In order to obtain an identification card, the applicant must provide the date and time of birth, the name of the father and mother, if known, and the sex of the applicant.¹¹⁹ Based on these requirements, stateless persons would have access to identification cards; however, it is noted that the Registrar for Vital Statistics may request other documentation to prepare the identification card application form, which could cause barriers for stateless persons.¹²⁰ A birth certificate is required to file tax returns and access public benefits and social security in American Samoa.¹²¹ The United States' birth registration rate, which includes American Samoa, is 100%.¹²²

Digital ID Overview

No national Digital ID system currently exists within American Samoa or at the federal level in the United States. Digital ID currently exists on a state-by-state basis with only some states, such as Colorado, offering a form of digital identification.¹²³

Laws

Domestic law and policy

Domestic law and policy regarding digital identity exists on a state-by-state basis. No movements have been made to move towards a digital ID system in American Samoa. While the U.S. Congress is currently considering a Digital ID law, that law is currently in the very early stages of the legislative process.¹²⁴

Data Protection

The United States currently does not have a comprehensive data protection and privacy law at the federal level.

The law directs certain industries, such as healthcare providers under the Health Insurance Portability and Accountability Act (HIPPA) and financial institutions under the Gramm-Leach-Bliley Act (GLBA), on how to use and protect sensitive data.¹²⁵ Industries must limit collection of data of children under the age of 13 and obtain guardian or parental consent before obtaining personal information of underaged children under the Children's Online Privacy Protection Act.¹²⁶

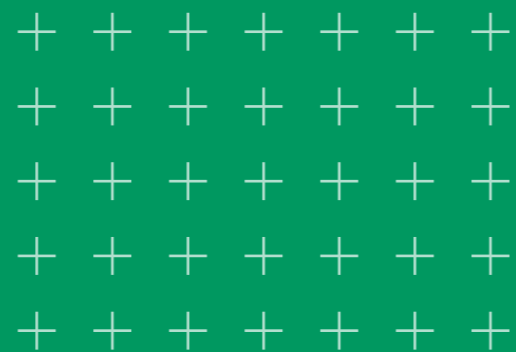
International Commitments

While the United States is not a party to any international framework, agreement, or treaty that obligates the United States to conduct itself in a certain way regarding digital IDs, the United States is a member of a number of organizations studying the best path forward regarding digital IDs.

As a member of the OECD, the United States was a party to a G7 Mapping Exercise of Digital Identity Approaches to inform discussions within the G7 Digital and Technology Working Group.¹²⁷

The United States also plays a role in shaping standards in the private sector, including digital ID, with the National Institute of Standards and Technology and the documents they release to shape industry standards.¹²⁸

AMERICAN SAMOA



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

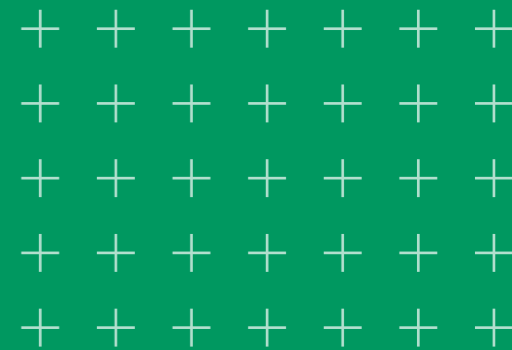
Without a digital ID system, there are currently no implications of digital ID on statelessness in American Samoa.



Photo : Srikant Sahoo



AUSTRALIA



Australia

Legal Identity

There is no single document that establishes the legal identity of an individual in Australia.¹²⁹ While legal identity begins with birth registration, several documents (known as Commencement of Identity documents) may be used as proof of legal identity.¹³⁰ These include a birth certificate, Australian passport, Australian Citizenship Certificate, ImmiCard issued by the Department of Home Affairs, and the Australian visa used upon entry into Australia with the foreign passport as supporting documentation.¹³¹

*While birth certificates in Australia do not prove citizenship or by themselves constitute legal identity, a birth certificate is a mandatory document to apply for citizenship.*¹³²

Digital ID Overview

Digital ID in Australia has been developed with an aim to securely verify one's identity to access services online.¹³³ The Australia Digital ID System (AGDIS) uses 'MyID' as its digital ID app.¹³⁴ MyID evolved from myGov and is designed to be a functional ID system.¹³⁵ MyID is delivered by a number of agencies that work together to verify one's identity to access government services online.¹³⁶ From December 2024, government bodies at federal, state, and territory levels can participate in AGDIS.¹³⁷ By 2026, the system aims to be open to private sector participants, with a hope to give individuals greater options when choosing a provider to create their digital ID for accessing certain government services.¹³⁸ The Government claims that by gradually expanding AGDIS, it can maintain its safety and security while new types of entities begin participating.¹³⁹

The digital ID in Australia is completely voluntary¹⁴⁰ and currently no business can mandate a digital ID requirement to access their services.¹⁴¹ AGDIS is also not a marker of citizenship in Australia and non-citizens can get access to digital ID, as long as they have a valid visa for the country.¹⁴² However, considering that there is no special visa category for the stateless population in Australia, possessing a valid visa would be difficult.¹⁴³ It also remains to be determined if stateless individuals can get access to digital ID systems, considering they often lack foundational identity documents such as birth certificates, passports, drivers' licenses, etc.¹⁴⁴ Currently, there are approximately 130 services attached to AGDIS¹⁴⁵, where depending on the strength of the digital ID, various services such as postal services, applying for a rental property, medicare, etc. can be accessed.¹⁴⁶ There are three levels of strength (level of authentication) of digital ID, where the basic strength (lowest) only requires a name, date of birth, as well as an email ID.¹⁴⁷

Strong, the highest level of authentication requires verification of the Australian passport, a face verification check, along with any one of the following: citizenship certificate, drivers' license, Medicare card.¹⁴⁸

The basic strength digital ID can be accessed by individuals who do not have the requisite documentation, but the services linked to the basic digital ID in Australia are limited. They do albeit include access to services such as finding temporary employment through elections as well as accessing



Photo: Australia Government

the Health Data Portal and Electronic Child Abuse Report Line (to report non-urgent child abuse).¹⁴⁹

*However, social care services, which include disability support pensions, job seeker payments, child support provided by Centrelink, as well as the Employment Services System, Humanitarian Settlement Programme, among others, are only accessible through either a Strong identity strength digital ID system or a Standard identity strength digital ID system.*¹⁵⁰

A Strong identification system provides access to all participating government online services, upon verification of an individual's passport along with either one's citizenship certificate or driver's license/learning permit, or a Medicare card.¹⁵¹

The Australian government has actively sought public input during the formulation of the digital ID framework, where between 2023 and 2024, the drafts of the Digital ID Bill and associated rules were released for public consultation.¹⁵² The Department of Finance conducted over 30 public consultation sessions on the draft law, including webinars, roundtables, and bilateral meetings engaging more than 250 stakeholders. They

received 42 detailed submissions and 27 web-form comments from various parties, including digital ID service providers, industry associations, consumer groups, privacy advocates, and individuals.¹⁵³ The requirement of undertaking consultations is also mandated in the Digital ID Act, which mandates the Minister to consult organizations representing individuals who may experience barriers when creating or using a digital ID, ensuring that their perspectives are considered.¹⁵⁴

Laws

Domestic law and policy

The cornerstone of Australia's digital ID system is the Digital ID Act (2024), which, along with the Digital ID (Transitional and Consequential Provisions) Act (2024), establishes the legislative basis for the Australian Government Digital ID System (AGDIS).¹⁵⁵ The Digital ID Act is a legislation to ensure the safe use of digital ID systems from accredited digital ID providers. The operation of the Digital ID Act is supported by "Accreditation Rules, Accreditation Data Standards, Digital ID Rules and AGDIS Data Standards (the rules and

standards).¹⁵⁶ Digital ID of an individual in the law is defined as, “a distinct electronic representation of the individual that enables the individual to be sufficiently distinguished when interacting online with services.”¹⁵⁷ The legislative framework does not establish a linkage between digital ID and citizenship, as proving citizenship is not a prerequisite for obtaining a digital ID.¹⁵⁸

Data Protection

Data privacy in Australia is governed through multiple legislations at federal, state, and territory levels. These include federal Privacy Act (1988) as well as the Australian Privacy Principles (APP) contained in the Privacy Act.¹⁵⁹

The Act was amended in 2024 through the Privacy and Other Legislation Amendment Act (Privacy Amendment Act), which will primarily come into effect in 2025.¹⁶⁰ There are also other reforms in the Privacy Amendment Act scheduled for this year.¹⁶¹ Strong safeguards, in particular on privacy and security, are established in both the Digital ID Act as well as the Privacy Act which provides for penalties for accredited providers, in case they do not comply with government set standards of accessibility, usability, privacy, etc.¹⁶²

The Privacy Act also outlines the Australia Privacy Principles (‘APP’), which set standards for the collection, use, and disclosure of personal information by government agencies and certain private sector organizations as well as creates obligations around an organisation’s “governance and accountability, integrity and correction of personal information, and the rights of individuals to access their personal information”.¹⁶³ Australia initially leaned toward a centralised approach.¹⁶⁴ However, there were significant concerns raised by civil society on centralisation, considering all of the collected data was meant to be stored on a central system, making it more vulnerable to data breaches.¹⁶⁵ A centralised model beyond breaches would also have been exposed to ‘function creep’,

which creates conditions for an agency to use data for purposes not aligned with what the data was collected for, resulting in potential grounds for surveillance, profiling, etc.¹⁶⁶ This led to Australia creating a federated identity ecosystem of digital ID, which allows for decentralisation of data, securing it further and creating fair competition.¹⁶⁷

Further, unlike Europe’s General Data Protection Regulation, the Privacy Act doesn’t give people strong personal rights over their data. For example, an individual does not have the right to erase their data.¹⁶⁸ They also do not have the right to object if their data is being used in a way they disagree with and cannot easily move their data to another service (no “data portability”).¹⁶⁹

There is also further flexibility and risk of abuse in digital ID systems as the Privacy Act only states that data should be collected by “fair and lawful means” and for a purpose related to the organisation’s work, unlike the GDPR which requires a clear legal basis for each use of data (like consent or public interest).¹⁷⁰ Positively, the Digital ID Act mentions that law enforcement agencies cannot access information without a warrant or unless they have explicit consent from the individual to do so.¹⁷¹ The Privacy Act also provides for strict obligations against handling and collecting certain sensitive information (such as a person’s sexual orientation or political opinions) and also requires explicit consent of the digital ID holder to share that information with external AGDIS entities.¹⁷² In case there are concerns related to privacy, a complaint can be filed against the digital ID company.¹⁷³ If the issue continues to persist, one can contact the Australian Information Commissioner and lodge a complaint by filling out the privacy complaint form, in accordance with the Privacy Act, 1988.¹⁷⁴

International Commitments

Australia is also a signatory to several key international human rights treaties, such as the ICCPR, CERD, CRC, CEDAW, CRPD, among others. These treaties place binding responsibilities on Australia that are relevant to the right to nationality and the protection of stateless individuals. Notably, these obligations “apply to all individuals within Australian territory”, including non-citizens and stateless persons.¹⁷⁵ Australia has not ratified any other specific treaty or legislation in relation to digital ID, aside from committing to the Sustainable Development Goals, more particularly SDG 16.9 which have come to be synonymous with ensuring legal identity for persons in a digital format.¹⁷⁶ Furthermore, as an OECD member, Australia claims to be committed to aligning its digital services (including digital identity) with OECD’s Recommendation of the Council on Digital Government Strategies (2014) and later guidelines.¹⁷⁷ They prioritise inclusion, minimising barriers to access digital identity, interoperability and openness, data minimisation and privacy.¹⁷⁸

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

As per the Digital ID Act (2024) and its accompanying regulations, digital ID is voluntary and can be issued to individuals who meet identity verification requirements, regardless of their citizenship status, as previously mentioned.¹⁷⁹ Eligibility for a digital ID depends on the ability to provide acceptable identity documents,

which may include visas, passports, and other government-issued documents—not necessarily proof of citizenship.¹⁸⁰ However, in practice, stateless persons often lack foundational identity documents that are required for acquiring a digital ID within AGDIS.¹⁸¹ Without them, stateless individuals may find it difficult to create a digital ID. However, having or not having a digital identity has no impact on an individual’s citizenship or access to services and currently all individuals have alternate ways of accessing services linked with AGDIS (as long as they are legally eligible for it).¹⁸² Furthermore, currently there are alternative pathways to access all services that can be accessed through AGDIS in Australia.¹⁸³ In terms of privacy standards, the Digital ID Act provides a federated system which prohibits data aggregation, and asks for identity attributes limited to the services being provided for.¹⁸⁴ This also reduces the chances of profiling, identity theft, as well as cross-service tracking.¹⁸⁵ Considering this is a pilot phase of digital ID in Australia and has been in implementation only since December 2024, potential implications on exclusion remain to be seen.



