

Draft

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**Guidelines on the Legislative Framework
for Civil Registration, Vital Statistics and
Identity Management**



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I. Introduction

1. The United Nations Statistics Division (UNSD) has been mandated with the development of the methodological framework for civil registration and vital statistics since the inception of the United Nations as an intergovernmental organization. In furtherance of this mandate, a series of international standards, guidelines, principles and recommendations were developed and adopted by the relevant United Nations bodies – the United Nations Statistical Commission and the Economic and Social Council (ECOSOC). The most recent revision of these guidelines was adopted in 2014 in the form of the *Principles and Recommendations for a Vital Statistics System, Revision 3* (United Nations publication sales no. E.13.XVII.10).

2. As companion guides to the *Principles and Recommendations for a Vital Statistics System*, the United Nations Statistics Division has developed a series of *Handbooks on Civil Registration and Vital Statistics Systems*, which deal with important aspects of civil registration and vital statistics improvement. In addition to these *Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems*, the series includes four Handbooks on Civil Registration and Vital Statistics Systems, respectively covering:

- (a) *Management, Operation and Maintenance, Revision 1*;
- (b) *Policies and Protocols for the Release and Archiving of Individual Records*;
- (c) *Demand Creation*

3. These *Guidelines* are intended to complement the *Principles and Recommendations for Vital Statistics System, Revision 3* and the *Handbooks on Civil Registration and Vital Statistics Systems*. These *Guidelines* update and replace the 1998 *Handbook on Civil Registration and Vital Statistics Systems: Preparation of a Legal Framework* (United Nations publication sales no. E.98.XVII.7), which was based off previous revisions of the *Principles and Recommendations*.

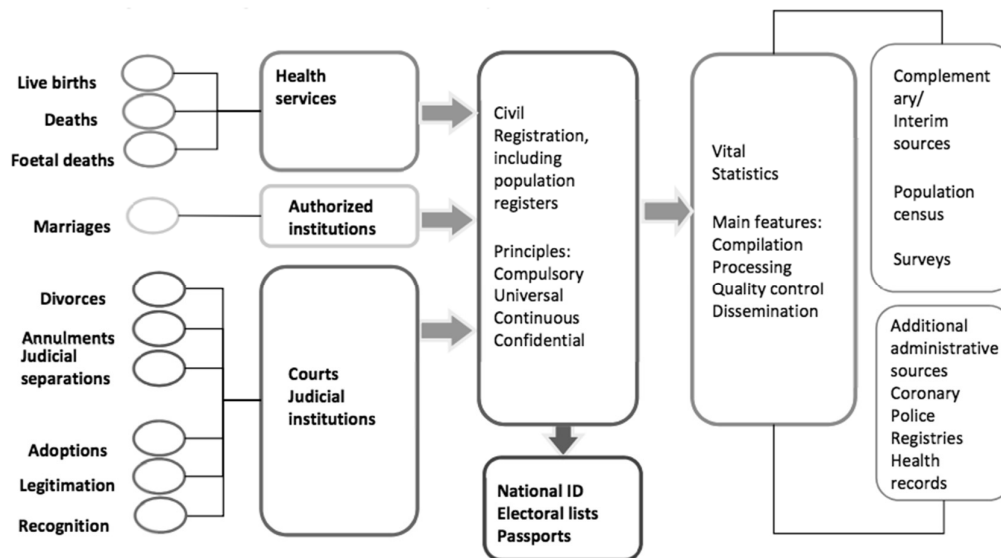
4. The purpose of these *Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems* is to offer a tool for developing a strong legal framework for civil registration, vital statistics and identity management (CRVSID) systems. The establishment of CRVSID systems in the laws of a country serve a number of important purposes. It makes specific agencies responsible for civil registration, vital statistics, and identity management functions. It specifies standards and quality control procedures for the collection and use of the records and information collected through the system and guarantees the privacy and security of those records. The legislative framework also offers a consistent and structured basis for performing all the tasks associated with the legal uses of the records of events and identification. In short, the legislative framework gives the system an essential foundation to be able to operate successfully throughout the country.

5. These *Guidelines* provide overarching principles as well as detailed elaboration on the legislative framework critical for implementing international recommendations, with a focus on ensuring interoperability among the civil registration, vital statistics and identity management systems. There is great diversity in how countries organize and structure their CRVSID systems due to differences in government structures, culture and traditions, and socioeconomic conditions. However, the principles and concepts presented in these *Guidelines* can be adapted to the culture, traditions and legal systems of all countries, in a manner consistent with existing and chosen structures. Throughout these *Guidelines*, examples are presented demonstrating how the concepts have been put into practice in countries with diverse cultures, traditions and legal systems. These national practices are presented to provide a starting point for discussion among policy makers on how to adapt the principles and concepts to their own country conditions, rather than being put forward as examples to be copied wholesale by other countries.

6. These *Guidelines* present a framework for integrated systems, where the civil registration system provides input into the vital statistics system and the identity management system, as

graphically presented below in Figure 1. However, the principles and concepts on civil registration and vital statistics can also be used and followed by countries that lack a unique identity management system. Moreover, a country's systems need not be electronically linked to apply these principles. The principles can be adopted in countries that maintain manual systems which have not yet been digitized, or where parts of the country do not yet have sufficient computer or internet resources to digitize in those specific locations.

Figure 1 Civil Registration, Vital Statistics and Identity Management Systems



Source: *Handbook on Civil registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*

7. The material in these *Guidelines* is presented in five chapters, starting with broad concepts in Chapter One, which is then followed by more detailed discussions of best practices and policy options in later chapters. **Chapter One** presents an overview of CRVSID systems including: concepts and definitions; principles of civil registration and identity management; functions of civil registration and identity management systems; types of vital events; the lifecycle of identity management; interoperability between civil registration, vital statistics, and identity management systems; and accountability and governance. **Chapter Two** provides an overview of the importance of civil registration and identity management to the realization of human rights, including not only civil and political rights but also economic, social, and cultural rights. **Chapter Three** explores the wide diversity of institutional arrangements that exist globally for CRVSID systems, and focuses on how institutional arrangements can support the effective and efficient functioning of CRVSID systems. **Chapter Four** provides detailed guidance on elements that should be included in CRVSID legislation and regulations to support comprehensive civil registration coverage, meaningful vital statistics compilation and dissemination, and strong identity management that provides for robust legal identity, protects privacy and promotes security. This chapter discusses in greater detail many of the topics introduced in Chapter One. Among other topics, this Chapter provides best practices and policy options for: civil registration; identity management; compilation and dissemination of vital statistics; data usage, privacy and security; and compliance, enforcement, rights and remedies. While this chapter presents a comprehensive framework for legislation addressing civil registration, vital statistics, and identity management systems, it is not necessary for a country to include all these concepts

¹ *Handbook on Civil registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>, paragraph 1.

in one comprehensive piece of legislation. These concepts may be applied and integrated into one or more new or existing pieces of distinct legislation governing the civil registration system, vital statistics system, and identity management system. Finally, **Chapter Five** addresses other laws that can support CRVSID systems by providing incentives that help increase rates of civil registration as well as improve the quality of information in the system.

II. Overview of Civil Registration, Vital Statistics and Identity Management Systems

A. INTRODUCTION

8. Strong civil registration, vital statistics and identity management systems are fundamental to the effective, efficient and fair functioning of government. A national civil registration system is the best source of data for generating vital statistics and therefore should be the foundation of the vital statistics system. Information submitted during registration of vital events provides essential data for national and regional planning for a variety of social service programs, including family planning and mother and child health services programmes; infectious and non-communicable disease control programmes; education, public housing and social security programmes; and infrastructure and development programmes.

9. Likewise, a civil registration system with complete national coverage provides the strongest foundation for an identity management system. Birth registration establishes legal identity and provides the entry point into the identity management system through the issuance of a birth certificate - the foundational document necessary to establish one's identity. Being able to prove one's identity is essential in enjoying many of the human rights embodied in international declarations and conventions. In addition, proof of identity is required to benefit from numerous government programs and private sector services. Death registration provides the legal basis for closing an identity in the system, which is crucial to preventing identity theft and fraud.

10. This chapter presents an overview of civil registration, vital statistics and identity management systems, including: concepts and definitions that will be used throughout these *Guidelines*; overarching principles of civil registration and identity management systems; the functions of civil registration and identity management systems; types of vital events; the life cycle of identity management; interoperability between civil registration, vital statistics, and identity management systems; and accountability and governance.

B. CONCEPTS AND DEFINITIONS

11. **Civil registration** is defined as the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation in accordance with the legal requirements.² A **vital event** is the occurrence of a live birth, death, foetal death, marriage, divorce, annulment, judicial separation, adoption, legitimation, or recognition of parenthood.³ Civil registration of vital events must be continuous, permanent, compulsory and universal, as discussed below in Section B.

12. Civil registration is a government service with legal and statistical functions. For legal purposes, this process establishes the fact of occurrence of vital events and provides legal documentation for such events in the form of a certificate.⁴ A **Certificate** is a document, in paper

² *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 279.

³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 207.

⁴ Civil registration establishes a person's civil status. Civil status generally refers to a person's legal status in a society, including marital status (i.e. never married, married, widowed and not remarried, divorced and not remarried, married but legally separated, de facto union) and age (i.e., minority/majority). Civil status may determine a person's legal capacity to act - for example the capacity to marry or consent to sex - and obligations, rights and duties between persons, such as between spouses and between parent and child.

or electronic format, issued by the Registrar and containing all or part of the exact information contained on the original vital record, and which, when issued by the Registrar, has the full force and effect of the original vital record.⁵

13. The information recorded in a country's civil registration system is the foundation for its vital statistics system.⁶ **Vital statistics** constitute the collection of statistics on vital events in a lifetime of a person as well as relevant characteristics of the events themselves and of the person and persons concerned.⁷ Vital statistics are incidence statistics, not prevalence statistics, providing a measure on a current basis of the occurrence of certain types of vital events to members of a specified population during a specified period.⁸ Vital statistics provide timely and critical information on the population in a country and should be used by policymakers and the public to make informed policy decisions.

14. The steps involved in civil registration of a vital event proceed as follows: 1) an **informant** or **notifier** reports or notifies the vital event to the civil registrar, 2) the civil registrar records the details of a vital event into the official civil register, and 3) the civil registrar issues a **certificate** of the vital event. The distinction between an informant and a notifier is as follows: An **informant** is the individual or institution whose responsibility, designated by law, is to report to the registrar the fact of the occurrence of a vital event and to provide all the information on and all the characteristics of the event. On the basis of such a report, the event may be legally registered by the registrar.⁹ A **notifier** is the individual appointed by the local registrar to act as intermediary between the local registrar and the informant in providing all the information on and all the characteristics of an event that is to be legally registered by the local registrar.¹⁰

15. Health institutions play a critical role in the vital statistics system. Heads of health institutions act as informants of the occurrence of births, foetal deaths and deaths that occur in their institutions, providing all information regarding the characteristics of the event and persons involved in the event. For example, for a birth, health institutions provide information on the characteristics of the birth, the newborn and the mother and father. For a death, health institutions provide information on the characteristics of the deceased and cause of death. Health institutions are responsible for ensuring that all deaths occurring within the institution have a **Medical Certification of Cause of Death (MCCOD)**. An MCCOD is the completion by a medically trained person of a death certificate including the cause of death according to the International Classification of Diseases (ICD) certification standards. The **International Statistical Classification of Diseases and Related Health Problems** is a classification system maintained by the World Health Organization (WHO) for coding diseases, signs, symptoms and other factors causing morbidity and mortality. It is used worldwide for morbidity and mortality statistics and designed to promote international comparability in the collection, processing, classification, and presentation of statistics.

16. Civil registration is carried out continuously, is compulsory, and is a service provided to the entire population, making it the best source of data for vital statistics. Therefore, the national

⁵ *Model State Vital Statistics Act and Model State Vital Statistics Regulations, 2011 Revision*, Department of Health and Human Services Centers for Disease Control and Prevention, 2011, Sec. 2.c.

⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, page 202.

⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 1.

⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 281.

⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, page 204.

¹⁰ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, page 205.

registrar must be required to transmit vital event data to the national statistics authority on a regular basis prescribed by law. The national registrar submits these vital event records without identifying information, to protect privacy of individuals.

17. The civil registration system is also the foundation for the identity management system. An individual's legal identity is established through birth registration, which provides evidence of their identity in the form of a birth certificate. This certificate is used as a foundation document for all other identification documents subsequently issued by the identity management authority. The individual's legal identity is permanently retired with the issuance of the death certificate.

18. **Identity** is a set of attributes that uniquely describes an individual.¹¹ **Legal Identity** is defined as the basic characteristics of an individual's identity, such as name, sex and date of birth, established by registration in the official State civil registers or other appropriate mechanisms, in accordance with national legislation and international recommendations and standards.¹²

19. While there is a lack of an internationally agreed definition of **identity management**, the term most commonly refers to producing legally valid proof of identity to each individual and maintaining systems for managing information and documents associated with one's identity including individual biometrics. The identity lifecycle has four stages: 1) **identity registration**, including **enrolment** and **validation**, 2) issuance of identity documents or credentials, 3) authentication for service delivery or transactions, and 4) closure and deactivation of a legal identity upon death. See Section E below for an in-depth discussion on the identity lifecycle.

20. **Identity registration enrolment** involves capturing and recording in the identity management system key identity attributes from a person who claims a certain identity, which may include biographical data (e.g., name, date of birth, sex, address) and biometrics (e.g., fingerprints, iris scan). **Validation** involves checking the attributes presented against existing data. The validation process ensures that the identity exists (i.e., that the person is alive) and is claimed by one person (i.e., it is unique in the database).

21. In many countries, information collected through the civil registration system and identity management system is transmitted and stored in a population register. A **population register** is an individualized data system, that is, a mechanism of continuous recording, and/or of coordinated linkage, of selected information pertaining to each member of the resident population of a country in such a way to provide the possibility of determining up-to-date information concerning the size and characteristics of that population at selected time intervals.¹³ The population register is the product of a continuous process, in which notifications of certain events, which may have been recorded originally in different administrative systems, are automatically linked to it on a current basis.¹⁴

22. A firm understanding of the terms defined above is important for comprehension of these *Guidelines*. However, there are many other terms used throughout these *Guidelines* with which the reader should be familiar. For a complete list of definitions of terms used in these *Guidelines*, please see the Glossary at Appendix X.

¹¹ *Principles on Identification for Sustainable Development: Toward the Digital Age*, World Bank Group and Center for Global Development, page 2, footnote 1.

¹² *Principles of Legal Identity in the Context of the 2030 Agenda for Sustainable Development*, Working Paper of the Identification for Development Program, Series 1, September, 2018.

¹³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, page 206.

¹⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 252, 254.

C. PRINCIPLES OF CIVIL REGISTRATION AND IDENTITY MANAGEMENT

23. In order to effectively fulfil its legal and statistical functions, civil registration must be **compulsory, universal, continuous and permanent**. In addition, because people provide a wide variety of information to the civil registration system, including information that can be highly sensitive, the information collected and stored in the civil registration system must be kept **confidential**.

24. The principles of continuity, permanence and universality also apply to identity registration. The principle of compulsoriness, however, need not always apply, as identity registration for purposes of a national identity card (or other credential) and entry into a population registry is not compulsory in many countries. As with civil registration system, the identity management system stores personal information that must be kept confidential. This principle has been elaborated in internationally recognized principles of data protection and privacy that many countries apply to identity management systems.

25. This section discusses how the principles of compulsoriness, universality, continuity and permanence apply to the civil registration and identity management systems. It also addresses how the principle of confidentiality and the principle of data protection and privacy apply to civil registration and identity management systems, respectively.

i. Principles of Civil Registration

26. **Compulsory**. Civil registration must be compulsory in view of its legal and statistical functions. From the legal perspective, birth registration establishes and provides the official record of a person's existence and thereby establishes legal identity. Registration of other vital events, such as marriage, divorce, adoption and death, establish and provide the official record of a person's civil status. From the statistical perspective, civil registration provides reliable information on the vital events registered. Therefore, a country's civil registration system must be compulsory in order to assure its completeness, accuracy, and effectiveness.¹⁵

27. The compulsory obligations must apply to everyone with responsibilities in the system, including institutional actors as well as individuals. As civil registration is an essential government service that should be universally provided to the entire population of the country, the onus for timely and complete registration of all vital events occurring within the territory should be placed on the government. This onus falls on not only civil registrars but also government agencies that control facilities where vital events occur or are otherwise responsible for vital event information. This includes, but is not limited to, the health sector, law enforcement, coroners and other medico-legal services, and emergency services. The health sector is particularly important. Placing responsibility on heads of health facilities, doctors, nurses, midwives and other health professionals to report or notify all vital events that occur in health facilities or under the supervision of a health professional helps ease the burden of registration for individuals and increases rates of civil registration. Other types of institutions where vital events may occur, such as prisons, should also bear a responsibility to report or notify vital events that occur in those facilities. Law enforcement, medico-legal services and emergencies services should be responsible for ensuring registration and certification of cause of death for deaths that occur outside of health facilities.

28. To ensure compliance by authorized officials and institutional actors with these obligations, there must be a legal basis for enforcement. The civil registration law should provide penalties for deliberate failure to register a notified vital event by a duly authorized local registrar.¹⁶ Institutions where vital events occur, such as hospitals and prisons, should also face penalties

¹⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 294.

¹⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 294.

for failure to notify the civil registration agency of the occurrence of a vital event within the institution. However, a system of supportive supervision and monitoring is likely to be more effective than a system of fines and penalties, in part because the infrastructure required to adjudicate fines and penalties may not be available (due to overworked court systems, appeals procedures, collection of fine, etc.). A good system of reporting, monitoring and feedback - for example, regular reports from those obliged to notify vital events (e.g., health facilities, community health workers, or funeral homes) that are compared against birth and death registers - may be more feasible and effective. See Section G (Accountability and Governance) below for a more detailed discussion on monitoring and inspection.

29. While health institutions play an important role in civil registration, not all vital events occur within health facilities. Indeed, in many countries, a large percentage of births and deaths occur outside health facilities. Therefore, in some instances, the law may place responsibility to report a vital event on an individual. Yet the existence of a civil registration law will not, in itself, ensure that the general public reports the occurrence of vital events. The imposition of some form of penalty on individuals who fail to register the occurrence of a vital event has historically not contributed to higher registration rates. In many instances it can serve as a disincentive, particularly for delayed and late registrations, as individuals will be reluctant to report a vital event after the time period provided by law if they will be penalized. Therefore, other laws and policies should provide incentives for individuals to comply with the civil registration law.¹⁷ For example, if a birth certificate is required to enrol in primary school, a parent is more likely to ensure the birth registration of their child. Death registration can be tied to collection of pensions and social benefits by surviving next of kin. See Chapter Five for an in-depth discussion on various forms of incentives.

30. **Universal.** In order to ensure that maximum value is derived from the civil registration system by both individuals and users of vital records and statistics information, registration services must be provided to all individuals within the territory of a country. Civil registration plays an important role in implementing and realizing many of the human rights embodied in international declarations and conventions. As discussed in more detail in Chapter Two, there are two categories of human rights that involve civil registration: (a) human rights that require States to ensure that vital events are registered, for example, the right to be registered and named, pursuant to article 7 of the Convention on the Rights of the Child¹⁸ and (b) human rights whose exercise may depend on the vital events having been registered, for example, the right to access to justice and the right to an education, both of which may hinge on proof of identity.¹⁹ In order to protect these rights, civil registration requirements must apply to the entire population in the country without discrimination or distinction based on sub-national geography; racial, ethnic or religious group; sex; status as a member of a nomadic, displaced, native, indigenous or aboriginal population; status as a refugee or asylum seeker within the country, foreign national born in the country, or temporary worker; or any other characteristic.²⁰

31. There are a number of actions a country can take to help achieve universal civil registration. Countries should remove barriers to access, such as complicated and lengthy registration processes, provide no-fee service, and ensure that registration offices are sufficient in number and accessible to all. In addition, registrars should be authorized to conduct outreach and institute special procedures to reach vulnerable and marginalized populations. Registrars must

¹⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 295.

¹⁸ *Treaty Series, vol. 1577*, United Nations, No. 27531.

¹⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 287.

²⁰ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 296.

also understand that the provision of civil registration services does not necessarily confer citizenship and therefore civil registration should not be denied on these grounds.²¹

32. To help achieve universal registration, countries should strive to make the registration process as simple and efficient as possible. This means making the registration process easy for individuals. One of the most effective ways of doing this is to require coordination with the health sector. The health sector should be responsible for notifying all vital events that occur in health facilities and under the supervision of health professionals, as this removes the burden of registration from the individual. In instances where individuals are required to report on a vital event, the process should be simple and not require multiple trips to the registrar to register and to obtain certificates. To speed up registration processing, steps should be taken to facilitate direct, official communications between the different registries – local and consular – and with the central register.

33. In order to facilitate correction of errors, local registrars should be authorized to correct obvious clerical errors or mistakes.²² Requiring court procedures for such errors slows down the registration service, which should be provided to individuals promptly and at reasonable cost. Authorizing local registrars to correct errors facilitates a civil register that is up to date and accurate. (See Chapter IV, paragraphs XX, for a discussion on corrections and amendments to vital events records).

Box 1. Country Example:
Free registration leads to rising rates of registration.

34. No fee should be charged for timely registration of a live birth, marriage, divorce, foetal death or death.²³ Many countries have seen rates of registration rise with the introduction of free registration. See Box 1. Minor corrections due to clerical errors discovered at the time of registration, burial or cremation should also be permitted free of charge.²⁴ Issuance of an original certificate should be issued free of charge.²⁵ As the certificate serves as proof of registration and civil status, obtaining the certificate is arguably the incentive for registration. Therefore, fees for certificates can potentially be a disincentive for registration and lead to under-registration of vital events, often in marginalized and vulnerable communities. As such, countries should provide the first copy of the certificate free of charge in order to help achieve registration completeness.

35. Fees may apply in cases of late or delayed registration of vital events, with the fee related to the extent of the delay; however, fees for late or delayed registration may further disincentivize registration, especially in countries with low registration rates. Similarly, fees may apply for amendments such as name changes, legitimations, adoptions and the establishment of filiation; however, policy makers should consider whether fees for these types of amendments would depress rates of amendments, leading to inaccuracy in the records.

36. The powers and duties assigned to local civil registrations is also key in achieving universal registration. Local civil registrars should play an active rather than a passive role to facilitate

²¹ The forth-coming *Guidelines on Communication for Development of Civil Registration, Vital Statistics and Identity Management* will elaborate on demand creation in detail.

²² *Handbook on Civil registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>, paragraphs 144-148.

²³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 364.

²⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 364.

²⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 364.

achievement of universality. To do this, the civil registration legislation must authorize civil registrars to conduct outreach and institute special procedures as needed. Civil registrars should be empowered to inform the public of their obligations and the importance of civil registration. This should include implementing mass publicity programmes in vernacular languages and securing support from local leaders to inform local opinion.

37. For certain segments of the population that are vulnerable or marginalized, it may be necessary to establish special procedures for the registration of vital events. Where there are factors related to distance, terrain or transportation that make it difficult for informants or families to visit the registration office to register vital events, registrars should be authorized and have the resources to establish mobile units to make regular rounds within their jurisdiction, which would enable households to register vital events.²⁶ They should also be authorized and have the resources to establish registration centres in camps for refugees or internally displaced persons, and to translate registration documents into indigenous or foreign languages as needed. See Box 2 for country examples.

Box 2. Uganda: free refugee registration. Brazil: proactive search in Amazon for indigenous communities. Peru: translation of CR forms into 7 languages.

38. A barrier to universal registration in some countries has been a misconception by registrars that birth registration somehow confers citizenship. This has caused some registrars to refuse to register the births of children born to migrants, refugees, asylum seekers, stateless person and foreign nationals. States have the sovereign right to determine eligibility for citizenship in accordance with international law. Citizenship does not necessarily coincide with country of birth and a birth certificate does not confer or affect the right to citizenship. However, a birth certificate is official evidence of the facts of a birth and, as such, is important documentary evidence that allows a person to establish his or her citizenship or nationality. The right to acquire a nationality is enshrined in Article 7 of the Convention on the Rights of the Child. Therefore, states must provide birth registration to all, regardless of citizenship or nationality. It is important that registrars understand this obligation and not refuse registration to any segment of the population based upon citizenship. Some jurisdictions, such as Norway, have established special procedures for birth registration for refugees, migrants and other persons who are not citizens of that country. See Box 3 for details.

39. **Continuity and permanence.** A civil registration system must be both continuous - in that registration is continuously ongoing - and permanent, in that data collected through the civil registration system is permanently saved. Registration maintained for short periods of time and then allowed to lapse will have adverse consequences. For example, lapses in registration will result in lack of issuance of certificates, thus depriving the population of the possibility to exercise basic human rights and access to services. Lapses will also result in a lack of data and measurements that are useful, either as current incidence statistics or as indicators of changes over time. The continuity and permanence of the civil registration system require the existence of an agency with administrative stability, whose operation is not limited by the factor of time. Permanence is contingent upon the authority given to the civil registration administration through the enactment of a civil registration law. Permanence of the system is a requirement for the continuity of registration of vital events and collection of data that underpins the production of

Box 3: Norway birth registration for refugees.

²⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 329.

vital statistics, which is necessary for a meaningful understanding of both current figures as well as trends in vital statistics measurements.²⁷

40. Experience has shown civil registration to be the only reliable method for obtaining a continuous and current record of events occurring throughout a period. Complementary data sources, such as population censuses and in-depth household surveys, have also been utilized to evaluate and enrich vital statistics data and to gather information on demographic and epidemiological processes that complement the information obtained through civil registration. However, there is no substitute for the availability of continuous information on vital events based on their timely civil registration. This mandate by law to be continuous and permanent distinguishes the civil registration method from other methods of gathering data about the population.²⁸

41. **Confidential**, A variety of information is collected about individuals through civil registration. Some data, when identified with a specific individual, may be highly personal and sensitive. In order to promote the provision of full and honest data to the system, the confidentiality of the information must be protected, i.e., those who provide information must rest assured that it will be used only for the purposes prescribed by law and/or in aggregated form so that individuals are not identifiable. However, confidentiality provisions should not interfere with administrative procedures.²⁹

42. Confidentiality provisions in legislation should not be so rigid as to exclude the use of vital event records for special studies. Confidentiality provisions should be drafted to ensure that records can be used for research purposes without publicly disclosing the identity and characteristics of the parties involved.³⁰ To this end, records used in vital statistics and other research should have any personal identifying information removed or be in aggregated form so that individuals are not identifiable.

43. There is also a need to protect the privacy of individuals and their family when issuing certificates. Requests for certificates of birth, death or other vital events should be granted only to interested parties - such as the registrant, a spouse, parent, or child of the registrant, or next of kin - or their legal representatives. Legislation should clearly define who is an interested party for purposes of requesting a certificate. To further protect privacy, certificates need not include some or all of the statistical information captured in the civil registry about a particular vital event.³¹ For example, a death certificate need not include information on cause of death, which can be sensitive information. A birth certificate need not include information on the marital status of the parents. The information to be included in a birth and death certificate is discussed further in Chapter Four, under the sections on birth registration and death registration.

ii. Principles of Identity Management

44. Many of the same principles that apply to civil registration likewise apply to identity management. Identity management systems must be continuous and permanent to be effective. They should be universal, in that everyone in the population of the country should have the

²⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 297.

²⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 28 - 29, 280 - 281.

²⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 298.

³⁰ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 299.

³¹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 299.

right to register for and obtain a national identity credential or some other means to prove their legal identity. However, unlike civil registration, identity registration and obtaining of a national identity credential is not compulsory in all countries, as explained further below. Due to the sensitivity of personal data contained in identity management systems, including biometric data, the confidentiality and protection of this data is extremely important, just as with information collected during civil registration. The principles that guide the protection of data in identity management systems are generally referred to as "data protection and privacy" principles, rather than "confidentiality". The application of these principles in identity management systems are discussed below.

45. Compulsory. Compulsoriness is not necessarily a principle of identity registration and identity management. Country practices vary on whether registering for and obtaining a national identity card or other credential is mandatory, voluntary, or even available. For example, as of 2017 in the Organization for Security and Cooperation in Europe (OSCE) region, there were 40 countries that issued a national identity card that is mandatory for the adult population as official proof of identity,³² while nine countries provided a national identity card upon request.³³ Eight countries in the OSCE do not issue a national identity card. Instead, other forms of identification are issued for sectoral purposes and in combination with other documents can be used as proof of identity.³⁴ While all countries do some form of identity management, many countries do not maintain a singular national population register. This is often the case in countries with decentralized governments and countries where a national form of identity credential is not required. Where there is no national identity credential, a number of government agencies, such as the passport agency or social services, may take on identity management functions.

46. Universal. While birth registration establishes identity, the provision of legally valid proof of identity allows a person to unequivocally prove their identity. As with a birth certificate, an identity document or credential need not confer citizenship, but is essential for an individual to benefit from numerous government and private sector services and to exercise their human rights. As such, countries that provide a national identity card or other credential must provide some form of legal identification to all residents, regardless of citizenship or nationality or other basis for discrimination, just as they must provide universal civil registration. However, even countries that do not provide a national identity card or credential must ensure some means by which all individuals within the entire population of the country are able to provide legally valid proof of their identity by pre-defined means. This is essential in order for all individuals within the territory of the country to exercise their human rights and enjoy services and benefits to which they are entitled.

