

SESSION 2 : SECURITY AND CIVIL STATUS : RECONCILING DIVERGING INTERESTS

Chair : Jean MASSOT

*Honorary President of the Finance Chamber of the Conseil d'Etat and
Member of the Commission nationale de l'informatique et des libertés (CNIL), Paris (F)*

Ladies and gentlemen,

I propose that, without further ado, we begin this afternoon's session. As you will have noticed, we have a particularly full timetable.

I will hand over the microphone shortly, but I would simply like to explain, quickly, that unlike Mr Montagne, and with far less modesty than him, instead of introducing you to our speakers, I will, if you will allow me, speak a little about myself, since you were probably a little surprised to see on the programme that this afternoon's session was presided over by a former President of the Finance Department of the Conseil d'Etat, and you are perfectly entitled to wonder what my job description has to do with civil status.

It just so happens that over the course of my career, which has had several phases, I have had occasion to deal quite closely with civil-status questions. Quite a long time ago now, I was Director of immigration population at the Ministry for Social Affairs, and I was in charge of questions related to nationality, so you will be able to see the link with civil status ; and I was in charge of immigration, which will reveal the link with the population register. I have to say that, at the time, I was quite envious of foreign colleagues, in particular those who spoke to us this morning, who had such a population register at their disposal, as it is of great help when it comes to knowing exactly what foreign population is present within a certain territory.

A little more recently, I chaired the Appeal Commission for refugees in France, where I was confronted, in particular, with the problem of the authenticity of the civil-status documents which were produced to us. I was also faced - and I mentioned this earlier to this morning's speaker - with the problem of unregistered children in China, and the question of whether this is a case of persecution within the meaning of the Geneva Convention.

Finally, today, I am mainly here, I believe - and for this reason I thank President Mazars and Professor Schmidt-Szalewski for inviting me - because my current function is as a member of the CNIL, the Commission Nationale de l'informatique et des libertés (National Commission for Information Technology and Freedoms), which is the French authority in charge of data protection, and if there is one type of data that is personal, it is civil-status data. In this capacity, we are often confronted with problems relating to civil status, which are usually quite material and technical problems relating to the dematerialisation of civil-status records, but also broader problems which are almost philosophical, in particular - again - the problem of the population register. On this subject, I am a little schizophrenic, since, after being tempted by the population register when I was Director of population, I now belong to an institution which was created in 1978, precisely in reaction to the temptation of the time to create a population register, which, in quite a clumsy way, was to be created for police-related reasons.

The question of whether there can be a single register with a unique identification number for each person is at the heart of all of our reflections. Consequently, I am particularly interested in the topics presented to us this morning, but also even more interested in those to be presented this afternoon, since I have been given the honour of presiding over them.

You will have noticed that the programme is organised in two parts. The first part is a round-table discussion, which proposes to explore the question of civil status through four types of truth. The first is legal truth, which will be presented to us by Professor Walter Pintens. Then, we will cover psychic truth, which will be introduced to us by Mrs Roseline Ricco, who, as you can see, is replacing Professor Emilio Mordini who was to speak originally. We will then cover scientific truth, which will be presented by Mr Emmanouil Papasavvas, and finally we will hear Mr Fons Knopjes, who will speak of the wider question of the relationship between civil-status truth and the question of identity.

Without waiting any longer, I would like to introduce our first speaker, Professor Pintens.