Photo : Savir_c



Fiji

Legal Identity

The recognized form of legal identity in Fiji is the birth certificate,¹⁸⁶ which confers Fijian citizenship when completed in accordance with the guidelines of Fiji’s Citizenship Act (2009).¹⁸⁷ Fiji hosts a “robust CRVS system”.¹⁸⁸ With access to a birth certificate, Fijians can access five additional documents which are legally recognised identities.¹⁸⁹ These are a tax identification number (TIN), a voter ID card, a Fiji National Provident Fund card, a driving licence and a passport.¹⁹⁰ However, only 71% of the total population of Fiji holds access to a birth certificate (as of 2021), which signifies that 29% of the population cannot access the services associated with such documentation.¹⁹¹ The country does not currently have national identity cards for its citizens, but since 2024, the Fijian government has been working towards establishing a single proof of identity through the National ID.¹⁹²

Digital ID Overview

Fiji lacks a national digital ID system but is currently working on developing one through the expansion of its National ID system.¹⁹³ In its inaugural meeting in February 2025, Fiji’s National Identification (ID) Steering Committee approved the project’s budget and timelines, key stakeholders for engagement, the governance structure, and the drafting of necessary legislation.¹⁹⁴ In June 2024, Fiji’s Cabinet approved the digital ID program with hopes that it will contribute to reducing poverty and increase efficiency of government service delivery.¹⁹⁵ The Fijian government plans to make the digital ID a key part of its expanding digital public infrastructure and has estimated another 3 years for its completion.¹⁹⁶ With the plan to improve service delivery with the new digital ID, it is likely to be implemented as a

functional ID.¹⁹⁷ In its October 2024 press release, the Fiji administration reported that it is working in conjunction with Japan’s Digital Government Agency, Asian Development Bank, and other stakeholders on the new digital transformation program.¹⁹⁸

From the limited information available, it is unclear whether foreign citizens, refugees, dual citizens, or stateless persons would be eligible for the national digital ID. Currently, the digital ID is described as a universal identification system intended for all citizens, suggesting that its primary focus is on Fijian nationals.¹⁹⁹

Fiji’s broader digital government transformation program, the digitalFIJI initiative, which includes development of the national digital ID program is being undertaken in collaboration with the Government of Japan.²⁰⁰ The government anticipates that the program will facilitate easier access to government services for those in need.²⁰¹

Laws

Domestic law and policy

The National Digital ID Program, approved by the cabinet in 2024, still in the implementation phase, has approved plans on codification of laws that relate to digital ID.²⁰² Although there are no laws defining the digital ID yet, the Justice Minister describes it as “a single, secure, and inclusive proof of identity” enabling citizens to access public and private services like healthcare, banking, education.²⁰³

Further, there is a strong linkage to citizenship as Digital ID and the related services have been envisioned to be accessible to citizens only.²⁰⁴ However, the Constitution of Fiji mentions that each person, irrespective of whether they are a citizen or not, have equal rights of access to public spaces such as education institutions, transportation, taxis, etc.²⁰⁵

Furthermore, no other specific provisions have been published yet outlining processes for registering digital ID complaints or dispute resolution.

Data Protection

At this time, there is no specific legislation for data protection or regulations governing the proposed digital ID system, raising concerns about data security, misuse, or unauthorized government access. Currently, Fiji’s Constitution includes the right to privacy for individuals, which encompasses the right to confidentiality of personal information and communications.²⁰⁶

There are, although, sector-specific laws that penalize the unauthorized disclosure of individuals’ or clients’ information.²⁰⁷ The laws of Fiji currently do not directly protect personal information and there is no explicit policy yet that addresses digital ID data collection, encryption, or biometric protection.

International Commitments

Fiji is not a party to any international framework, agreement, or treaty that outlines obligations related specifically to digital ID. As a party to the CRC, the Fijian government should reduce the gaps in birth registration and ensure that every birth is registered immediately and that no child is left stateless, prior to the expansion of the National ID.²⁰⁸

Furthermore, when implementing the digital ID laws, it must ensure that children not born in Fiji but whose nationality cannot be established are provided with a legal identity²⁰⁹ and those born to stateless parents are provided with a birth certificate, and not excluded in the new digital ID system’s implementation.²¹⁰ In implementing this digital ID system, Fiji will have to be careful not to violate the rights of or exclude stateless persons and other marginalized communities

from equitable access to essential services, such as rationing, housing, public education and public relief, as guaranteed by the 1954 Convention on Statelessness.²¹¹

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

Low rates of birth registration have been a significant issue in Fiji, particularly those belonging to the i-Taukei population.²¹²

Many individuals experiencing statelessness cannot afford the associated fees, which prevents them from being granted citizenship. It is yet to be seen how the appointed committee leading the digital ID project in Fiji will cover the existing gaps of low birth registration rate associated with the CRVS system to enhance accessibility, and the right to identification for more individuals.²¹³ To have the desired impact, the Fiji government will have to ensure that the implementation does not lead to any exclusion caused by persistently low rates of birth registration.

While the digital ID system is not implemented yet, the Fijian government will have to ensure that there are real alternate routes to access the services offered through the digital ID ecosystem available to stateless individuals. This would ensure that the government is not violating the core principles of non-discrimination, dignity, and equal rights as specified in the Fijian Constitution, considering at the current stage, digital ID is envisioned to be awarded only to Fijian citizens.

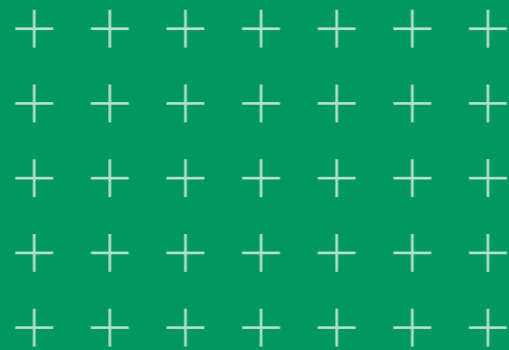
Another issue which could lead to exclusion once the digital ID system is rolled out is low digital literacy rates, which Fiji is actively working to address to ensure a successful rollout of the system.²¹⁴

In addition to further protections from statelessness, new legislation in the country should ensure that digital ID does not become mandatory in law or in practice to ensure that those stateless individuals are provided with alternate equal, adequate, and accessible pathways to access services, and in order to prevent exclusion and ensure that the digital ID users’ data and privacy remain secure and protected.





Photo : Yeojin Yun



Guam

Legal Identity

To establish legal identity in the United States, three documents are generally used: birth certificate, driver's license, and personal identification card.²¹⁵

A birth certificate is the primary form of legal identity in Guam.²¹⁶ In order to enroll in school, apply for public health insurance, and apply for a passport, a birth certificate is required.²¹⁷ Guam has a 100% birth registration rate.²¹⁸

Digital ID Overview

No national Digital ID system currently exists within Guam or at the federal level in the United States. Digital ID currently exists on a state-by-state basis with only some states, such as Colorado, offering a form of digital identification.²¹⁹

Laws

Domestic law and policy

Domestic law and policy regarding digital identity exists on a state-by-state basis in the United States. No such movement towards digital ID exists in Guam.

While the U.S. Congress is currently considering a Digital ID law, that law is currently in the very early stages of the legislative process.²²⁰ While a biometric fingerprint system exists for the issuance of firearms identification cards, no steps towards establishing a framework for digital ID have been undertaken in Guam.²²¹

Data Protection

The United States currently does not have a comprehensive data protection and privacy law at the federal level. The law directs certain industries, such as healthcare providers under the Health Insurance Portability and Accountability Act (HIPPA) and financial institutions under the Gramm-Leach-Bliley Act (GLBA), on how to use and protect sensitive data.²²² Industries must limit collection of data of children under the age of 13 and obtain guardian or parental consent before obtaining personal information of underaged children under the Children's Online Privacy Protection Act.²²³

Comprehensive data protection and privacy law exist on a state-by-state basis, the most notable being the California Consumer Privacy Act (2018) (CCPA).²²⁴

The law grants California residents a number of rights, including the right to know, the right to know about the personal information collected and used, the right to delete personal information, the right to opt-out of the sale or sharing of personal information, the right to non-discrimination for exercising their CCPA rights, the right to correct inaccurate personal information, and the right to limit the use and disclosure of sensitive personal information.²²⁵

Businesses under the CCPA must respond to consumer requests to exercise the rights listed and provide notice on business privacy practices.²²⁶ Under the CCPA, sensitive personal information includes biometric data.²²⁷ While not directly pertaining to digital ID, these laws mandate businesses that may in the future inform how laws on digital ID are made.

GUAM

Note that the laws above generally do not apply to government entities. As these laws do not distinguish between the nationality/citizenship status of the data subject, these laws also apply to stateless persons, refugees, or migrants.

No digital ID and data protection law akin to the CCPA exist for Guam. Guam's Data Breach Notification Law (2022) requires that agencies, businesses and organizations notify affected parties in the event of a data breach of personal information such as social security numbers, driver's license numbers or Guam identification cards, and financial account numbers.²²⁸

International Commitments

While the United States is not a party to any international framework, agreement, or treaty that obligates the United States to conduct itself in a certain way regarding digital IDs, the United States is a member of a number of organizations studying the best path forward regarding digital IDs. As a member of the OECD, the United States was a party to a G7 Mapping Exercise of Digital Identity Approaches to inform discussions within the G7 Digital and Technology Working Group.²²⁹

The United States also plays a role in shaping standards in the private sector, including digital ID, with the National Institute of Standards and Technology and the documents they release to shape industry standards.²³⁰

The United States does not currently violate any obligations through the implementation of the Digital ID system.

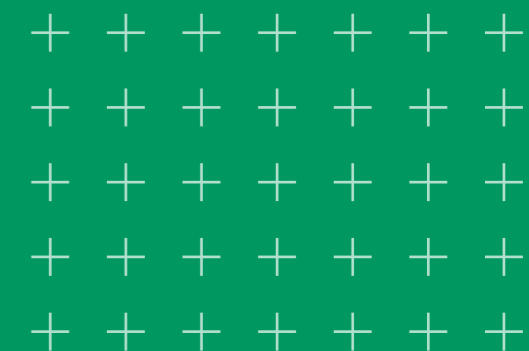
Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

Without a digital ID system, there are currently no implications of digital ID on statelessness in Guam.



Photo : Winston Chen

KIRIBATI



Kiribati

Legal Identity

In Kiribati, legal identity is officially established through birth registration, which provides an individual with a birth certificate.²³¹ This foundational document enables access to various services, such as enrolling in school, opening a bank account, applying for some jobs, and claiming property through birth-rights.²³²

A birth certificate also serves as a basis for obtaining additional identity documents such as a national ID and passport.²³³ In 2018, Kiribati passed legislation to establish a national identity system, National Identity Registration Act, which began operating in 2019 and marked the onset of a national ID system in the country.²³⁴ This system connects directly to the birth registration database, making a birth certificate necessary for enrollment, but currently does not link death registration.²³⁵ According to the World Bank, its utilization remains limited due to persistent administrative barriers related to the high fee as well as an expiry period for the cards.²³⁶

Digital ID Overview

Kiribati does not yet have a digital ID system, however, it is making rapid advances towards establishing a digital ID through the development of the Kiribati Digital Government Project (KDGP).²³⁷ Currently, the KDGP project has five components, including a Digital ID and e-signatures platform and government services portal with digital services.²³⁸ With little clarity on which services will form a part of the new digital ID system, the Kiribati government seeks to upgrade and integrate the existing National ID and Civil Registry systems into the new system to be used by all citizens, government agencies, and

the private sector.²³⁹ The available information does not explicitly state whether the digital ID will be mandatory and there is no special mention of access to the digital ID for foreign citizens, refugees, dual citizens, or stateless individuals in the available documents.

Kiribati aims to establish a digital identity (ID) system as part of its broader digital transformation efforts outlined in the Digital Government Master Plan (2021), supported by the IDA-financed Kiribati Connectivity Project.²⁴⁰ The Master Plan envisions foundational changes, such as digitizing government processes, enabling data sharing among agencies under the “once-only” principle, and creating e-services for citizens.²⁴¹ The government recognizes the importance of digital infrastructure for development and has committed to transforming public service delivery through its National ICT Policy (2019) and 20-year vision (KV20).²⁴² However, challenges persist, including the lack of interoperability between ministries, limited digital skills, and the absence of legislation for electronic transactions, signatures, and privacy protections.²⁴³

The National Identity Registration Act (2018) established a national ID system, which is issued as a smartcard national ID.²⁴⁴ The national ID’s limited coverage and barriers such as high costs to both the government and public, card expiry periods, and lack of coverage for children hinder its effectiveness.²⁴⁵

While not mandatory, the ID system requires payment for access, and foreign citizens, dual citizens, and stateless individuals can obtain a national ID if they meet this requirement.²⁴⁶ Women, particularly in rural areas, face significant barriers to obtaining formal identification.²⁴⁷ Efforts to enhance identification and digital services remain fragmented, with little public or third-party expert involvement in formulating the framework.²⁴⁸

Current government services, such as obtaining vital records or registering businesses, remain largely manual, highlighting the substantial efforts required to establish a functional and inclusive digital ID framework in Kiribati.²⁴⁹

Laws

Domestic law and policy

Kiribati currently lacks a comprehensive legal and policy framework to support digital identity.²⁵⁰ It has not yet established the necessary implementing rules under its Electronic Transactions Act (2021) which are essential for ensuring that electronic transactions and digital signatures can be used securely and reliably throughout government systems and online public services.²⁵¹ In addition, the existing legal basis for ID, the National Identity Registration Act (2018), needs to be revised to support the creation of a trustworthy digital ID system that can serve as the gateway for accessing a wide range of services.²⁵² Digital identity is not clearly defined under existing domestic laws or policies, and there is no explicit linkage established between digital identity and citizenship. Furthermore, the absence of a formal legal or policy framework means there are no mechanisms in place for filing or resolving complaints related to digital ID. However, the Digital Government Master Plan reveals a plan to develop an Information and Communication Technology policy and review and develop legislation in relation to the creation of a digital ID system.²⁵³ Currently, there are no laws addressing cyber safety or harmful digital communications, which have been flagged as significant community concerns in the Digital Government Master Plan.²⁵⁴ These gaps highlight the need for Kiribati to develop a robust framework to support the implementation and regulation of digital identity systems.