47. Countries that have compulsory identity registration should provide the identity credential free of charge or have a pre-defined fee waiver process for those that cannot afford registration. This is important so that those who cannot afford registration are not penalized for failing to

³² Those 40 countries are: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Moldova, Monaco, Mongolia, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Ukraine and Uzbekistan. *Compendium of Good Practices in Identity Management in the OSCE Region*, Organization for Security and Cooperation in Europe, 2017, page 41.

³³ These countries are: Austria, Finland, France, Italy, Lithuania, Monaco, Norway, Sweden and Switzerland. *Compendium of Good Practices in Identity Management in the OSCE Region*, Organization for Security and Cooperation in Europe, 2017, page 41.

³⁴ These countries are: Andorra, Canada, Denmark, Holy See, Ireland, Turkmenistan, United Kingdom and United States of America. *Compendium of Good Practices in Identity Management in the OSCE Region*, Organization for Security and Cooperation in Europe, 2017, page 40.

register. If obtaining a national identity credential is voluntary, countries may charge a fee for the credential. However, countries should consider providing the credential free of charge or at a nominal fee, as the identity credential, even if non-mandatory, can be essential for benefiting from many public and private services and exercising human rights.

48. Continuous and permanent. As with civil registration, the efficient and effective administration of an identity management system requires that an agency or entity is authorized and mandated to oversee, maintain and update the system without time bounds, such as a sunset clause that limits the life of the agency. Information regularly transmitted from the civil registration system to the identity management system ensures that information in the identity management system is universal and current. Continuously ongoing identity registration (usually at a specified age) adds additional layers of information to the identity management system, which also keeps it current. An identity management system generally stores data from civil registration and identity registration, and possibly other sources, in a population register, which is kept permanently. Thus, as with civil registration systems, identity management systems are continuous and permanent.

49. Data protection and privacy. The privacy rights of individuals in relation to identity management systems are evolving. However, there are some principles upon which there is growing consensus. The Organization for *Economic Cooperation and Development (OECD) Privacy Guidelines* contains a set of eight principles that many countries have applied, in whole or in part, to their identity management systems, and in many cases to their civil registration systems as well. The eight principles are as follows:

- i. Collection Limitation Principle:** There should be limits to the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.
- ii. Data Quality Principle:** Personal data should be relevant to the purposes for which they are to be used, and, to the extent necessary for those purposes, should be accurate, complete and kept up-to-date.
- iii. Purpose Specification Principle:** The purposes for which personal data are collected should be specified not later than at the time of data collection and the subsequent use limited to the fulfilment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose.
- iv. Use Limitation Principle:** Personal data should not be disclosed, made available or otherwise used for purposes other than those specified in accordance with Paragraph iii except:
 - a) with the consent of the data subject; or
 - b) by the authority of law.
- v. Security Safeguards Principle:** Personal data should be protected by reasonable security safeguards against such risks as loss or unauthorised access, destruction, use, modification or disclosure of data.
- vi. Openness Principle:** There should be a general policy of openness about developments, practices and policies with respect to personal data. Means should be readily available of establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and usual residence of the data controller.
- vii. Individual Participation Principle:** Individuals should have the right:
 - a) to obtain from a data controller, or otherwise, confirmation of whether or not the data controller has data relating to them;
 - b) to have communicated to them, data relating to them

- i. within a reasonable time;
- ii. at a charge, if any, that is not excessive;
- iii. in a reasonable manner; and
- iv. in a form that is readily intelligible to them;

c) to be given reasons if a request made under subparagraphs (a) and (b) is denied, and to be able to challenge such denial; and

d) to challenge data relating to them and, if the challenge is successful to have the data erased, rectified, completed or amended.

viii. Accountability Principle: A data controller should be accountable for complying with measures which give effect to the principles stated above.

50. How these principles might specifically be applied to CRVSID systems is discussed in detail in Chapter Four, Section Six.

D. FUNCTIONS OF CIVIL REGISTRATION AND IDENTITY MANAGEMENT

51. The civil registration system has three basic functions of roughly equal importance: **(a)** a legal function which consists of registering vital events and keeping records that constitute the source of civil status; **(b)** a statistical function, which assumes that the registration offices have been legally charged with collecting statistical information on each of the events to be entered or reported as input to the country's vital statistics, and **(c)** the identity management function, which assumes that civil registration provides continuous and accurate input into an identity management system or population register. The identity management system also serves a legal and identity function. The legal function being the provision of credentials that enable an individual to prove their identity, and the identity management function being the maintenance of a system for the managing information and documents associated with an identity.

52. **Legal function of civil registration and identity management:** A primary purpose of civil registration is to furnish legal instruments - certificates of vital events - that allow a person to prove the facts relating to his or her existence, identity, and personal and family situation. A certificate issued by the civil registration system has the full force and effect of the original vital record and is legally valid proof of the vital event. Proof of a vital event is often required to enjoy public or private sector services. For example, a birth certificate may be required to enrol in primary school. A death certificate and marriage certificate may be required for an individual to obtain the pension benefits or life insurance proceeds of a deceased spouse.

53. In addition to registering and certifying vital events, the legal function of civil registration in some countries may also include a role for the registrar as public attestor or notary public. In this role, registrars may be assigned legal powers to enable them to assist in creating certain legal documents by administering oaths and attesting to signatures. For example, in civil marriages, most countries authorize registrars to certify that the parties have the legal capacity to marry as well as to authorize the celebration of the marriage. Recognition of filiation out of wedlock is permitted if the interested party makes an express declaration of filiation in the presence of the registrar.

54. A primary function of an identity management system is to provide identity credentials that allow a person to prove their identity, i.e., to prove that they are who they say they are. These identity credentials may be required to benefit from government or private sector services.

55. **Statistical function: Civil Registration as the Foundation for Vital Statistics.** Vital statistics constitute the collection of statistics on vital events in a lifetime of a person as well as relevant characteristics of the events themselves and of the person and persons concerned. Vital

statistics provide crucial information on the population of a country.³⁵ Informed government decision-making and socioeconomic planning requires timely data on the size and characteristics of a country's population. Vital statistics and their subsequent analysis and interpretation are essential for setting targets and evaluating social and economic plans, including the monitoring of health and population intervention programmes, and the measurement of important demographic indicators, such as life expectancy at birth and the infant mortality rate. It is difficult for governments to plan, implement and evaluate social and economic development programmes without access to continuous vital statistics from the civil register. Censuses at best provide periodic estimates and sample surveys are representative only at the national level and for large regions.

56. The statistics authority should compile vital statistics from the civil registration data, as this is the ideal source from which to derive accurate, complete, timely and continuous information on vital events. In addition, vital statistics derived from the civil registration system can include annual statistics from the smallest civil divisions, which no other data-collection system can provide. When civil registration input does not exist or is deficient, some countries may have recourse to a population census or a household sample survey to estimate the necessary vital statistics through retrospective questions on fertility, mortality and nuptiality. Fertility, mortality and nuptiality statistics may also be collected by instituting sample registration areas. In some countries, vital statistics needed for planning purposes rely on these other sources of data, together with the application of indirect techniques of demographic estimation. It must be stressed, that, even though population censuses, sample surveys and sample registration may provide estimates of the levels of fertility, mortality, foetal mortality, marriage and divorce, and, in the case of sample registration, estimates for mortality events by cause of death, they are not a substitute for a civil registration system, since they cannot provide such details over regular annual intervals and with universal coverage.³⁶

57. The compilation of vital statistics should, at a minimum, attain two goals: 1) the provision of total monthly or quarterly summary counts of vital events on a time schedule prompt enough to provide information for health intervention and population estimation programmes, administrative uses or other needs, and 2) the production of detailed annual tabulations of each type of vital event cross-classified by its demographic and socioeconomic characteristics.³⁷ For a detailed discussion of presentation and dissemination of vital statistics see the *Principles and Recommendations for a Vital Statistics System, Revision 3*, paragraphs 257- 270.

58. Publication of vital statistics reports offer government agencies and other users a dependable source of vital statistics data and provide the vital statistics agency with visibility in terms of its fulfilment of national needs, its purpose and its importance to society. Therefore, legislation should mandate that the statistics authority publish and disseminate vital statistics reports and data on a regular basis, such as monthly, quarterly and annually.³⁸

59. Identity Function: Civil Registration as the Foundation for Identity Management: The civil register is the underpinning of a person's civil identification record. A person's legal identity is established through birth registration, which provides evidence of their identity in the form of a birth certificate. The birth certificate is then used as a foundation document for all

³⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 1.

³⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 29.

³⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 38.

³⁸ See *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 258 -273, for a discussion on "Presentation of results and data dissemination".

other identification documents subsequently issued. When that individual's death is registered, their legal identity is retired. Thus, civil registration is the foundation for legal identity.

60. When each new vital event for an individual is registered, the civil registration authority will transmit information to the identity management authority to update the information in the population register. While other sources also feed information into the population register, the civil registration system is uniquely positioned to provide reliable input and continuous updating on the facts of births, deaths, adoptions, legitimations, recognitions, marriage, divorce, annulments and judicial separations, and change of name or sex. An efficient connection with the civil registration authority is therefore a fundamental element for the proper functioning of the population register.³⁹

61. A unique identification code (UIC)⁴⁰ may be assigned to each individual at the time of their birth registration or at the time they enter into the register for the first time (e.g., upon immigration). This number may then be used in all subsequent civil registration and identity records of the person concerned, as well as in a wide variety of other documentation acquired by the individual during his or her lifetime (e.g. passport, national identification card, driver's license, voter card, etc).⁴¹ After an individual's initial entry into the system, the identity management authority will add layers of additional and relevant information, which may include a photograph, fingerprints and other biometrics. The identity management authority is also responsible for issuing identity credentials, which allow individuals to access government and private sector services. For a full discussion on the life cycle of identity management, see Section E below.

62. Ideally, a strong civil registration system underpins the identity management system. However, many countries have created an identity management system before strengthening their civil registration system. This is not ideal because systems that are not based on strong civil registration systems face challenges in updating their population registers.

63. Where ID systems have greater rates of registration than civil registration systems, the ID system can be used to strengthen the civil registration system. Pakistan has attained a coverage rate of 98% in NADRA⁴² - its identity management system - yet birth registration remains low, at 34%.⁴³ Pakistan is using the eID system to strengthen civil registration. NADRA is collaborating with local government to use its resources, such as mobile vans, to increase birth registration. See Box 6 on Pakistan. However, while this is a commendable effort to increase birth registration, it does not replace a strong civil registration system, which provides continuous updates not only on births, but also deaths, cause of death, marriage, divorce, adoption, legitimation, and recognition. Death registration is particularly important; without

³⁹ *Handbook on Civil registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>, paragraph 65-71.

⁴⁰ A Unique Identification Code (UIC) is sometimes referred to as a Personal Identification Number (PIN). The *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, uses the term "PIN". Here we use "UIC" to avoid confusion in later chapters. Some of the identity management system country examples discussed herein use both a UIC and a PIN. For example, in Estonia, all persons are assigned a UIC at birth and later in life are assigned two PINs that are attached to their identity credential for purposes of authentication. To distinguish between these two types of character sequences, we use UIC for the character sequence assigned to all persons in the population and PIN to refer to a personal identification number used for authentication.

⁴¹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 401.

⁴² *Civil Registry Consolidation through Digital Identity Management*, Secure Identity Alliance, 2015, page 28.

⁴³ *Birth Registration Data*, UNICEF, available at: <https://data.unicef.org/topic/child-protection/birth-registration/> (accessed 27 April 2018).

this information identities are never retired from the system, leaving the system vulnerable to fraud and with inaccurate content.

E. VITAL EVENTS

Box 6. Pakistan. Use of NADRA resources to increase civil registration rates.

64. The vital events that should be recorded for legal and statistical purposes are as follows: live birth, foetal death, death, marriage, divorce, annulment, judicial separation, adoption, legitimation and recognition.

Cause of death, though not a vital event in itself (death is the vital event), must also be recorded for statistical purposes when a death is registered. Not every country records all vital events or publishes the statistics for registered events, although this remains an ultimate goal. Some countries do not yet have the means or feel the need to register each kind of vital event. In order to facilitate the establishment or the improvement of the civil registration system, an order of registration priority is assigned to vital events. Those of higher priority are live births, deaths, foetal deaths, marriages and divorces. Top priority should be given to live births and to deaths because they are basic to the assessment of population growth as well as the health of the population. Recording of foetal deaths and their characteristics should be granted the next highest priority, especially because of their value to the understanding of fertility and pregnancy outcomes.⁴⁴

65. The definition of each vital event or occurrence on which registration information is to be collected should be defined in the civil registration legislation and those definitions should be aligned with the definitions set forth by the United Nations. The definitions used in civil registration, vital statistics and identity management should be standardized to ensure interoperability of the civil registration, vital statistics and identity management systems. The definitions established by the United Nations are as follows:

66. **Live birth:** the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such separation, breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached; each product of such a birth is considered live born (all live-born infants should be registered and counted as such, irrespective of gestational age or whether alive or dead at the time of registration, and if they die at any time following birth, they should also be registered and counted as deaths).⁴⁵

67. **Death:** the permanent disappearance of all evidence of life at any time after live birth has taken place (postnatal cessation of vital functions without capability of resuscitation). (This definition excludes foetal deaths, which are defined separately below).⁴⁶

68. **Foetal death**⁴⁷: death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such separation the foetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary

⁴⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 290-291.

⁴⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

⁴⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

⁴⁷ Also referred to as “dead-born foetus” and “stillbirth”.

muscles (note that this definition broadly includes all terminations of pregnancy other than live births, as defined above).⁴⁸

69. **Marriage:** the act, ceremony or process by which the legal relationship of spouses is constituted. The legality of the union may be established by civil, religious or other means as recognized by the laws of each country. Countries may wish to expand this definition to cover civil unions if they are registered; in that case, registered partnership usually refers to a legal construct, registered with the public authorities according to the laws of each country, that leads to legal conjugal obligations between two persons.⁴⁹

70. **Divorce:** the final legal dissolution of a marriage, that is, that separation of spouses which confers on the parties the right to remarriage under civil, religious and/or other provisions, according to the laws of each country. In case a country recognizes registered partnerships, a legal dissolution of a registered partnership refers to the legal final dissolution of such a partnership, according to national laws, conferring on the parties the right to re-enter into another partnership or marriage.⁵⁰

71. **Annulment:** the invalidation or voiding of a marriage by a competent authority, according to the laws of each country, which confers on the parties the status of never having been married to each other.⁵¹

72. **Judicial Separation:** the disunion of married persons, according to the laws of each country, without conferring on the parties the right to remarry.⁵²

73. **Adoption:** the legal and voluntary taking and treating of the child of other parents as one's own, insofar as provided by the laws of each country.⁵³

74. **Legitimation:** the formal investing of a person with the status and rights of a person born in wedlock, according to the laws of each country.⁵⁴

75. **Recognition:** the legal acknowledgement, either voluntarily or compulsorily, of the paternity of a child born out of wedlock.⁵⁵

76. The civil registration legislation should list the vital events for which registration is compulsory. If this list does not include all the events defined above, the legislation could include a provisional clause to provide for the possibility of subsequently extending the list of events to be registered. This allows the list of vital events for which registration is compulsory to be expanded later if appropriate. For example, if a country initially wishes to register only births and deaths, due to limited resources or for other reasons, the legislation could authorize

⁴⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

⁴⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

⁵⁰ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

⁵¹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

⁵² *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

⁵³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

⁵⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

⁵⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

the registration authority to expand the list of vital events to include, for example, foetal deaths, marriages, and divorces, at a later date.

F. IDENTITY MANAGEMENT

77. While the civil registration system provides for legal registration and certification of vital events, it is not designed to securely link the identity information in the register with a specific person. For example, when an adult presents a birth certificate it is difficult to know with a high level of assurance whether the document is truly theirs without the benefit of additional information. However, the addition of some form of biometric information, such as a facial image, fingerprints or other information unique to the identity holder, when linked with the civil registration information, increases the level of assurance. That identity information can be recorded on a secure medium that can then be used for identification purposes; to verify that the person claiming a certain identity is indeed that person.⁵⁶

78. **Identity management** refers to producing legally valid proof of identity to each individual and maintaining systems for managing information and documents associated with one's identity, including individual biometrics. Identity management authorities must make numerous decisions on how to manage identity information, including decisions regarding technological specifications, as well as legal and administrative procedures. This section is not intended to provide technological advice; indeed, technology specifications should not be included in CRVSID legislation in order to avoid locking in a particular type of technology, which makes a system unable to benefit from technological advances. Rather, this section is meant to elaborate on key concepts of identity management and highlight areas that require policy decisions by lawmakers. The key elements to be included in CRVSID legislation and regulations are further elaborated in Chapter Four.

79. While there are a wide variety of country practices and systems for identity management, there are many elements common to identity management systems globally, including the assignment of a unique identity code (UIC) and the lifecycle of identity. A person usually enters into the identity management system with the assignment of a UIC, either at birth registration or identity registration at a later age. A UIC is assigned to only one person, and a person should have only one UIC. This code is assigned to an individual for life and generally cannot be changed except under specified circumstances, such as identity theft. While the UIC is the entry into the identity management system, it is difficult to know with a high level of assurance that the person presenting a UIC is the true owner of the UIC. The creation of a digital identity increases this level of assurance.

80. **Digital Identity** is a set of electronically captured and stored attributes and credentials that can uniquely identify a person.⁵⁷ Digital identities are created and used as part of a lifecycle that includes four fundamental stages: (a) **registration** in the identity management system ("identity registration"), including **enrolment** and **validation**, (b) **issuance** of documents or credentials, (c) **authentication** for service delivery or transactions,⁵⁸ and (d) **closure/deactivation** and archiving, after the death of a person. Identity providers also engage in ongoing management and updating of the system.

81. **Identity Registration Enrolment.** This process involves capturing and recording, in the identity management system, key identity attributes from a person who claims a certain identity, which may include biographical data (e.g., name, date of birth, sex, address, email), biometrics (e.g., fingerprints, iris scan), as well as other attributes. Which attributes are captured during this phase, and the method used to capture them, have important implications

⁵⁶ *Compendium of Good Practices in Identity Management in the OSCE Region*, Organization for Security and Cooperation in Europe, 2017, page 40.

⁵⁷ *Technical Standards for Digital Identity*, World Bank, 2017, page 2.

⁵⁸ *Technical Standards for Digital Identity*, World Bank, 2017, page 3.

for the trustworthiness of the identity as well as its utility and interoperability with other identity systems.⁵⁹ For example, some individuals may have biometrics that are hard to capture, either due to faulty equipment or physical characteristics. The latter can include, for example, worn fingerprints for rural and manual workers, or unreadable prints for the very old. Cataract surgery can hinder iris recognition.⁶⁰ Country example for Textbox. In addition, while biometrics is emerging as the core of national identification systems, there are also risks attached to relying on biometrics. Unlike other forms of digital credentialing, when biometric security is breached the damage is long lasting. You can change your password after a breach but you cannot change your fingerprints.⁶¹

82. As stated, in many countries a person's entry into the system occurs at birth, with the assignment of a UIC. However, enrolment and validation often occur at a later age because biometric information of very young children was not considered to have sufficient salient features to identify a child. This is changing with new technologies.⁶² While the typical age for adult enrolment is between 15 and 18, younger children have been successfully enrolled using biometrics. India's Unique Identifier program takes biometrics from the age of 5, re-registering children at the age of 15. In an initiative to fight child trafficking, Mexico successfully identified some 14 million children from the age of 5 using iris, fingerprints and face.⁶³ In drafting a legal framework, policymakers must decide when an individual enters the identity management system with a UIC (recommended at birth) and at what age an individual is enrolled in a digital identity program with biometrics.

83. Identity Registration Validation. Once the person has claimed an identity during enrolment, this identity is then validated by checking the attributes presented against existing data, such information in the civil register and other databases. The validation process ensures that the identity exists (i.e., that the person is alive) and is claimed by one person (i.e., it is unique in the database). In modern digital identity systems, uniqueness is ensured through a de-duplication process using biometric data.⁶⁴

84. Issuance. A registered identity goes through an issuance or credentialing process, where identity providers may issue a variety of credentials (for example, UICs, smart cards, or SIM cards enabled with public key infrastructure (PKI) technology). For an ID to be considered digital, the credentials issued must be electronic, in the sense that they store and communicate data electronically. Common types of electronic credentials fall into three categories: 1) something you know (for example, a password), 2) something you have (for example, an ID card, mobile phone or a cryptographic key), or something you are (for example, a fingerprint or other biometric data).⁶⁵ Types of electronic credential systems include smart cards, 2D bar code cards, mobile identity, and identity in a central store or cloud (such as an identity number and biometrics). See Chapter Four, paragraphs XX, for more details on these types systems.

85. Technology changes swiftly. Types of biometrics and credentials that a country wishes to use, or that are widely available for use, will change over time. For example, current biometrics may include a photo and fingerprints; future biometrics may include an iris scan or voice or vein recognition. A country's electronic credentials may currently be in the form of a smartcard or

⁵⁹ *Technical Standards for Digital Identity*, World Bank, 2017, page 3.

⁶⁰ *Identification for Development: The Biometrics Revolution, Working Paper 315*, Center for Global Development, 2013, page 9.

⁶¹ *Identification for Development: Strategic Framework*, World Bank, 2016, page 11.

⁶² Jain, A., et. al, *Fingerprint Recognition of Young Children, Technical Report*, Michigan State University, MSU-CSE-16-5, SEPTEMBER 2016, page 1.

⁶³ *Preliminary Discussion Paper on the Future of Identification and Development*, Center for Global Development, page 54.

⁶⁴ *Technical Standards for Digital Identity*, World Bank, 2017, page 3-4.

⁶⁵ *Technical Standards for Digital Identity*, World Bank, 2017, page 4.

SIM card; the future may be a smart watch or currently unforeseen formats.⁶⁶ Therefore legislation should be written broadly, for example, requiring the attachment of biometrics to a legal identity at a specified age. The type of biometrics and system of credentials should be addressed in regulations, which are easier to amend as technology advances.

86. The information contained on the face of, or accessible from, a credential has important implications. Credentials that contain personal information, such as citizenship, residency status, or ethnicity, may increase the risks of discrimination, profiling and social exclusion. It also increases the risk that such information is shared unintentionally or with persons who have a legitimate interest in only some of the data from the credential. While such information may be stored in an identity management system or population register and made available to authorized officials, information that identifies a person as belonging to a certain segment of the population does not necessarily need to be visible on, or accessible from, a credential. While there may be legitimate reasons for issuing identity credentials with this information, policy makers should carefully consider whether those reasons outweigh the potential risks.

87. Similarly, policy makers may wish to consider not having a "sex" data field on an identity card or other credential. For transgender people and people who identify as neither male nor female, an ID card that indicates "sex" may be incongruent with their gender identity. Gender incongruent identification exposes people to a range of negative outcomes, from denial of employment, housing, and public benefits, to harassment and physical violence. However, many transgender people have gender incongruent identification due to complicated and lengthy processes to change name and gender on their identification. A 2016 study in the US found that only one-fifth (21%) of transgender people who had transitioned had been able to update all of their IDs and records with their new gender and one-third (33%) had updated none of their IDs or records.⁶⁷ Leaving "sex" off identity cards or other credentials alleviates this situation. Alternatively, policy makers should consider simplifying the process for changing name and gender on identity cards or other credentials, such as removing proof of surgery and court order requirements.

88. Authentication: Authentication is the process by which a person proves that they are who they say they are. Once a person has been registered and credentialed, they can use their digital identity to access the associated benefits and services. For example, individuals may use their UIC number to pay taxes through an eGov portal or access health services; or a person may use their ID card to verify their identity and open a bank account. In order to access services, the user must be authenticated using one or more factors that, like credentials, generally fall into one of three categories—something you know, something you have, something you are. Authentication using these attributes can occur through various pathways, including smartcards, mobile identity, or ID in the central store/cloud. See Chapter Four for further details on these systems.

89. As with issuance of credentials, policymakers will need to determine the factors used in authentication and whether one or more factors are used, based on the level of assurance required. Authentication need not necessarily involve biometrics. For example, while Estonia uses biometrics to de-duplicate, biometrics are not used to authenticate identity. Instead, Estonia uses a Smart ID with two digital certificates to authenticate identity. See Box 8 for details.

Box 8. Estonia's e-ID System.

Estonia's e-ID system, launched in 2002, is underpinned by a state-held population register, which provides all citizens and other residents with an 11-digit unique identity code. In addition to the unique identity code, the database contains each person's name,

⁶⁶ See *Identity Management in 2030*, Secure Identity Alliance, page 12.

⁶⁷ *2016 US Transgender Survey*, National Center for Transgender Equality, available at: <https://transequality.org/issues/national-transgender-discrimination-survey>.

sex, date of birth, place of birth, address history, citizenship, and legally recognized relationships. Each person is also issued an email account to provide an electronic address. The personal identifier is used universally by state agencies and by a number of private entities to identify users and link them to their records within their respective systems (medical history, police records and others). Enrolment is compulsory for citizens and residents at the age of 15. Biometrics (face and 10 fingerprints) are taken to ensure against duplicate enrolments but they are not used for authentication. Authentication is through a smart ID card containing a microchip with two digital certificates: one for authenticating the holder with a PIN called PIN1, and the other for digital signing which requires a separate PIN2. PIN1 is a minimum 4-digit number and PIN2 is a minimum 5-digit number. Both are completely under the control of the user. Authentication is match-on-card, meaning the PIN is matched against the information stored on the card rather than against the central database. Digital signatures and authentication are legally equivalent to handwritten signatures and face-to-face identification in Estonia and between partners upon agreement anywhere around the world.⁶⁸

90. **Management, Retirement and Archiving.** Throughout the lifecycle, identity management authorities will continuously update information in the identity management system from information provided by the civil register and other registers. When a death is registered, the civil registration authority must transmit this information to the identity management authority so that the identity management authority may retire or deactivate the UIC and identity credential of the deceased individual. This is an important step in preventing the fraudulent use of the identity of the deceased. It also alerts other agencies that may be linked to the identity management system - such as tax and pension authorities - that the identity is no longer active. Accordingly, the law should require the national registrar to transmit death registration information including, at a minimum, name and UIC, and any other information that will allow the deceased to be matched to an identity in the system. Data pertaining to identities that are retired should be permanently archived. Generally, UICs are not reused, or reused only after 50 to 100 years.

91. Generally, a UIC belongs to an individual for life and is not retired or deactivated until death. However, there are limited circumstances other than death under which a UIC may be retired. For example, if an identity is hacked and used for fraudulent purposes. Therefore, the law should contain provisions for retirement of a UIC and assignment of a new UIC for individuals who have experienced a breach in security.

G. INTEROPERABILITY

92. Most CRVSID systems have numerous stakeholders, with information collected in, stored across, and transferred between, multiple registries maintained by different agencies. The efficient functioning of the CRVSID systems depends on the cooperation of these stakeholder agencies to ensure that these registries are “interoperable”, i.e., can communicate with each other and exchange information. This will facilitate the timely transfer of information and production of statistics, and help avoid duplication of records and errors and omissions.

93. CRVSID legislation should require that the civil registration, vital statistics and identity management systems achieve interoperability amongst themselves and establish a stakeholder coordination mechanism to achieve this. This coordination mechanism can take the form of an interagency CRVSID committee, with representatives from each of the stakeholder agencies, or a single government agency empowered to coordinate the activities of CRVSID stakeholders and oblige stakeholders to collaborate with the coordinating entity. (See Chapter Three for a more-in depth discussion of coordination mechanisms.) Whatever coordination mechanism is chosen

⁶⁸ Gelb, A. and Diofasi, A., *Preliminary Discussion Paper on the Future of Identification and Development*, Center for Global Development, 31 October 2015, page 37.

- an interagency committee or single agency - this entity will be responsible for ensuring the interoperability of the systems of the stakeholder agencies. Therefore, it should be authorized to promulgate rules on interoperability, which is best achieved through administrative procedures, as administrative procedures provide more flexibility to respond to changing needs.

94. There are three aspects of interoperability: **organizational interoperability**, **semantic interoperability**, and **technical interoperability**.⁶⁹ The legislation should authorize the coordinating entity to set interoperability standards for each aspect of interoperability.

95. **Organisational interoperability** is concerned with defining business goals, modelling business processes and bringing about the collaboration of administrations that wish to exchange information and may have different internal structures and processes. Organisational interoperability can be a particular challenge in decentralized systems of government, where civil registration and/or identity management authorities have difference processes in each state or province. The residency registration system in Germany provides an example of such a decentralized system and how organizational interoperation can be achieved. See Box 9 re: German Registration.

Box 9. German Residence Registration System.