Data Protection

In January 2022, Kiribati passed a comprehensive Data Protection Policy, outlining several principles aimed at safeguarding personal data within its systems.²⁵⁵ One aspect that the Policy emphasized was that personal data must be stored securely, accessed only by authorized personnel, and deleted when no longer needed.²⁵⁶ Kiribati also passed the Data Protection Act (2025), which primarily aligns with the core principles of GDPR²⁵⁷, mandates that personal data be processed lawfully, fairly, and confidentially, requiring data controllers to inform individuals about the collection and use of their data to promote transparency.²⁵⁸ Furthermore, the Act requires data controllers to collect, process, and retain minimal data as long as it is aligned with the specific purpose of data processing.²⁵⁹ The Act also grants individuals rights such as correction of inaccuracies, the right to lodge complaints, and cross-border data transfers²⁶⁰. An individual found to commit an offence under the Act can face penalties up to KID 20,000 (~USD 12,900) or imprisonment up to 10 years or both.²⁶¹ Unlike the GDPR, Kiribati’s Data Protection Act includes the right to erasure (the right to be forgotten) as a basic provision in the Act but does not clearly articulate the right to be erased in the case of withdrawal of consent or other legal grounds in which the right to be forgotten can be upheld.²⁶²

International Commitments

As Kiribati’s digital ID is not yet implemented, there are no current contradictions of the obligations under the treaties Kiribati is party to. Kiribati is not a party to international treaties specific to digital ID or data privacy and protection. As Kiribati continues to develop its digital ID system, it is important to do so in line with its international obligations under the human rights treaties it is party to, including the Statelessness Conventions, the CRC, and CEDAW.²⁶³

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

Considering that Kiribati's digital ID is still in the developmental stages, it makes it difficult to assess its impact at the current stage. However, the plans do include language showing inclusive intentions, especially with the onset of the Data Protection Act. It is still unclear whether digital ID will be mandatory or whether stateless persons will be eligible to access the system.

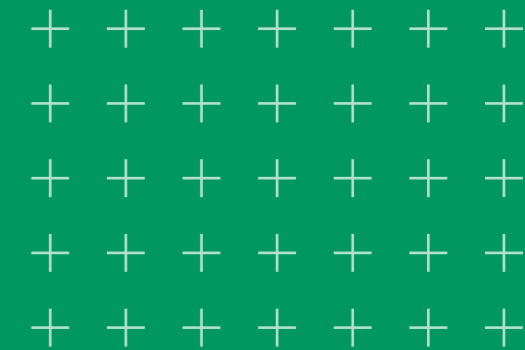
There is also planning and discussion around improving connectivity in Kiribati to ensure greater inclusion in the new digital ID and result

in increased economic empowerment in the country.²⁶⁴ For this, infrastructural gaps in the country would need to be filled, considering only 14% currently have access to mobile phones and the high costs of internet access.²⁶⁵ Individuals residing in remote parts of the country, in particular women, elderly, or persons with disabilities, face barriers in accessing national ID due to the logistical complexities that include high travel costs and waiting times.²⁶⁶ As internet use grows in Kiribati, prioritizing data governance, cybersecurity, and user safety will be essential to ensuring equitable access, transparency and accountability in digital services.²⁶⁷



Photo :The Travelling Ape website

MARSHALL ISLANDS



Marshall Islands

Legal Identity

The primary form of legal identity in the Marshall Islands is the birth certificate. The Marshall Islands has a birth registry which provides that “every child born in the Marshall Islands shall be registered by the Registrar.”²⁶⁸

If a child is not registered within twelve months of birth the child cannot be registered unless ordered by a court.²⁶⁹ When a child is registered the registrar provides a birth certificate.²⁷⁰

There is no mention of birth registry providing citizenship in the Births, Deaths, and Marriages Registration Act (1988). Birth registration, while compulsory by law in the country, requires individuals to travel to Majuro or Kwajalein in order to complete registration.²⁷¹ However, the registration of births is inconsistent, particularly in remote areas as there is duplication of records and data collection is being undertaken by multiple programs due to a lack of coordination and collaboration between the health ministry and the civil registration office, leading to the inconsistency.²⁷² Marshall Islands also does not have a vital statistics system to analyse the civil registration data.²⁷³

Marshall Islands also has a national ID card, but it is currently not digitised.²⁷⁴ According to the Marshall Islands’ Registrations of Persons Act of 1989, only citizens of Marshall Islands are eligible to apply for a national ID card, a document that verifies an individual’s identity. A national ID card does not confer citizenship.²⁷⁵

The national identification card does not confer citizenship.²⁷⁶ Citizenship is acquired through parentage,²⁷⁷ birth if not eligible for citizenship in other country,²⁷⁸ registration if adopted, or through

naturalization.²⁷⁹

Digital ID Overview

In the Marshall Islands, various forms of national IDs have been introduced, serving as both foundational and functional IDs.²⁸⁰ Both citizens and non-citizens (in a few cases) can obtain a range of identification documents such as national ID cards, driver’s licenses, passports, and social security cards.

These documents are currently issued only in physical form.²⁸¹ There is currently no digital ID system found in the Marshall Islands, but the country is in the early stages of implementing a digital ID system as part of a broader World Bank-supported Digital Republic Project.²⁸² Marshall Islands also is in the process of developing a legal framework on digital ID and does not possess one currently.²⁸³ However, there is a plan to design and implement a Digital ID platform through the World Bank’s Digital Republic of the Marshall Islands Project by 2028.²⁸⁴ One of the goals of the project is to “increase access to, and enable the digitalization of, public and private sector services” and will “facilitate authentication of identity and electronic signatures online.”²⁸⁵ To ensure that digital ID has an adequate framework, the project will establish, modernize, and implement the “legal and regulatory frameworks and institutional and data governance arrangements to support digital government and the digital economy.”²⁸⁶

There is no information on how the digital ID will be implemented, but the Marshall Islands have stated that the “envisioned digital ID system will function effectively as an ‘authentication layer,’ enabling citizens and residents to create a digital ID based on existing registries and databases, such as for birth and death registration, driving licenses, passports, and social security numbers, which exist within government systems”, making it a foundational ID system.²⁸⁷

Laws

Domestic law and policy

There is no formal legal or policy framework surrounding digital identity in the country. By August 2028, the country aims to develop a digital transactions bill, its cybersecurity programme, and harmful digital communications law.²⁸⁸

Presently, the Constitution of Marshall Islands provides for general protections of equality before the law, non-discrimination, personal privacy, and access to judicial institutions and electoral process, which ought to form the foundation of the legal framework surrounding digital ID.²⁸⁹

Data Protection

The Marshall Islands does not have a comprehensive data protection framework or law in place and plans on having a data protection law as a part of its digital ID development by August 2028.²⁹⁰ There is a general provision on the right to privacy mentioned in the Constitution.²⁹¹ There are also selective laws such as the Persons with Disabilities Act (2015) and Gender Equality Act (2019) “create policies and safeguards to gather, process, and use data.”²⁹² Additionally, very few laws state the reason for which a national agency can gain exchange data.²⁹³ However, despite their presence, the provisions are fragmented and fail to establish a unified approach to data protection or privacy.

International Commitments

The Marshall Islands is not a party or signatory to the 1954 Convention relating to the Status of Stateless Persons, or the 1961 Convention on the Reduction of Statelessness.²⁹⁴ As a party to the CRC, the Marshall Islands is obligated to guarantee the immediate registration of all births.²⁹⁵ The birth registration process must be universally accessible, particularly for those in remote regions, and administrative hurdles preventing access should be eliminated.

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

Without a digital ID system, there are currently no implications of digital ID on statelessness in Marshall Islands. However, it is imperative that Marshall Islands enact a data protection and privacy legal framework prior to the implementation of the digital ID.

Furthermore, the country needs to work on making its CRVS system functional for generating vital statistics.²⁹⁶ It also needs to improve its low birth registration rates by strengthening coordination between civil registration offices and health information services, timely updating relevant laws, effective personnel training, and engaging communities through public outreach.²⁹⁷



Federated States of Micronesia

Digital ID Overview

Legal Identity

The officially recognized legal identity in Micronesia is a birth certificate.²⁹⁸ Birth registration in Micronesia is required for school enrollment and to obtain a passport.²⁹⁹ There is limited data on the birth registration rate in Micronesia.³⁰⁰ In 2015, the Committee on the Rights of the Child reported the birth registration rate as 70%.³⁰¹ Implementation of birth registration in Micronesia is done on a state by state basis with national oversight by the Department of Health and Social Affairs.³⁰² Each of the four states has their own way of capturing, storing, and archiving civil registrations, with unique identification numbers used for all civil registration records registered at the court.³⁰³

While there is a need to centralize civil registration data, a streamlined national registration system is difficult to implement in Micronesia as the four different states have widely varying topography which require vastly different approaches to administrative procedures.³⁰⁴

As a result, varying administrative barriers to birth registration exist state to state.³⁰⁵ The central state experiences very high rates of birth registration while other outlying states with difficult to reach islands have low birth registration rates.³⁰⁶ Limited transportation and communication pose significant challenges for recording and registering births, especially in remote areas.³⁰⁷

Micronesia has not implemented a digital ID system yet, but planning and building of necessary infrastructure are in progress.³⁰⁸ In 2019, there were plans to implement a digital government platform with a voluntary National Digital Identification (NDID) system that would provide a “unique legal identity to all citizens and residents of FSM [Micronesia]” to “increase access to and enable the digitalization of public and private sector services”.³⁰⁹ The plan includes a holistic ‘whole of government’ approach to establish common standards and provide access to shared services across the national and four state governments, making it both a foundational and functional ID system.³¹⁰

One major barrier for Micronesia to implement such a system is limited internet access, with only around 21% of people using mobile phones (the lowest in the Pacific).³¹¹ Building internet infrastructure which creates universal access to the internet is underway with assistance from the World Bank under the Digital Federated States of Micronesia Project which began in 2020 and is set to continue until 2026.³¹² For this, the World Bank has contributed a grant of over USD \$30 million, primarily for improvement of Micronesia’s digital connectivity.³¹³

Once implemented, the national ID system will be linked to public and private sector services, including e-Services relating to “health, agriculture, urban, transport and education”.³¹⁴ The plans state that the system will be voluntary,³¹⁵ with “options for people to voluntarily opt in or out without disadvantage”.³¹⁶ However, it is unclear whether it would be possible to access the linked eServices without registering for the digital ID system, which could make the system de facto mandatory. This means that in order to access basic services such as healthcare, one would have to register for a digital ID, unless there are alternative ways to access those services developed to truly leave one without any disadvantage.

MICRONESIA

In the published plans for the NDID system, there is no mention of stateless persons or refugees, or the documentation required to register for an NDID. While there is a mention that the system is to be developed for citizens and residents³¹⁷, it is unclear at this stage whether stateless persons will be able to access the system.

One of the three priority areas for the implementation of the NDID system is to improve women's access to government services.³¹⁸ Part of the performance criteria for the implementation of the NDID system includes consulting with communities and ensuring majority support for the proposed system.³¹⁹ The form and method of the consultations are not detailed, but are said to have found "demonstrable majority support" and to have reached the general population as well as specific target groups of youth and parents.³²⁰ These community consultations are set to be done throughout the implementation process and with suitable representation from "women, youth, people living with disabilities, remote communities and other vulnerable groups".³²¹ Women's groups in particular have been included in the consultations to ensure the design of the system improves access to services for women.³²² The performance criteria also ensures that there will be a complaint and grievance mechanism in place prior to rolling out the system.³²³ Stateless persons have not been specifically mentioned as a group taken into consideration for designing the NDID system more inclusively.

Laws

Domestic law and policy

Micronesia is still in the early stages of enabling an environment for digital public infrastructure, however, part of the plans to be implemented by 2026 include "creation of a legal and regulatory framework for Digital Government through the development of institutional and data governance

arrangements".³²⁴ This will also include frameworks for data security and protection, privacy, transparency, and non-discrimination, among others.³²⁵

Data Protection

There are no data management and no data protection standards in place under Micronesia's paper-based system,³²⁶ though the four states have a practice of not sharing birth and death data collected through civil registration to other government departments without the consent of the individual.³²⁷ It is also unclear whether the national ID system will include biometric data other than plans to "facilitate the authentication of [legal] identity and electronic signature online."³²⁸

In December 2021, the Cybersecurity Roadmap of Micronesia was written as a guide for the development of a national cybersecurity strategy with supporting policies, law and regulations in three stages over the course of six years.³²⁹ Stage 3, to occur in years 4-6, focuses on Personal Data Protection and encourages "enacting a legal framework to protect [Micronesian] citizens' personal data and privacy" as part of plans to move forward with an e-government and e-commerce system.³³⁰ This roadmap is said to include results from consultations with local stakeholders done in October 2021, but the nature of the consultations and who attended was not detailed.³³¹ In November 2024, Micronesia held an Inaugural Cybersecurity Symposium, which had "four key themes: the development of a comprehensive National Cybersecurity Strategy, protection of critical infrastructure (with a particular focus on education), addressing regional cybersecurity threats, and building capacity for cybersecurity resilience".³³² Establishing a legal framework through policies such as "the Cybersecurity Act, Personal Data Protection Act, and Cybercrime Act" were also discussed, but are yet to be established.³³³

In March 2025, there was a cyberware attack on the government health agency of the state of Yap, which forced the state to shut down all computers in the agency.³³⁴ This highlights the need for Micronesia to establish its cybersecurity and data protection legal framework, which are still in the planning stage.

International Commitments

As a party to the CRC, Micronesia is responsible for ensuring that every birth is registered immediately as well as to ensure that no child is left stateless.³³⁵ The Digital Federated States of Micronesia Project includes constructing necessary infrastructure to improve broadband and internet access in the outer islands,³³⁶ which should improve data collection and registration and help meet these CRC responsibilities.

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

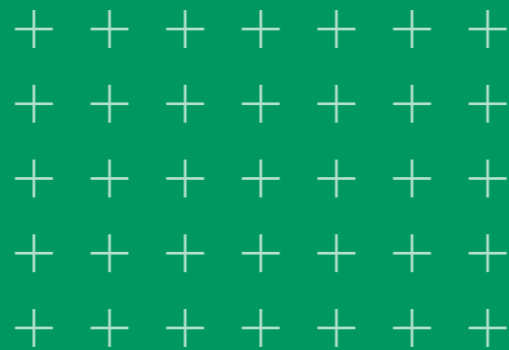
Micronesia's digital ID implementation is still in the design and preparation phases, however, the plans do include language showing inclusive intentions, including a priority to improve women's access to public services.³³⁷ There is also planning and discussion around how to ensure continuous access to those living in remote areas,

such as training locals to be able to undertake maintenance in each atoll.³³⁸ While community consultations are being held with vulnerable groups, stateless persons and refugees are not explicitly mentioned as being included in these consultations.³³⁹ As it is unclear at this stage whether stateless persons would be able to access the NDID system, stateless persons should be included in the design and planning process to ensure universal access to the system regardless of nationality or legal status.