In Germany, individuals are required to register where they live. If they move, they have to deregister in their old community and re-register in their new community. There are about 5,400 citizen registers and, previously, moving involved a double burden of filling out two forms, one in old location and one in the new location. These systems could not be centralized because the registration process falls under the jurisdiction of the 17 Lander (states) under the coordination of the Federal Government and there were strong privacy concerns. Therefore the Federal Government decided to use a coordinating authority to establish a standard for data exchange between the local communities and standard procedures for services such as address verification and change of address. As a result, now an individual who moves need only complete the process once and the information will be exchanged between the old and new location.⁷⁰

96. France provides another example of a decentralized system, where civil registration is managed and operated at the local level. Achieving interoperability between local databases allows for querying of the system that was previously not feasible or difficult with paper-based systems. France has recently undertaken a process of linking local civil registration authorities through a dedicated network for data exchange called COMEDEC (Electronic Data Exchange of Civil Status Data). See Box 10 for further details.

Box 10. France: Electronic Data Exchange of Civil Status Data (COMEDEC)

In France, local civil registration databases are gradually being linked to a dedicated network for data exchange called COMEDEC (Electronic Data Exchange of Civil Status Data), which is implemented jointly by the National Agency for Secure Documents and the Ministry of Justice. The system enables the electronic exchange of civil status data between the recipients of civil status data (passport issuing authorities and notaries) and the local civil registration authorities. Implementation of the COMEDEC network began in June 2012 with the connection of the first 16 pilot municipalities. The widespread deployment of the network started on 1 January 2014, and by mid-2017

⁶⁹ *Technical Standards for Digital Identity*, World Bank, 2017, page 26-27.

⁷⁰ Kubicek, H. and Cimander, R., *Three dimensions of organizational interoperability: Insights from recent studies for improving interoperability frame-works*, European Journal of ePractice, No. 6, January 2009, pages 2-3.

approximately 50 per cent of all local civil registration databases had become part of the network. The Law on Modernization of Justice in the 21st Century, enacted on 18 November 2016, requires municipalities to connect their civil registration databases to the COMDEC network by no later than 1 November 2018.

97. **Semantic interoperability** is concerned with ensuring that the precise meaning of exchanged information is understandable by any other application that was not initially developed for this purpose. In the CRVSID context, this means the definitions of vital events, data elements in forms, and the way data elements are coded must be standardized across the civil registration, vital statistics, and identity management authorities. For example, if the vital statistics authority uses the UN definitions of live birth, foetal death, and death and the civil registration authority is (incorrectly) calling a "foetal death" a "live birth" and "death" and registering the foetal death in the birth and death register, the vital statistics authority will have flawed data on births, deaths, and foetal deaths. Similarly, if the civil registration authority is classifying foetal death as "early foetal death" and "late foetal death" (not recommended), and the vital statistics authority is classifying foetal death according to weight-specific measures, the information will be incompatible. If the identity management authority requests "surname, name, middle initial" on a form and transmits this information to the civil registrar, which has data fields for "name, middle name, surname", the matching of information will be difficult. Thus, the information exchanged between agencies must be defined and requested in a format that is standardized so that the information is understood in the same way across agencies.

98. The most common way of sharing information across databases is through use of a UIC, which is used to match an individual's records in different databases. However, even with the use of a UIC, definitions and data elements must be standardized for efficient and effective sharing of information. This can even help spot problems or inconsistencies in data. For example, if the UIC in one system matches the UIC in another system, but the date of birth on both records does not match, a standardized format for date of birth data in both systems will allow the error to be caught. However, if date of birth information is recorded differently in the two systems, it will be more difficult to detect the error.

99. **Technical interoperability** covers the technical issues of linking computer systems and services. Technical interoperability can be achieved across agencies by using the same software platform or compatible software. These Guidelines are not intended to provide advice on technology standards.⁷¹ However, policy makers should ensure that procurement guidelines facilitate competition and innovation and prevent possible technology and vendor "lock-in", which can increase costs and reduce flexibility to accommodate changes over time.⁷²

100. **Interoperability and privacy.** As discussed above, in paragraphs XX, confidentiality and data protection and privacy must be core principles of CRVSID systems. Data is particularly vulnerable during transmission, and therefore when considering interoperability and how data will be shared, policy makers must also consider the potential for breaches of security and privacy.

101. The most common way of sharing information across databases is through a UIC, as discussed above. While this facilitates data sharing, it also raises a risk to privacy if individual records are merged across a wide range of registers, leading to the potential ability to consolidate a complete record of engagements and track transactions.⁷³ However, an exchange

⁷¹ For guidance on technology standards, see World Bank and Identification for Development, *Technology Standards for Digital Identity* (Draft for Discussion), 2017.

⁷² *Principles on Identification for Sustainable Development: Toward the Digital Age*, World Bank and Center for Global Development, page 13.

⁷³ Gelb and Diofasi, *Preliminary Discussion Paper on the Future of Identification and Development*, Center for Global Development, 2015, page 29.

of information between databases does not necessarily mean that all information is stored on one database. Information can be centralized (stored on one database) or decentralized (stored across several databases). Estonia operates a decentralized identity management system, which allows the individual to control their own data and provides high security. See Box 11 for details on Estonia's identity management system.

Box 11. Estonia's Decentralized Identity Management System.

While the Estonian eID is anchored in the national population register, databases are decentralized, with each government agency and service provider storing only the data necessary for their own purposes. Databases are linked, to allow for exchange of information between state entities and with private entities. Individuals have control over their data and if one entity wishes to see data in other entity's database, the individual must consent to this. This allows residents maximum access and control over their data, including checking who has accessed data and when. Abuse by public officials is punishable by imprisonment.

102. To ensure that privacy is protected, the legislation or regulations should expressly specify what data is exchanged between registries and require that the data exchanged is proportional and minimal and its use is expressly provided for under law. Although the legislation should not specify the technology to be used, the legislation should require technology that ensures data privacy during transmission.

H. ACCOUNTABILITY AND GOVERNANCE

103. Decisions by civil registrars and identity management officials affect people's daily lives. The decision to allow a person to register a vital event with certain information, or amend a vital event record or identity document, has implications for that individual's ability to access services and exercise their human right. Due to this, it is essential that information in the civil registration and identity management systems be accurate, that these systems be accountable and transparent, and there be recourse under law to challenge official actions, including arbitrary decisions, abuses of discretion, and violations of privacy. This requires that systems be put in place for monitoring and inspection of civil registration and identity management offices and procedures for appeal be established. These concepts are discussed in this section.

i. Monitoring and Inspection

104. Given the legal and statistical functions of the civil registration system, it is essential that the information in the system be accurate. One of the principle functions of a civil registration system is to issue certificates, which serve as official evidence of the information on individual vital events contained in the register. Therefore it is essential that the civil register exactly reflect reality. To achieve this, the national civil registrar must be broadly accountable for ensuring and verifying that the events registered are consistent with real life. To this end, CRVSID legislation should require the civil registration authority to put in place appropriate protocols for validating and cross checking data, as well as monitoring and inspecting the procedures and files of local registrar offices and other sources of vital events information.

105. Similarly, given the legal function of the identity management system, local identity registration offices should be monitored and inspected to ensure efficiency and transparency, to prevent exclusion, and to ensure that all stakeholders appropriately use identification systems to fulfil their intended purposes. Protocols should be put in place to respond to potential data breaches and receive individual complaints or concerns regarding the processing of personal data.

106. CRVSID legislation should require a system of monitoring and inspection to ensure that the registration services provided are accurate and effective, and should authorize the civil registration and identity management authorities to implement such a system. The method and system of monitoring and inspection should not be in the legislation, but rather in procedures, to allow for adjustments as needed. The civil registration and identity management authorities should formulate general instructions on the method and system of monitoring and inspection to verify that the civil registration and identity management services are performing efficiently, effectively and in compliance with legislation.

107. For civil registration and vital statistics, a monitoring system should track the total number of registrations of each type of vital event on a monthly basis, and at every geographical or administrative level. Similarly, the total number of certificates issued for each type of vital event should be tracked periodically and at every geographical and administrative level. With these simple indicators, a national or local manager will be able to detect unexpected drops or spikes in the registration flow. Comparison to the expected or historical number of vital events, particularly at the local level, will shed light on the extent and completeness of registration. Where health facilities are the primary informant or notifier (See Chapter 4), these institutions should similarly be monitored to ensure completeness of registration. The national registrar should also monitor the number of registrations undertaken per registrar, as this can be used to identify areas for improvement, make adjustments to workloads or identify other administrative arrangements to improve service to the public. In addition, reports on time usage of registration software in each registration centre can be employed to monitor the actual time that local or remote offices are open to the public. For an in-depth discussion on monitoring, see the *Handbook on Civil Registration and Vital Statistics: Management, Operations and Maintenance, Revision 1*, paragraphs 201 - 205.

108. The legislation should require and authorize both ordinary inspections, performed on a routine basis, and ad hoc special inspections, made when there has been a report that an official has acted improperly. Ordinary inspections should focus on the following:

- Compliance by the registration personnel with the rules for entries in the register and transmittal to the central registrar;
- Verification that the data required for registration and statistical purposes are being recorded, and that the corresponding statistical reports are being transmitted to the competent agency within the established time periods;
- Storing and archiving of the registration documents, whether physically or electronically, in the registration office;
- Compliance with procedures for disclosing registration data through the proper issuance of certificates, and with procedures for transmission of data, while safeguarding individual privacy; and,
- Verification that the registrar concerned is properly performing the assigned duties.

109. Inspectors who have knowledge of any violation of the civil registration law must be obligated to check on the irregularities, try to remedy them, and report violations to the national registrar. Where inspection discloses conduct classified as a criminal offence, the national registrar must be notified and report the fact to the competent legal authority for a review of any criminal offenses that may have been committed. An error committed by a registrar or civil registration personnel, depending on its gravity, may be subject to the imposition of a fine as well as disciplinary sanctions.

110. Similarly, procedures should be developed for monitoring and inspecting identity registration offices.

ii. Recourse and remedy

111. Because many powers are conferred upon local registrars that affect how individuals are able to function in society, there must be procedures in place to address complaints and disputes of users of the systems. Therefore, an appeal system should be established. The CRVSID legislation should permit an individual to appeal any decision made by a registrar to a higher-level registrar or the national registrar within a prescribed time period. The supporting regulations should contain detailed instructions for processing the appeal so that the national registrar will have the competent authority to rule on the filed appeal. In all cases, if satisfactory relief has not been granted, an individual should be permitted to appeal to the courts after appealing through the administrative agency. CRVSID legislation should provide remedies where actions of CRVSID agencies or registrars are determined to be faulty, negligent or an abuse of discretion or authority. Registrars should be subject to disciplinary, civil and criminal sanctions, as appropriate, for improper performance of the registration duties set forth in the law.

112. There should also be a mechanism for reporting corruption, abuses, or flaws in the system by individual users of the system, officials within the system, or by journalists investigating the system, without the threat of retaliation. See Chapter Four, Section Seven for a more detailed discussion on recourse and remedies.

III. Human Rights and Civil Registration, Vital Statistics and Identity Management Systems

A. RIGHTS-BASED APPROACH TO CRVSID LEGAL FRAMEWORKS

113. States must consider human rights obligations in the design and implementation of legal frameworks for civil registration, vital statistics and identity management systems. The absence of a legal identity and proof of identity can serve as a barrier to the enjoyment of fundamental rights guaranteed by the Universal Declaration of Human Rights⁷⁴ and other conventions. In practice, the rights to vote, own property, work, attend school, receive social services, travel, and others require that the individual establish and prove their legal identity. Where identity must be established through a burdensome and discriminatory civil registration or identity management system, certain populations cannot fully exercise their rights. Conversely, systems that are continuous and universal can help protect the rights of people who would otherwise be left behind. Furthermore, the vital statistics generated from this system can be used to inform evidence-based policy decisions based on inclusive population data. A rights-based approach, described in this chapter, will support the effective management and operation while ensuring the rights of the population are protected throughout the CRVSID system.

114. The human rights discussed in this chapter are supported by the following international instruments:

- a. Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948;
- b. Declaration on the Rights of the Child, proclaimed by the United Nations General Assembly in 1959;
- c. Convention on the Reduction of Statelessness, proclaimed by the United Nations General Assembly in 1961;
- d. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted by the United Nations General Assembly in 1962;
- e. Vienna Convention on Consular Relations, proclaimed by the United Nations General Assembly in 1965;
- f. International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the United Nations General Assembly in 1965;
- g. International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly in 1966;
- h. International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly in 1966;
- i. Convention on the Elimination of All Forms of Discrimination Against Women, proclaimed by the United Nations General Assembly in 1967
- j. Protocol Additional to the Geneva Conventions of 1949 relating to the Protection of Victims of International Armed Conflicts, adopted by the United Nations General Assembly in 1977
- k. Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, adopted by the United Nations General Assembly in 1986;

⁷⁴ A/RES/3/217.

- l. Indigenous and Tribal Peoples Convention, adopted by the International Labour Organization in 1989;
- m. Convention on the Rights of the Child, adopted by the United Nations General Assembly in 1989;
- n. International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, adopted by the United Nations General Assembly in 1990;
- o. Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly in 2006.

115. This chapter catalogues many of the human rights that can be affected directly or indirectly by a CRVSID system, but it is not meant to be an exhaustive list of all relevant human rights. Other rights that are enshrined in international, regional, and national laws may not be included here. At the same time, each state may not be a party to all the international human rights treaties cited throughout this chapter. The obligations and principles of a rights-based CRVSID system rest on overlapping and complementary norms that are complicated to disentangle. When evaluating and developing a CRVSID system, legal experts should carefully evaluate which international recommendations and obligations the State must abide by in the legal framework.

116. The fundamental connection between human rights and the civil registration of vital events was sealed when the International Covenant on Civil and Political Rights (effective since 1966) and the Convention on the Right of the Child (effective since 1990) proclaimed that “Every child shall be registered immediately after birth and shall have a name”; and when the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (effective since 1964) proclaimed that “All marriages shall be registered in an appropriate official register by the competent authority.”⁷⁵

117. To protect the human rights afforded to individuals through civil registration, States must ensure that the CRVSID systems are free of discrimination in the CRVSID legislation and implementation of the legislation. Discrimination is any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. Forms of discrimination include, but are not limited to, discrimination based on race, ethnicity, sex, gender expression, born out of wedlock, religious or political affiliation, language, nationality, citizenship, refugee or other status, physical or mental disability, etc.

118. Meaningful protection of human rights depends on incorporation in national legislation *and* effective implementation of the legislation. Civil registration illustrates this point. Namely, many countries have enacted civil registration laws that require continuous and universal registration of all vital events in the country; yet, in practice registration of vital events falls short of universal civil registration. States that are parties to the international instruments listed in paragraph 2 above are required to ensure their civil registration, vital statistics and identity management legislation upholds the human rights principles outlined in these

⁷⁵ UN Children's Fund (UNICEF), *A Passport to Protection: A Guide to Birth Registration Programming*, December 2013.

conventions. Where any policy has the effect of creating or perpetuating discrimination, it must be amended, rescinded or nullified by the State.⁷⁶

119. There are two classes of human rights related to civil registration, vital statistics and identity management:

- a. Those rights that require States to ensure that all vital events are registered, that is, that civil registration is universal and continuous in its functioning; and
- b. Those rights that may depend on the vital events having been registered (for example, the right to vote requires birth certificate to ascertain the age of the person)

B. RIGHT TO REGISTER VITAL EVENTS

120. **Right to register a birth.** All people everywhere are born with inherent rights; these include the right to be registered immediately after birth, to have a name and, to the extent possible, to know and be cared for by one's parents.⁷⁷ The right to acquire a nationality also extends to all persons from birth.⁷⁸ Everyone is explicitly entitled to these rights without distinction of any kind, including race, ethnicity, sex, language, religion, citizenship, geography or other status based on the principles of non-discrimination.⁷⁹ All states have an affirmative duty to ensure universal birth registration without exception. At a minimum, the legal framework must guarantee everyone equal access to birth registration.⁸⁰ In keeping with the *Principles and Recommendations for a Vital Statistics System*, civil registration should be inclusive and compulsory, and should capture all vital events occurring in every geographical area and in every population group in the country. Moreover, national legislation must regulate the procedures for delayed birth registration based on the protection of Article 2 of the Universal Declaration of Human Rights that guarantees equal opportunities before the law. States should undertake appropriate measures to eliminate direct and indirect barriers to registration.⁸¹

121. As birth registration establishes legal identity and proof of legal age, a number of rights stem from the birth having been registered. These include the right to enrol in primary school,

⁷⁶ A/RES/2106 (XX), article 2(1)(c)

⁷⁷ A/RES/2200A (XXI); A/RES/2200A(XXI), article 24(2); A/RES/44/25, article 7(1); A/RES/61/106, article 18(2); A/RES/45/158, article 29.

⁷⁸ A/RES/3/217, article 15(1); A/RES/2200A(XXI), article 24(3).

⁷⁹ A/RES/3/217, article 2.

⁸⁰ Birth registration provides the government's official record of each child's existence and identity, including the child's given and family names, and parents' information. Whether the country establishes nationality by place of birth or by nationality of parents, this foundation information is often determined through the birth registration process.

⁸¹ Eliminating fees for registration helps ensure the service is available regardless of socioeconomic status. Governments should also consider reducing indirect costs that may serve as a barrier to registration, such as long travel distances to registration offices, unnecessarily long wait times and complicated procedures, or repeated appointments that take family members away from their homes and work. In addition to removing such barriers, government should consider additional policies that relieve the burden of registration, such as mobile registration units that support registration in remote regions, hiring multilingual staff and translating key materials to serve native and foreign-language speaking populations, and providing additional services to persons with disabilities such as wheelchair ramps and braille documents.

the right to work, the right to serve or be exempted from serving in the armed forces, the right to vote, the right to marry, etc. Moreover, as birth registration establishes familial ties, other rights may depend on birth registration, including the right to inheritance and proof of nationality where established through parentage.

122. **Right to register a death.** Neither the Universal Declaration of Human Rights nor the other international instruments explicitly reference the right to death registration. However, this right is implicit in article 12(2)(a) of the International Covenant on Economic, Social and Cultural Rights, which stipulates that States parties must adopt measures to reduce stillbirths and infant mortality, the monitoring of which is linked to death registration. Moreover, as described in paragraph 7 above, civil registration should be inclusive and compulsory, capturing all vital events occurring in every geographical area and population group in the country. States' legislation should establish that registration of death is compulsory for all deaths occurring in the territory, regardless of race, religion, ethnicity, residency, citizenship, geography or other characteristics based on the principles of non-discrimination. Death registration is a means of recording whether a state has fulfilled its obligation to protect an individual's right to life and health.⁸² The human rights of surviving spouses and children may depend on death registration, such as the right to inherit property or the right to remarry. Ideally, all deaths should have the cause of death medically certified by a physician or other qualified health professional using the World Health Organization's International Form of Medical Certificate of Cause of Death. At the population-level, the vital statistics generated from death registration and medical certification of causes of death inform public policies that affect the health and well-being of every person in the territory.

123. **Right to register a foetal death.** The duty to record foetal deaths is recognized by the International Covenant on Economic, Social and Cultural Rights which explicitly requires states to reduce the stillbirth rate.⁸³ This reduction requires assessment of the initial and the monitoring of subsequent levels of foetal deaths to ensure the interventions are producing the desired result. Only a complete register of foetal deaths, along with a register of live births, can provide the data needed to accurately compute the rate in question.

124. **Right to register a marriage.** Under international law, states must take effective actions, including enacting legislation, to ensure all marriages are registered in an appropriate register by a competent authority.⁸⁴ This registration helps ensure that both parties are recognized as spouses under the law and able to enjoy all the rights and responsibilities that stem from the marriage. The rights to marry and found a family extend to all men and women of marriageable age, without any limitation due to race, nationality, or religion or other characteristics based on the principles of non-discrimination.⁸⁵ States must take all appropriate measures to eliminate discrimination against women in all matters relating to marriage, including ensuring the same right to marry.⁸⁶ The rights that may depend on the marriage having been registered include the legitimacy of children, rights to inheritance, application for family benefits, marriage allowances, collection of pension and insurance, and the right for a spouse to acquire a nationality, among others.

125. **Right to register a divorce.** Whether through divorce, annulment, judicial separation, or other mechanism for dissolution of a marriage under national law, both men and women must be treated equally before the law. The United Nations General Assembly Resolution 843 (IX) of 1954 urged governments to establish a register of divorces. In its resolution 1068 F of 1965, the Economic and Social Council recommended that, "A divorce or judicial separation

⁸² A/RES/3/217; A/RES/21/2200, article 12.

⁸³ A/RES/21/2200, article 12(2)(a)

⁸⁴ A/RES/1763(XVII), article 3; United Nations, *Treaty Series*, vol. 1249, p. 13, article 6(3)

⁸⁵ A/RES/3/217., article 16(1)-(2); A/RES/2200A(XXI), article. 23(2); A/RES/21/2200. article 10(1); A/RES/40/144, article 5(1)

⁸⁶ United Nations, *Treaty Series*, vol. 1249, p. 13, art 16(1)(a)

shall be granted only by a competent judicial authority and shall be legally recorded.” Furthermore, Article 16 of The Convention on the Elimination of All Forms of Discrimination Against Women provides for the elimination of discrimination against women at the inception of marriage, during marriage and at its dissolution by divorce or death. Generally, divorce proceedings take place in a court of justice and divorces are granted by a court ruling. The rights stemming from divorce registration include the right to remarry, rights to division of assets and to establish custody of minor children subject to parental authority.

126. **Right to register other vital events.** The rights to register the priority vital events listed in the preceding paragraphs are guaranteed either explicitly or implicitly under international law. Registering other key vital events may be classified as an amendment or modification of a previously registered vital event’s record. For example, judicial separation and annulment provide updated information on the status of a marriage registration record. Similarly, adoption, legitimation, and recognition modify birth records. Both individuals and states have an interest and the right to ensure that vital records are accurate and, to the extent allowed by law, modifiable based on changes in civil or other status.

C. HUMAN RIGHTS THAT MAY DEPEND ON THE REGISTRATION OF VITAL EVENTS

127. **Right to one’s own identity.** The right to identity is guaranteed under article 24.2 of the International Covenant on Civil and Political Rights, “Every child shall be registered immediately after birth...” and Articles 7 and 8 of the Convention on the Rights of the Child which further guarantee the right to a name from birth, the right to a nationality, and the right to preservation of identity. Proof of identity, as established by birth registration and the subsequent issuance of a birth certificate, is often required to access government and commercial services, including alternative forms of identification like passports or national ID cards. Thus, civil registration serves as entryway to a host of other rights. Proof of marriage and proof of death through civil registration are often required to access property, inheritance and other rights. States may require official identity documents, such as birth certificates or identification cards, to access these services. On one hand, such requirements increase demand for registration by creating an incentive for civil registration and identity management systems. On the other hand, when civil registration and identity management systems are not universal and inclusive, such requirements can create a barrier for unregistered persons to access other crucial services. Until universal registration can be guaranteed, countries should consider allowing alternative forms of proof of identity for accessing key services in the absence of official identity documents.

128. **Right of a child to know its parents.** Article 7 of the Convention on the Rights of the Child establishes the right of children to know and be cared for by their parents, to the extent possible. This right will depend on States’ legislation regarding determination of filiation, and the means of recording filiation in the civil register. Children have a right to not be separated from their parents against their will, unless in accordance with applicable law and procedure in the best interest of the child.⁸⁷ Even when a child is separated from one or both parents, the child retains the right to maintain personal relations and direct contact with both parents on a regular basis, unless contrary to the child’s best interest.⁸⁸ In certain cases, when a child is separated from one parent, the state has an obligation to provide essential information on the whereabouts of the absent parent.⁸⁹ States must support family reunification in a positive, humane and expeditious manner.⁹⁰ The duty to support re-unification extends to refugee

⁸⁷ A/RES/44/25, art 9(1)

⁸⁸ Ibid, art 9(3)

⁸⁹ Ibid, art 9(4)

⁹⁰ Ibid, art 10(1)

children who may have parents in another country.⁹¹ Civil registration documents that establish a child's legal identity, age and parentage will help facilitate the enjoyment of these rights.

129. **Right to non-discrimination by reason of birth.** This right is expressly recognized in article 2 of the Convention on the Rights of the Child and article 2 of the Universal Declaration of Human Rights, which states "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, either of the child or of his or her family." This right is further protected under articles 2.1 and 24.1 of the International Covenant on Civil and Political Rights as well as article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms. It is important that the registration model protects the right to non-discrimination by reason of birth. For example, compulsory data fields on the forms required for birth registration and information contained in the birth certificate, such as born in or out of wedlock, nationality, or ethnicity, could be grounds for discrimination. The civil registration law should allow these fields to be left blank if requested to avoid discrimination.

130. **Right of a child to a name.** The right to a name was first proclaimed internationally in principle 3 of the Declaration of the Rights of the Child and subsequently recognized as a right in article 24.2 of the International Covenant on Civil and Political Rights. Articles 7 and 8 of the Convention on the Rights of the Child recognize the right of every child to a name and the obligation of the State to ensure implementation of that right through birth registration. Children have a right to preserve their identity, including nationality, name and family relations without unlawful interference. When a child is illegally deprived of aspects of identity, the State must provide rapid and appropriate assistance and protection to re-establish the child's identity.⁹²

131. **Right of a child to a nationality.** Every person has the right to a nationality, and every child has the right to acquire a nationality at birth; the protection and exercise of this fundamental right is through registration at the time of birth. Neither the celebration or dissolution of a marriage between a national of a State and a foreigner nor a change in the nationality of a spouse during the marriage shall automatically affect the nationality of the other spouse. A country's constitution or founding charter typically governs who are nationals and how nationality can be acquired or lost. Regardless of the means of acquisition of nationality in the State, birth registration must be provided to all births occurring within the territory free of discrimination. The right to nationality is recognized in four international instruments:

- c. The Universal Declaration of Human Rights, article 15;
- d. The Declaration of the Rights of the Child of 1959, principle 3;
- e. The United Nations Convention on the Rights of the Child of 1990, article 1; and
- f. The Convention on the Reduction of Statelessness, article 1, which establishes the commitment of all States Parties to grant their nationality to any person born in their territory who would otherwise be stateless.

132. **Right to health.** Everyone has the right to a standard of living adequate for the health and well-being of oneself and one's family, including medical care and essential social services, as stipulated by the Universal Declaration of Human Rights.⁹³ The right to the enjoyment of the highest attainable standard of physical and mental health extends to all people⁹⁴, regardless of

⁹¹ Ibid, art 22(2)

⁹² Ibid, art 8.

⁹³ A/RES/3/217, article 16; A/RES/2200A (XXI), article 23(1); and A/RES/21/2200, article 10(1).

⁹⁴ A/RES/21/2200, article 12(1)

sex⁹⁵ or race,⁹⁶ and includes children,⁹⁷ persons with disabilities,⁹⁸ tribal and indigenous person,⁹⁹ and migrant workers¹⁰⁰. Special care, including prenatal and postnatal care, must be provided to children and their mothers to ensure children's fulfilment of the right to grow and develop in good health. To the extent that medical facilities, health care services, or insurance providers require proof of identity as a precondition for medical care, the civil registration and identity management systems must ensure that all people are registered and have the means of proving their identities. To protect the right to health, it is essential that deaths are registered and causes of death are captured to generate important vital statistics for informed health policies to prevent, treat and control morbidity and mortality in the population.

133. **Right of the family to protection.** The Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights recognize that the family is entitled to protection by society and the State as the natural and fundamental group unit of society.¹⁰¹ Families should be accorded the widest possible protection and assistance particularly for its establishment and while it is responsible for the care and education of dependent children.¹⁰² The civil registration system facilitates how States legally recognize certain familial relationships such as parentage and marriage. States must ensure that flaws in the civil registration system do not interfere with this fundamental structure of society.

134. **Rights of children.** Children below the age of eighteen years¹⁰³ are guaranteed special protections by their family, society, and the State.¹⁰⁴ These protections are guaranteed to all children, whether born in or out of wedlock, and regardless of parentage or other conditions.¹⁰⁵ Children must be registered immediately after birth.¹⁰⁶ Birth registration by itself does not guarantee these other rights of children. Inclusive and effective systems of child protection, health, education, social welfare, and social and economic development are required. These protections also depend on an accurate and universal mechanism for establishing age.¹⁰⁷ Without a reliable birth certificate or other identity document to establish the identity and age of each child, a child and his or her family will continue to be vulnerable to specific forms of abuse, neglect, and deprivation of social, economic and civil rights.¹⁰⁸

135. **Right of juveniles in criminal proceedings.** The age of a child has tremendous consequences for how the criminal justice system must treat that child. States are obligated to establish a minimum age below which children are presumed to lack capacity to infringe penal laws.¹⁰⁹ Children who are accused of infringing penal law have certain rights.¹¹⁰ Incarcerated children have the right to prompt access to legal and other appropriate assistance, a right to

⁹⁵ United Nations, *Treaty Series*, vol. 1249, p. 13, article 12

⁹⁶ A/RES/2106(XX), article 5(e)

⁹⁷ A/RES/44/25, article 24,

⁹⁸ A/RES/61/106, article 25

⁹⁹ A/61/L.67, annex, article 25

¹⁰⁰ A/RES/45/158, article 28

¹⁰¹ A/RES/3/217, art 16(3); A/RES/2200A(XXI), article 23(1).

¹⁰² A/RES/21/2200, article 10(1).

¹⁰³ A/RES/44/25, art. 1

¹⁰⁴ A/RES/21/2200, article 10(3), A/RES/2200A(XXI), article 24(1).

¹⁰⁵ A/RES/21/2200, article 10(3), A/RES/3/217, article 25(2).

¹⁰⁶ A/RES/44/25, art 7.

¹⁰⁷ Many privileges of adulthood also require valid proof of age – such as driving permits, and purchase of certain products like alcohol or tobacco.

¹⁰⁸ UN Children's Fund (UNICEF), *A Passport to Protection: A Guide to Birth Registration Programming*, December 2013, p.18.

¹⁰⁹ A/RES/44/25, art 40(3)(a)

¹¹⁰ A/RES/44/25, art 40.

appeal their imprisonment, and the right to a prompt judgment.¹¹¹ Punishments should take into consideration the child's age, inherent dignity, and the desirability of promoting rehabilitation.¹¹² Whenever appropriate and desirable, alternative mechanisms should be used to deal with such children, such as care, guidance, supervision orders, counselling, probation, foster care, and others.¹¹³ Imprisonment must only be used as a measure of last resort and for the shortest appropriate period of time.¹¹⁴ Any child that is incarcerated or otherwise deprived of liberty -- including arrest, detention, and imprisonment -- must be separated from adult prisoners unless it is considered in the child's best interest not to do so.¹¹⁵ Neither capital punishment nor life imprisonment without possibility of release may be imposed on any person below eighteen years of age.¹¹⁶ Children might be owed additional privacy measures in the criminal justice system.¹¹⁷

136. **Right to education.** Everyone has the right to education.¹¹⁸ Primary education must be compulsory and available free to all regardless of sex, race, language or other characteristics. Similarly, both secondary education must be made generally available and accessible to all, and higher education must be made equally accessible, based on capacity, to all without discrimination.¹¹⁹ States must repeal any statutory provision or administrative practices which involve discrimination and must ensure, by legislation where necessary, that there is no discrimination in the admission to education.¹²⁰ This right to elementary education must be protected for all children, including girls,¹²¹ refugees,¹²² children of migrants,¹²³ indigenous and tribal persons,¹²⁴ and persons with disabilities.¹²⁵ States should require birth certificates to enrol in school, as this incentivizes birth registration. Nevertheless, if birth certificates or other identification are required to attend school, then the civil registration system must ensure that no person is denied education due to failure to register their birth. To protect against this, States should establish programs that coordinate school enrolment with late birth registration.

137. **Right to maintenance and protection.** States must take all appropriate measures to protect children from any form of exploitation that is prejudicial to the child's welfare¹²⁶, including all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.¹²⁷ Every child has the right to special protection to ensure his or her development, and the right, without discrimination, to protective measures by his or her family, society and the State. Both parents have equal

¹¹¹ A/RES/44/25, art 37(d).

¹¹² A/RES/2200A(XXI), article 14(4); A/RES/44/25., art 37(b)

¹¹³ A/RES/44/25, art 40(3)(b)

¹¹⁴ A/RES/44/25, art 37(b)

¹¹⁵ A/RES/44/25, art 37; A/RES/2200A(XXI), article 10(2)(b), 10(3).

¹¹⁶ A/RES/44/25, art 37; A/RES/2200A(XXI), article 6(5).

¹¹⁷ Additional privacy measures Any judgment rendered in a criminal case or a suit at law shall be made public except where the interest of juvenile persons otherwise requires, or the proceedings concern matrimonial disputes or the guardianship of children." A/RES/3/217, article 14(1)

¹¹⁸ A/RES/3/217., article. 26(1); A/RES/21/2200, article 13(1); A/RES/2106(XX), article 5(e)(v); United Nations, *Treaty Series*, vol. 1249, p. 13, article 10,

¹¹⁹ A/RES/21/2200, article 13(2); A/RES/44/25, art 28

¹²⁰ United Nations Educational, Scientific and Cultural Organization (UNESCO), *Convention against Discrimination in Schools*, 14 December 1960, article 3, accessed from:

http://www.unesco.org/education/pdf/DISCR_I.PDF

¹²¹ United Nations, *Treaty Series*, vol. 1249, p. 13, art 10

¹²² United Nations, *Treaty Series*, vol. 189, p. 137, article 21

¹²³ A/RES/45/158, article 30.

¹²⁴ International Labour Organization (ILO), *C169-Indigenous and Tribal Peoples Convention*, 1989 (No.169), available from,

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169_26

¹²⁵ A/RES/61/106, art 24

¹²⁶ A/RES/21/2200, article 10(3)

¹²⁷ A/RES/44/25, art 19(1)

responsibilities to provide protection and maintenance to their minor children. Every child has the right to rest and leisure. All have the right to be protected from economic exploitation and from performing any work that is likely to be hazardous, harmful to health or development, or that interferes with the child's education.¹²⁸ States must establish a minimum age for employment, and provide appropriate regulations on working hours and conditions for minor children.¹²⁹ States must take additional steps to prohibit the worst forms of child labour, including slavery and practices similar to slavery, the use of a child for prostitution or pornography, the use of a child for illicit activities, and other work which is likely to harm the child.¹³⁰

138. **Right to marry and dissolve marriage.** The rights to marry and found a family extend to all men and women of marriageable age, without any limitation due to race, nationality, or religion or other characteristics.¹³¹ Moreover, spouses must have equal rights and responsibilities during marriage and at its dissolution.¹³² These rights include the right to choose a family name, a profession, and an occupation;¹³³ the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration;¹³⁴ the same rights and responsibilities as parents¹³⁵ (discussed below); and other individual rights as recognized by the international instruments. Spouses must also have the same rights and responsibilities at the dissolution of a marriage.¹³⁶ Whether through divorce, annulment, judicial separation, or other mechanism for dissolution of a marriage under national law, both men and women must be treated equally before the law. Civil registration procedures should not discriminate in the dissolution of marriages. During such dissolution, provision must be made for the necessary protection of any children.¹³⁷ Civil registration and the family records may help facilitate the protection children and spouses in the case of such dissolution.

139. **Right of minors to protection from marriage.** Children below a statutory age can never freely consent to marriage. States are required to enact legislation specifying a minimum age for marriage.¹³⁸ Marriages must be *prohibited* by any person under this age.¹³⁹ The betrothal and the marriage of underage children cannot have any legal effect.¹⁴⁰ The civil registration system can reduce underage marriages by providing continuous and universal birth registration which provides children with proof of legal age, and by requiring that both spouses provide proof of identity, age, and consent as necessary conditions for marriage registration.

¹²⁸ Ibid, art 32(1)

¹²⁹ Ibid, art 32(2); A/RES/21/2200, article 10(3); International Labour Organization (ILO), *C138 - Minimum Age Convention*, 1973 (No. 138), accessed from:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138

¹³⁰ International Labour Organization, *C182- Worst Forms of Child Labour Convention*, 1999 (No.182), art 3.

¹³¹ A/RES/3/217., article 16(1)-(2), A/RES/2200A(XXI)., article. 23(2), A/RES/21/2200.. article 10(1), A/RES/40/144, article 5(1)

¹³² United Nations, *Treaty Series*, vol. 1249, p. 13, article 16(1)(c)

¹³³ Ibid, article 16(1)(g)

¹³⁴ Ibid, article 16(1)(h)

¹³⁵ Ibid, article 16(1)(d)

¹³⁶ Ibid, article 16(1)(c)

¹³⁷ A/RES/2200A(XXI), article 23(4)

¹³⁸ A/RES/1763(XVII), article. 2.

¹³⁹ United Nations, *Treaty Series*, vol. 1249, p. 13 article 16(2) A/RES/1763(XVII)., article 2. except where a competent authority had granted a dispensation as to age, for serious reasons, in the interested of the intending spouses.

¹⁴⁰ United Nations, *Treaty Series*, vol. 1249, p. 13 article 16(2)

140. **Right of protection from forced marriage.** Marriage is *only* permitted when entered into with the free and full consent of both intending spouses.¹⁴¹ The law must require that both spouses, after due publicity, express consent in person and in the presence of witness and the authority competent to solemnize the marriage.¹⁴² Compulsory registration of marriages provides a crucial opportunity to prevent forced and underage marriages, by verifying the free and full consent of both parties to any marriage. The consent of only one party is not sufficient. The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Political Rights, and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages are explicit and categorical on this point.

141. **Right to adequate standard of living.** Everyone has the right to an adequate standard of living, including the rights to adequate food, clothing and housing.¹⁴³ Special protections, including ensuring precise and accurate statistics, must be established in the period before and after childbirth.¹⁴⁴ States must ensure pregnant women receive appropriate health care services and adequate nutrition, during pregnancy, confinement and post-natal.¹⁴⁵ States have a specific duty to reduce stillbirth and infant mortality rates, and to ensure appropriate pre-natal and post-natal health care for mothers.¹⁴⁶ States must also take population-wide measures to protect the health of children, such as combating disease and malnutrition through the provision of adequate nutritious foods and clean drinking-water, while recognizing the dangers of environmental pollution.¹⁴⁷ Additionally, states must ensure that all segments of society have access to basic education and guidance on child health, nutrition, and related issues.

142. **Right to work (employment).** Everyone has the right to work and to a job that is chosen freely on equitable terms and rates of pay.¹⁴⁸ The right to work is an inalienable right of all human beings, and everyone has the right, without discrimination, to equal pay for equal work.¹⁴⁹ Additionally, everyone also has the right to rest, to the enjoyment of free time, reasonable limitation of working hours, and to periodic holidays with pay. To the extent that employers require proof of identity to work, to file and pay taxes, or receive related benefits, the civil registration system must ensure that all people are registered. Where there are restrictions on eligibility to work based on age, residency or nationality,¹⁵⁰ employers are likely to rely on information contained on birth certificates and other identity documents to determine such eligibility. States have a duty to ensure that certificates and identity documents are available, and all information is accurate.

143. **Rights to property and inheritance.** Everyone has the right to own property alone as well as in association with others.¹⁵¹ States must also grant all people equality before the law to enjoy the civil right to inherit.¹⁵² Spouses must have the same rights in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property.¹⁵³ A functioning and universal CRVSID system supports the protection of property rights. Proof of

¹⁴¹ A/RES/3/217, article 16(1)-(2), A/RES/2200A(XXI), article. 23(2); United Nations, *Treaty Series*, vol. 1249, p. 13, art 16(1)(a)

¹⁴² A/RES/1763(XVII), art 1. Even if one party is absent, the competent authority may register the marriage if satisfied that the circumstances are exceptions and that an absent party has, before a competent authority in a legally-valid manner, expressed and not withdrawn consent to marry, A/RES/1763(XVII), article 1(2)

¹⁴³ A/RES/21/2200, (article 11(1): A/RES/3/217., article 25(1).

¹⁴⁴ A/RES/21/2200, article 10(2)

¹⁴⁵ United Nations, *Treaty Series*, vol. 1249, p. 13, article 12(2)

¹⁴⁶ A/RES/21/2200, article 12; A/RES/44/25., article 24(2)

¹⁴⁷ A/RES/21/2200, article 12; A/RES/44/25., article 24(2)

¹⁴⁸ A/RES/3/217, article 23(1); A/RES/21/2200, article. 6(1)

¹⁴⁹ United Nations, *Treaty Series*, vol. 1249, p. 13, article 11(a)

¹⁵⁰ A/RES/44/25, art 32; United Nations, *Treaty Series*, vol. 189, p. 137, art 17

¹⁵¹ A/RES/3/217, article 17; A/RES/2200A(XXI), article 25(b);

¹⁵² A/RES/2106(XX), article 5(d)(vi)

¹⁵³ United Nations, *Treaty Series*, vol. 1249, p. 13, article 16(1)(h)

identity may be required for purchasing, possessing, or selling certain property including real estate, automobiles, or intellectual property like patents. Death registration can trigger the inheritance processes for property disbursement, and official state records of family relations contained in birth, marriage and other vital event records can serve as evidence for to proper distribution of that property. Alternative means of proving identity and family relationship may be expensive and time-consuming, especially after the breadwinner of a family has died. To the extent that certain persons are denied access to civil registration documents, their rights to property and inheritance are infringed.

144. **Right to migrate.** Everyone has the right to leave any country, including one's own, and to return to one's country.¹⁵⁴ If a birth certificate or other identifying document is required to acquire a passport or other travel documents, then the civil registration system must ensure that no person is denied their right of migration from a failure to register. Travel and identity documents, like passports and birth certificates, must be available and aligned with international standards to allow migration, without undue burden.

145. **Right to social security.** In the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond the person's control, everyone has the right to social security, including social insurance.¹⁵⁵ Mothers should receive special protections during a reasonable period before and after childbirth.¹⁵⁶ This includes appropriate pre-natal and post-natal health care for mothers.¹⁵⁷ During these periods, working mothers should be given paid leave or leave with adequate social security benefits.¹⁵⁸ To the extent that a birth certificate serves as proof of parentage and establishes the time of birth for benefit purposes, every mother must have the ability to register the birth of her child in an efficient and timely manner. These protections must be granted without discrimination to men and women,¹⁵⁹ children,¹⁶⁰ indigenous and tribal persons,¹⁶¹ persons with disabilities.¹⁶² Refugees have the right to same treatment to public relief and assistance accorded to nationals.¹⁶³ States often require that persons establish their identity prior to receiving social services to ensure fair distribution of public relief and reduce embezzlement and fraud, thus access to these identity documents becomes a precondition for government support. However, lack of proof of identity must not exclude individuals or vulnerable populations from accessing these key services.

146. **Right of spouses to custody of children.** In matters relating to their children, men and women have the equal rights and responsibilities as parents, irrespective of marital status.¹⁶⁴ Parents also have the same rights to decide on the number and spacing of their children.¹⁶⁵ When concepts like guardianship, wardship, trusteeship and adoption of children exist in national legislation, men and women must have equal rights and responsibilities.¹⁶⁶ Whether

¹⁵⁴ A/RES/3/217, article 13(2). A/RES/2200A(XXI), article 12(2); Right of the child, article 10(2)

¹⁵⁵ A/RES/3/217, article. 25(1); A/RES/21/2200, article 9.

¹⁵⁶ A/RES/21/2200, article 10(2).

¹⁵⁷ A/RES/44/25art 24(2)(d)

¹⁵⁸ A/RES/21/2200, article 10(2).

¹⁵⁹ United Nations, *Treaty Series*, vol. 1249, p. 13, art 11(e)

¹⁶⁰ A/RES/44/25, art 26, 27

¹⁶¹ International Labour Organization (ILO), *C169-Indigenous and Tribal Peoples Convention*, 1989 (No.169), available from:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169_art_24.

¹⁶² A/RES/61/106, art 28.

¹⁶³ United Nations, *Treaty Series*, vol. 189, p. 137., article 23; In regard to housing, refugees should have as favourable treatment as possible, and not less favourable than that accorded to aliens generally in the same circumstances. article 21. If rationing exists, which applies to population at large, refugees must be accorded the same treatment as nationals.

¹⁶⁴ United Nations, *Treaty Series*, vol. 1249, p. 13, article 16(1)(d)

¹⁶⁵ *Ibid*, article 16(1)(e)

¹⁶⁶ *Ibid*, article 16(f)

the parents are married, unmarried, divorced or otherwise, the best interests of the child are paramount.¹⁶⁷ Birth registration, with the recognition of the biological or adoptive parents in the birth record, is crucial to enjoyment of this right.

147. **Right to elect (vote) and be elected.** Everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives.¹⁶⁸ Every *citizen* has the right and opportunity to vote and to run for elected office, regardless of sex, race, religion, ethnicity, geographical area or other characteristics based on the principles of non-discrimination.¹⁶⁹ The promise of universal and equal suffrage¹⁷⁰ cannot be guaranteed without a complete and accurate accounting of the identity of persons and their eligibility to vote and serve in office, which are often determined by age and nationality information on civil registration documents. A functional civil registration system can help ensure everyone has the right to participate in government, while reducing election fraud and the need for expensive and imperfect voter registration drives.

D. PROTECTION OF VULNERABLE POPULATIONS

148. In order to comply with the international instruments recognizing and guaranteeing fundamental human rights, CRVSID legislation must explicitly include protection of vulnerable populations, to ensure equal access to CRVSID services and the services afforded through establishing and proving legal identity.

149. **Racial Discrimination.** The Convention on the Elimination of All Forms of Racial Discrimination (CERD) governs discrimination based on race, colour, descent, or national or ethnic origin.¹⁷¹ Distinctions based on nationality, citizenship or naturalization are outside the scope of CERD, so long as such provisions do not discriminate against any specific nationality.¹⁷² States must amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.¹⁷³ These rights extend to political and civil rights (e.g. voting and public service, migration, nationality, marriage and choice of spouse, property ownership, inheritance) and economic, social and cultural rights (e.g. employment, housing, public health, education, and cultural activities).¹⁷⁴ As discussed previously, the CRVSID system must include everyone regardless of race or other distinction, and special care should be taken to ensure information collected through the CRVSID system in no way perpetuates any form of racial discrimination. CRVSID systems often collect and record information on such classifications, like race or ethnicity. This information might be useful from a statistics' perspective but is vulnerable to misuse especially when racial or ethnic information is printed on certificates and identification cards.

150. **Gender discrimination.** The Convention to Eliminate All Form of Discrimination Against Women (CEDAW) requires States to take all appropriate measures to abolish existing laws, regulations, customs and practices which constitute discrimination against women.¹⁷⁵ Women and men should have equal rights, regardless of whether they are married or not. This equality must extend to all aspects of life including family benefits, employment, social security,

¹⁶⁷ Ibid, article 16, A/RES/3/217, article 25(2).

¹⁶⁸ A/RES/3/217, article 21(1)

¹⁶⁹ A/RES/2200A(XXI), article 25.

¹⁷⁰ A/RES/3/217, article 21 (3)

¹⁷¹ A/RES/2106(XX) article 1(1)

¹⁷² Ibid, article 1(2), (3)

¹⁷³ Ibid, article 2(1)(c)

¹⁷⁴ Ibid, article 5

¹⁷⁵ United Nations, Treaty Series, vol. 1249, p. 13, article 2(f)

healthcare, social life, bank loans, treatment before the law, contracting, and movement.¹⁷⁶ Women must have equal rights to acquire, change or retain nationality; neither marriage to an alien nor change of nationality by the husband during marriage should automatically change the nationality of the wife.¹⁷⁷ Men and women should also have equal rights as to the nationality of their children.¹⁷⁸ Laws regarding the *registration* of vital events depend on the laws relating to the vital events themselves. CRVSID laws are likely to be tainted by existing discriminatory laws and practices towards marriage, paternity, pregnancy and other issues relating to gender. Nevertheless, when developing and implementing CRVSID laws, every effort must be made to eliminate such sex or gender discrimination against wherever possible. See [Ch. 4 paragraphs xx-xx] for techniques to reduce and eliminate sex and gender discrimination in CRVSID laws.

151. **Children born out of wedlock.** Children have an equal right to registration regardless of the marital status of their parents. In some countries, children born out of wedlock are vulnerable to non-registration. Registration policies that contribute to stigma of such children may inadvertently serve as a disincentive to registration. For example, certain children may be denied registration if mother and father are both *required* to provide information about themselves as part of the registration process. Additionally, strict rules about whether the father or mother's family name may be register based on family relations may negatively affect whether children are registered. See [Ch. 4 paragraphs xx-xx] for recommendations to eliminate discrimination based on marital status of parents.

152. **Religious discrimination.** Discrimination based on religion is prohibited.¹⁷⁹ Everyone has the right to freedom of thought, conscience and religion. This right includes the freedom to have, adopt, and change one's chosen religion, or have no religion at all.¹⁸⁰ The Commission on Human Rights has urged states "to review, wherever relevant, existing registration practices to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private."¹⁸¹ CRVSID systems can avoid perpetuating religious discrimination by understanding and being responsive to the customs and traditions of the religions within the territory. For example, if marriages can be solemnized or certified by a leader of one religion, care should be taken to ensure people from other religions have equal access to marriage registration. Religions may have requirements about the timing and customs for burial of the dead, and the process for issuing death certificates must respond to those needs. For example, Muslims need to bury the dead within 24 hours, so there must be some mechanism for providing immediate burial permits at any time, even after regular business hours. Finally, information on a person's religion, or the religion of the parents, might be collected for statistical purposes; however, this information should not have any legal implications, nor should it be recorded on a birth certificate or identification document.

153. **Same-sex relationships.** In some States, a person can legally marry a person of the same sex, and to divorce that person. The same-sex couple may be permitted to have children of their own with the assistance of a sperm donor, egg donor, or surrogate. Adoption is another route to parentage. To the extent that such relationships are recognized by the law, the CRVSID

¹⁷⁶ Ibid, article 11, 12, 13, 15.

¹⁷⁷ Ibid, article 9(1)

¹⁷⁸ Ibid, article 9(1)

¹⁷⁹ A/RES/2200A(XXI), article 2(1); A/RES/2106(XX), article 5, A/RES/21/2200., article 2(2); A/RES/44/25., article 30;

¹⁸⁰ A/RES/3/217.; A/RES/2200A(XXI), article 18(1);

¹⁸¹ E/CN.4/RES/2005/40, paras. 4 (c) ,4 (e); A/HRC/RES/6/37, paras. 12 (e),12 (h).

system should facilitate registration of such vital events without discrimination as the right to found a family is guaranteed under the Universal Declaration of Human Rights.¹⁸²

154. **Intersex and transgender individuals.** Typically birth certificates or identity cards include a field on biological sex; however, that information may not correspond to the person's actual sex in cases of individuals who are intersex or conform with the person's gender identity. Sometimes this disparity is due to simple clerical error and should be amended easily under the authority of the registrar. In other cases, the disparity is because the person is either a transgender or intersex person. Transgender and intersex people have the same fundamental rights as all other people, including the right to life, privacy, self-determination, physical integrity and bodily autonomy. They should have the right to register vital events without intrusive medical examinations or mandatory surgical procedures. During birth registration, a medical practitioner should assign each child as either male or female (or leave blank or opt-in to a third option when permitted by law), but the civil registration and identity management systems should allow the person to later correct errors in official documents, in accordance with the law. See [Ch. 4 paragraphs xx-xx] for more information on amendments and corrections. With improvements in biometrics, it may not be necessary to include sex or gender information on identification documents at all. Such information could be recorded for statistical purposes, but not appear on publicly facing identification cards. See [Ch. 4 paras. Xx-xx] for data that should be contained on identity documents.

155. **Discrimination against persons with disabilities.** The Convention on Rights of Persons with Disabilities requires State Parties to eliminate discrimination against person with disabilities in all matters relating to marriage, family, parenthood, relationships, and others.¹⁸³ Equal rights and responsibilities include those relating to guardianship, wardship, trusteeship, adoption of children or similar institutions.¹⁸⁴ Children with disabilities, have the same rights as all children, to be registered immediately after birth, to have a name and nationality, and as far as possible to know and be cared for by their parents.¹⁸⁵ Persons with disabilities also have the right to acquire and change nationality and are not arbitrarily deprived of their nationality on the basis of disability.¹⁸⁶ States must not deprive people, on the basis of disability, of their right to obtain, possess and use documentation of their nationality or other documentation of identity.¹⁸⁷ As discussed throughout, states should enact and implement affirmative measures within their CRVSID laws and regulations to ensure the process of registration and the documentation it produces are accessible to persons with disabilities. See [Ch. 4, paras xx-xx] for more detailed suggestions.

156. **Indigenous and tribal persons.** Indigenous persons have the right to determine their own identity or membership in accordance with their customs and traditions. This includes the right of indigenous individuals to obtain citizenship of the States in which they live. States have the responsibility for developing, with the participation of the populations concerned, the rights of these peoples and to guarantee respect for their integrity. Such action shall include measures for ensuring their equal standing and human rights guaranteed by national legislation to other members of the population. As these populations traditionally have difficulty accessing services provided by a CRVS-ID system, special procedures should be developed, such as mobile registration units, to ensure the vital events in indigenous and tribal populations are

¹⁸² A/RES/3/217.

¹⁸³ A/RES/61/106., art 23(1)

¹⁸⁴ A/RES/61/106., art 23(2)

¹⁸⁵ A/RES/61/106., art 18(2)

¹⁸⁶ A/RES/61/106., art 18(1)

¹⁸⁷ A/RES/61/106., art 18

registered.¹⁸⁸

157. **Eliminate Statelessness.** Everyone has the right to a nationality.¹⁸⁹ In order to ensure this right is protected, the Convention on the Reduction of Statelessness forbids state parties from depriving any person or group their nationality on racial, ethnic, religious or political grounds.¹⁹⁰ Certain vital events (such as marriage, dissolution of marriage, legitimation, recognition or adoption) can affect a person's civil status and nationality. If the act of registering a vital event has the effect of terminating a person's nationality, then the registering state must ensure the affected person is still recognized as a national of another state.¹⁹¹ This is particularly important in the context of gender and marriage issues.¹⁹² Children are especially vulnerable to non-registration if their parents are not citizens or nationals of the country where the child is born. Whether their parents are citizens, permanent residents, refugees, asylum seekers, tourists, migrant workers, undocumented residents, or otherwise stateless, all children have the right to be registered in the country where they are born – irrespective of nationality laws. States are required, with few exceptions, to grant nationality to a person born in its territory who would otherwise be stateless.¹⁹³ Abandoned infants or foundlings who are discovered in the territory should be considered to have parents possessing nationality of that state, unless there is proof to the contrary.¹⁹⁴ Finally, the civil registration system should prioritize accurately capturing information on vital events, not enforcement of immigration laws, so registrars should ensure that informants are encouraged to provide accurate information to the registrar without fear of repercussions to their own residency status. See paragraph [xx] for a discussion on the intersection between CRVSID laws and those relating to nationality and citizenship.

158. **Refugees.** Vital events of refugees residing within the territory should be registered without discrimination in accordance with the 1951 Convention relating to the Status of Refugees.¹⁹⁵ The state where the refugee is residing should provide administrative assistance

¹⁸⁸ A/RES/61/295, article 13(1); A/RES/61/295., article 33.1

¹⁸⁹ A/RES/3/217., art 15

¹⁹⁰ United Nations, *Treaty Series*, vol.989 p.175, article. 9.

¹⁹¹ *Ibid.*, article 5(1) "If the law of a Contracting State entails loss of nationality as a consequence of any change in personal status of a person such as marriage, termination of marriage, legitimation, recognition or adoption, such loss shall be conditional upon possession or acquisition of another nationality."

¹⁹² United Nations, *Treaty Series*, vol. 1249, p. 13, article 9.

¹⁹³ United Nations, *Treaty Series*, vol.989 p.175ness, article 1(1). "A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless. Such nationality shall be granted: (a) At birth, by operation of law, or (b) Upon an application being lodged with the appropriate authority, by or on behalf of the person concerned, in the manner prescribed by the national law. Subject to the provisions of paragraph 2 of this article, no such application may be rejected. A Contracting State which provides for the grant of its nationality in accordance with subparagraph (b) of this paragraph may also provide for the grant of its nationality by operation of law at such age and subject to such conditions as may be prescribed by national law." Permitted exceptions in article 1(2). "a child born in wedlock in the territory of a Contracting State, whose mother has the nationality of that State, shall acquire at birth that nationality if it otherwise would be stateless." article 1(3).

¹⁹⁴ *Ibid.*, article 2

¹⁹⁵ United Nations, *Treaty Series*, vol. 189, p. 137., article. 1(A)(2) A refugee is any person who: "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence is unable or, owing to such fear, is unwilling to return to it."

to the refugee, including issuing and delivering any document or certificate that would normally be delivered to aliens by their national authorities, and giving credence to them in absence of proof to the contrary.¹⁹⁶ Specifically, states must issue identity documents to any refugee lawfully in their territory who does not possess a valid travel documents,¹⁹⁷ and should give sympathetic consideration to the issue of refugees otherwise in their territory who are unable to obtain a travel document from the country of their lawful residence.¹⁹⁸ Refugees should also be allowed to enjoy other rights that may derive from civil registration including: the right to have personal status including marriages recognized;¹⁹⁹ free access to courts,²⁰⁰ employment and labour;²⁰¹ housing;²⁰² education;²⁰³ public relief and rationing;²⁰⁴ freedom of movement.²⁰⁵ Access to many of these rights depend, in practice, on the refugee having a legally-valid identification. Concurrently, all refugees have a duty to conform to the laws and regulations of the country where they reside.²⁰⁶ This includes all the rules relating to CRVSID and the mandatory registration of vital events.

¹⁹⁶ United Nations, *Treaty Series*, vol. 189, p. 137., article 25 (2,3), article 28.

¹⁹⁷ *Ibid*, art 27

¹⁹⁸ *Ibid*, art 28. Governments may charge fees to refugees for the issuance of administrative documents including identity papers; *ibid*, art 29(2).