Photo: Wallpapercat.com

NAURU



Nauru

Legal Identity

The officially recognized legal identity in Nauru is a birth certificate.³⁴⁰ Nauru's birth registration rate is high with civil registry completeness at 98%.³⁴¹

There are multiple factors which contribute to Nauru's consistently high birth registration rate including financial incentives for registration and coordinated data-sharing between the main island hospital where the majority of births occur and the civil registration office.³⁴² Under the financial incentive for birth registration, mothers receive a one-time payment of AUD 100 for presenting the birth certificate of their child.³⁴³ Two separate birth registration databases are maintained, one for Nauruans and one for non-Nauruans.³⁴⁴

A birth certificate is required to obtain a Nauru passport, enroll in education, secure employment, obtain a vehicle license, and access banking services.³⁴⁵ A national identification system has not yet been established, though legislation for the implementation of individual national ID codes was passed in 2017.³⁴⁶

Digital ID Overview

Nauru has yet to establish a digital ID system, but is planning to do so in the next 5 years.³⁴⁷ Nauru's National Digital Transformation Strategy 2025-2030 (Strategy) sets out plans to develop digital public infrastructure, including streamlining public services, digitizing Nauru's current systems, and implementing a national digital ID system.³⁴⁸

The Strategy "aims to create a digitally inclusive society where all citizens have access to digital services and the skills to use them effectively".³⁴⁹ Despite one of the strategic objectives of the

Strategy being inclusivity, only Nauru citizens' access is mentioned.³⁵⁰ According to the Strategy, Nauru's digital ID system will allow for "secure and efficient delivery of public services" through an online portal, which will make it a functional ID.³⁵¹ It is unclear at this stage whether it will be possible to access public services without a digital ID.

In the design of the digital ID system, the Strategy also mentions "ensuring its security and privacy, integrating it with other digital services, and promoting its adoption among citizens".³⁵²

Nauru hopes to have its digital ID system in place by June 2027 and be "widely adopted" with the whole population recorded by 2030.³⁵³ This suggests that the digital ID system may be intended to eventually become mandatory in order to achieve this level of adoption.

Laws

Domestic law and policy

While Nauru has yet to establish a legal framework for digital ID, one of the initiatives of Nauru's National Digital Transformation Strategy 2025-2030 (Strategy) is to develop legislation for "data protection and privacy, cybersecurity, electronic transactions, digital skills, e-governance, telecommunications regulation, and digital inclusion".³⁵⁴

Data Protection

Nauru does not currently have data protection or privacy laws. Beyond developing legislation on data protection and privacy, the Strategy also includes an initiative to develop a National Cybersecurity Framework.³⁵⁵ This Framework does not include mechanisms for filing and resolving digital ID-related complaints.³⁵⁶

International Commitments

As Nauru's digital ID is not yet implemented, there are no current contradictions of the obligations under the treaties Nauru is party to. Nauru is not a party to treaties specific to digital ID or data privacy and protection. As Nauru continues to develop its digital ID system, it is important to do so in line with its international obligations under the human rights treaties it is party to, including the 1951 Refugee Convention and its 1967 Protocol, the CRC, and CEDAW.

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

Since the digital ID plan in Nauru has not yet been implemented, it is unclear whether it will contribute to or reduce statelessness in any way. Inclusion of stateless persons in the design of

Nauru's digital ID is not mentioned in the National Digital Transformation Strategy 2025-2030.³⁵⁷

As Nauru continues to plan the design and implementation of its digital ID system, it is important to ensure inclusivity regardless of nationality or legal status.



Photo : Sulthan Auliya

NEW ZEALAND



New Zealand

Legal Identity

In New Zealand, the primary documents which prove legal identity include a New Zealand or overseas passport, New Zealand driver's license, or firearms licence.³⁵⁸

Other acceptable documents include a full birth certificate (issued on or after 1998), citizenship certificate, refugee travel document, emergency travel document, certificate of identity, and 'secondary IDs' such as driver's license.³⁵⁹ Stateless persons can obtain alternative legal identity, such as a certificate of identity or refugee travel document.³⁶⁰ These documents help establish identity but do not confer nationality.

Children born in New Zealand to at least one parent who is a New Zealand citizen or who has a visa allowing them to reside in the country indefinitely are automatically granted citizenship at the time of birth registration.³⁶¹

Digital ID Overview

New Zealand's RealMe is both a functional and foundational digital ID that enables individuals to securely prove their identity online and access government and private services.³⁶²

RealMe provides a secure, single login across multiple agencies and businesses, allowing government entities to use a unified authentication system.³⁶³ With a verified RealMe identity, users can access services like opening bank accounts, applying for a replacement driver's license, and enrolling to vote.³⁶⁴

RealMe is optional for most services, and organizations which use RealMe must provide

an alternative identity verification method for users.³⁶⁵ However, a RealMe account is required in order to apply for certain New Zealand visas online.³⁶⁶ There are several visas which can only be applied for online, including work visas, permanent residence visas, Pacific Island visitor visas, and skills migrant visas.³⁶⁷ As various refugee visas can be applied for in-person, a RealMe account would not be required for such visa applications.³⁶⁸ To set up a RealMe identity, one must provide documents such as a New Zealand passport, New Zealand citizenship certificate, New Zealand immigration details, or a New Zealand birth certificate.³⁶⁹ Foreign citizens and refugees can create a RealMe identity by inputting their immigration details and setting up an account.³⁷⁰ While there is not enough available information to verify implementation, document requirements to set up a RealMe account suggest that a person would need to have legally entered New Zealand and provide immigration details in order to set up a RealMe identity.³⁷¹

New Zealand has also introduced digital passports, which serve as a foundational ID and incorporate biometrics for identity verification online and international travel.³⁷²

While not a digital ID in itself, Identity Check is a government facial recognition system, a part of New Zealand's digital ID system, which verifies a person's identity online by matching a live photo of the person with their New Zealand passport or driver's license.³⁷³ The New Zealand government claims, citing independent testing, that this facial recognition system does not have racial bias with respect to Māori, Pasifika, and Pākehā populations, but does not mention other groups which may be affected by racial bias.³⁷⁴

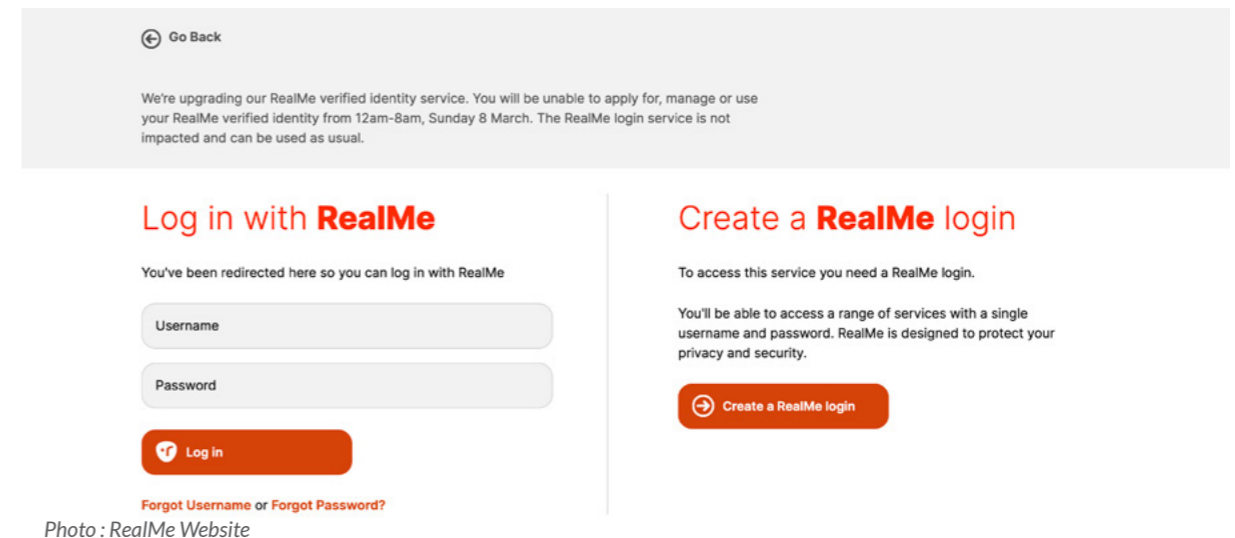


Photo : RealMe Website

Laws

Domestic law and policy

New Zealand's digital ID is regulated by the Digital Identity Services Trust Framework (DISTF).³⁷⁵ Under the DISTF, a digital identity service is defined as a "service or product that [...] enables a user to share personal or organizational information in digital form".³⁷⁶ Examples of these services include verifying the accuracy of personal or organizational data, confirming its connection to an individual or entity, and securely facilitating information-sharing between trust framework participants (which refers to users, providers, and relying parties).³⁷⁷ This framework is designed to ensure privacy, security, and user control over personal data while fostering a trusted digital identity environment.³⁷⁸

The Digital Identity Services Trust Framework Regulations (2024) establish assessment criteria for providers, define digital identity services, and outline a complaints process.³⁷⁹

The legislation mandates that accredited providers maintain an accessible, fair and timely complaints process and considers tikanga Māori principles where applicable.³⁸⁰ Additionally, the

Create a RealMe login

To access this service you need a RealMe login.

You'll be able to access a range of services with a single username and password. RealMe is designed to protect your privacy and security.

Create a RealMe login

Trust Framework Authority oversees compliance and ensures that accredited providers adhere to the established rules and regulations.³⁸¹

The government initially drafted the Digital Identity Services Trust Framework Bill as a stepping stone to the DISTF, which was referred to the Economic Development, Science, and Innovation Committee for further review and to incorporate Māori consultation and participation into the legislation.³⁸²

Data Protection

New Zealand's primary data protection legislation is the Privacy Act (2020).³⁸³ The Act governs the collection, use, storage, retention, and transfer of personal information to ensure individuals' privacy rights are safeguarded.³⁸⁴ The Act outlines 13 Information Privacy Principles (IPPs) that guide the processing of personal data, including information collected through digital identity systems.³⁸⁵

Several provisions of the Privacy Act offer safeguards for personal information within the digital ID framework.³⁸⁶ IPP 1 mandates that personal information may only be collected if necessary for a legitimate agency function,³⁸⁷ and IPP 2 requires that such information be collected

directly from the individual concerned.³⁸⁸ While the Act does not explicitly require encryption of digital ID data, Principle 5 states that personal information must be protected with reasonable safeguards to prevent loss, unauthorized disclosure, or misuse.³⁸⁹ Additionally, IPP 10 prohibits the use of personal information for purposes other than those for which it was originally collected, except with the individual's consent.³⁹⁰

Regarding government access to digital ID data, IPPs 10 and 11 impose restrictions on data usage and disclosure.³⁹¹ However, these principles also include exceptions that allow government agencies some discretion to share personal data for purposes such as public health, public safety, or to protect public revenue.³⁹²

This raises concerns about the potential for broad government access. Similarly, IPP 9 requires that agencies do not retain personal information longer than necessary for its intended use, but it does not specify a specific time limit for data storage, leaving room for interpretation.³⁹³

The Digital Identity Services Trust Framework Rules (2024) outline operational requirements for accredited service providers, covering areas such as identification management, privacy and confidentiality, security, information and data management, and data-sharing protocols.³⁹⁴ To become accredited, digital identity service providers must comply with these rules based on the services they offer.³⁹⁵

New Zealand is also in the process of establishing the Biometric Processing Privacy Code, expected to be completed by mid-2025, "which will introduce stronger privacy safeguards, notification and transparency obligations and limits on some uses of biometric information".³⁹⁶ This Code has also undergone public consultation.³⁹⁷ There have been some concerns raised about the draft Code not including provisions for proper oversight

and excluding the consent safeguard for user's biometric data.³⁹⁸ New Zealand's Council for Civil Liberties also raised concerns about the potential for creeping surveillance due to the lack of a consent safeguard.³⁹⁹

International Commitments

New Zealand is part of the Digital Identity Working Group (DIWG), which includes eight member states working toward interoperable digital identity systems.⁴⁰⁰

The DIWG has developed a set of interoperability (computer systems and software exchange of information) principles to guide the development of digital identity infrastructure that is mutually recognized across borders.⁴⁰¹

New Zealand is also a member of the Organisation for Economic Co-operation and Development (OECD), and aligns with the OECD Recommendation on the Governance of Digital Identity.⁴⁰² These recommendations emphasize the importance of user-centered and inclusive digital ID systems, strong governance mechanisms, and cross-border recognition of digital IDs.⁴⁰³

In relation to New Zealand's human rights treaty obligations, legal frameworks and policies for New Zealand's digital ID have not been found to contradict such obligations due to the optional nature of the digital ID and the relatively robust data protection frameworks mentioned in the above section.⁴⁰⁴

To comply with its human rights obligations, it is important for the country to continually ensure that the digital ID system does not become a barrier to essential services and access to legal identity, particularly for vulnerable populations.