¹⁹⁹ *Ibid*, article 12

²⁰⁰ *Ibid*, article 16

²⁰¹ *Ibid*, article 17-19, 24

²⁰² *Ibid*, article 21

²⁰³ *Ibid*, article 22

²⁰⁴ *Ibid*, article 20, 23

²⁰⁵ *Ibid*, article 26

²⁰⁶ *Ibid*, article 2

IV. Institutional Arrangements for Civil Registration, Vital Statistics and Identity Management Systems

159. There is significant diversity in how countries organize and structure their CRVSID systems. In some countries, there is one lead agency responsible for CRVSID systems. In other countries, the functions of civil registration, vital statistics and identity management are performed by multiple agencies. In addition to variation in the number of agencies responsible for carrying out CRVSID functions, countries also have differing levels of centralization or decentralization of CRVSID systems. In centralized systems, there is a lead agency or agencies at the central government level, with local offices of the lead agency or agencies within political subdivisions. In decentralized systems, there will be a lead agency or agencies at the level of each major political subdivision, and possibly even in smaller political subdivisions. In addition to the agencies directly responsible for the CRVSID functions, other agencies - such as the health sector; the police, medico-legal authorities, and emergency services; funeral, burial and cremation facilities; and the courts - have important roles to play in CRVSID systems.

160. Countries can have efficient and effective CRVSID systems with a wide variety of institutional arrangements - with one or multiple lead agencies, with a centralized or decentralized structure, and with a wide range of other institutional stakeholders. There is no "one size fits all" or "best practice" for institutional arrangements. However, it is crucial, given the breadth of actors involved in CRVSID, that there be a strong coordination mechanism among all stakeholders. It is also important that the CRVSID agencies and other stakeholders have sufficient rule-making authority and financial resources to carry out their duties. These topics - centralized versus decentralized systems, the structure of lead agencies, rule-making authority, the role of other stakeholders in the CRVSID system, inter-agency coordination mechanisms, and financial resources - are discussed below, with the aim of highlighting for policymakers decisions to be made before drafting legislation and regulations.

A. CENTRALIZED VERSUS DECENTRALIZED SYSTEMS

161. A country's system of government - centralized or decentralized - will impact the structure of its CRVSID systems. A centralized system of government is one in which a central political executive exerts direct legal authority and control over major political subdivisions, such as states or provinces. A decentralized government, on the other hand, is a system of government where primary authority is dispersed across major, and possibly minor, political subdivisions.

161. Depending on these political and administrative structures, as well as a country's customs and tradition, CRVSID systems may be either centralized or decentralized.²⁰⁷ In centralized CRVSID systems, there will be a lead agency or agencies at the central level, which has local offices at the level of major and minor political sub-divisions. These local offices are directly responsible to the central agency or agencies. In a decentralized system, by contrast, there will be a lead agency or agencies at the level of each major political sub-division, and possibly at the level of smaller political sub-divisions, answerable to the local government rather than the central government. For example, in the United States, the responsibility for the registration of vital events rests with each of the individual 50 States, the District of Columbia, and individual territories such as Guam, Puerto Rico, and U.S. Virgin Islands. For historic reasons, the City of New York is responsible for registering vital events within the City and maintains its own CRVS system.

162. The level of centralization of CRVSID systems varies across countries. Indeed, even within a single country, one aspect of the system may be more centralized than other aspects. For example, CR systems are decentralized in many countries, often due to the fact that these

²⁰⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 307-311.

systems developed when processes were manual and it was easier to oversee civil registration at the local level. ID systems, on the other hand, are a more recent development in many countries and are often more centralized. Vital Statistics is also often a centralized function. Therefore, even within a country there may be varying degrees of centralization across the CR, VS and ID functions. Regardless of the chosen arrangement, it is important that legislation accurately reflect the level of centralization or decentralization of CRVSID agencies, including clearly delineating the powers conferred to central level authorities, as well as to provincial/state, district and village level authorities, for each of the CR, VS, and ID functions.

B. SINGLE VERSUS MULTIPLE LEAD AGENCIES

163. Independent of whether a country's system of government is centralized or decentralized, the functions of civil registration, vital statistics and identity management may be performed by one or more government entities. In other words, one entity might be responsible of all three functions (CR, VS and ID) or the functions might the responsibility of separate entities.²⁰⁸

164. Housing the CR, ID and VS functions in one single agency is the least common institutional arrangement, as most countries choose to assign the vital statistics function to a national statistics authority.²⁰⁹ However, there is precedent for the CR, VS, and ID functions being under the control of one entity. For example, from 1964 to 1990, Statistics Norway was responsible for civil registration, registration in the population register, and vital statistics. However, in 1991, civil registration and maintenance of the population register was transferred to the National Tax Administration, as the registration of individual information was considered increasingly important for a series of legal rights and obligations - such as voting, receiving a pension, taxation, and military service.

165. Housing the CR and ID functions in one entity, with the VS function carried out by a separate entity, is the most common institutional arrangement. A 2017 survey of institutional arrangements of 169 governments found that in more than half of the countries the civil registration function and the identity management function were located within the same ministry, usually Home Affairs (77 countries) or Justice (12 countries). The table below depicts the institutional arrangements found in these 169 countries.²¹⁰

²⁰⁸ In a decentralized system, each division of local government with devolved power - i.e., the province, state, district or municipality - would determine whether one or more entities carries out each of the functions.

²⁰⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 43.

²¹⁰ Gelb, A. and Metz, A., *Identification Revolution: Can digital ID be harnessed for development?*, Center for Global Development, Washington, DC, 2018, p.110

TABLE 4-1 Institutional Arrangements for National ID (NID) and Civil Registration^a

Primary civil registration entity	Primary NID entity						Total
	Ministry of Justice	Ministry of Interior/ Home Affairs	Electoral body	Subnational body	Independent NID org	Other	
Ministry of Justice	12	11	4	0	0	3	30
Ministry of Interior/ Home Affairs	0	77	2	0	1	5	85
Ministry of Health	0	6	1	0	2	3	12
Electoral Body	0	1	5	0	0	0	6
Subnational Body	0	7	2	2	0	2	13
Independent NID org	0	0	0	0	5	0	5
Other	2	3	1	1	2	9	18
Total	14	105	15	3	10	22	169

Source: World Bank ID4D dataset, 2017 edition; categories revised.

a. Categories and assignments have been revised from the original ID4D classification, in particular to separate out the category of subnational providers.

166. Housing the CR and ID functions within the same ministry can improve convenience for the public (if civil and identity registration are co-located), save funding by sharing resources, and should facilitate coordination between CR and ID. However, locating the CR and ID functions in the same ministry may not guarantee coordination. There are many examples of countries in which the CR and ID functions are situated in different departments of the same ministry, however each department has distinct mandates, separate business processes, and separate data systems.²¹¹ What matters most is that the functions, whether housed under one entity or multiple entities, be established and maintained as components of a coordinated and coherent system for registering vital events, managing identity, and producing vital statistics. See Box 12 for details on Peru's integration of civil registration and identity management.

167. As stated above, most countries place responsibility for the vital statistics system in a separate agency, usually the national statistics office.²¹² One advantage of this arrangement is that the national statistics office has the expertise and resources to compile, analyze, evaluate and disseminate vital statistics. However, this arrangement requires continuous and effective coordination between the national statistics office and the civil registration agency. Another option is to place the vital statistics administration within the civil registration agency.²¹³ In countries that do this, it may be easier to coordinate between the civil registration and vital statistics systems. For example, it may be easier to implement a single form that combines data for legal and statistical purposes for data collection. A disadvantage of this model, however, it that is may lead to a lack of adequate representation and access for other government stakeholders (such as the health sector) that provide input into, and use information from, the vital statistics system.²¹⁴ Here again, effective and efficient systems can be developed with either arrangement. What is most important is that, whatever arrangement is chosen, there is a high

²¹¹ Gelb, A. and Metz, A., *Identification Revolution: Can digital ID be harnessed for development?*, Center for Global Development, Washington, DC., 2018, p.109.

²¹² *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 43; *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 19.

²¹³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 43.

²¹⁴ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 39.

degree of coordination between the CR, VS, and ID functions and other stakeholders in the CRVSID systems. (See Section H below for a discussion on Inter-agency Cooperation.)

Box 12. Peru: Integration of civil registration and identity management

Peru's RENIEC (Registro Nacional de Identificación y Estado Civil²¹⁵) provides an excellent example of a high degree of integration between the CR and ID functions. In Peru, as in many countries, civil registration was traditionally the responsibility of municipal governments. RENIEC was established in 1993 and assumed its current responsibilities for national identification and civil registration in 1995. Both RENIEC and municipal registry offices can register births and issue certificates. For institutional births, RENIEC's in-house auxiliary registry offices register a newborn's birth and issue the birth certificate at the hospital. The issuance process for a child's first ID credential, the child Documento Nacional de Identidad (DNI) (National Identity Document), is also facilitated at the same time. Other births, occurring outside health institutions, are often registered at municipal offices. The municipal records are integrated with RENIEC's database through municipal reporting at regular intervals. The timely transfer of local registry data to RENIEC is part of the government's performance-based payment plan for municipalities - municipalities only get paid if the civil registry entries are received centrally. Civil registration therefore provides a continuous flow of data to the population register. Children whose births are registered at municipalities will have their identities registered and ID credentials issued at a later date, through regularly deployed RENIEC mobile units.²¹⁶

C. MINISTRY VERSUS AUTONOMOUS AGENCY

168. While many countries confer responsibility for CR, VS and ID functions to established ministries (such as the Ministry of Justice or Ministry of Interior), or entities within established ministries (such as a department of identification within the Ministry of Interior), other countries have chosen to establish a separate autonomous entity with responsibility for CR, VS and/or ID functions. The benefit of establishing and maintaining these functions within existing ministries is that this allows the systems to take advantage of the existing infrastructure, resources, and expertise within those ministries. However, establishing and maintaining any or all of these functions within an autonomous body can build trust in the system due to the depoliticized nature of an independent body; this can be particularly important for countries emerging from civil conflict. See Box 13 for an example of Peru's autonomous identification and civil registration agency.

Box 13. Peru's establishment of an autonomous entity - RENIEC

Peru's RENIEC (Registro Nacional de Identificación y Estado Civil²¹⁷) is an autonomous agency with constitutionally guaranteed independence from government ministries and other political bodies. As such, RENIEC does not directly depend on or report to any individual ministry, but carries out its work in coordination with Congress, the Electoral Committee, the Ministry of Health, the Ministry of Economy, and other government entities as needed. Its head is appointed by the National Council of the Judiciary for a four-year term, following a competitive selection

²¹⁵ Registro Nacional de Identificación y Estado Civil translates as "National Registry of Identification and Civil Status".

²¹⁶ Gelb, A., Diófasi Metz, A., *Identification Revolution: Can Digital ID be Harnessed for Development?*, Center for Global Development, Washington, D.C., 2018, page 120.

²¹⁷ Registro Nacional de Identificación y Estado Civil translates as "National Registry of Identification and Civil Status".

process. Persons holding or having recently held political leadership positions cannot be considered for the post.²¹⁸

169. In some countries, such as India and Ghana, the autonomous agency reports directly to the cabinet or executive.²¹⁹ In others, such as Rwanda and Nigeria, the autonomous agency is overseen by a board representing stakeholders. A representative board can have the added benefit of facilitating coordination and ensuring that the needs of stakeholders and users are taken into account. Rwanda's National Identification Authority (NIDA) has a governing board that includes members from the private and public sector, at least 30 percent of whom must be women. In Nigeria, the National Identity Management Commission (NIMC) is governed by a board of 18 individuals representing different government agencies and stakeholders.²²⁰

170. In sum, whether creating new CRVSID systems or reforming existing systems, policymakers have decisions to make regarding institutional arrangements, including whether to house the CR, VS, and ID functions in single or multiple entities, whether these functions are best undertaken by ministries or autonomous agencies, and whether any autonomous entity will have stakeholder boards or report directly to the executive. There is no "best practice" in regard to these structures. Policymakers should choose institutional arrangements that work best with their country's system of government, traditions, and needs. What is most important is CRVSID legislation accurately reflects the chosen institutional arrangements.

D. POWER TO ISSUE REGULATIONS AND TO DELEGATE AUTHORITY

171. The heads of CRVSID agencies must have the power to oversee the management and operations of their respective agencies and any local offices of those agencies. To do this, heads of agencies should be authorized to undertake, at a minimum, the following management responsibilities (within each of their respective systems): management and inspection of civil registration and identity registration services; participation in drafting of regulations, rules and instructions; assessing degree of coverage and completeness; conducting ongoing quality assurance monitoring and addressing areas of concern; establishing boundaries for local offices; hiring, management and training of personnel; management of physical resources and technology; resolution of incidents and appeals; promoting the registration requirements to the public; exchanging information with other agencies; and safekeeping records and archives.

172. Among the many management responsibilities that fall to the heads of CRVSID agencies, a key responsibility is the drafting of regulations, rules and instructions. The authority to promulgate regulations, rules and instructions enables the central authority to ensure that local officials are conducting duties in a uniform and consistent manner across the country. For example, the national civil registrar may issue a rule regarding the manner and frequency in which local civil registrars transmit vital event registration data to the central register. While the national agency has direct supervisory powers over local offices in centralized systems, even in a decentralized system there will be a role for a national agency. The national agency in a decentralized system should be authorized to enforce minimum standards or to work cooperatively with decentralized offices to ensure generally uniform practices and procedures.²²¹ For example in United States, the National Center for Health Statistics (NCHS) (within the Centers for Disease Control and Prevention, under the Department of Health and Human Services) plays this role for the civil registration and vital statistics systems. The NCHS has developed the Model State Vital Statistics Act and Model State Vital Statistics Regulations to help standardize States' laws, and harmonize reporting requirements, definitions, and

²¹⁸ Gelb, A., Diofasi Metz, A., *Identification Revolution: Can Digital ID be Harnessed for Development?*, Center for Global Development, Washington, D.C., 2018, page 157.

²¹⁹ *Identity for Development: Strategic Framework*, World Bank, 2016, page 31.

²²⁰ *Identity for Development: Strategic Framework*, World Bank, 2016, page 31.

²²¹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 311.

procedures for registering vital events. For more details, see Box 14 on the US Model Law and Regulations.

Box 14. United States Model State Vital Statistics Act and Model State Vital Statistics Regulations

The Department of Health and Human Services describes the US Model Act and Regulations in this way:

"The Model State Vital Statistics Act and Regulations were developed to serve as models for States in preparing their own laws and regulations. The Model Law has been designed to improve the quality and uniformity of State data by establishing standard reporting requirements, definitions, and procedures for registering vital events. The Model Law has an impact on how vital statistics data are reported and tabulated at the State level, which in turn impacts on national vital statistics.

The U.S. vital registration and statistics system exemplifies cooperation between the Federal and State Governments at its best. Although the legal responsibility for the registration of vital events rests with the individual States, the States and the National Center for Health Statistics (the Federal partner) work together to build and maintain a cooperative system that produces records that satisfy the legal requirements of individuals and their families while protecting the security of the records and preventing fraudulent uses. In addition, the information is used for administrative and public health purpose and meets statistical and research needs at the local, State, and national levels. These cooperative efforts include the development and promotion of standards for electronic systems, certificates of live birth, death, and report of fetal death, training and quality control programs, and model legislation."²²²

173. Sometimes the goal of uniform and consistent practice may require not just standardization within one agency, but coordination between two or more agencies. For example, if the statistics agency wishes to change or expand the information collected at birth registration, this will impact the work of local civil registrars and the work of health institutions (where many births occur). In a case such as this, coordination is needed between the three entities - the statistics agency, the civil registration agency, and the ministry of health. This may be accomplished through a CRVSID inter-agency committee or a working group. (See Section H, Inter-agency Cooperation, below). However, even with strong cooperation, a question may arise as to which agency has the power to issue a regulation that impacts other agencies. For example, in some systems, the civil registration authority may be empowered to issue a regulation that obliges not only local civil registrars but also heads of health facilities to collect the required information. However, in other systems, this may require a regulation issued jointly by the two entities, or a regulation issued by the government or cabinet, or an executive decree. Which entity has the power to issue such a regulation is a function of the system of government, the powers authorized in the CRVSID legislation, and a country's legal traditions. Consequently, to the extent possible, the CRVSID legislation should be explicit as to the scope of rule-making powers granted to each agency involved in the CRVSID systems.

174. The volume of work in most countries may require heads of the CRVSID agencies to delegate powers to others, such as a deputy national registrar or local registrars, to act on their behalf. For example, in many countries the CRVSID legislation authorizes the national registrar

²²² *Model State Vital Statistics Act and Model State Vital Statistics Regulations, 2011 Revision*, Department of Health and Human Services Centers for Disease Control and Prevention, 2011, page 4.

to establish boundaries for local offices. Yet registrars at the provincial level may have a clearer understanding of where local offices are most needed within each district and village in their provinces. The national registrar could determine office boundaries by seeking the input of each provincial registrar. Alternatively, if the CRVSID legislation permitted, the national registrar could delegate the power to draw local office boundaries to each of the provincial level registrars. Authorizing heads of agencies to delegate powers can facilitate the smooth functioning of an agency. However, what powers are delegable is a decision for policymakers, which must be clearly reflected in the legislation.

175. CRVSID legislation should also address *to whom* the head of an agency may delegate a duty. This may include individuals occupying specific positions within, or outside of, their own agency. For example, the head of an agency might be authorized to delegate duties to the deputy head of the agency and/or local registrars. However, the head of an agency may choose to delegate some powers to an official outside their own agency. For example, to capture births and deaths within a health facility, the national registrar may confer some powers of a local registrar on the head of a health institution, rather than placing civil registration agency staff in the health institute. This could only be done if allowed under applicable legislation. Consequently, CRVSID legislation should clearly delineate to whom powers may be delegated. In addition, legislation should ensure that those who delegate duties retain supervisory power over persons to whom duties are delegated.

176. In sum, CRVSID legislation should be explicit as to the scope of rule-making powers granted to the head of each agency responsible for CR, VS, and ID functions. Legislation should expressly state whether a lead agency has the power to issue regulations that bind other government agencies. In addition, legislation should clearly define who may delegate authority, what duties are delegable, and to whom powers may be delegated. Finally, legislation should ensure that all delegated duties are properly supervised.

E. THE ROLE OF THE HEALTH SECTOR

177. The health sector is a major beneficiary of the vital statistics generated by the CRVSID system. This sector also plays a critical, and dual, role in the collection of registration information. First, health professionals inform the civil registrar of the occurrence of births, foetal deaths and deaths. Second, physicians and health professionals are responsible for certifying cause of death (COD). A high degree of coordination between the health sector and the civil registration authorities is needed to enable the health sector to fulfil these roles. Agreement must be reached not only on procedures for notification of vital events and certification of COD (which are discussed in detail in Chapter Four); agreement must also be reached between the health sector and civil registration agency regarding supervisory authority, monitoring responsibilities, and dedication of resources. These issues, and decision points for policymakers, are illustrated below.

i. The informant function

178. A large number of births and deaths occur in health institutions, or involve some kind of services from the health system. This places hospitals, clinics, and other health care professionals in a unique position with respect to compiling relevant information regarding vital events.

179. When a vital event occurs within a health facility, the most effective approach to ensure civil registration is completed as soon as possible is to designate the health facility as primarily responsible for notifying the civil registrar of the vital event.²²³ Cooperation between the civil registration authorities and health sector is crucial to ensure that these vital events are reported seamlessly. In practice, some countries have established a civil registrar office in each hospital

²²³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 350.

and clinic in order to facilitate registration. This is a very good approach in terms of efficiency of the process and accuracy of information.²²⁴ However, this may require a large commitment of resources on the part of the CR agency. Other countries have found it effective to deputize staff in the health facilities to perform some of the functions of civil registrars, including gathering all the information on the event (e.g. birth, death) and the people involved (e.g., newborn, parents of newborn, deceased). In other countries, the health sector and civil registration agency work together to develop procedures for the staff of the health facility to provide the necessary information to the local civil registrar or directly to the central agency. These latter two options raise questions of who pays for health facility staff time and workspace - the CR authority or the health facility. These options also present questions regarding chain of authority, reporting and monitoring, as the CR authority may not have direct supervisory control over health sector staff. If the health facilities are private institutions, rather than government-run facilities, the CR agency may have even less ability to mandate procedures and monitor processes. Policymakers must consider what arrangements will work best in their own country, given the pros and cons of the various arrangements. Legislation should reflect the chosen institutional arrangements, and clearly delineate the duties and responsibilities of each of the stakeholders, including financial, supervisory and monitoring responsibilities.

180. The health sector plays an important role in vital events that occur outside health facilities as well. In many countries, midwives or traditional birth attendants act as informants for births that occur at home or in the community. Some countries have deputized midwives to act as registrars for births. As with institutional births, placing responsibility on health professionals to act as registrars or informants for vital events that occur at home raises questions regarding chain of authority, supervision and monitoring. Does the health sector have the duty and responsibility to ensure that health professionals comply with requirements or does the civil registration agency? There is no definitive answer to this question. However, it is one that policymakers must determine, and legislation clearly should reflect the decision.

ii. Certification of Cause of Death

181. Understanding the cause of death (“COD”) and manner of death for all deaths is critical to ensuring that usable mortality data is available in a country. “Manner of death” categorizes deaths into several categories, namely natural causes, accident, suicide, homicide or “manner undetermined.” By contrast, COD provides a diagnosis and assigns a specific cause. COD are “all those diseases, morbid conditions or injuries which either resulted in or contributed to death and the circumstances of the accident or violence which produced such injuries.”²²⁵ Countries should strive to have an accurate, detailed, and legally valid COD and manner of death attached to every registered death.

182. For deaths that occur in health facilities, the head of the health facility should be responsible for ensuring that there is an official determination and medical certification of the COD. Ideally, the certifier of COD is the physician or surgeon who attended the decedent during their terminal illness. However, not all deaths are medically attended. Therefore, the certifier may also be a medical practitioner who examined the body after death, a coroner or other medico-legal authority, a midwife, a nurse, or other trained person.²²⁶

183. The World Health Organization’s International Form of the Medical Certificate of Cause of Death (MCCOD) should be used to record information regarding COD for certification. The

²²⁴ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 102.

²²⁵ *Glossary of Statistical Terms*, Organization for Economic Cooperation and Development, available at: <https://stats.oecd.org/glossary/detail.asp?ID=296>

²²⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 195.

form is designed to identify the underlying COD, which is defined as “the disease or injury which initiated the train of morbid events leading directly to death, or the circumstances of the accident or violence which produced the fatal injury.”²²⁷

184. The MCCOD should not be confused with the death certificate issued by the civil registrar, which reflects the information certified by an official to be contained within the civil register. The MCCOD contains key information needed for legal and statistical purposes. In many countries, the civil registrar requires a MCCOD as a precondition for registering a death. However, in countries that lack health professionals adequately trained on completing a MCCOD, this can result in low death registration rates. Therefore, policy makers should carefully consider whether a MCCOD is required to register a death, or if only evidence of the fact of death need be submitted to the registrar.

185. Completed MCCODs should be coded in accordance with the rules of the ICD. Developed by the World Health Organization, ICD is the foundation for the identification of health trends and statistics globally. ICD defines the universe of diseases, disorder, injuries and other related health conditions. These are organized systematically to allow for sharing and comparing health information across facilities, regions, and time.²²⁸ Foetal deaths should be classified using the WHO application of ICD to deaths during the perinatal period: ICD-PM. ICD-PM aims to link stillbirths and neonatal deaths to contributing maternal conditions, where applicable, in a way that is consistent across all settings, which helps standardize and increase information on causes of death around the critical time of childbirth.²²⁹

186. While a medically certified cause of death is the most reliable source of COD data, in countries where many deaths occur at home or in the community, particularly in remote locations, a medically certified cause of death may not be possible. In those cases, it may be appropriate to use verbal autopsy (VA). VA is an interview carried out with family members and/or caregivers of the deceased using a structured questionnaire to elicit signs and symptoms and other pertinent information that can later be used to assign a probable underlying cause of death. The results of the VA interview may be analyzed using a computer algorithm (automated VA), which generates a probable COD based on the interviewee responses. Alternatively, in countries like Brazil where all deaths must have a medically certified cause of death, verbal autopsy is used as a decision-support tool for physicians where there is inadequate information on the deceased’s medical history or the chain of events that led to death. For Physician Certified Verbal Autopsy, the physician reviews the VA interview results and certifies the cause of death through completion of the MCCOD; in these cases, the COD is legally valid. Regardless of whether the COD from VA is considered legally valid, VA is an essential public-health tool for obtaining a reasonable direct estimation of the cause structure of mortality at a community or population level.²³⁰

187. To obtain quality COD information, coordination between the health sector and the civil registration agency is crucial. The ministry of health must coordinate training of physicians and other health care professionals on COD certification and ICD coding. If VA is used, the authorities must determine who will conduct VA - local health workers, civil registrars, local leaders or others - and which entity will be responsible for training, supervising, and monitoring VA interviewers. Legislation should clearly delineate the jurisdictional authority of each agency and assign clear responsibilities to each entity to ensure that goals are met. Even with clearly

²²⁷ *Health Topics*, World Health Organization website, available at:

<http://www.who.int/topics/mortality/en/>

²²⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 494 - 497.

²²⁹ *Making Every Baby Count: Audit and review of stillbirths and neonatal deaths*, World Health Organization, 2016, pages 17, 21.

²³⁰ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 499 - 501.

defined roles, inter-agency cooperation is crucial and there will be a need for an inter-agency coordination committee. See Section H below on Inter-agency Cooperation.

F. THE ROLE OF THE POLICE, CORONER AND EMERGENCY SERVICES

188. For deaths that occur outside a health facility, medico-legal authorities play an important role. To ensure that a cause of death is determined and to rule out death by external causes (i.e., accident, suicide, homicide), many countries require deaths that occur outside a health facility to be referred to the police to investigate. If the police believe the death may be due to potential criminal action, the police refer the case to the medico-legal authorities (e.g., medical examiner, pathologist, coroner, or forensic expert) to ascertain facts such as the identity of the deceased, cause of death, time of death, and circumstances of death. This helps law enforcement agencies determine if a crime has been committed and facilitates solving a crime.

189. Emergencies and disasters are a subset of deaths that occur outside health facilities that may have a different process for registration and COD determination than other out-of-facility deaths. Emergencies and disasters present a challenge for death registration because there may be a large number of deaths that occur in a short period of time. Because these are deaths that occur outside a health facility, they may be referred to the police and medico-legal authorities, just as described above. However, because these authorities may not be equipped to deal with a large number of deaths at once, an emergency response agency may be designated as the appropriate entity to investigate, notify the registrar of the deaths, and certify COD for the victims of the emergency or disaster.

190. Civil registration authorities must work closely with law enforcement, medico-legal authorities and emergency services to ensure that deaths that occur outside health facilities are promptly registered, cause of death is certified, and COD information is transmitted to the registrar or national statistics agency. Questions of jurisdiction may arise for these types of deaths. For example, in what circumstances are deaths referred to the police? For deaths that occur in the home due to seemingly natural causes, is the family or the police responsible for notifying the death to the registrar? In these cases, how is cause of death determined and by whom? For deaths due to external causes, are the police or the medico-legal authorities responsible for notifying the registrar? How is COD information transmitted from the medico-legal authorities to the registrar? Are emergency services, law enforcement or medico-legal authorities responsible for informing the registrar of deaths in emergencies and disasters and how is COD information transmitted? Policymakers must decide upon the jurisdiction of the various agencies in these cases and ensure that legislation clearly delineates the responsibilities of each agency. In addition, these agencies should be empowered to share resources and information. (See Chapter Four for details on the registration process for deaths outside health facilities).

Box X. New York City: Registration of Deaths during the 9/11 Emergency.

G. THE ROLE OF CUSTODIANS OF FUNERAL, BURIAL AND CREMATION FACILITIES

191. Separate laws or local ordinances often require a permit to transport, bury, cremate or otherwise dispose of a body.²³¹ Countries should require that a death be reported to the registrar before obtaining a permit to dispose of a body. This permit requirement serves as an incentive for registering deaths. In some countries, the civil registrar is the agency responsible for issuing permits to dispose of a body. If another entity is responsible for issuing these permits, that authority should be required to share their records with the civil registrar. This helps monitor compliance with the requirement to notify deaths prior to permit issuance and can help alert the registrar to deaths that were not registered.

192. Countries should also require custodians of funeral facilities, cemeteries and crematoria to request to see the disposal permit for all funerals, burials and cremations they oversee. Custodians of these facilities should collect information regarding the identity of the deceased, including name, unique identification number, identity card (if applicable), birth certificate or other identifying information, and provide this information to the registrar. This constitutes an alternative entry point for ensuring that deaths are registered and verifying the identity of the deceased.

H. THE ROLE OF THE COURTS

193. The judiciary plays an important role in civil registration and identity management when it comes to amending or correcting civil registration and identity records and appealing decisions of civil registration and identity management officials.

i. Amendments and corrections to civil registration and identity records

194. The authority to correct or amend civil registration records may rest with the civil registration authority or the courts, depending on the type of change sought. Generally, there are two reasons why it may be necessary to change a vital event record: 1) the original record contains simple errors or omissions that require correction, and 2) circumstances regarding the vital event or the registrant have changed, which generally has legal implications for the registrant or others.

195. Authority for the first type of change should rest with the civil registration authority. Examples of these types of changes include correcting spelling and typographical errors and adding uncontested omitted information, such as the name of a newborn shortly after birth. The registrar may also add the name of the father of a newborn child, if omitted on the original birth record, if the father freely claims paternity of the child and the mother agrees. However, if paternity is contested, jurisdiction should rest with the courts. Authorizing the civil registration agency to correct obvious errors and add uncontested information makes the process of corrections and amendments simpler, quicker and less costly than resorting to the courts. This facilitates accuracy in civil registration records.