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

Based on the required documents to set up a RealMe identity, undocumented persons in New Zealand would not be able to access the platform.⁴⁰⁵ It is also important to note that one in five New Zealanders struggle with barriers to digital inclusion.⁴⁰⁶

Lack of internet access disproportionately affects Pasifika, Māori, rural communities, older individuals, and economically disadvantaged groups, many of whom lack stable internet connections or the digital literacy skills necessary for navigating digital ID systems.⁴⁰⁷ Broadband coverage is less consistent in rural regions, where infrastructure limitations and higher costs can make internet access unreliable or prohibitively expensive.⁴⁰⁸ Despite the inclusion

of Māori consultation and participation in the DISTF,⁴⁰⁹ Māori communities face persistent digital inclusion barriers, particularly due to lack of access to affordable internet and devices.⁴¹⁰ Māori communities have long expressed concerns about data sovereignty, particularly regarding government and corporate control over Māori data without meaningful Māori governance or oversight.⁴¹¹

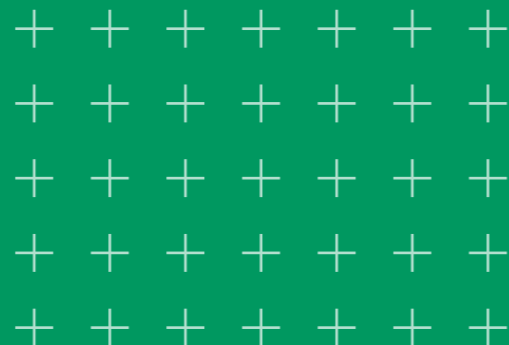
In past instances, Māori data has been used for research and commercial purposes without community consent.⁴¹² However, RealMe is generally optional and not required in order to access services, aside from applying for a visa to New Zealand.⁴¹³





Photo : Vincent Camacho

NORTHERN MARIANA ISLANDS



Northern Mariana Islands

Legal Identity

To establish legal identity in the United States, three documents are generally used: birth certificate, driver's license, and personal identification card.⁴¹⁴

To obtain a driver's license in Northern Mariana, you must satisfy a number of requirements such as complete a driver's education course, provide proof of age and a legal ID, pass a driver's test, and other requirements.⁴¹⁵

Northern Mariana Identification Cards were issued by the United States Citizenship and Immigration Services (USCIS) in 1990 as a means of evidence of U.S. citizenship and can still be used to prove identity and citizenship.⁴¹⁶

Digital ID Overview

No national Digital ID system currently exists within Northern Mariana or at the federal level in the United States. Digital ID currently exists on a state-by-state basis with only some states, such as Colorado, offering a form of digital identification.⁴¹⁷

Laws

Domestic law and policy

Domestic law and policy regarding digital identity exists on a state-by-state basis. No such movement towards digital ID exists in Northern Mariana. While the U.S. Congress is currently considering a Digital ID law, that law is currently in the very early stages of the legislative process.⁴¹⁸

Data Protection

The United States currently does not have a comprehensive data protection and privacy law at the federal level.

The law directs certain industries, such as healthcare providers under the Health Insurance Portability and Accountability Act (HIPPA) and financial institutions under the Gramm-Leach-Bliley Act (GLBA), on how to use and protect sensitive data.⁴¹⁹ Industries must limit collection of data of children under the age of 13 and obtain guardian or parental consent before obtaining personal information of underaged children under the Children's Online Privacy Protection Act.⁴²⁰

International Commitments

While the United States is not a party to any international framework, agreement, or treaty that obligates the United States to conduct itself in a certain way regarding digital IDs, the United States is a member of a number of organizations studying the best path forward regarding digital IDs.

As a member of the OECD, the United States was a party to a G7 Mapping Exercise of Digital Identity Approaches to inform discussions within the G7 Digital and Technology Working Group.⁴²¹

The United States also plays a role in shaping standards in the private sector, including digital ID, with the National Institute of Standards and Technology and the documents they release to shape industry standards.⁴²²The United States does not currently violate any obligations through the implementation of the Digital ID system.

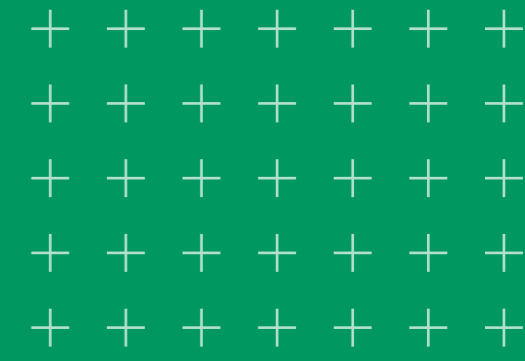
Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

Without a digital ID system, there are currently no implications of digital ID on statelessness in the NMI.



Photo : Kurt Cotoga

PALAU



Palau

Legal Identity

Birth registration constitutes legal identity and authorities register births immediately.⁴²³ Birth registration, serves as a proof of citizenship⁴²⁴, which is based on descent and those born to foreign national parents are registered as citizens of the parents' countries.⁴²⁵

For individuals without a birth record, alternative documents such as baptismal certificates or early census records, along with notarized affidavits from persons having knowledge of the individual's birth, can be submitted as evidence.⁴²⁶ A birth certificate is required in order to enroll in primary school as well as obtain a passport or driver's license.⁴²⁷ By verifying citizenship status and parentage, a birth certificate facilitates access to a wide range of rights, including land ownership and public health insurance.⁴²⁸ Palau's birth registration rate is high, at around 100%, indicating strong access to legal identity for Palau's population.⁴²⁹

Digital ID Overview

Palau does not have a digital ID system for its citizens, but is starting to develop one for non-citizens, if they wish to take up residency in Palau.

In 2022, Palau introduced a digital residency program called the Root Name System (RNS), the "world's first Web3-based digital identity platform".⁴³⁰ This program aims to provide universal access to virtual government services and facilitate borderless financial transactions for foreign citizens.⁴³¹ This program issues the Palau ID (Sovereignty-Backed Web3 ID), a government-issued identification card suitable for any situation requiring proof of identity.⁴³² It serves

as both a foundational ID for serving a legal proof of identity and a functional ID that allows users to access various financial and government services. The Palau ID works as a valid form of identification for signing up and verifying an individual's identity on major financial platforms, helping people easily access global financial services, without facing the barriers of identity checks.⁴³³

Additionally, holders receive a Palauan physical address, which is advantageous for businesses needing a local presence.⁴³⁴ This will allow users to sign documents digitally, access government services, and handle accounting remotely, but does not provide voting rights or rights to permanent residency.⁴³⁵ Residency through the program typically includes a bank account, allowing users to open an entirely digital, human-free banking account in Palau.⁴³⁶ Additionally, participants legally rent a meter for utilities through the "Adopt-a-meter" program and use the bills as proof of consumption.⁴³⁷

This digital ID system for non-citizens is part of Palau's larger initiative to expand digital connectivity and diversify its economy. It provides universal access to digital government services and the global financial system.⁴³⁸

Under the new digital residency programme designed for global citizens, non-citizens and dual citizens can apply for and receive the Palau Digital Residency ID without needing to physically reside in Palau.⁴³⁹ However, the verification process may exclude stateless and refugee individuals who lack existing identification documents, considering one of the requirements to obtain the Digital Residency ID is a government-issued ID as well as proof of residence such as utility bills.⁴⁴⁰ The framework for Palau's digital ID system was developed under the Digital Residency Act in collaboration with Cryptic Labs, a blockchain research institute and accelerator.⁴⁴¹

This initiative takes inspiration from Estonia's e-residency model, which allows digital citizens to sign documents, start companies, access online banking, and engage in online trading.⁴⁴²

Laws

Domestic law and policy

The legal and policy framework surrounding digital identity for non-citizens in Palau is governed by RPPL 11-14, known as the Digital Residency Program Cyber Security Regulation.⁴⁴³ This law allows Palau to issue digital residency identification, or a Palauan electronic ID, to non-Palauans residing overseas.⁴⁴⁴ The digital residency grants the holder a legal identity as a resident of Palau, enabling them to open accounts, engage in online trading, or perform other activities requiring identification.⁴⁴⁵ According to domestic laws, a Digital Residency Identification Card (DRIC) is defined as a card that includes all the information mandated by the Act.⁴⁴⁶ However, the framework does not establish any connection between digital ID and citizenship, as the digital ID provides residency status only, not citizenship.⁴⁴⁷ There are no explicit mechanisms in place for filing or resolving complaints related to digital ID within the current legal framework, but the Digital Residency Program Cyber Security Regulation warrants that a disciplinary action against any employee who has committed an information breach or violated a provision of the Regulation that threatens the interests of the stakeholders of the Residency Program.⁴⁴⁸

Data Protection

While Palau does not have a digital ID for its citizens, this section will elaborate on the Digital Residency Program for global citizens. Palau has established cybersecurity policies and procedures in line with the International Organization for Standardization (ISO) 27001 for Cyber Security Compliance.⁴⁴⁹ This Program hosted by Palau is

decentralized, granting users greater security and privacy.⁴⁵⁰ Palau's Privacy Act specifically outlines requirements for the storage and access of personal information.⁴⁵¹ It mandates that any agency maintaining personal information must protect it from loss, unauthorized access, modification, disclosure, or misuse.⁴⁵² Personal information cannot be kept longer than necessary for the purposes for which it was collected and must only be used according to its original purpose, unless specific conditions are met. These include public availability of the information, consent from the individual, necessity for law enforcement purposes, prevention of threats to public health or safety, or if the information is used for statistical or research purposes without identifying the individual.⁴⁵³

In recent years, the country has become a potential target for sophisticated cyberattacks, especially given Palau's limited cybersecurity infrastructure, where multiple cyberattacks were noticed in recent years.⁴⁵⁴

In 2024, Palau's Ministry of Finance experienced a ransomware attack that disrupted payroll processing, highlighting vulnerabilities in the nation's digital infrastructure. The attackers, suspected to have links to entities in Malaysia and potentially Russia or China, claimed to have exfiltrated over 21GB of sensitive data.⁴⁵⁵ Without comprehensive data protection laws or strong oversight mechanisms, citizens' biometric or identity information could be misused or commercially exploited.

International Commitments

Palau has engaged with international initiatives such as the Global Digital Compact, aiming to foster enhanced digital cooperation across nations.⁴⁵⁶

Palau is a member state of the International Telecommunication Union (ITU), the United Nations specialized agency for information and communication technologies (ICTs).⁴⁵⁷ The ITU

defines digital identity as the digital representation of an entity detailed enough to make the individual distinguishable within a digital context.⁴⁵⁸ Palau has adopted this concept through its Digital Residency Program, where the government-issued identification card serves as proof of identity and facilitates access to the global digital market.⁴⁵⁹ In terms of data protection, Palau also closely partners with the United Nations Development Programme (UNDP), which highlights governance standards for identity services.⁴⁶⁰ The UNDP emphasizes the use of anonymized data for national planning and service delivery, although it remains unclear if Palau specifically employs these practices.⁴⁶¹ Palau's digital ID framework incorporates advanced digital techniques, such as end-to-end cryptographic encryption and Zero Knowledge Proofs (ZKPs), to ensure that only the digital residency holder can access their secured data, with no access granted to the RNS platform, partnered governments, or any external entities.⁴⁶² Despite these robust privacy protections, the Digital Residency Office does authorize the use of data for certain limited purposes, including the prevention or reduction of threats to public safety and the conduct of statistical or research activities.⁴⁶³ This raises questions about whether such usage aligns with the UNDP's recommendations for anonymization,⁴⁶⁴ as it suggests potential access to identifiable data in specific contexts. Regarding human rights obligations, Palau has been a member of the United Nations since 1994 and has ratified several international treaties.⁴⁶⁵ As of now, there is no documented evidence suggesting that Palau's implementation of its digital ID system violates these obligations. However, the verification process may exclude stateless and refugee individuals who lack existing identification documents, as the digital ID in Palau is only accessible to foreign citizens.⁴⁶⁶ The application for the digital residency ID specifically requires verification using recognized identification documents,⁴⁶⁷ which poses a significant barrier for those who do not have access to such materials.

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

There is currently no information available on the development of digital ID in Palau for citizens. However, as mentioned previously, the country has been developing the Digital Residency Program for non-citizens.

The grant of a digital ID through the digital residency program is not available for stateless individuals, as only individuals with existing identification documents can apply for this scheme. Thus, while the denial or revocation of a digital ID does not directly cause statelessness, it can contribute to and perpetuate the challenges faced by stateless individuals and deny their participation in the digital economy, engaging with government services, or accessing social protections provided through the RNS.

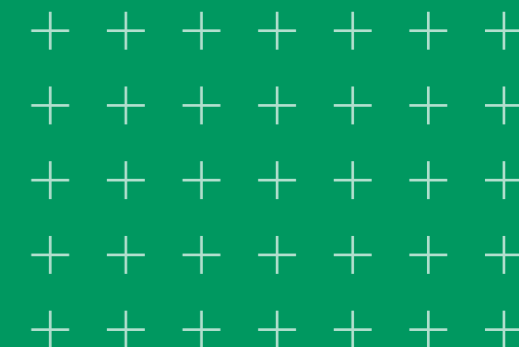
There are further concerns on cybersecurity and data protection with the potential for the program to be exploited by malicious actors. Experts have warned that the ease of obtaining digital residency could attract individuals seeking to engage in fraudulent activities, such as money laundering or cryptocurrency scams.⁴⁶⁸ These challenges are compounded by Palau's geopolitical position, where increasing digital dependence on other countries for digital infrastructure creates new vulnerabilities to foreign surveillance or influence operations, particularly from states with strong cyber capabilities and strategic interests in the Pacific.⁴⁶⁹



Photo : Asso Myron



**PAPUA NEW
GUINEA**



Papua New Guinea

Legal Identity

In Papua New Guinea (PNG), legal identity is officially recognized primarily through a birth certificate and the National Identification (NID) card.⁴⁷⁰

All PNG citizens are required to register births at the nearest registration office, typically at a hospital or a local government office.⁴⁷¹ To register a birth, both parents must provide their nationality.⁴⁷² It is unclear whether applications for children whose parents have no nationality are accepted in implementation, but this could present a barrier for stateless parents registering their child's birth in PNG. Citizens aged 18 or older must additionally register for an NID card, which can replace the birth certificate for identity verification purposes.⁴⁷³ The NID card verifies a person's identity, citizenship, and residency, incorporating biometric data such as a photo and fingerprints.⁴⁷⁴ Parents' nationality is also required for applications for an NID card for new citizens, which could present similar barriers for children born to stateless parents.⁴⁷⁵

In 2018, Papua New Guinea's birth registration rate was reported at only 13%, the lowest in the entire Asia-Pacific region.⁴⁷⁶ Of this 13%, only 7% have a birth certificate.⁴⁷⁷

Considering a birth certificate is the primary main form of legal identity in Papua New Guinea, this low registration rate is concerning, pointing to low access to legal identity for a significant portion of Papua New Guinea's population.⁴⁷⁸ To amend this, PNG has committed to "ensuring 50% of children have their births registered" in 2025.⁴⁷⁹ Additionally, the Prime Minister has ordered that all citizens apply for an NID card by September 16, 2025, the day of the country's 50th anniversary of independence.⁴⁸⁰ There is some public doubt that

this goal will be achieved as only 36% of those who have applied for an NID card since 2023 have been issued one, revealing implementation issues.⁴⁸¹ The NID card would allow access to essential services, including health care and education.⁴⁸²

Under the new Civil and Identity Registration Act (2024), a unique identification number is assigned upon birth registration, which will be attached to their NID card upon NID card registration.⁴⁸³

Under the Act, foundlings are registered by notifying the Registrar-General of the foundling within 21 days of the date found.⁴⁸⁴ The Act also states that NID cards are "valid for all lawful transactions", including taxation, banking, school enrollment, health services, voting, and vehicle registration.⁴⁸⁵ Notably, Article 48(7) of the Act states that in the absence of a birth registration document or NID card, authorities "shall not deny access to these services".⁴⁸⁶ Under Article 74, circumstances in which an individual's vital statistics data may be shared are listed, including in the event of a national emergency, by request of a parent about their child who is a minor, or by constitutional or legal mandate.⁴⁸⁷

Digital ID Overview

Papua New Guinea's digital ID system, SevisPass, entered the rollout phase as of May and June of 2025, but has yet to be implemented.⁴⁸⁸ The PNG government hopes that SevisPass will improve efficiency of identity verification and service delivery, which they believe will increase the country's GDP, improve digital inclusion for the country's rural poor, and bring greater control over the country's borders.⁴⁸⁹

Envisioned as a foundational ID,⁴⁹⁰ government officials expect that "SevisPass will serve as a Digital Public Infrastructure, enabling secure authentication across banking, telecommunications, and government systems".⁴⁹¹

SevisPass allows users to log-in to SevisPortal, which is where online government services will be accessed.⁴⁹² Services which citizens can access through the digital ID system include social security benefits, healthcare services, education (including enrollment and exam registration), online voting, mobile banking, and SIM card registration.⁴⁹³ The registration onto the digital ID requires users to provide personal information as well as biometrics.⁴⁹⁴

SevisPass is not intended to replace the paper-based NID card, but is rather dependent on the NID database for identity verification.⁴⁹⁵ The NID remains the official legal identity in PNG, but both can be used for identity verification and to access services.⁴⁹⁶ Citizens must still register for an NID, which will allow them to verify their identity for in-person services, and serve as the basis for identity verification when using SevisPass for online service delivery.⁴⁹⁷ Given this, implementation of SevisPass is unlikely to be successful considering that only 36% of those who have applied for an NID card have received one.⁴⁹⁸ Additionally, funding issues in 2024 set the SevisPass rollout timeline back, with a 1.7 million USD budget shortfall.⁴⁹⁹

In 2023, Papua New Guinea issued a Request for Information (RFI), inviting companies and experts to propose solutions for a digital ID ecosystem, including a government portal, internet payment gateway, interoperability features, and national cybersecurity centers.⁵⁰⁰

Papua New Guinea's digital ID initiative is part of a broader goal to build a comprehensive digital public infrastructure (DPI) supported by international partnerships.⁵⁰¹ A Memorandum of Understanding with India enables Papua New Guinea to benefit from India's "India Stack" expertise in identity verification, data sharing, and digital payments.⁵⁰² This initiative receives additional support from the United Nations Department of Economic and Social Affairs, the Australian High Commission,

the International Telecommunications Union (ITU), and GovStack.⁵⁰³ ID30 worked with the Papua New Guinea Department of Information and Communication Technology (DICT) to create a design and roadmap for the DPI.⁵⁰⁴

Papua New Guinea in its final draft of its Digital Policy has ensured "inclusivity" by providing accessible ways for persons with disabilities to use the digital system without any barriers, but has limited its inclusion to citizens only.⁵⁰⁵

There is no mention of the SevisPass system being open to non-PNG citizens. Considering that the PNG government plans to integrate the legal identity (NID system) with the SevisPass, stateless persons and refugees would be excluded from accessing health care, education, banking, and other essential services.⁵⁰⁶

Laws

Domestic law and policy

Papua New Guinea has concluded its final draft of the Digital ID Policy.⁵⁰⁷ Final consultations for the PNG's draft Digital ID Policy planned for July 2025.⁵⁰⁸ In the draft policy, digital ID is defined as "an electronic identity verification system that allows individuals to prove who they are for the purpose of accessing services, conducting transactions, or engaging in digital interactions".⁵⁰⁹

Additionally, the Plan includes efforts to create monitoring indicators to assess the outcomes and effectiveness of the current digital government initiatives.⁵¹⁰ Moreover, while the government officials claim that the digital ID will be based on a "federated model", it is yet to see how legislative amendments are made to build trust with the users as well as ensure accountability.⁵¹¹

Data Protection

While the Constitution of Papua New Guinea provides a “reasonable right to privacy” for every individual with respect to their private and family life⁵¹², there is currently no privacy and data protection legislation in place related to the implementation of the digital ID framework.⁵¹³

In terms of policy frameworks, Papua New Guinea’s safeguards for data protection are guided by the National Data Governance & Data Protection Policy (DGDP) 2024.⁵¹⁴ This Policy is meant to support interoperability and reduce administrative burdens by allowing the “reuse and transparent sharing of previously submitted data”.⁵¹⁵ The Policy specifically addresses the importance of biometric data protection within the digital ID system, acknowledging the need for robust security measures to ensure data is used only for its intended purpose and is obtained by free and informed consent.⁵¹⁶

Likewise, while there is explicit mandate for encrypting data collected for digital IDs, the policy highlights the Secured Data Exchange (SDE) platform established under Section 31 of the Digital Government Act (2022).⁵¹⁷ This platform facilitates the encrypted exchange of sensitive data between government entities and businesses, utilizing advanced encryption technologies to secure information both in transit and at rest, covering a broad range of confidential data, such as financial and medical records or personal details.⁵¹⁸ While the Policy mentions extensive principles on data governance and robust data protection, it remains to be seen the extent to which these principles are accepted into legislation.

International Commitments

Papua New Guinea is not currently a party to any international framework, agreement, or treaty that explicitly outlines obligations for

digital IDs.⁵¹⁹ However, the country has ratified several key human rights treaties, such as the 1951 Refugee Convention and its 1967 Protocol, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁵²⁰

Papua New Guinea has not ratified international conventions specifically addressing statelessness, such as the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁵²¹ However, it has acceded to the 1951 Refugee Convention and its 1967 Protocol and has incorporated some of their principles into national legislation and policy.⁵²² The country’s ongoing development of a digital ID system raises potential human rights issues, particularly in the areas of accessibility and inclusion. Stateless individuals, refugees, and marginalized communities may encounter obstacles in obtaining digital IDs, due to lack of documentation, which are likely to become essential for accessing government services.

*This restricted access conflicts with Papua New Guinea’s commitments under the International Covenant on Civil and Political Rights (ICCPR), particularly Article 26, which mandates equality before the law and protection from discrimination.*⁵²³

Additionally, the digital ID requirements may impede these groups’ access to essential services, contradicting the right to an adequate standard of living and health under the International Covenant on Economic, Social and Cultural Rights(ICESR), specifically Articles 11 and 12.⁵²⁴

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

*With already low access to the NID due to low birth registration rates and implementation issues with many enrolled not receiving a card, and the NID serving as an identity verification basis for citizens to enroll in SevisPass, it seems that the focus should be on improving birth registration and NID access first.*⁵²⁵

Plans to move government services online would mean they could only be accessed with SevisPass, leaving those without SevisPass without access to services.⁵²⁶ This goes against Article 48(7) of the Civil and Identity Registration Act (2024), which

states that access to services shall not be denied due to the absence of a birth certificate or NID card.⁵²⁷

Furthermore, in terms of access to digital ID there is a limited vision of inclusion adopted in the draft Policy.⁵²⁸ Inclusivity could further be improved by allowing alternative proofs of identity, community attestations, and flexible documentation requirements for vulnerable populations, in particular for the stateless community.

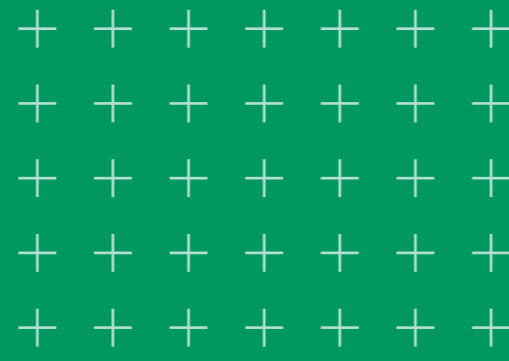




Photo: Anthony Lim



SAMOA



Samoa

Legal Identity

The officially recognized legal identity in Samoa is birth registration, which provides an individual with a birth certificate.⁵²⁹ A birth certificate can also serve as proof of Samoan citizenship.⁵³⁰

UNICEF estimates Samoa’s birth registration rate at around 60% of the total population, making it the lowest birth registration rate in the Pacific.⁵³¹ Due to the social stigma placed on young and unwed mothers in Samoa, birth registration for children born to mothers in this situation is often not done or it is done by another person in order to avoid stigma, making the registration for the child inaccurate.⁵³² In 2016, the Committee on the Rights of the Child (CRC) also noted in its concluding observations that birth registration in rural areas needs improvement.⁵³³ Despite being responsible for managing the registry of births, staff of the Samoa Bureau of Statistics have stated they do not clearly understand the exact roles and responsibilities of the birth registration process.⁵³⁴ Birth registration in Samoa is also characterized by the limited scope of relevant national legislation and largely unsuccessful implementation.⁵³⁵ Gaps in the legislation on birth registration, the Births, Deaths and Marriages Registration Act (2002), include the lack of a mandate to issue a birth certificate upon registration, lack of provisions for late registration and insufficient information required for registration.⁵³⁶ Samoa also contradicts UN principles on CRVS by imposing a fee for issuing birth certificates.⁵³⁷

Digital ID Overview

While it is yet to be rolled out, in February 2024, Samoa’s digital ID system as well as its main legislative framework were envisioned under

the National Digital Identification Act (the Act) as a part of the country’s CRVS framework.⁵³⁸ This framework will introduce a unique 10-digit identification number (SDIN) and create a national identity database which will store biometric information of applicants.⁵³⁹ The objectives of the National Digital Identification System (NDIDS), outlined in the Act, are “to provide a modern national digital identification system for the registration of a citizen and a resident of Samoa; (b) to provide a digital, unique, legally recognised identity for a registered person; and (c) to provide a function for authentication of a registered person, while protecting personal data associated with the system”,⁵⁴⁰

In April 2025, Samoa sought out firms to “to provide implementation support and advisory services” such as “technical advisory services on system design and architecture” as well as “vendor oversight and quality assurance for security risk, data protection, [and] digital authentication service delivery for the NDIDS”.⁵⁴¹

The World Bank granted \$21 million to Samoa in October 2024 to establish this digital ID system and modernize its existing CRVS system.⁵⁴² According to the Samoa Bureau of Statistics, the agency has identified the 2031 Census as a realistic target to finalize the national digital ID process.⁵⁴³

In the next ten years, they aim to integrate the system into their legal identity framework as a foundational and functional ID as press releases have stated that the NDIDS will ideally provide a new and primary authoritative foundation for the registration of Samoan populations as well as a “function for authenticating [an individual’s identity] in connection with the provision of services with them”,⁵⁴⁴ It is unclear as of May 2025 which services may be attached to the NDIDS.

Those eligible for NDIDS will include Samoan citizens and residents of Samoa.⁵⁴⁵ In order to register, one must present proof of identity, including a birth certificate or passport.⁵⁴⁶ In absence of these documents, one may also submit “any other official document issued by an appropriate authority in Samoa or overseas as evidence of a person’s identity”.⁵⁴⁷ Non-citizens and non-residents cannot apply for the NDIDS, as it is stated in the Act that “no SDIN is assigned to non-citizen and non-resident of Samoa”.⁵⁴⁸ Under the Immigration Act (2004), one may apply for permanent residence if they are in good health, character, and standing, and observe the laws of Samoa, among other requirements up to Cabinet and Minister discretion.⁵⁴⁹ This provision suggests that it would be possible for a stateless person to apply for permanent residence in Samoa.

Therefore, stateless persons may not be excluded from the NDIDS, however, they would first need to gain permanent residency, which could present administrative barriers. There have been no official announcements that the digital ID in Samoa will be mandatory.