196. For amendments to civil registration records that involve changed circumstances, a registrant or their legal representative generally must apply directly to the courts. These types of amendments usually include adoption, contested paternity, divorce, annulment, judicial separation, name change, and sex change.²³² (See Chapter Four, paragraphs XX-XX, for further discussion on these types of amendments and how the information is transmitted to the registrar.) All of these types of amendments, other than name and sex change, involve the rights of others (e.g., the rights of a child or a spouse) and conferring jurisdiction to the courts helps protect these rights. While change of name or sex on civil registration and identity documents does not invoke these same concerns, many countries have traditionally involved the courts in

²³¹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 362.

²³² *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 411.

these types of amendments. In many jurisdictions, changing sex on civil registration and identity documents has involved providing proof of having undergone sex reassignment surgery and obtaining a court order. These procedures are burdensome and may create a barrier to amendment of civil registration and identity documents. Consequently, some jurisdictions have instituted reforms to facilitate the process for changing name and sex on civil registration and identity documents. For example, about half of the states in the United States no longer impose proof of surgery and a court order for amending driver's licenses and state IDs, and a growing number of states are streamlining procedures.

ii. Appeals

197. Decisions made by officials within the CRVSID system can have legal consequences that may fundamentally impact a person's life. Reasonable minds may disagree about how to resolve certain difficult situations and therefore the CRVSID system should include an administrative and judicial appeal process. This appeal process will ensure that individuals receive due process to address problems with their civil registration and identity documents, and that such decisions are made consistently across the country. The CRVSID legislation should permit an individual to appeal any decision made by a local civil or identity registration official to a higher-level registration official, and up to the central authority, within prescribed time periods. For example, if a registrar at the district level denies a person the right to register a vital event, the person should be entitled to appeal this decision to the provincial level authority. If satisfactory relief is not obtained at the provincial level, the person should be entitled to appeal to the central level authority. This provides an opportunity for the central office, which has a specific interest in the accuracy and authenticity of registration records, to supervise and monitor the work of the local registrars.²³³ It also creates a record of the appeal and the decision below, so that the national registrar has complete information upon which to make a determination.

198. Courts, however, should retain the ultimate authority to adjudicate an appeal. A person who believes they have not obtained satisfactory resolution of their issue through an appeal to the civil registration or identity management authorities should always ultimately be able to appeal their case to an appropriate court. If not contained in administrative procedure law, the CRVSID legislation should describe this appeal procedure.

I. INTER-AGENCY COOPERATION

199. As shown above, the institutional arrangements of CRVSID systems inevitably involve more than one government body. In addition to the functions performed by the stakeholders described above, other entities may also play a role. For example, the Ministry of Education may be involved in birth registration outreach campaigns or medical school curriculum requirements on certifying cause of death. The ministry in charge of women's affairs may also play an instrumental role in civil registration outreach campaigns and protection of women's rights. Religious officials may play a role in marriage registration (See Chapter 4, paragraphs xx-xx). On the identity management side, passport authorities, immigration, and electoral commissions may utilize identity information for their specific purposes. Therefore, to ensure efficient and effective functioning of CRVSID systems, inter-agency coordination is essential.

200. Close coordination and collaboration across government agencies aids production of timely and accurate statistics, avoids duplication, errors or omissions, and ensures concepts, definitions, and classifications are consistent nationally.²³⁴ Coordination also ensures that stakeholder needs and concerns are taken into account. Coordination should take the form of a CRVSID interagency committee, comprising staff members of the agencies involved, that meets

²³³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 412.

²³⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 41, 48.

at least annually (but preferably more frequently) to discuss matters affecting the agencies.²³⁵ It may also be productive to invite non-government entities, such as representatives from the private health sector and the religious community (for purposes of marriage registration), to take part in meetings of this coordination committee. Any coordinating committee should be established on a permanent basis, meet regularly, and have legal status as mandated by law.²³⁶ See Box X for examples and particulars of coordination committees in The Philippines and Chile.

201. Alternatively, a coordination mechanism may take the form of a single government agency empowered to coordinate the activities of CRVS stakeholders and oblige stakeholders to collaborate with the coordinating entity. However, if a single agency takes the lead, it is still important that all stakeholders have a mechanism to make their opinions and concerns known.

202. There may also be coordination on specific topics. For example, a National Mortality Working Group can play a key role in improving the completeness and quality of mortality data, which is critical to public health decision-making. Such a group can be effective in facilitating efforts to introduce and rollout the use of the international MCCOD form, training health professionals on medical certification of cause of death, training on ICD coding, and introduction of automated ICD coding. A Verbal Autopsy Committee can play a key role in the introduction of verbal autopsy, including coordinated training of community leaders, health officials and other who may be involved in VA. [Text box on mortality working group.]

203. In sum, at a minimum, legislation should establish a CRVSID coordination committee, with representatives from all stakeholder government agencies, that is mandated to meet at least annually. The legislation should permit government agencies to invite non-governmental stakeholders, as appropriate. Legislation should also permit the CRVSID agencies and/or the coordination committee to establish working groups, on a permanent or temporary basis, to address particular issues or rollout new initiatives.

Box X. Inter-Agency Coordination Mechanisms for CRVS in the Philippines and Chile.

In **The Philippines**, there is an Inter-Agency Committee on Civil Registration and Vital Statistics. Members are permanent representatives from the Department of Health, Department of Education, Department of Justice, Department of Foreign Affairs, Department of Interior and Local Government, National Commission on Muslim Filipinos, National Commission on Indigenous People, and the Philippine Statistics Authority (PSA). The PSA serves as the technical secretariat of the Inter-Agency Committee on CRVS, which will tackle the implementation of the work plans for the 2015 – 2024 Asia-Pacific CRVS Decade (proclaimed at the 2014 Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific). It will also be tasked to generate the Sustainable Development Goals indicators concerning CRVS, among others.

In **Chile**, an inter-institutional agreement was signed in 1982 by the Ministry of Health, the Civil Registration and Identification Service, and the National Statistics Institute for the elaboration of vital statistics. By virtue of this agreement, a Tripartite Committee was created to oversee the vital statistics system. The Civil Registration and Identification Service is tasked with collecting statistical data when registering vital events using the layouts and forms agreed by the Tripartite Committee. Thus, all required information (health related, legal and statistical) is contained in a single form for each type of event, and is collected from the registrant at the time of the occurrence of the event (if the event occurred in a medical facility) or at the time of

²³⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 52, 319-22.

²³⁶ *Handbook of Vital Statistics Systems and Methods, volume I: Legal, Organization and Technical Aspects*, United Nations Publication, Sales No. E.91.XVII.5, United Nations, 1991, paragraph 270.

registration. The Civil Registration and Identification Service grants both the National Statistics Institute and the Ministry of Health secured electronic access to its database, so that vital and health statistics are compiled. All official statistics are solely published by the National Statistics Institute. This agreement has proved a dynamic model that allows successful inter-agency cooperation, and improved vital statistics coverage and timeliness.

J. FINANCIAL RESOURCES

204. Continuous and efficient functioning of CRVSID systems requires adequate financial resources. The legal framework should include provisions to enable sustainable funding of the CRVSID system (and its key stakeholders). This might take the form of mandating an annual budget appropriation. However, legislation can also ensure funding in other ways. For example, funding can be tied to incentives. Peru's RENIEC receives an annual performance-related payment from the central government to support services to the poor. Municipalities are also provided performance-related payments, which are tied (in part) to the timely submission of civil registration information to RENIEC.²³⁷

205. It is best practice that legislation stipulate that the revenue generated from CR and ID services be retained to fund the system rather than going to the central treasury. Even though birth and death registration, and identity registration if mandatory, should be provided free of charge, these systems can still generate substantial revenue. Rwanda's NIDA (National Identification Authority) reports that it covers its full operating costs from fees charged for ID issuance. The basic national ID card is provided for an affordable fee - approximately US\$0.72 - and those who are unable to pay can receive it for free. However, other identity documents, such as driver's licenses and passports, and expedited services can cost as much as 100 times more.²³⁸ Peru's RENIEC raises substantial revenue from verification fees collected from private sector entities, such as banks, and from some other select government agencies.²³⁹ Legislation should permit CRVSID systems to generate income from authentication and other services provided to the private sector (and possibly other government agencies) and should strongly consider ensuring that any revenue generated by the system is reinvested back into the system.

206. In addition, policymakers should consider giving a wide scope of power to CRVSID agencies to generate revenue from entrepreneurial or contractual services. For example, Pakistan's NADRA (National Database and Registration Authority) funds its operations through charges for fast-track services and premium products for individuals (such as smart ID cards) and fees from banks and other business entities that need to authenticate their clients. It also receives fees for projects undertaken for other parts of government and competes successfully for external contracts to provide identification services on a commercial basis. Outside of projects performed for other parts of the Pakistan government, NADRA has won contracts to provide services in Bangladesh, Kenya, Sri Lanka, and Sudan.²⁴⁰

207. In sum, legislation should ensure adequate resource channels are available to CRVSID systems. Ideally, legislation would mandate a budget appropriation. However, at a minimum, legislation should ensure that revenue generated from the system is used to fund the system. In addition, legislation could permit CRVSID agencies to generate revenue from entrepreneurial or contractual services.

²³⁷ Gelb, A., Diofasi Metz, A., *Identification Revolution: Can Digital ID be Harnessed for Development?*, Center for Global Development, Washington, D.C., 2018, page 116.

²³⁸ Gelb, A., Diofasi Metz, A., *Identification Revolution: Can Digital ID be Harnessed for Development?*, Center for Global Development, Washington, D.C., 2018, page 117.

²³⁹ Gelb, A., Diofasi Metz, A., *Identification Revolution: Can Digital ID be Harnessed for Development?*, Center for Global Development, Washington, D.C., 2018, page 116.

²⁴⁰ Gelb, A., Diofasi Metz, A., *Identification Revolution: Can Digital ID be Harnessed for Development?*, Center for Global Development, Washington, D.C., 2018, page 117.

V. Legislative Framework

Introduction

208. This chapter provides guidance on topics to be included in comprehensive civil registration, vital statistics and identity management (CRVSID) legislation and regulations. While this chapter is presented in a format that may be followed for comprehensive legislation, it is not necessary to follow this specific format, nor is it necessary that all topics be covered in one distinct piece of legislation. Many countries have a legal framework for CRVSID systems that is contained in more than one piece of legislation and regulations. Countries that wish to enhance their CRVSID systems through amendment of various existing laws that address the separate functions of civil registration, vital statistics and identity management can also follow the guidance in this chapter. The content of the law is more important than the format. What is important is that the best practices and policy options discussed below be addressed somewhere in the overall legal framework for CRVSID systems, regardless of whether they are contained in one law or across many laws.

209. Throughout this Chapter, the term "law" is used to mean any legally binding measure, including constitutional provisions, legislation, regulations, rules, decrees, ministerial orders, official instructions to government agencies, employee manuals and standard operating procedures for government officials, judicial orders, international treaties, and any other document with the force of law. When referring to only those acts approved by the legislature, the term "legislation" is used. The term "regulation" is used to mean all legally binding measures that implement legislation. "Instructions" is used to cover guidelines, procedures and instructions such as employee manuals and standard operating procedures. See Box X for a general explanation of the hierarchy of laws within countries

210. In drafting a CRVSID legal framework, lawmakers must first consider the country's constitutional framework and its system of government to ensure that the CRVSID legal framework is compatible with the existing system and structures of government. (See Chapter 3 for a discussion on institutional arrangements of CRVSID systems). Lawmakers should specifically consider whether a country's system of government is centralized or decentralized. A centralized system of government is one in which a central political executive exerts direct legal authority and control over major political subdivisions, such as states or provinces. A decentralized government, on the other hand, is a system of government where primary authority is dispersed across major, and possibly minor, political subdivisions. In centralized CRVSID systems, there will be a lead agency or agencies at the central level, which has local offices at the level of major and minor political sub-divisions. These local offices are directly responsible to the central agency or agencies. In a decentralized system, there will be a lead agency or agencies at the level of each major political sub-division, and possibly at the level of smaller political sub-divisions, answerable to the local government rather than the central government.²⁴¹ Lawmakers should consider the possibility that some functions (such as CR) may be more decentralized than other functions (such as ID and VS).

211. These *Guidelines* often refer to the "national registrar" or "central authority". In a decentralized system, the lead agency at the local level will have many or all of the powers of the national registrar or central authority in a centralized system. Therefore the guidance set forth here can be followed by local lead agencies in a decentralized system.

212. In addition, while there may be a single agency or multiple agencies carrying out civil registration, vital statistics, and identity management functions, these *Guidelines* usually refer to

²⁴¹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 307-311.

the “agencies”, in the plural. For countries in which all functions are carried out by a single agency, they should apply the concepts discussed to the single agency.

213. Throughout these guidelines, recommendations are provided regarding what provisions should be included in legislation versus regulations. Lawmakers should carefully consider the issue of which legal tool to use, based on what works best in their system of government, and also consider how broad a scope of regulatory authority should be delegated to a ministry or agency. Because legislation must be adopted by the parliament or legislature, this can take years to negotiate and pass. Regulations that implement provisions of the legislation in accordance with delegated regulatory authority are often more quickly adopted. Therefore, provisions that may require amendment over time, for example detailed provisions on administrative processes, are better addressed in regulations as opposed to legislation. Lawmakers should confer a sufficiently broad scope of regulatory authority to allow the system to respond to changing needs over time.

214. To accommodate emerging technology, legislation should not specify the media used in recording, storing and transmitting the information in the civil registration and identity management systems, or the instruments to be produced from the information recorded. The means by which the civil registration and identity records are updated and/or modified should also not be established by legislation. Rather, the technology and media used for the registration, amendment and transmission processes should be detailed in implementing rules or regulations to permit flexibility and changes over time.

Box X. Hierarchy of Laws

All countries have a legal foundation, generally consisting of a founding document, such as a constitution, and the laws passed by the national legislature and other levels of law-making authority. These laws function in a hierarchy, which determines how they rank in authority. The hierarchical structure varies from country to country and depends on the form of government. However, in general, the fundamental levels of hierarchy consist of: a constitution or founding document; statutes or legislation; regulations; and guidelines. The constitution states the grounding legal and democratic principles of the country, including individual rights, citizenship, branches of the government, and powers of government. This is the supreme law to which all other laws must adhere. Next in the hierarchy is legislation, which is passed by parliament or a legislature and cannot conflict with the constitution. While more detailed than the constitution, legislation is still generally broad in its provisions. Legislation often explicitly authorizes the executive branch or a specific ministry to implement the provisions of the legislation through issuance of regulations, which rank next in the hierarchy. Regulations are generally more detailed than laws and may not conflict with the law they implement. More detailed still are internal guidelines, which rank last in the hierarchy and are generally not legally binding.

215. This chapter is broken up into eight sub-sections covering: 1) general provisions and administrative infrastructure, 2) civil registration, 3) identity management, 4) population register, 5) vital statistics, 6) data usage, privacy and security, 7) compliance, enforcement, rights and remedies, and 8) transitional provisions. The individual sub-sections on civil registration, identity management, vital statistics, and population register may be used to guide the drafting of one comprehensive law or to draft or amend separate laws on each of these topics. If using these *Guidelines* to draft or amend separate laws, please also refer to the sections on general provisions and administrative structures; data, usage, privacy and security; compliance, enforcement, rights and remedies; and transitional provisions. The concepts in these sections are overarching and apply to civil registration, identity management, and vital statistics systems and population registers generally and, therefore, should be addressed within the legal framework on CRVSID systems. After each sub-section, there is a checklist that

contains a summary of the topics discussed in that sub-section. This checklist is provided to help drafters ensure that all suggested topics are addressed in the legislation.

SECTION 1. GENERAL PROVISIONS AND ADMINISTRATIVE INFRASTRUCTURE

A. GENERAL PROVISIONS

(i) Purpose of civil registration, identity management and vital statistics

216. While not containing substantive provisions itself, a section setting out the purpose and intent of the legislation can assist in interpretation of the substantive provisions of the legislation. Legislative drafters should address the purpose of civil registration, which is to record vital events and furnish legal instruments to individuals that prove the facts of those vital events, as well as their existence, identity, and personal and family situation.²⁴² They should also address the purpose and function of the identity management system, which is to provide a unique and secure means of proving one's legal identity. Drafters should stress the importance of civil registration as the foundation of the identity management system, as well as the importance of deriving vital statistics from civil registration. The purpose of vital statistics is to provide reliable and timely information to other government agencies, which facilitates the administration and planning of government services, should also be addressed. Finally, drafters should stress the importance of providing civil registration and identity management services to all persons within the territory of the country, without discrimination. This enables all persons to exercise their human rights and benefit from government and private sector services.

(ii) Definitions of vital events

217. The inclusion of definitions lends clarity to the law and ensures that users of CRVSID systems - government officials and residents of the country alike - have a common understanding of the law's requirements. All vital events that are required to be registered should be defined in accordance with UN definitions (see Chapter 1, Section D). While the UN recommends registering and defining the vital events listed below, some countries substantive laws may not recognize all of these vital events. For example, "judicial separation" may not exist under a country's family law. Therefore, while generally legislation will contain definitions for the following vital events, legislative drafters should modify this list as appropriate.

- a. Live birth
- b. Death
- c. Foetal death
- d. Marriage
- e. Divorce
- f. Annulment
- g. Judicial Separation
- h. Adoption.
- i. Legitimation
- j. Recognition

²⁴² *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 285 - 286.

218. Drafters of the law may also wish to include some or all of the following additional definitions in order to improve the clarity of legal provisions that contain these terms:

- a. **Certificate:** the document, paper or electronic format, issued by the Registrar and containing all or part of the exact information contained on the original vital record, and which, when issued by the Registrar, has the full force and effect of the original vital record.²⁴³
- b. **Informant:** the individual or institution whose responsibility, designated by law, is to report to the local registrar the *fact* of the occurrence of a vital event and to provide all the information on and all the characteristics of the event. On the basis of such a report, the event may be legally registered by the local registrar.²⁴⁴
- c. **Medical Certificate of Cause of Death (MCCOD):** is the internationally recommended form for recording information regarding cause of death for certification. Developed by the World Health Organization (WHO), the form is designed to elicit the underlying cause of death.
- d. **Notifier** is the individual appointed by the local registrar to act as intermediary between the local registrar and the informant in providing all the information on and all the characteristics of an event that is to be legally registered by the local registrar.

219. If drafting comprehensive CRVSID legislation that involves the use of a population register, the following definitions may also be helpful:

- a. **Population Register:** an individualized data system for continuous recording, and/or of coordinated linkage, of selected information pertaining to each member of the resident population of a country in such a way as to provide the possibility of determining current and up-to-date information concerning the size and characteristics of that population.²⁴⁵

(iii) Compulsory and universal registration

220. In keeping with the *Principles and Recommendations for a Vital Statistics System*, civil registration must be compulsory and universal. Civil registration is compulsory in that all vital events that occur in a country must be registered. The duty to register vital events applies to government officials responsible for civil registration as well as individuals. It is the affirmative duty of the civil registration agency to ensure that vital events are registered. As such, civil registrars should take steps to overcome barriers to registration faced by individuals, such as physical and mental disabilities, as well as barriers faced by certain population groups due to remoteness, language, literacy, nationality status, or other characteristics.

221. Civil registration is universal in that it should capture all vital events occurring in every geographical area and in every population group in the country without discrimination or distinction based on racial, ethnic or religious group; status as a member of a nomadic, native, indigenous or aboriginal population; status as a displaced person, refugee, or asylum seeker

²⁴³ *Model State Vital Statistics Act and Model State Vital Statistics Regulations, 2011 Revision*, Department of Health and Human Services Centers for Disease Control and Prevention, 2011, section 2(c).

²⁴⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, page 204.

²⁴⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 454.

within the country; or status as a foreign national born in the country, including temporary workers; or any other characteristic. ²⁴⁶

222. Unlike civil registration, identity registration need not be compulsory, as some countries do not maintain a national identity management system and do not require individuals to register for national identity credentials. However, identity credential provision should be universal in that countries should ensure that some form of legally valid proof of identity is available to all persons within the territory of the country.

223. Accordingly, legislation should state the principles that civil registration is compulsory and must be provided universally, and that some form of identity credential must be provided to all universally.

224. The legislation should also address whether processes for civil registration and identity credential provision apply to citizens of the country temporarily residing abroad. Generally, citizens residing abroad are not required, but should have a process by which to report vital events and obtain identity credentials.

(iv) Continuous and permanent registration

225. CRVSID systems must be both continuous and permanent, in that registration and updating of the systems is continuously ongoing, without time limits, and records are permanently maintained. The continuity and permanence of the system require the existence of an agency with administrative stability, whose operation is not limited to a certain period of time. Thus, responsibility for CRVSID systems must be vested in an administratively stable entity. In addition, legislation should make clear that, regardless of which entity is responsible for CRVSID systems, these systems are established permanently, without time bounds, and must be continuously updated and maintained.

(v) Legally valid proof of a vital event and legal identity

226. The civil register serves as the legal factual record of vital events. A key responsibility of the civil registrar is to issue certificates, which are an excerpt of the register and serve as official evidence of the information on vital events contained in the register. The legislation should specify that a certificate, as an official document backed by the government, is legally valid proof of a vital event. In other words, it ensures the veracity of the facts stated therein and enjoys the presumption of accuracy and truthfulness. However, if there is ever a conflict between the civil register and the certificate, the information in the civil register should rule and be presumed correct. Similarly, legislation should specify that an identity credential issued by the government is legally valid proof of identity. In case of discrepancies, the identity management system record should prevail.

(vi) Privacy and confidentiality

227. Information contained in the civil register and identity management system is private and confidential, unless otherwise provided by law. Data collected should only be used for the purpose for which it was intended and data used, stored and transmitted should be only that information necessary for the system's explicit use. In addition, access to data should be limited to only the necessary officials. Many countries have a separate data protection law that governs the collection, storage and use of data, which is recommended by many experts. However, regardless of whether a country has a separate data protection law, its CRVSID legislation

²⁴⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 34.

should state that the principles of data privacy and protection apply specifically to CRVSID systems. (See Section V below for more detailed provisions on data protection and privacy).

(vii) Accountability and Transparency

228. Civil registration and identity management agencies have an obligation to keep accurate records, ensure transparency of the system (while protecting individual privacy), and must be accountable for ensuring that the register is complete, accurate and used in accordance with law. Accordingly, legislation should provide that the civil registration and identity management agencies have a duty and responsibility to ensure that these systems are accurate and processes are transparent, and that these agencies may be held accountable.

B. CIVIL REGISTRATION, VITAL STATISTICS AND IDENTITY MANAGEMENT INFRASTRUCTURE

(i) Ministry or agency in charge of civil registration, vital statistics, and identity management

229. Efficient and effective CRVSID systems involve three key functions – the civil registration (CR) function, the identity management (ID) function, and the vital statistics (VS) function. As discussed in Chapter 3, these three functions may be conducted by one or more entities. CRVSID legislation should clearly state which ministry, agency, or other entity is authorized and responsible for carrying out the functions of the CRVSID system. If more than one entity is involved, this section should clearly state which entity is responsible for each function.

(ii) Powers, duties and authority of the civil registration, vital statistics and identity management authority

230. CRVSID legislation should assign the functions of establishing, operating, and maintaining CRVSID systems to the government agencies identified above and provide a clear designation of duties and responsibilities for key steps of a functioning system, including:

- i.** The powers and functions of the civil registration system, which include: recording vital events; storing, safe-keeping and retrieval of vital records; protection of confidentiality; certificate issuing and other customer services; recording and reporting information on vital events for statistical purposes; and providing reliable and timely information and data to other government agencies and research institutions;²⁴⁷
- ii.** The powers and functions of the vital statistics system, which include: collecting, compiling, analyzing, evaluating, presenting, and disseminating vital statistics derived from civil registration data;²⁴⁸
- iii.** The powers and functions of the identity management system, which include: enrolling and validating individuals in the identity system; issuing identity credentials; establishing processes for authentication of identity; and, if authorized, maintaining a continuously updated population register; and
- iv.** The duty to ensure the confidentiality and security of civil registration and identity records, which is the responsibility of all designated ministries and agencies.

²⁴⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 285.

²⁴⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 40.

231. In addition, CRVSID legislation should set out the powers of the CRVSID agencies to issue regulations to set standards, supervise and monitor the systems. The regulatory powers of the CRVSID agencies should include issuing regulations and instructions to ensure that the procedures for registration and for issuing certificates and identity cards are uniform throughout the national territory. This should include regulatory authority to: reorganize civil registration and identity registration offices; prepare and approve official models of civil registration notification and registration documents and certificates, and identity registration and credential documents; issue directives and standard operating procedures to improve operation and efficiency of local registrars; and any other matters.

232. The powers vested in the CRVSID agencies should permit the introduction of new technologies into CRVSID systems to enhance the performance of services. In newly established or resource-constrained systems, the registration activity may initially or partially be performed manually, with gradual introduction of electronic or digital methods. The power vested in the head of agencies should authorize: management of the physical and personnel resources needed to introduce new technologies into the registration process, issuance of instructions to establish uniform criteria in applying the new technologies, and development and implementation of training programmes for relevant registration personnel.

(iii) Structure of the civil registration and identity management authority, and qualifications, powers and duties of registrars

1. Structure of civil registration and identity management authority

233. In order to ensure that registration services are accessible to the public, the civil registration and identity management authority should maintain primary registration offices in locations that correspond to the minor civil divisions of the country, adjusting boundaries if necessary based on population, resources, accessibility, literacy, and simplicity of registration. Each primary registration area should be the jurisdictional territory of, and be managed by, one local registrar.²⁴⁹ The civil registration and identity management authority may also maintain offices that correspond to major civil divisions of the country. For example, in addition to village or district offices, the national authority may also have offices at the province level. These higher-level offices generally have supervisory authority over the lower level offices in their jurisdiction.

234. The legislation should address the structure of the civil registration and identity management authority and clearly establish locations of primary registration areas as well as locations of higher-level offices. The legislation should allow flexibility, permitting sub-units to be established as needed at selected locations with high levels of vital events, such as hospitals, without the need to amend legislation, as this is a key factor in affecting completeness of registration.²⁵⁰

235. Generally the statistics agency is a centralized agency and vital statistics are compiled at the central level. However, if the statistics agency does have local offices, the structure of the agency should be set out in legislation or regulations.

2. Qualifications and conduct of registrars

236. Registrars hold significant power in registering events, and enrolling and deactivating legal identity. Registrars may also collect fees directly from individuals, and this makes them vulnerable to corruption claims. Therefore, clear requirements governing fitness to act as a

²⁴⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 340-346.

²⁵⁰ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 347.

registrar must be clearly outlined. Accordingly, legislation should set forth the requirements and qualifications necessary to fill the positions of local, regional and national registrar, and prescribe how these officials are appointed. Legislation should also address the proper conduct and ethical responsibilities of the national, regional and local registrars. The legislation should ensure that the national, regional and local registrars are full-time officials, enjoy the status of civil service, and be adequately paid.

237. In some countries, local elected officials hold the position of local registrar in their official capacity. Consequently, legislation cannot require or guarantee the qualifications of the local registrar. In these instances, there is usually a civil servant employed to act as the assistant registrar who handles the registration functions. Where this is the case, legislative drafters should set forth the requirements and qualifications necessary to fill this position of assistant registrar.

3. Powers of the national registrar

238. The heads of the civil registration and identity management agencies (often referred to as “national registrar” or “registrar general”) should be responsible for and empowered to oversee operation of the civil registration and identity management systems and authorized to issue regulations and instructions to do so. The national registrar should be responsible for, at a minimum, management and inspection of registration service; participation in drafting of regulations and instructions; assessing degree of coverage and establishing boundaries for local offices; hiring, management and training of personnel; management of physical resources and technology; resolution of incidents and appeals; promoting the registration requirements to the public; exchanging information with other agencies; and safekeeping archives.

239. The volume of work in most countries will require the national registrar to delegate powers to others to act on their behalf. Drafters of legislation should carefully consider what duties are delegable by the national registrar to regional and local registrars. The goal should be to delegate sufficient powers to local registrars to increase efficiency of the system. However, this must be balanced against the need for uniform procedures and quality control. As capacity and skills at regional and local levels improve, additional authority can be delegated. The legislation should require supervision over the exercise of any delegated duties.

4. Powers of local and regional registrars

240. Legislation should clearly state the duties and powers of local and regional registrars. The duties and powers of local civil registrars usually include conduct and oversight over the following civil registration functions:

- a. Recording specific information regarding vital events according to established methods and procedures;
- b. Ensuring compliance with registration law;
- c. Ensuring the accuracy and completeness of each record;
- d. Adopting such measures as are required to enable the public to be informed of the necessity, procedures and requirements of registration, and the value of vital statistics;
- e. Taking custody of records;
- f. Issuing certificates or copies of the vital records upon request;
- g. Providing customer services²⁵¹ and

²⁵¹ *Handbook of Vital Statistics Systems and Methods: Vol. I, Legal, Organization and Technical Aspects*, United Nations Publication, Sales No. E.91.XVII.5, United Nations, 1991, paragraph 328

- h. Ensuring timely transmission of records to the national registrar.