Laws

Domestic law and policy

*The National Digital Identification Act (the Act) outlines the protection and management of the personal data collected from Samoan citizens and residents over the age of 18 within the NDIDS.*⁵⁵⁰

Those under 18, people with disabilities, senior citizens, and protected others must be registered by a parent, a legal guardian, or a lawful administrator acting on their behalf.⁵⁵¹ Biometric data of individuals under 18 will not be collected.⁵⁵² The Act states in its objectives that it aims to provide each registered individual with a unique, legally recognized digital identity while enabling secure authentication through the purposeful protection of personal data associated with the

system.⁵⁵³ The Act details that registration and the issuance to a person of an SDIN, associated token, or an ID credential is not proof of nor will it confer to Samoan citizenship.⁵⁵⁴

The Registrar General and all relying parties are required under the Act to ensure they abide by the collection and protection requirements connected to personal data.⁵⁵⁵ A “relying party” is any government ministry, department or agency of the Government of Samoa, or any legal entity or person registered with the Registrar General that is entitled to rely on the NDIDS for the authentication of a registered person.⁵⁵⁶ Nevertheless, the Act releases the Government of Samoa from any liability from loss or damages “resulting from any malfunction of the NDIDS or any human error, including loss or damage resulting from an incorrect identification or authentication of an individual, unless such is committed in bad faith or the result of wilful misconduct or gross negligence.”⁵⁵⁷

In data breach instances, the data processor, relying party, and Registrar General are required to report to all relevant individuals.⁵⁵⁸ A registered person may also lodge grievances.⁵⁵⁹ However, the mechanisms for filing and resolving complaints are left ambiguous and at the discretion of the Registrar General.⁵⁶⁰

Data Protection

The Act requires integration and coordination of the Passports Act (2008), the Identity Database, and the Register of Births, Deaths, and Marriages.⁵⁶¹ Per the Act, all members in leadership of each are subject to the security, integrity, and confidentiality of registrants’ data.⁵⁶² Collection and processing of personal data must be adequate, relevant, and limited to the minimum necessary purposes, retained no longer than needed, and kept accurate, complete, and up to date for its intended present and future purpose.⁵⁶³ Accordingly, the Registrar General, relying parties, and data processors are

expected to implement appropriate technical and administrative measures to ensure accidental, unauthorized, or unlawful destruction, loss, misuse, or access.⁵⁶⁴ When personal data breaches occur, the Act details how repairs must be made and the subsequent penalties.⁵⁶⁵ There is no evidence to establish that the usage of this data by the government in relation to stateless persons, refugees, or migrant populations could be a violation of fundamental rights to privacy. The biometric data that would be collected are photographic facial images, fingerprints, and signatures.⁵⁶⁶ In addition to biographical data (such as name, date of birth, address, and other personal details), everything is expected to be collected and processed solely for the authentication purposes outlined in the Act.⁵⁶⁷ If not outlined, this information may not be used beyond digital identification.⁵⁶⁸

International Commitments

On November 15, 2023, the EU Member States and the Organisation of the African, Caribbean, and Pacific States (OACPS) adopted a legal framework addressing the emerging international challenges and changes with data protection and AI.⁵⁶⁹ The Samoa Agreement under this framework mandates the “establishment of legal and regulatory regimes, policies, and independent supervisory authorities for data protection.”⁵⁷⁰

Samoa is not a party to treaties specific to digital ID or data privacy and protection. As Samoa continues to develop its digital ID system, it is important to do so in line with its international obligations under the human rights treaties it is party to, including the 1951 Refugee Convention and its 1967 Protocol, the ICCPR, CRC, and CEDAW.

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

Stateless persons are not explicitly mentioned as eligible to apply for the NDIDS and there is not enough information to verify whether or not they would be eligible once the system is implemented. In the current planning phase, it is unclear what the impact of the NDIDS will be on stateless persons in Samoa. The NDIDS will likely not contribute to reducing statelessness as registration in the system does not certify citizenship.⁵⁷¹

As it continues to roll out, Samoa must ensure that stateless persons without permanent residence have access to a national identity. This will foster greater inclusivity and enable them to benefit from the services tied to the system. With birth registration as a requirement for registering for the NDIDS, the over 30% of the population which is not registered will be excluded from the NDIDS.⁵⁷² This will disproportionately affect women due to the stigma placed on young and unwed mothers in Samoa, who as a result, often register their child’s birth through someone else or don’t register at all, making the registration for the child inaccurate.⁵⁷³

While Samoa’s digital ID legislation is relatively advanced and comprehensive, especially for the early stage that it is in, the Samoan government should include ways to address these exclusionary factors while designing and planning the rollout of the NDIDS.



Photo : Vicky Garside

Solomon Islands

Legal Identity

In Solomon Islands, a birth certificate is the main document which proves legal identity.⁵⁷⁴ To access other legal identities such as a driver's license or voter registration card, a birth certificate is necessary.⁵⁷⁵

The Births and Deaths (Registration) Act (1988) states that births should "as soon as reasonably practicable" be reported to the Registrar.⁵⁷⁶ There are significant issues with quality control in Solomon Islands' birth registration system.⁵⁷⁷ As of 2021, the birth registry only covered 30% of the population, leaving 70% of Solomon Islanders without a birth certificate.⁵⁷⁸ Registration inaccuracy for children born to unmarried parents and adolescent mothers is common due to stigma and discrimination.⁵⁷⁹ The distance between islands (1,500 kilometers between the westernmost and easternmost islands) also presents a challenge to rolling out a centralized identity system.⁵⁸⁰ Especially for remote areas, challenges with infrastructure and geography are barriers to birth registration.⁵⁸¹

Digital ID Overview

Solomon Islands does not have an established national digital ID system.⁵⁸² While the Solomon Island government has recognized the importance of digital transformation, steps taken to implement digital governance strategies have been "incremental and fragmented".⁵⁸³ The government of Solomon Islands has taken some initiatives such as transitioning some government services, such as online business registration, to digital platforms.⁵⁸⁴ One of the priorities of Solomon Islands is development of infrastructure, including internet infrastructure to address connectivity

challenges which would create a major barrier to enrollment in a digital ID system.⁵⁸⁵

In its Five-Year ICT [Information and Communications Technology] Strategic Plan 2019-2023, one of the goals of the Solomon Islands government was to digitize government services for citizens.⁵⁸⁶ This includes three objectives: improving transparency and access to information through greater access to online services, bridging the rural/urban gap of connectivity, and establishing a framework to implement e-Government initiatives.⁵⁸⁷ In the National E-commerce Strategy 2022-2027, the goal of having an operational national ID system that would "unify various systems" by 2027 is also mentioned.⁵⁸⁸

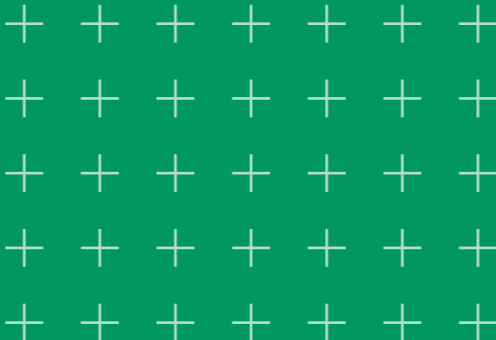
Laws

Domestic law and policy

Solomon Islands has yet to establish a legal framework on digital identity. The country is working on a draft National Digital Transformation Policy, which has yet to be finalized and shared publicly.⁵⁸⁹

In 2017, National ICT [Information and Communications Technology] Policy was published, which highlights the need to create a legal environment to support the growth of ICT use where the creation of data security and privacy laws would be a necessary foundation.⁵⁹⁰

SOLOMON ISLANDS



Data Protection

There is no national framework on digital identity or data privacy in Solomon Islands.⁵⁹¹ The National Cybersecurity Policy, launched in August 2024, does provide strategies for ensuring “a safe and secure cyber environment for Solomon Islands” which may inform future drafting of laws.⁵⁹² Regarding data collection, the Telecommunications Act (2009) requires service providers to not “collect, use, maintain or disclose information about a user for any purpose” and to “apply appropriate security safeguards to prevent the collection, use, maintenance, and disclosure of such information.”⁵⁹³ The Telecommunications Act does not outline what security measures or safeguards service providers are to apply to protect data and privacy.

International Commitments

Solomon Islands is not a party to treaties specific to digital ID or data privacy and protection. As Solomon Islands continues to develop its digital public infrastructure, it is important to do so in line with its international obligations under the human rights treaties it is party to, including the 1951 Refugee Convention and its 1967 Protocol, ICESCR, ICERD, CRC, and CEDAW.

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

While Solomon Islands is still in the planning phase of its digital public infrastructure development, in its Five-Year ICT Strategic Plan, only citizens are mentioned as users in future systems.⁵⁹⁴

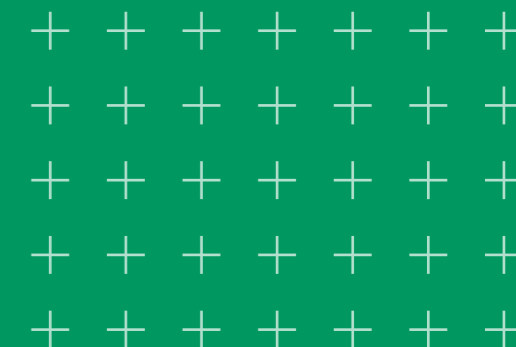
As Solomon Islands’ planning phase continues, it is important for stateless persons, refugees, and foreign nationals to be considered to ensure the design of future systems are inclusive regardless of nationality or legal status.

Further, there is a need to improve the birth registration rate for Solomon Islanders as 70% of the population likely struggles with access to services as a result of not having a birth certificate.⁵⁹⁵ Those without birth certificates are able to verify their identity if they obtain a letter from local authorities, but this creates an administrative hurdle which may be more difficult for vulnerable groups to overcome.⁵⁹⁶



Photo : Wallpapercat.com

TONGA



Tonga

Legal Identity

The recognized legal identity in Tonga is the national ID card.⁵⁹⁷ A birth certificate is required to register for a national ID card.⁵⁹⁸

Births are to be registered within 3 weeks and late registrations may be subjected to conviction or a fine.⁵⁹⁹ While Tonga had notably high rates of birth registration at 98% as of 2019⁶⁰⁰, the Committee on the Rights of the Child has expressed concern that children subject to customary adoptions or born to unmarried parents may be at risk of not having their birth registered.⁶⁰¹ Children born to unmarried parents must ‘re-register’ as a ‘legitimate child’ after the marriage of the parents.⁶⁰²

Under Tonga’s Nationality Identity Card Act, revised in 2020, all residents must possess a national ID card.⁶⁰³ A resident is defined as anyone over the age of 14 who either have been present in Tonga for the preceding 6 months, entered Tonga intending to remain longer than 6 months or has been in Tonga for 6 cumulative months of the last year.⁶⁰⁴ According to this definition, it is also mandatory for stateless persons, refugees, and foreign nationals to register for national ID cards.⁶⁰⁵ As long as a stateless person has a birth certificate, they would, in principle, have access to a national ID under Tongan legislation.⁶⁰⁶

To receive a national ID card, a resident must apply in person at the National Identity Card Office and provide a photograph, fingerprints and other biometric information “if so required”.⁶⁰⁷

Digital ID Overview

Tonga does not have a digital ID system but there are plans to implement one.⁶⁰⁸ Planning and implementation of the digital ID system will be undertaken by the Tongan government in collaboration with international and bilateral development organizations as well as the private sector.⁶⁰⁹

The World Bank granted Tonga \$4.65 million to support the Tonga Digital Government Support Project which will include the digitization and linking of Tonga’s civil registration and national ID systems.⁶¹⁰ The Project also involves improving internet access across Tonga’s islands.⁶¹¹ In this update, citizens and residents will be assigned unique national ID numbers through the birth registration system, which would be linked through automated data exchange to other relevant civil information such as marriage and death registration.⁶¹² The digitized national ID card would allow public and private entities to digitally authenticate the identity of a person based on the information in the national identification register, making it a foundational ID.⁶¹³ As this system would also enable the delivery of online public services, this digitized national ID would also be a functional ID.⁶¹⁴ Public services that are planned to be a part of Tonga’s digital government include licensing, registration, and taxes.⁶¹⁵

It is unclear whether or not registering for the digitized national ID would be mandatory, however, it is possible given the mandatory nature of the existing paper-based national ID.⁶¹⁶ At this stage, there is insufficient information to assess whether stateless persons, refugees or foreign nationals will be able to access the digital ID.

Under the Digital Government Strategic Framework 2019-2024, Tonga has begun planning the expansion of digital public infrastructure (DPI), which will “promote the use of ICT within Government ministries and agencies”, including through “an aggressive transition from paper-based transactions to digital Government”.⁶¹⁷ One of the objectives of the Framework is to ensure inclusion of all citizens, “including the elderly and citizens with disabilities”.⁶¹⁸ Plans for Tonga’s digital government also include interlinking government agencies, including health, education, and social assistance, among others.⁶¹⁹

The Framework establishes that all government processes and public services will become automated through digitization, however, it is unclear whether people will still be able to access public services without a digital ID once it is rolled out.⁶²⁰

Laws

Domestic law and policy

There is no definition provided for digital identity in Tonga’s policy or legislation. While a legal framework is yet to be established for digital ID in Tonga, Tonga’s Digital Government Strategic Framework 2019-2024 lays a foundation for the expansion of digital technologies used by the Tongan government, including priorities and objectives for establishing DPI.⁶²¹

Drafting of legislation needed to support digital identity, such as a Data Protection & Privacy Bill as well as amendments to the Nationality Identity Card Act and the Birth, Death, Marriages Registration Act, is in progress.⁶²²

Data Protection

The first Principle of the Digital Government Strategic Framework 2019-2024 is security, emphasizing that personal data protection and privacy is fundamental.⁶²³ The Framework also

mentions that it will “enable a far more integrated, shared, accurate, timely, and inclusive information flow within and across all Government agencies”.⁶²⁴ The Tongan government’s cross-agency data exchange approach has been ad hoc, however, its 2021 Data Exchange Framework establishes plans to create more structure for cross-agency data sharing as a part of the development of Tonga’s digital government.⁶²⁵ This Framework identifies priorities for ensuring data security, including that “structure, semantics and authorizations must be controlled by the original data owner”.⁶²⁶

A legal framework on data protection and privacy in Tonga is yet to be established, but is currently being drafted.⁶²⁷ Tonga recently enacted its Cybersecurity Bill in 2024, which establishes a framework for securing digital systems to protect against cyber attacks that may compromise data held in digital systems.⁶²⁸

Under the Nationality Identity Card Act, which relates to the current paper-based system, information in the register of holders of national ID cards may be used by the National Identity Card Office for purposes such as interests of national security, prevention or detection of crime, enforcement of immigration controls, dispensing public services, among others.⁶²⁹ It is also outlined that in the above mentioned instances, as well as by order of the Supreme Court, personal information collected for the national ID card may also be shared.⁶³⁰ It is unclear whether registering for a national ID card would place stateless persons at risk of surveillance or detention as a result of legal status.

International Commitments

As digital ID has not been implemented in Tonga, there is no current violation of the treaties Tonga is party to. Tonga is not a party to treaties specific to digital ID or data privacy and protection. As Tonga continues to develop its digital ID system, it is important to do so in line with its international

obligations under the human rights treaties it is party to – the ICERD and CRC.

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

Based on the definition of 'resident' in the Tongan legislation, stateless persons with birth certificates may be included in Tonga's paper-based national ID scheme.⁶³¹

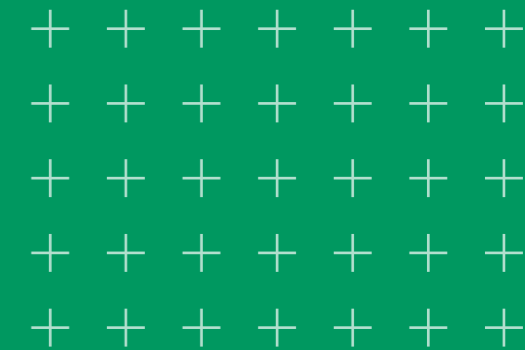
However, there is not enough available information to confirm whether implementation ensures

stateless people access to a national ID. While inclusion is mentioned in the Digital Government Strategic Framework, only citizens are mentioned, despite the Tonga Digital Government Support Project referencing 'residents'.⁶³² As Tonga continues to plan its digitized national ID system, it is important to ensure that stateless persons continue to have access to legal identity and the services that will be attached to the new digital ID.



Photo : wallpapercat.com

TUVALU



Tuvalu

Legal Identity

In Tuvalu, the recognized legal identity document is the birth certificate.⁶³³ It serves as the official evidence of an individual's identity such as name, date of birth, place of birth, and parentage.⁶³⁴

According to the Births, Deaths and Marriages Registration Act, the birth of every child born in Tuvalu must be registered within 10 days by a qualified informant, typically the parents or someone present at the birth.⁶³⁵ Legal identity, established through the CRVS system in Tuvalu, confers a formal identity via civil registration and a birth certificate. This does not constitute citizenship, as citizenship is generally acquired through descent (jus sanguinis), where individuals born to Tuvaluan parents are automatically granted citizenship.⁶³⁶

Digital ID Overview

Tuvalu does not yet have a comprehensive digital ID system. In 2022, during the 27th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 27), the Tuvaluan Minister of Justice, Communications and Foreign Affairs announced that Tuvalu would become the first “digital nation” and aims to “digitally recreate its land, archive its rich history and culture, and move all governmental functions into a digital space”.⁶³⁷ The decision was made considering the threat of the loss of sovereignty Tuvalu faces due to climate change.⁶³⁸

Currently, 40% of its capital floods regularly during high tides, with an expectation that the majority of lands will be submerged under water by 2050.⁶³⁹

In its digitization efforts, the government has announced plans to build a blockchain-based digital ID system to connect the people of Tuvalu, such that the country can continue to hold elections, register births, deaths and marriages, and create digital passports.⁶⁴⁰ The government plans to have digital ID systems only accessible to citizens with an aim to “ensure safe and lawful access to services”.⁶⁴¹ There is insufficient information to confirm the services tied to the digital ID or whether it will be the only way to access services.

While the goal was to establish the digital identity system by 2023, there is no available information confirming the system's current status.⁶⁴² The available information also does not specify whether digital ID systems in Tuvalu would be mandatory or voluntary for citizens, and whether non-citizens and stateless individuals will be able to access it.

Laws

Domestic law and policy

Tuvalu does not currently have specific legislation governing the implementation of digital ID systems or a framework for managing digital identity on a national scale.

The National ICT Policy mentions digital identity, referencing the development of digital IDs, public key infrastructure, and the adoption of blockchain technologies as part of national digitization priorities.⁶⁴³ Tuvalu's legal identity framework primarily revolves around traditional methods of identification, such as a birth certificate.⁶⁴⁴ There is no specific information available regarding mechanisms for filing and resolving digital ID-related complaints within the current legal or policy framework.

Data Protection

Tuvalu currently lacks dedicated data protection legislation to safeguard personal information in a digital ID system.⁶⁴⁵ Although the Government of Tuvalu states on its official legislation website that it is “committed to protecting user privacy”, there is no clarity as to what that would mean specifically in terms of data protection and data privacy.⁶⁴⁶

International Commitments

Tuvalu is not a party to any international framework that has set out obligations concerning digital IDs. Tuvalu has not acceded to the 1954 Convention Relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.

Tuvalu has ratified four key human rights treaties: the Convention Relating to the Status of Refugees, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and Convention on the Rights of Persons with Disabilities (CRPD).⁶⁴⁷ As the digital ID system has yet to be implemented, there are no current violations of international obligations. However, the absence of legal safeguards raises concerns

for future implementation. As Tuvalu continues to develop its digital ID system, it is important to do so in line with its international obligations under the human rights treaties it is party to, which ensures that marginalized populations, such as the stateless, are not excluded from accessing a legal identity as well as essential services guaranteed by implementation of the digital ID.

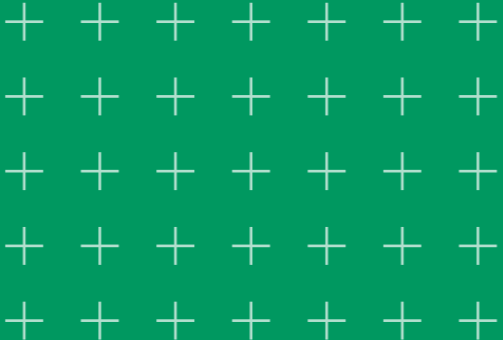
Designed to Include? The Impact of Digital ID and Legal Identity on Citizenship and Nationality Rights

Given that Tuvalu's digital ID system is still being developed, there is no evidence of direct exclusion or inclusion of stateless populations related to digital identity. However, government statements specifying that digital ID is intended only for citizens suggest potential risks of exclusion for non-citizens, stateless and undocumented persons.⁶⁴⁸



Photo : Seiji Seiji

VANUATU



Vanuatu

Legal Identity

The recognized legal identity in Vanuatu is a National ID card.⁶⁴⁹ Under the Vanuatu National Identity Card Policy, the Civil Registration and Identification Management has been issuing National ID Cards since 2017.⁶⁵⁰

Each ID comes with a unique ID number and a QR code that can be used to scan and obtain information about the citizen. There are different categories for different age groups and are demarcated by different colors (yellow, blue, green, and red respectively).⁶⁵¹

To get an ID card one must either be a citizen or a permanent resident of Vanuatu. However, new citizens do not automatically get an ID card, but under the Vanuatu National Identity Act, a person who has been granted citizenship must apply for a National Identity Card within 28 days of being granted citizenship.⁶⁵² A birth registration does constitute a legal identity in Vanuatu.⁶⁵³ However, for certain services including access to food being distributed in disaster relief, voting queues at polling stations, or being able to travel on ships or planes, a National ID would still be required.⁶⁵⁴ To get a national identification card, a citizen or permanent resident must go to a CRIM registration center, complete a Vanuatu ID Card and EID form, bring a photo of a birth certificate, and bring a photo of the person applying to become a citizen.⁶⁵⁵

The National ID card does not by itself prove citizenship. Citizenship is separately established under the Citizenship Act and is evidenced by a Citizenship Certificate⁶⁵⁶, not merely the ID card.

Digital ID Overview

As of February 2025, Vanuatu’s digitized their legal identity system and announced that they plan to allow those who have National IDs to be able to access their ID cards by creating an E-ID.⁶⁵⁷ The E-ID can be accessed in the VanuatuID app for those with a smartphone and can provide any institution inquiring about their identity with an up-to-date version of their ID on their phone.⁶⁵⁸ According to the CRIM, they plan to launch the VanuatuID app by late 2025.⁶⁵⁹ Although the app is still in progress, the QR code required to access the digital ID is being designated and given out, with every citizen applying for the national ID being provided a QR code.⁶⁶⁰

The digital ID system in Vanuatu functions as a foundational ID.⁶⁶¹ The E-ID acts as both a means of identity verification and as a central digital authentication key for accessing a range of government services online, including obtaining of driver’s license, opening bank accounts, obtaining an International travel passport, dealing in land transactions and other such transactions requiring identity verification.⁶⁶² As a foundational ID, it serves as a primary means of identity verification for citizens and residents but also connects citizens with other services.

The National ID is mandatory and is required to use certain services.⁶⁶³ The E-ID is automatically registered and is granted a National ID.⁶⁶⁴

As a result, the digital ID system is accessible to all citizens and permanent residents of Vanuatu.⁶⁶⁵ There is no available information about foreign citizens, refugees, dual citizens, or stateless individuals regarding access to the Digital ID. The Digital ID system was developed through collaboration between three government agencies: Vanuatu’s Electoral Authorities, the Civil Registry and Identity Management Department (CRIMD), and the Vanuatu Electoral Environment Project (VEEP).⁶⁶⁶

The funding from the project came primarily from the New Zealand government and is managed by the United Nations Development Program (UNDP).⁶⁶⁷ There has been no indication of public involvement, as the system process was undertaken by the government and international organizations.

Laws

Domestic law and policy

There are several legal frameworks surrounding digital identity in Vanuatu. In 2017, the Vanuatu National Identity Card Policy was established.⁶⁶⁸

The goal of the policy was to “facilitate the establishment of a National Identification System that supports secure, reliable and robust identity verification and authentication of citizens and persons ordinarily resident in Vanuatu by 2030.”⁶⁶⁹ In 2021, Parliament approved the Civil Registration and Identity Management (CRIM) Act and the Vanuatu National Identity (VNI) Act.⁶⁷⁰ Both Acts were introduced to establish data accuracy for all citizens and other residents in Vanuatu and to ensure one record per identity.⁶⁷¹



Digital identity is not defined in any of the legislatures, but the National ID was created with the purpose of being an identity verification source and identity assurance for residents and citizens in Vanuatu.⁶⁷² Every citizen is afforded a

Digital ID because an E-ID is given in conjunction with any National ID card.⁶⁷³ As the app to access the digital ID card is still in development, there is no current indication of any mechanisms for filing and resolving digital ID-related complaints.

Data Protection

In 2024, the government passed the Vanuatu National Data Protection and Privacy Policy.⁶⁷⁴ The policy was established to create a foundation of data protection and privacy laws related to the protection of personal data, associated rights of individuals, and the right to privacy.⁶⁷⁵ The Data Protection and Privacy Act No. of 2024 outlines several safeguards including purpose limitation, data minimization, data accuracy, and security measures.⁶⁷⁶ For purpose limitation, the act requires that all data must be collected for specified, legitimate purposes and not further processed in a manner incompatible with those purposes.⁶⁷⁷ For data accuracy, the Act requires data to be accurate and kept up to date.⁶⁷⁸ For security measures, the act mandates reasonable and appropriate security measures against unauthorized or unlawful processing and against accidental loss, destruction, or damage.⁶⁷⁹ The Act does not mention protection measures for biometric data, require that data for the digital ID be encrypted, or prohibit government access to the data collected.

The implementation of the E-ID system in Vanuatu raises several concerns. There is a risk that personal data could be exposed or misused if not properly protected.

The centralization of personal data may lead to increased surveillance capabilities. Given that the Data Protection and Privacy Act does not prohibit government access, a concern is that the government could use the data for corruption⁶⁸⁰. The E-ID may also significantly decrease access to public resources in the country, especially for

services that can only be accessed through the digital system.

International Commitments

The exclusion of stateless persons without permanent residence from access to identity cards in Vanuatu contradicts Article 6 of the UDHR, which establishes the universal right to a legal identity.⁶⁸¹ The right to identity is further protected under Article 8 of the CRC, which has been ratified by Vanuatu in 1993.⁶⁸² Under the CRC, Vanuatu is also obligated to uphold the right to education for children.⁶⁸³ Exclusion of stateless children without permanent residence from accessing the health and education services attached to legal identity violates this obligation.⁶⁸⁴ As a result of the exclusion of some stateless persons from legal identity, the principle of non-discrimination, protected under Article 7 of the UDHR, has also been contradicted.⁶⁸⁵ The right to identity is also protected under Article 16 of the ICCPR, which has been ratified by Vanuatu.⁶⁸⁶

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

It is undetermined whether the current creation of the digital ID system in Vanuatu has reduced or contributed to statelessness. Only citizens and permanent residents who are able to get a National ID are also able to get a digital ID.⁶⁸⁷

Denial or revocation of a digital ID in Vanuatu can exacerbate statelessness. As stateless individuals cannot apply for a digital ID, they can also not access food being distributed in disaster relief, voting queues at polling stations, or being able to travel on ships, or receive education as you are required to have a National ID.⁶⁸⁸ There are currently no alternative avenues for stateless individuals to access such services.⁶⁸⁹

The framework can be more inclusive by mentioning alternative avenues for those without an E-ID or National ID card to be able to access those exclusive services.

The policies could also have greater accountability if they mention statelessness in their definitions. Vanuatu can specifically create ID's or some type of identification for all categories of people, not just citizens and permanent residents. This would include stateless individuals, foreign nationals, and visitors to the country. As of now, there is no data on Vanuatu creating special measures for vulnerable and isolated communities to ensure their access to the digital ID.

Although there are not any specific precedents supporting the protection of the rights of stateless individuals, Vanuatu has ratified the ICCPR, CEDAW, CRPD, and CRC which all emphasize the importance of equal access to essential services.

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