The duties and powers of local identity management registrars usually include conduct and oversight over the following identity registration functions:

- a. Capturing and recording key identity attributes;
- b. Validating the identity of the individual against existing data;
- c. Issuing credentials; and
- d. Taking custody of records and ensuring their security and confidentiality.

Where civil registration and identity management responsibilities are assigned to a single entity, all of the above functions would be the responsibility of a single local registrar.

241. Regional registrars (in both the civil registration and identity management system) should be responsible for oversight of all local registration offices in their area. Regional registration offices may also serve as a primary registration location and therefore regional registrars may, in addition to the powers below, have the same duties and powers of a local registrar. The duties and powers of regional registrars may include conduct and oversight over the following functions:

- a. Verifying and ensuring the accuracy of registration information collected at registrar offices within their jurisdiction;
- b. Training registrars within their jurisdiction to ensure uniformity of procedures;
- c. Supervising, monitoring and inspecting registrar offices within their jurisdiction; and
- d. Hearing appeals of decisions of registrars within their jurisdiction.

242. Registrars, at the regional and/or local level, should have the power to deploy resources as needed to reach remote or underserved area. Mobile units should be allowed for registration.²⁵² Where distance and terrain are factors, local registrars should be authorized to travel through their district in regular rounds to capture unregistered vital events.²⁵³

(iv) Coordination among stakeholders

243. In light of the multiple stakeholders involved in CRVSI systems, it is important to have a coordinating mechanism for their activities. Close coordination and collaboration across government agencies improves the timely and efficient flow of information; aids production of timely and accurate statistics; avoids duplication, errors or omissions; and ensures concepts, definitions, and classifications are consistent nationally.²⁵⁴ Coordination should take the form of an interagency committee, comprising representatives of all agencies involved, which meet at least annually to discuss matters affecting the agencies.²⁵⁵ However, other coordination methods may also be included in legislation (for example, empowering a single government agency to coordinate the activities of CRVS stakeholders and obliging stakeholders to

²⁵² *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 348.

²⁵³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 329.

²⁵⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 41, 48.

²⁵⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 52, 319-22.

collaborate with the coordinating entity). Any coordinating mechanism should be established on a permanent basis, meet regularly, and have legal status as mandated by law.²⁵⁶

244. There may also be coordination on specific topics. For example, a National Mortality Working Group can play a key role in improving the completeness and quality of mortality data, which is critical to public health decision-making. Such a group could coordinate efforts to introduce and rollout the use of the World Health Organization’s International Form of Medical Certificate of Cause of Death (MCCOD); introduce verbal autopsy (VA) use in a country; and coordinate medical certification of cause of death training. Similarly, a Verbal Autopsy Committee can play a key role in improving the completeness and quality of mortality data. A working group or groups may be established through the CRVSID legislation or regulations, or through another mechanism. A working group may be permanent or time-limited, depending on the nature of the issue it is meant to address.

(v) General Provisions and Administrative Infrastructure Summary

245. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be “yes”. A similar checklist will be included at the end of every section, and in some cases sub-sections, throughout these *Guidelines*.

General Provisions and Administrative Infrastructure	Yes/No
Are all births, deaths, foetal deaths, marriages and divorces required to be registered?	
Are birth, death, foetal death, marriage and divorce defined in accordance with United Nations definitions?	
Is a compulsory, universal, continuous and permanent system of civil registration established?	
Do the principles of privacy, confidentiality, accountability and transparency apply to the CRVSID system?	
Are certificates and identity documents issued by the CRVSID authorities established as legally valid proof of vital events and individual identity?	
Are the functions of establishing, operating, and maintaining a national civil registration system, a national vital statistics system, and a national identity management system expressly assigned to a government agency or agencies?	
Does the central agency or agencies have authority to issue regulations in order to oversee operation of the system?	
Is the national registrar authorized to delegate authority to regional and local registrars?	
Does the location of primary registration offices correspond to minor civil divisions?	
Does the national, regional or local registrar have the power to establish secondary registration offices and authorize mobile registration units?	
Are there clear requirements and standards governing the qualifications and conduct of national, regional and local registrars?	
Are registrars full-time civil servants and adequately compensated?	
Are the powers and duties of registrars at the national, regional and local level clearly defined?	

²⁵⁶ *Handbook of Vital Statistics Systems and Methods: Vol. I, Legal, Organization and Technical Aspects*, United Nations Publication, Sales No. E.91.XVII.5, United Nations, 1991, paragraph 270.

Has a coordinating mechanism or body consisting of representatives of all stakeholders in the CRVSID systems been established?	
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SECTION 2. CIVIL REGISTRATION

A. REGISTRATION OF BIRTH

246. Birth registration is the formal act of recording the facts of a birth in the civil register. The person who notifies the registrar of the event is referred to as the "informant". The process by which the informant reports the event to the civil registrar is sometimes referred to as "notification". When a birth is notified, the registrar verifies the information provided, including any required documentation, and then records details of the birth, the newborn, and the parents into the official civil register. These details constitute the birth registration record.

247. Legislation on birth registration should address all aspects of the process by which a birth is registered. This includes the following topics: informants and processes for births that occurs in a health facility and births that occur outside a health facility, place of registration, proof required to register, time allowed for registration, provision of late or delayed registration, assignment of a unique identity code at birth, information to be collected at registration for legal and statistical purposes, certified copies of birth registration, and special procedures for certain birth circumstances. These topics are discussed in detail below.

(vi) Informants

248. Registration records should be completed as soon as possible after the event. The simplest and quickest method to achieve this is to require an informant to provide the needed information directly to the civil registrar soon after the event has occurred.²⁵⁷ The informant is the person who reports to the local registrar the occurrence of a vital event within the prescribed time limit.²⁵⁸ The importance of the informant is that the registrar can only register a vital event on the basis of the informant's declaration, either verbally or in writing.²⁵⁹ The designation of an informant for each type of vital event should be established clearly and unequivocally in the legislation to ensure that there will be one and only one person primarily responsible for providing the information needed for the registration. Notwithstanding, the law may designate alternative informants and establish the order in which each of them must assume his or her responsibilities. The appropriate informant for a live birth, in priority order of preference, is: 1) the head of the health facility (for a birth that occurred in a health facility) or the birth attendant (for a birth that occurred outside a health facility) 2) the mother, 3) the father, 4) the nearest relative of the mother, 5) any other adult person having knowledge of the facts.²⁶⁰

(vii) Process of registering births occurring in health facilities

²⁵⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 281.

²⁵⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 356.

²⁵⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 351.

²⁶⁰ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 352 - 355.

249. When a live birth occurs in a health facility, the head of the health facility should be the primary informant. This will help achieve the goal of registering the birth as soon as possible after the event. Unlike the family, who will be busy with a newborn, the health facility should be able to notify the registrar almost immediately after the birth. The legislation should explicitly state what type of facility is considered a "health facility" for purposes of being an informant. Some countries define "health facility" by the number of beds contained in the facility; for example, any facility with over 10 beds might be considered a health facility for purposes of being an informant. Other countries define "health facility" by the number and type of medical professionals on staff; for example, any facility in which a medical doctor is present might be considered a "health facility" for these purposes. While the head of the health facility is ultimately responsible for ensuring the notification of the birth, they should be able to delegate this responsibility to staff.

250. The legislation should require the health facility to provide to the local registrar all the legal and statistical information necessary to register the birth. This information is usually contained in a "notification of birth form". (Section J below, Contents of Register, provides details on this information). This information may be provided by physical or electronic means. The process by which the information is provided should be set out in regulations or instructions, as this will allow flexibility to change the process as the system and technology develop.

251. After receiving notification of a birth, the registrar should verify the information for accuracy and completeness, officially register the birth, and issue a birth certificate to the family.²⁶¹ Some countries issue the birth certificate by mail; others require the family to come pick up the birth certificate. In fully digitized systems it may be possible to issue a certified electronic birth certificate. Because the certificate issuance process may change over time, the process should be set out in instructions in order to allow maximum flexibility. (See Section I below, Birth Certificate, for details on certificate format and issuance).

252. While ideally the health facility is the informant, in some countries this may not be possible due to lack of capacity or resources at the health facility. For whatever reason, if lawmakers are unable to place responsibility on health facilities to be the informant, a two-step process may be adopted. In a two-step process, the health facility issues a notification of birth to the family and transmits (by physical or electronic means) a copy to the local registrar. To complete the registration process, the family must provide a copy of the notification of birth, and any other required information and documentary evidence, to the registrar. The registrar should verify the information for accuracy and completeness, officially register the birth, and issue a birth certificate to the family. This two-step process may result in lower registration rates, as families may not complete registration. However, because the registrar has been notified of the birth by the facility, it will be aware of unregistered births.

253. With either process, the legislation should broadly describe the process but leave the details of the process to be described in regulations or instructions. For countries transitioning from a paper to computerized system, both manual and electronic procedures may happen in parallel for several years. Therefore, the legislation should avoid language that requires submission or transmission of documents to be either a paper or digital format. In addition, leaving this level of detail to the regulations or instructions will allow flexibility in amending the process as technology advances.²⁶²

²⁶¹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 93 - 97.

²⁶² For an in-depth discussion of the registration process for births in a health facility, see *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 93 - 97.

254. The notification of birth form should not be contained in or appended to the legislation. Rather, the form should either be appended to the regulations or included in instructions from the national registrar. This will allow for ease of amendment. Data elements recommended to be included in a notification of birth form are set out in Annex A.

(viii) Process of registering birth occurring outside health facilities

255. Births that occur outside health facilities can be grouped into two categories: those that take place with the assistance of a birth attendant and those that take place without a birth attendant. Many countries have increased the rate of registration of births that occur outside health facilities by placing responsibility on birth attendants to notify the registrar of births in which they are in attendance. This allows for quicker notification of the birth by relieving the family of the burden of travelling to the registration office soon after the birth of a child. For births without an attendant, the parents remain the primary informant. These two processes are described below.

256. For live births occurring outside a health facility with a birth attendant, such as a doctor, midwife or traditional birth attendant, legislation should place the responsibility on the attendant to be the primary informant or to notify the registrar of the birth. If the birth attendant is the primary informant, the legislation should require the attendant to provide all the information requested in the notification of birth form and any other required evidence. The registrar should verify the information for accuracy and completeness, officially register the birth, and issue a birth certificate to the family.

257. In some countries, where it is not practical to have birth attendants act as informants, birth attendants notify the registrar of births. As with the equivalent two-set process in facilities, this process is very likely to reduce registration coverage as it relies on the families to go to the registrar for the registration. If the attendant is required to notify a birth, the attendant transmits a notification of birth to the registrar and gives a copy to the parents. The parents then complete the registration process by providing the copy of the notification of birth to the registrar and any other required information and documentary evidence. The registrar verifies the information for accuracy and completeness, officially registers the birth, and issues a birth certificate to the family.

Box X. Gambia. Role of Health Workers

In Gambia, the registration law mandates public health officers to act as deputy registrars, who are charged with collecting the required details and filling out registration forms.

258. The legislation or regulations should provide a process if the birth attendant is unable to complete the notification of birth form due to illiteracy or other reasons. In this instance, the mother, the father or a close relative should report the event to the local registrar, who prepares the official birth record in the register. Likewise, If there is no birth attendant, the mother or the father is the informant and should provide to the registrar the information requested on the notification of birth form, together with any other required documentation.

259. Placing primary responsibility on parents to report births can result in low registration rates. Many countries have seen birth registration rates rise by deputizing health workers - including vaccination workers, nurses, doctors and other health professionals who see newborns for paediatric visits - as informants. If these health workers see an infant who has not been registered - whether during a vaccination, paediatric visit or other reason - they can use the opportunity to register the child. See Box X for details of the use of health workers as informants in Bangladesh and Rwanda.

260. As with in-facility births, the legislation should broadly describe the process for registration of out of facility births, leaving the details of the process to be described in regulations or instructions.

(ix) Place of birth registration

261. Legislation should state where registration of a birth must take place. Traditionally, legislation has limited registration of vital events to a primary registration area in a certain location. The registration of a vital event can be by the place of occurrence or by the place of usual residence. Most countries have adopted the place of occurrence as a norm for the registration of births, deaths and foetal deaths, as this facilitates and accelerates the registration process by putting civil registration within reach of the population.²⁶³ However, as CRVSID systems become more networked within countries, it may be possible to register a vital event at any point where the informant can access the system, as the information would go directly to a central database.²⁶⁴

262. Legislation should generally provide that an informant should notify a birth at the registration office in the location where the birth occurred. However, drafters of the legislation may wish to allow for flexibility regarding place of birth registration and permit, through regulation, notification at any location where the registration system may be accessed.

(x) Proof required for birth registration

263. Registrars should require proof as to the veracity of the information to be registered. The proof or evidence required for registration must be sufficiently stringent to provide assurance of the accuracy of the information without being so burdensome as to discourage or prevent registration. Verification of the occurrence of a vital event can be achieved through documentary or oral evidence. Documentary evidence is always preferred. For birth registration, the most common form of documentary evidence is the notification of birth. However, if this is not available, testimony or affidavits of witnesses may be substituted.²⁶⁵

264. If a health facility or birth attendant is the primary informant and notifies the registrar directly of a birth, with no action needed by the parents, the provision of the information in the notification of birth form is sufficient for the registrar to record the birth in the registry. However, if the mother or father of a child is the primary informant, the health sector should be obliged to issue a notification of birth to the parents, free of charge, for all medically attended births. This includes births attended by a midwife or traditional birth attendant. A notification of birth constitutes critical documentary evidence of the occurrence of a birth, which can be used to satisfy civil registration verification requirements. Consequently, it is important that it be issued free of charge and in a uniform format throughout the country.

265. The legislation or regulations should specify whether any proof is required in addition to the notification of birth, such as an identity card or birth certificate of the mother and/or father. It is important that documentary evidence requirements not prevent the registration of a birth. Therefore, if additional evidence is required, the regulations should allow for alternative evidence if the mother or father does not possess such documentation. The registrar should be

²⁶³ *Handbook of Vital Statistics Systems and Methods, volume I: Legal, Organization and Technical Aspects*, United Nations Publication, Sales No. E.91.XVII.5, United Nations, 1991, paragraph 177-179.

²⁶⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 92.

²⁶⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 189 - 192, 365 - 366, 368.

authorized to use discretion to complete the registration process with the information available, in accordance with guidelines issued by the national registrar.

(xi) Assigning of Unique Identity Code

266. An individual enters into the identity management system at birth with the assignment of a unique identity code (UIC). A UIC is assigned to only one person, and a person should have only one UIC. This code is assigned to an individual for life and generally cannot be changed except under specified circumstances, such as identity theft. The assignment of a UIC at birth facilitates the linkage of records in the CR and ID systems.

Depending on the country, a Unique Identification Code (UIC) may be referred to as a Unique Identification Number (UIN), Personal Identification Number (PIN), or similar term. By contrast, the UN *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, uses the term "PIN" for the identifier assigned to each person by the government. In this document, to avoid confusion, we use the term "UIC" to refer to the identifier assigned by the government to individuals. Some countries use letters and other characters in addition to numbers in the identifier, so this document uses the inclusive term "code" rather than "number." In addition to a UIC, some systems use an additional character sequence to authenticate the identity of the individual. This closely-guarded code is often known as a PIN. For example, in Estonia, all persons are assigned a UIC at birth, and later in life select two PINs that are attached to their identity credential for purposes of authentication. To distinguish between these two types of character sequences, we use "UIC" to refer to the character sequence assigned for life to all persons in the population and "PIN" to refer to a personal identification number used for authentication or other purposes.

267. A UIC may be generated by either the civil registration or the identity management agency (if separate entities). If the civil registration agency generates and assigns a UIC to a newborn, the registrar should send the UIC along with birth information (such as name, date and place of birth, and name of mother/father) to the identity management agency. If the identity management agency generates the UIC, the registrar should send a request to the identity management agency, which then issues a UIC and sends it to the registrar. The registrar then enters this information into the birth record.²⁶⁶ Regardless of which entity generates the UIC, legislation should require the registrar to ensure that a UIC is assigned and entered into the birth record for every child born within the territory of the country, regardless of citizenship, ethnicity, nationality, or residency status.

268. Lawmakers should determine how the UIC will be provided to the parents. For example, the UIC may be included on the birth certificate or may be provided on a separate document. The process by which the UIC is provided to parents is best contained in regulations or procedures to allow for changes to the process over time.

(xii) Registration deadlines

269. The legislation should specify a time period in which a birth must be notified. Uniform processes and time periods for notification of vital events should be applied throughout the country. The maximum time period allowed for notification should be as short as possible so as to facilitate current and accurate registration. Deadlines for notification are often between 14-30 days, but vary by country.²⁶⁷

²⁶⁶ For more information on operational procedures for link the birth registration record and UIC, see *Integrating Unique Identification Numbers in Civil Registration*, World Bank, 2018, pages 15 - 19.

²⁶⁷ *Handbook of Vital Statistics Systems and Methods, volume I: Legal, Organization and Technical Aspects*, United Nations Publication, Sales No. E.91.XVII.5, United Nations, 1991, paragraphs 180-184.

270. As a practical matter, hospitals and health facilities should be able to notify births almost immediately if the system is computerized and linked to the registrar, while notification of out-of-facility births often take longer. To address this, the legislation should provide a maximum timeframe in which a birth must be notified and the regulations may set a shorter time frame for specific circumstances, such as births in facilities with computerized systems.

(xiii) Late and delayed registration

271. The more time that passes between the occurrence of a vital event and registration, the less likely the information provided about the event will be accurate and trustworthy. Therefore every effort should be made to ensure registration occurs as early as possible. However, despite best efforts, late and delayed registrations may still occur.

272. A late registration occurs after the legally specified time period, but within a grace period, usually considered one year after the vital event. Delayed registration occurs after the grace period. The legislation should make provisions for the handling of late and delayed birth registration. While late and delayed registration should be discouraged so that vital events are registered in a timely manner, the procedures should not be so restrictive that they prevent late and delayed registration of events. Lawmakers should take account of the difficulties in finding or verifying evidence of past events while striving to maintain the integrity of the records. These provisions should indicate the required documentary evidence that may be acceptable, based on the length of time of the delay.²⁶⁸

273. If a birth is notified within one year of the date of the birth, and the birth occurred in a health facility or with an attendant, the legislation should allow for registration with a notification of birth. If the birth was at home without an attendant, the legislation should allow for registration with provision of the information requested in the notice of birth form, and may require additional evidence, such as a witness statement.²⁶⁹

274. After a year has passed, legislation should require additional proof of the facts of the birth. Proof may include an affidavit of those present at the birth, a medical record during pregnancy or a record of a subsequent paediatric visit, and some form of proof of residency at the time of birth, such as a rent agreement or statement from a village leader.²⁷⁰ In some countries, for delays longer than one year, the legislation may require judicial procedures and decisions. However, this could create a barrier to register a birth after a year, particularly in areas where the nearest courthouse may be a great distance away. While evidence requirements should be stringent for late and delayed registration, proof of birth should not be so onerous as to disincentivize birth registration. Lawmakers must balance these concerns when drafting regulations or instructions for late and delayed registration.

(xiv) Birth certificate

275. A key responsibility of the registrar is to issue birth and death certificates, which serve as official evidence of the information on individual vital events contained in the register. A certificate is a document, in paper or electronic format, issued by the registrar and containing all or part of the exact information contained on the original vital record, and which, when issued by the registrar, has the full force and effect of the original vital record.²⁷¹ These certificates can come in several forms, including a computer printout, a photocopy or reproduction of the

²⁶⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 369-374.

²⁶⁹ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 103.

²⁷⁰ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 161.

²⁷¹ *Model State Vital Statistics Act and Model State Vital Statistics Regulations, 2011 Revision*, Department of Health and Human Services Centers for Disease Control and Prevention, 2011, section 2(c).

original record, or a separate form with handwritten or typed information. Legislation should require security measures be put in place for certificate issuance (both hard copies and electronic) to minimize fraud. The specific type of security measures should be addressed in regulations or instructions to maintain flexibility. To deter counterfeiting of paper certificates, safety paper (paper that has been specially prepared to readily disclose erasures) should be used and closely controlled.²⁷² Certificates retrieved or received electronically should contain other types of security features, such as a digital seal, chain or code.²⁷³ See Box X for an example of effective security features found in the electronic retrieval system implemented by the Civil Registration and Identification Service of Chile.

Box X Chile. Security features in the production of certified copies by the Civil Registration and Identification Service (SRCI)

The Civil Registration and Identification Service performs registration and certification of vital events by means of a centralised database. When the unique identity code (UIC) of the registrant is introduced, the system automatically fills in the fields that can be retrieved from family members' records. These fields are hard coded, so only authorised registrars can modify them. In order to obtain certified copies, users can access a public database online, where documents can easily be retrieved. Downloaded documents contain a digital verification code that can be read and validated by other service providers, such as health, insurance and education institutions, among several others. Thus, the security features of the paper are given diminished attention in comparison with the digital seal, chain or code, which allows not only verification of the validity of the information contained in the document, but also allows for electronic transmission of the data. This system also enables the obtaining of certified copies, recognised by the Hague Apostille Convention, from overseas.

276. Depending on the information required, the certificate may contain all the information from the register (full or long-form) or limited information (partial or short-form). The short form might, routinely, be the form of choice for providing copies, except in circumstances where the entire form is required for a particular legal or administrative use. The form of the birth certificate - long and short form - should be included in regulations or instructions rather than the legislation to permit changes to the form over time if necessary.

277. Partial or short-forms may contain only information that is in the public domain – such as full name, name of parents, sex, and place and date of birth. However, other information contained in the long form - such as issues of paternity and wedlock - may be sensitive and disclosure to the wrong person could violate the right to privacy. Only the immediate family, spouses, heirs, or their legal representatives, and third parties with a legitimate interest, should have access to such sensitive information. Government agencies may also require such information for legitimate purposes. The local registrar should have authority to determine the legitimacy of requests for certificates containing information not in the public domain, in accordance with guidelines issued by the national registrar.

278. Legislation should require the registrar, upon completion of registration, to issue an original birth certificate to the parents of the child free of charge. Ideally, the local registrar has power to issue a birth certificate, as this will shorten the time frame of certificate issuance. However, in some countries, the local registrar lacks the resources or capacity to issue the certificate. For example, the local registrar may not have a sufficient supply of security paper or the certificate form or the means to print these forms. In these instances, the central authority issues the birth certificate, which is then sent to the local registrar to be collected by the parents. However, this can cause substantial delays in certificate issuance. As the certificate can

²⁷² *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 416.

²⁷³ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 169.

be an incentive to register, delay in certificate issuance can depress rates of registration. Therefore procedures should be put in place to facilitate the issuance of certificates at the local level.

279. Original birth certificates may get lost or destroyed over time and therefore it is important to have a process for the issuance of a duplicate birth certificate. Information necessary for certification might be contained only in the local register where the birth was registered if communication between the local and central register is infrequent. Or information may be contained also in the central register if there is effective communication between the local and national level. If information is contained in the central register, it is possible that it could be accessed from any local registration location, which makes the process of requesting a duplicate certificate easier for those who no longer reside at the place of registration. Therefore, steps should be taken to speed up processing and information sharing between the local and national level, in both manual and electronic systems. This will allow the swift processing of duplicate certificate requests from any registration district, not just the district where the vital event was registered. Regulations or instructions should set out the specific process for obtaining a duplicate birth certificate, and should address from what district office a duplicate certificate may be requested.

280. The traditional method for requesting a certificate involved walking into the local registration office and requesting the copy at the counter. Many countries, however, have developed additional procedures to accommodate the public, such as requests by mail, telephone, or online. When developing alternative forms of requesting and providing certificates, policy makers should ensure the privacy and confidentiality of the process, as well as establish a means to verify the identity of the requester.²⁷⁴ These procedures are best handled in instructions in order to retain maximum flexibility.

(xv) Content of the entry in the birth register

281. Information provided by the informant during notification is entered into the register and constitutes the birth registration record. In a traditional manual registration process, a local registrar prepares two documents - a vital event registration record and the corresponding statistical report. The registration record, due to its legal function, is permanently filed and stored. The statistical report is forwarded to the agency responsible for compiling vital statistics. However, as civil registration becomes computerized, these two components are merging into one computerized input in the system. Where the registration document and the statistical report are combined in a single form (or single input in the system), a clear distinction should be made between the legal and statistical components. This is important because certificates are subsequently prepared from the combined form. Certificates should contain only the legal portion of the records; items that are relevant only for statistical purposes must not be reproduced on certificates.²⁷⁵

282. The *Principles and Recommendations for a Vital Statistics System* provides recommendations on data elements that should be recorded for statistical purposes, including high-priority topics as well as topics that are a less urgent goal.²⁷⁶ These topics are set out in Annex A and should be included in the notification of birth form. The information for the legal component is minimal, and usually consists of: given name, surname, date of birth, birthplace, sex, and name of parents.

²⁷⁴ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraphs 172 - 174.

²⁷⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 374-377.

²⁷⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 66, Table III.1

283. While the registrar should strive for complete legal and statistical information, an informant's inability to provide information for any one data field should not prevent registration. For example, while it is preferable that information on both parents is provided (in accordance with the Convention on the Rights of the Child), birth registration should not be denied if the mother cannot or will not name the father, or if the father refuses to acknowledge the child. Similarly, if an informant is unable to provide information on other data elements in the notification of birth form - for example, the weight of a child born at home - this should not prevent registration. Accordingly, registrars should be authorized to complete registration with the available information in order to fulfil their duty to strive for universal registration coverage. The national registrar should issue guidelines on completion of registration with missing information, such as a missing name in cases of delayed naming (see below), questions of nationality and citizenship, and missing paternity information.

284. In addition to the information regarding the characteristics of the birth and the parents, data elements should include: information regarding registration area (territorial district) and local office; number of record; date and place of registration; identity of registrant; and identity of the registering officer.²⁷⁷

285. Legislation should not prescribe the precise form of the register - in contrast to data elements to be captured - as this may be overly prescriptive and prevent changes in the form of the register as technology advances.

(xvi) Birth circumstances requiring special procedures

i. Delayed naming and permissible name of the child

286. A child has the right to a name from birth. However, in many communities across different countries children are named only after a certain period of time following their birth, ranging from a few days to several weeks, based on varying religious practices and customary or social norms. Registration laws that require registration with a name can hinder birth registration in those communities that delay naming of their children. To overcome this, legislation may allow the registration of a birth without a name (i.e. Baby Girl or Baby Boy) or with a "temporary" name and then provide a separate cut-off date for insertion of a name following a specified process set out in regulations or instructions.²⁷⁸

287. Countries may have a law on permissible names for a child, which may govern the given name and family name. Registrars should be aware of these substantive laws. However, any requirement that a baby must use the surname of the father may hinder or prevent registration. If the mother is unable or unwilling to name the father, she should be permitted use her family name or a chosen family name, and registration should not be denied. The national registrar should issuance instructions on potential issues that can arise with the naming of a child.

ii. Registering birth of an intersex child

288. Intersex is a collective term used for many natural variations in sex characteristics and bodily characteristics that do not match strict medical definitions of male or female. These characteristics may be chromosomal, hormonal and/or anatomical and may be present to differing degrees. Many variants of sex characteristics are immediately detected at birth, or even

²⁷⁷ *Handbook of Vital Statistics Systems and Methods, volume I: Legal, Organization and Technical Aspects*, United Nations Publication, Sales No. E.91.XVII.5, United Nations, 1991, page 23.

²⁷⁸ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraphs 155-156.

before. Sometimes these variants become evident only at later stages in life, often during puberty. These are natural variations and intersex is not a medical condition.²⁷⁹

289. Issuing a birth certificate with an assigned sex at birth can have an impact on the fundamental rights of intersex people. When basic aspects of a person's legal status (e.g. birth or death registration), social status (e.g. access to services) or health conditions are defined by the sex binary classification of being either "male" or "female", intersex people are often discriminated against. This is because their sex characteristics cause them to fall outside of this classification. It can also lead to grave violations of their rights to physical and psychological integrity and other fundamental human rights. The requirement to classify a child as either male or female at birth has caused intersex people to be subjected to cosmetic and other non-medically necessary surgery in infancy, resulting in irreversible sex assignment and often sterility, without informed consent of either the person in question or their parents or guardians.²⁸⁰

290. Recognizing that "male" or "female" sex at discrimination against countries have changed practices. At least five States now allow a sex-registered in birth "unknown" or "unclear" or designation blank. See Box

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the requirement to assign birth can lead to intersex people, some their birth registration European Union Member neutral identification to be certificates, including leaving the sex X. Intersex Birth

Registration. However, leaving sex designation blank may also violate rights. In November 2017, Germany's highest court ruled that requiring birth registration as either male or female or leaving the sex-marker blank violated the right to personality, which includes gender identity. The court ruled the country must provide a third gender option beside male or female in the nation's birth register or dispense entirely with information on gender in civil status. Advocacy around intersex registration is evolving and there are differing views. While some advocate for a third gender option, some advocates feel that a third sex-marker option is stigmatizing and advocate that sex-markers be removed from birth certificates and identity documents entirely.

291. Intersex people will remain vulnerable to discrimination as long as birth and other registries do not record sex identities appropriately. Therefore lawmakers should consider alternatives to sex-markers in birth certificates and other identity documents to protect intersex people. The possibility of removing sex-markers from birth certificates should be considered, or alternatively including a gender-neutral sex marker.

Box X. Intersex Birth Registration.

At least five European Union Member States allow a sex-neutral identification to be registered in birth certificates. In the United Kingdom, "unknown sex" may be registered. In Latvia, sex is not included on the birth certificate of an intersex child; instead 'unclear sex' is allowed in medical certificates issued by medical staff. In the Netherlands, if the sex of a child is unclear, the birth certificate can state that the sex could not be determined. Within three months of the date of birth, a new birth certificate should be drawn up and the first one destroyed. In the new birth certificate, the sex of the child should be mentioned based on a medical statement. If no medical statement is submitted or if the sex cannot yet be determined, the new birth certificate should indicate that it is not possible to determine the sex of the child. Once an intersex person

²⁷⁹ *The fundamental rights situation of intersex people*, European Union Agency for Fundamental Rights, 2015, page 2, available at: <http://fra.europa.eu/en/publication/2015/fundamental-rights-situation-intersex-people>.

²⁸⁰ *The fundamental rights situation of intersex people*, European Union Agency for Fundamental Rights, 2015, page 5.

has decided on their sex identity, they can change the registration in accordance with the Civil Code, but no time limit is set. In Portugal's intersex cases, a person reporting the birth at the civil registry office is advised to choose a first name that is easily adapted to either sex. It is expected that the birth certificate will be amended accordingly, once a sex can be attributed with some precision.²⁸¹ In November 2017, Germany's highest court ruled that the country must provide a third gender option beside male or female in the nation's birth register or dispense entirely with information on gender in civil status.

iii. Registering births that occurs in a prison

292. Pregnant prisoners are not uncommon in female prisons. It is estimated that 24,000 to 60,000 women are pregnant and incarcerated globally. Like health facilities, the head of a prison facility should be required to notify the local registrar of all vital events that occur in a prison. This requirement is particularly important for birth because women who give birth in prison have no opportunity to register the birth of their child while incarcerated. Accordingly, legislation should place responsibility on the head of a prison to notify the registrar of births that occur in prison. As with health facilities, the particulars of the process of notifying the registrar should be contained in regulations or instructions

iv. Registering birth to nationals occurring abroad

293. Vital events occurring to citizens who are abroad temporarily should be registered.²⁸² When a child is born to parents who are residing outside their country of citizenship, the country in which the birth occurred has an obligation to register the birth and issue a birth certificate. While the home country of the parents will not issue a new birth certificate, there should be a process by which the parents can notify the home country of the birth. This is important for purposes of establishing citizenship and receiving a passport for the child. The legislation should provide a process for citizens residing abroad to notify the registrar (or the passport agency) of the birth of a child. This is usually facilitated by a country's embassies and consulates. The legislation should address what documentary evidence is required, such as a birth certificate or medical record of birth from the country of residence or affidavit of a birth attendant. Regulations should also address the process to be followed by the embassy, including how the information is transmitted from the embassy to the central registrar.

294. A birth certificate from the country of residence may not be in the official or national language of the country of citizenship. A country's laws may require certified translation of the birth certificate and any other required documents, as well as proof that the documents are valid. If a country is a Party to the Apostille Convention, validity may be established under the procedures of the Convention. The registrar should be aware of any laws requiring translation and certification of validity.

v. Registering birth occurring in a moving vehicle

295. If a birth occurs in a moving vehicle, such as a ship, airplane, train or car, a question arises as to "place of occurrence" of the birth for registration purposes. If the birth occurs in a moving vehicle within the territory of the country, many countries consider the place of occurrence to be the place where the newborn exits the vehicle. Births that occur in international airspace or waters present a tougher question. Some countries require that if a birth occurs on a foreign ship or aircraft, the birth must be registered in the country in which the ship or aircraft is registered. The legislation should address these questions and state the presumption for "place

²⁸¹ *The fundamental rights situation of intersex people*, European Union Agency for Fundamental Rights, 2015, page 5.

²⁸² *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 296.

of birth" for births that occur in or on moving vehicles, both domestically and internationally. For ships and airplanes, the captain or pilot is usually the informant.

vi. Registering birth to refugees, undocumented migrants, internally displaced, stateless persons, persons of undetermined nationality, and nomadic populations

296. All births that occur in the country - including births to refugees, undocumented migrants, internally displaced persons, stateless persons, persons of undetermined nationality, and nomadic peoples - must be registered. The legislation should contain specific processes for registering these populations regardless of whether the person has legal residency status. For a birth to a mother/father who lack legal proof of identity (birth certificate, identity card) due to statelessness, internal displacement, refugee status or other reasons, the legislation should provide for alternative forms of documentary evidence and witness statements to permit registration.²⁸³ The legislation or regulations should also allow for registration through mobile units in refugee camps and remote locations to facilitate registration of marginalized populations.

(xvii) Birth Registration Summary

297. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be "yes".

Birth Registration	Yes/No
Are the heads of health facilities responsible for notifying the registrar of births that occur in facilities?	
Is "health facility" defined for purposes of determining whether a facility has a responsibility as an informant?	
Are local health workers or local leaders responsible for notifying the registrar of births that occur outside health facilities?	
Does the legislation permit births to be registered at the place of occurrence (or where ever the system may be accessed)?	
Does the legislation address whether documentary evidence is required to register a birth?	
Is a unique identity code assigned at birth?	
Is there a specified time period within which a birth must be notified?	
Is there a process for late and delayed registration that specifies evidence required to register the birth?	
Are only persons with a legitimate interest able to receive a copy of a person's birth certificate?	
Does the law require security measures for the issuance of birth certificates to minimize the risk of fraud?	
Do local registrars have the authority and capacity to issue birth certificates?	
Is the United Nations recommended statistical information collected during birth registration?	
Is there a clear distinction made between legal and statistical information?	
Do registrars have discretion, subject to guidelines, to complete the registration process if some requested information is missing?	
Does the birth record capture information regarding registration area (territorial district) and local office, number of the record, date and place of registration, and identity of the registering officer?	

²⁸³ For a fuller discussion on special registration issues and these populations, see *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraphs 180 - 183.

Is there a process permitting delayed naming of a child?	
Is there a process for registering a child as intersex at birth?	
Are heads of prisons required to notify the registrar of births that occur in prisons?	
Is there a process for notifying a birth to nationals temporarily residing abroad?	
Are there special procedures for registering births to refugees, undocumented migrants, internally displaced, stateless persons, persons of undetermined nationality, and nomadic populations?	

B. REGISTRATION OF FOETAL DEATH

298. Tracking stillbirths and other foetal deaths is important for statistical and public health purposes, and countries should therefore maintain a separate foetal death register, including stillbirths. Because these foetal deaths are registered separately, stillbirths and other foetal deaths should not be registered in the birth or death registries, as they do not establish a legal identity or affect civil status. Foetal deaths are registered for statistical purposes only.

299. For international comparability, the World Health Organization (WHO) recommends reporting of late foetal deaths – for example, third-trimester stillbirths – at ≥ 1000 g birth weight, ≥ 28 completed weeks of gestation and ≥ 35 cm body length, with birth weight given priority over gestational age. While birth weight and gestational age are closely linked, they cannot be used interchangeably, since there is a range of “normal” birth weights for a given gestational age and gender, with substantial regional variations. Therefore, a gestational age threshold has been recommended as a single parameter, because it is a better predictor of viability than birth weight, and information about gestational age is more likely to be available than birth weight for stillbirths.²⁸⁴

300. The informant for a foetal death is the same as for a live birth: 1) the head of the health facility (for a foetal death that occurred in a health facility) or the birth attendant (for a foetal death that occurred outside a health facility) 2) the mother, 3) the father, 4) the nearest relative of the mother, 5) any other adult person having knowledge of the facts.²⁸⁵

301. As with a live birth, the place of registration of a foetal death should be the place of occurrence. However, drafters of the legislation may choose to provide flexibility by allowing registration at any location where the registration system may be accessed, if the system is sufficiently networked.

302. The process for registering a foetal death that occurs in a facility and a foetal death that occurs outside a facility is similar to the processes for an in-facility and out-of-facility live birth. However, it is recommended that the notice of foetal death form contain some data fields specific to foetal death. For recommended information to be collected for foetal death, see Annex A.

303. Foetal deaths should be classified using the WHO application of International Classification of Diseases (ICD) to deaths during the perinatal period: ICD-PM. ICD-PM aims to link stillbirths and neonatal deaths to contributing maternal conditions, where applicable, in a way that is consistent across all settings. This will help standardize and increase information on

²⁸⁴ *Making Every Baby Count: Audit and review of stillbirths and neonatal deaths*, World Health Organization, 2016, page 18. Note that *The Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2, footnote 3 references an earlier WHO recommendation on recording of foetal deaths. The paragraph above contains the most recent recommendation.

²⁸⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 352 - 355.

causes of death around the critical time of childbirth.²⁸⁶ Regulations or procedures should set out the process for issuance of a foetal death certificate, as a certificate may be required for burial or cremation of the foetus. See paragraphs 67-72 under Registration of Birth regarding certificate issuance.

304. In some countries, the recording of foetal deaths is handled by the health sector only, without reporting to the civil registration authority. If this model is followed, health facilities should report foetal deaths to the central health ministry. The health ministry should provide foetal death incidence information to the statistics agency on a regular, periodic basis. Health facilities should also provide a medical record of the foetal death to the parents, for purposes of burial or cremation of the foetus.

305. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be “yes”.

Foetal Death Registration	Yes/No
Are in-facility foetal deaths that meet the weight, weeks and/or body length criteria registered?	
Are out-of-facility foetal deaths that meet the weight, weeks and/or body length criteria registered?	
Are the heads of health facilities responsible for notifying the registrar (or central health ministry) of foetal deaths that occur in facilities?	
Are local health workers or local leaders responsible for notifying the registrar of foetal deaths that occur outside health facilities?	
Are foetal deaths registered at the place of occurrence?	
Do local registrars have the authority and capacity to issue a foetal death certificates?	
Does the law require security measures for the issuance of foetal death certificates to minimize the risk of fraud?	
Is the UN recommended statistical information collected during foetal death registration?	
Is there a clear distinction made between legal and statistical information?	
Does the birth record capture information regarding registration area (territorial district) and local office, number of the record, date and place of registration, and identity of the registering officer?	

C. REGISTRATION OF DEATH

306. Death registration is the formal act of recording the facts of a death in the civil register. The person who notifies the registrar of the event is referred to as the "informant". The process by which the informant reports the event to the civil registrar is sometimes referred to as "notification". When a death is notified, the registrar verifies the information provided, including any required documentation, and then records details of the death and the decedent into the official civil register. These details constitute the death registration record.

307. Legislation on death registration should address all aspects of the process by which a death is registered. This includes the following topics: informants; place of registration; the process for registering deaths that occur inside a health facility and deaths that occur outside a health facility; registering deaths in emergencies and disasters and missing bodies; determination and certification of cause of death; time allowed for registration; provision of late or delayed registration; information to be collected at registration for legal and statistical

²⁸⁶ *Making Every Baby Count: Audit and review of stillbirths and neonatal deaths*, World Health Organization, 2016, pages 17, 21.

purposes; certified copies of death registration; permit for disposal of a body; and special procedures for certain death circumstances.

(i) Informants

308. The designation of an informant for each type of vital event should be established clearly and unequivocally in legislation or regulations to ensure that there will be one and only one person primarily responsible for providing the information needed for the registration. Notwithstanding, the law may designate alternative informants and establish the order in which each of them must assume his or her responsibilities. The appropriate informant for a death, in priority order of preference, is: 1) for deaths that occur in a health facility - the head of the facility; for deaths that occur outside a health facility with medical supervision - the medical professional; for deaths that occurred outside a health facility without medical supervision - law enforcement or coroner's office;²⁸⁷ 2) the nearest relative (e.g., the surviving spouse or partner; or a brother, a sister, the father or mother of the decedent), 3) any other adult person having knowledge of the facts.²⁸⁸

(ii) Place of registration

309. The legislation should state the location where death registration is to occur. The place of registration should be the place of occurrence. However, drafters of the legislation may choose to provide flexibility by allowing registration at any location where the registration system may be accessed, if the system is sufficiently networked.

(iii) Process of registering a death occurring in health facilities

310. When a death occurs in a health facility, the most effective approach to ensure civil registration is completed as soon as possible is to designate the head of the health facility as primarily responsible for notifying the civil registrar of the death.²⁸⁹ As with birth registration, the legislation should explicitly state what type of facility is considered a "health facility" for purposes of being an informant. Some countries define "health facility" by the number of beds contained in the facility; for example, any facility with over 10 beds might be considered a health facility for purposes of being an informant. Other countries define "health facility" by the number and type of medical professionals on staff; for example, any facility in which a medical doctor is present might be considered a "health facility" for these purposes. While the head of the health facility is ultimately responsible for ensuring the notification of the birth, they should be able to delegate this responsibility to staff.

311. The head of the facility should be responsible for transmitting the medical certificate of cause of death (MCCOD) to the registrar, which serves the dual purpose of notifying the registrar of the fact of death and providing COD information. The MCCOD may be provided by physical or electronic means. The process by which the MCCOD is provided should be set out in

²⁸⁷ A coroner is responsible for the investigation of deaths by external causes occurring within a specific jurisdiction. Depending on the jurisdiction, a coroner may be an elected or appointed official, and may be a legal or a medical professional. By contrast, a medical examiner is usually an appointed official whose duties are similar to a coroner but who is generally required to have specific medical training (such as pathology) and is qualified to conduct medical examinations and autopsies. Some jurisdictions use a coroner system, while others use a medical examiner system. For those that use a coroner system, the coroner is responsible for overseeing the inquiry by a medical examiner, forensic pathologist, and/or other trained professionals. We use the term "coroner" herein to refer the various systems of inquiry in place across jurisdictions.

²⁸⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 352-355.

²⁸⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 350.

regulations or instructions, as this will allow flexibility to change the process as the system and technology develop.

312. After receiving the MCCOD, the registrar should verify the information for accuracy and completeness, officially register the death, and issue a death certificate to the family. Some countries issue the death certificate by mail; others require the family to come pick up the death certificate. In fully digitized systems it may be possible to issue a certified electronic death certificate. Because the certificate issuance process may change over time, the process should be set out in instructions in order to allow maximum flexibility. (See Section J below, Death Certificate, for details on certificate format and issuance). In this one-step process, the registrar completes registration without additional steps by the family of the deceased.

313. While ideally the health facility is the informant, in some countries this may not be possible due to lack of capacity or resources at the health facility. For whatever reason, if lawmakers are unable to place responsibility on health facilities to be the informant, a two-step process may be adopted. In a two-step process, the health facility submits a MCCOD to the local registrar and provides a copy of the MCCOD to the family. To complete the registration process, the family must provide the information requested on the notification of death form to the registrar, together with the copy of the MCCOD and any other required documentary evidence. The registrar must then match the record from the health facility (the MCCOD) with the copy of the MCCOD provided by the family.²⁹⁰ The registrar should verify all information for accuracy and completeness, officially register the death, and issue a death certificate to the family. This two-step process may result in lower registration rates, as families may not complete registration. However, because the registrar has been notified of the death by the facility, it will be aware of unregistered deaths.

314. The Principles and Recommendations for a Vital Statistics System, Revision 3, states that cause of death information may be disclosed to close relatives only and the civil registrar must ensure the confidentiality of this information.²⁹¹ However, some countries may restrict even the family's access to COD death information by using a bifurcated MCCOD form. A bifurcated MCCOD form contains a section for legal information and a section for statistical information. With this type of form, the portion of the form with legal information is submitted to the registrar with a copy of this information issued to the family, and the statistical information is submitted directly to the statistics agency. The reason for this is that certifiers of cause of death (COD) are less likely to be biased in their reporting of the COD if fewer people have access and knowledge to that potentially sensitive information. For example, a physician may not feel comfortable listing HIV as the underlying cause of death on a MCCOD if it were to be handed to the family. With a bifurcated form, COD information goes to the statistics agency only and the family and civil registrar are not provided this information.

315. With either a one-step or two-step process, the legislation should broadly describe the process but leave the details of the process to be described in regulations or instructions. For countries transitioning from a paper to computerized system, both manual and electronic procedures may happen in parallel for several years. Therefore, the legislation should avoid language that requires submission or transmission of documents to be either a paper or digital format. In addition, leaving this level of detail to the regulations or instructions will allow flexibility in amending the process as technology advances.

316. The notification of death form should not be appended to the legislation. Rather, the form should either be appended to the regulations or procedures. This will allow for ease of amendment if needed. Data elements recommended to be included in a notification of death

²⁹⁰ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraphs 122-123.

²⁹¹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No. E.13.XVII.10, United Nations, 2014, paragraph 498.

form are set out in Annex A.

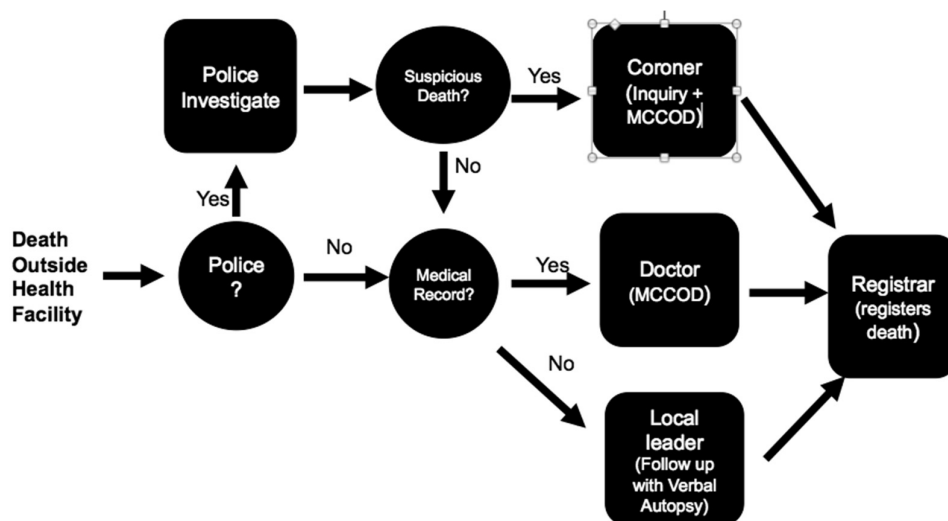
(iv) Process of registering death occurring outside health facilities

317. When a death occurs outside a health facility, there should be a process for determining the cause of death (see paragraphs XX below). This process impacts who should notify the registrar of the fact of death. As shown in Figure 1, a death that occurs outside a health should be referred to the police to investigate and determine whether the manner of death is suspicious, i.e., due to unnatural causes. If so, the case should be referred to the coroner, who investigates the death, notifies the registrar of the death and provides cause of death information.

318. If the police determine the death was due to natural causes, the police should inquire if the deceased has a medical record. If so, the medical practitioner who provided care to the deceased notifies the registrar of the death and provides cause of death information. Some jurisdictions will authorize the last attending physician to certify the cause of death and notify the local registrar without police notification if the deceased was recently under the care of the physician, within a certain timeframe.²⁹² If the police determine that the case was due to natural causes but there is no medical record, some entity must be responsible for notifying the death to the registrar. In some countries, the case is referred to a local community leader, who notifies the registrar of the death. In other countries, the police notify the registrar and attest to the fact that the death was due to natural causes. Notification by the police or community leader might be followed up by a verbal autopsy by the registrar, community leader, or local health official.

319. If the death occurs in an area where there are no local police, as could occur in remote or very rural areas, the case should be referred to local leaders or authorities to determine if there is a medical record. If so, the supervising medical practitioner notifies the registrar and provides COD information. If not, the local leader notifies the registrar, and this may be followed up by verbal autopsy.

Figure 1



320. For deaths due to both natural and unnatural causes, legislation should clearly specify who is responsible for notifying the registrar of the fact of death. The fact of death should be notified within the required timeframe even if a coroner's inquiry into cause of death is ongoing.

²⁹² See *Medical Examiners' and Coroners' Handbook on Death Registration and Fetal Death Reporting*, U.S. Department of Health and Human Services Centers for Disease Control, 2003 Revision, page 1.

After receiving the information requested in the notification of death form or MCCOD, the local registrar should verify the information for accuracy and completeness and officially register the death. As with in-facility deaths, the legislation should broadly describe the process, leaving the details of the process to be described in regulations or instructions.

(v) Process of registering deaths in emergencies and disasters, missing bodies, and brought in dead

321. Emergencies and disasters present a challenge for death registration because there may be a large number of deaths that occur in a short period of time. Because these are deaths that occur outside a health facility, they may be referred to the police and coroner's office, as the process described above for deaths due to unnatural causes. However, because these authorities may not be equipped to deal with a large number of deaths at once, emergency rescue authorities may be designated as the appropriate entity to investigate and notify the registrar of a death.

322. The legislation should specify what entity and person is responsible for notifying the registrar of a death in an emergency or disaster, e.g., law enforcement, coroner's office, emergency rescue agency, or next of kin. The specific process for notifying the register should be contained in regulations or instructions.

323. Missing persons should be reported to police, who should investigate whether the person matches with any person in a police database of unknown persons brought in dead, so the death of that person might be registered. Many countries have a process by which a court may declare a person dead after they have been missing for a prescribed period of time. In such a case, the court should be required to notify the registrar of the declaration of death.

324. Where a body is missing or there are no human remains due to a natural disaster or emergency, laws should allow for a finding of fact of death without the waiting period required for other missing persons, with appropriate documentation. For example, such documentation might include an affidavit that the individual was last seen at the site of the disaster, or that the person is on the passenger manifest of an airplane that has crashed. If this process involves the court, the legislation should require the court to transmit the declaration of death to the registrar.

325. The legislation should also provide for a process for the registration of a death of a person that is brought in dead to a health facility. The legislation should specifically state whether it is the duty of the health facility to notify the registrar of the death, or whether the health facility should refer the case to the police, who should then notify the registrar of the death.

(vi) Determination and Medical Certification of Cause of Death

326. Understanding the manner and cause of death ("COD") for all deaths is critical to ensuring that usable mortality data is available in a country. "Manner of death" categorizes deaths into several categories, namely natural causes, accident, suicide, homicide or "manner undetermined." By contrast, COD provides a diagnosis and assigns a specific cause. COD are "all those diseases, morbid conditions or injuries which either resulted in or contributed to death and the circumstances of the accident or violence which produced such injuries."²⁹³ Countries should strive to have an accurate, detailed, and legally valid COD and manner of death attached to every registered death.

327. Deaths that occur in health facilities under the supervision of a physician tend to be the most likely to have an official COD determination. By contrast, natural deaths that occur in the home or community may be especially unlikely to have a cause associated with them. Similarly, in the event of a natural or man-made disaster or other emergency involving mass casualties, it

²⁹³ Glossary of Statistical Terms, Organization for Economic Cooperation and Development, available at: <https://stats.oecd.org/glossary/detail.asp?ID=296>

may be more difficult to determine COD and this responsibility may fall to a rescue agency. It is particularly important to have information on unnatural deaths (e.g., homicides, poisonings, road traffic accidents and other externally caused deaths), as this information can influence policies related to drug use, homicide, road safety, and other public policy.

328. Legislation should address the following points: 1) whether a medical certificate of cause of death is required in order to register a death, 2) what entity and which person is responsible for determining and certifying cause of death, for deaths that occur in a health facility and deaths that occur outside a health facility (including emergencies and disasters and brought in death); 3) the form of the cause of death determination or certification; and 5) how cause of death information is transmitted to the registrar or statistics agency. These topics are addressed below.

i. Compulsory medical certification of cause of death

329. It is international best practice to have an accurate, detailed, and legally valid cause of death (COD) and manner of death attached to every registered death. While it is best practice to require a cause of death to register a death, countries will need to consider this requirement given local conditions. In some circumstances - for example, when a death occurs at home, where health institutions are scarce or lack medical staff trained to determine COD - it may not be possible to obtain a medical certification of cause of death.²⁹⁴ In countries or circumstances where it is not practical or possible to have a medically certified COD for all deaths, requiring a COD should not prevent registration. In those circumstances, requiring only evidence of fact of death, not cause of death, may be the best option.

ii. Person and entity responsible for medical certification of COD

330. A certifier of COD is the person authorized by law to certify the fact of death, the manner of the death, and the specific disease, injury or other causes of death. Legislation should state what entity and/or person is responsible for certifying cause of death based on the circumstances of the death. For example, for a death that occurred in a health facility, the physician or surgeon who attended the decedent during his terminal illness is responsible for certifying the COD. If a body is brought in dead to a health facility, a medical practitioner who examined the body after death or a coroner may be responsible for certifying COD. For deaths due to unnatural causes, the coroner is responsible for certifying COD. For a home-based death due to natural causes, a certifier may include a midwife, a nurse, or other trained health professional or layperson. It is important that the legislation or regulations address each type of situation: in-facility death; dead on arrival at health facility; community or home-based death due to natural causes; death due to external causes (e.g., violent or accidental death or suicide); and emergencies and disasters. The designated person should have clear authority and responsibility to certify the COD and manner of death. In addition, for deaths that occur in an appropriately staffed health facility, the legislative framework should place responsibility on the facility to ensure all deaths occurring within the facility have a medically certified cause of death, as facilities are easier to monitor for compliance than individuals.

iii. Form of COD determination and/or certification

331. The World Health Organization's International Form of the Medical Certification of Cause of Death (MCCOD) is the recommended form for recording information regarding COD for certification. The form is designed to elicit the underlying COD. Underlying cause of death is defined as "the disease or injury which initiated the train of morbid events leading directly to death, or the circumstances of the accident or violence which produced the fatal injury."²⁹⁵ These diseases and injuries should be coded in accordance with the rules of the International

²⁹⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 499.

²⁹⁵ World Health Organization website, health topics, available at: <http://www.who.int/topics/mortality/en/>

Classification of Diseases (ICD), which was developed by the World Health Organization and is the foundation for the identification of health trends and statistics globally. ICD defines the universe of diseases, disorder, injuries and other related health conditions. These are organized systematically to allow for sharing and comparing health information across facilities, regions, and times.²⁹⁶

332. Ideally, the MCCOD is used for all deaths because it contains key information needed for legal and statistical purposes. Legislation should require that this form be used for all deaths that occur in a health facility and all deaths referred to the coroner's office, provided staff have been adequately trained. However, some health facilities and coroner services may not have staff trained on certifying cause of death. In addition, in some countries, a significant number of deaths occur outside of health facilities or jurisdictions with coroner services. Where use of the MCCOD is not practical, legislation should allow for the use of alternative methods of determining COD, such as verbal autopsy.²⁹⁷

333. Verbal autopsy (VA) is an interview carried out with family members and/or caregivers of the deceased using a structured questionnaire to elicit signs and symptoms and other pertinent information that can later be used to assign a probable underlying cause of death. The results of the VA interview may be analyzed using a computer algorithm (Automated VA), which generates a probable COD based on the interviewee responses; the COD generated by automated VA is not a legally valid cause of death. Alternatively, in countries like Brazil where all deaths must be medically certified by a physician, verbal autopsy is used as a decision-support tool for physicians where there is inadequate information on the deceased's medical history or the chain of events that led to death. For Physician Certified Verbal Autopsy, the physician reviews the VA interview results and certifies the cause of death through completion of the MCCOD; in these cases, the COD is legally valid.²⁹⁸

334. It is important that the legislation or regulations specify the form of COD determination and certification for each type of situation: in-facility death, dead on arrival at health facility, community or home-based death due to natural causes, death due to external causes (e.g., violent or accidental death or suicide), and emergencies and disasters.

iv. Transmission of COD information to the civil registrar and statistics agency

335. The COD information, whether determined through a MCCOD or through VA, should be transmitted to the civil registrar and statistics agencies to be used for legal and statistical purposes, as appropriate. There are two models for submitting the MCCOD to the registrar and the statistics agency. In some countries all the information in the MCCOD is submitted to the registrar directly, which in turn submits the statistical information from the MCCOD to the statistics agency. Other countries use a bifurcated form, containing a section for legal information and a section for statistical information. With this type of form, the legal information is submitted to the registrar and the statistical information is submitted directly to the statistics agency.

336. The direct link from certifier to civil registrar, or from certifier to civil registrar and statistics agency, achieves two simultaneous benefits. First, the efficient transmission of information provides the necessary information, including COD, to the civil registrar and statistics agency without placing an additional burden on an intermediary, often a mourning

²⁹⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 494.

²⁹⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 121-123.

²⁹⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 499 – 501.

family, to carry the MCCOD to the register. Second, certifiers of COD are less likely to be biased in their reporting of the COD if fewer people have access and knowledge to that potentially sensitive information. For example, a physician may not feel comfortable listing HIV as the underlying cause of death on a MCCOD that will be handed to the family.

337. The direct link between other determiners of COD and the civil registration agency is also important, although there is not yet an international standard. Although UN guidance does not contain an explicit requirement for coroners to report COD directly to the civil registrar, this practice is required under the US model law.

338. There is currently no consensus among international experts regarding the reporting of VA-generated COD information to the civil registrar. Determinations of COD by verbal autopsy are not considered to be accurate at the individual level, however the results provide useful population level data. Information on cause of death at the population level is important for public health decision making, and COD data generated through VA can make a significant contribution to public health data. Due to this, some experts recommend that COD information from VA be delivered or transmitted directly to the statistics agency (not the registrar), as it is used for statistical purposes only, not legal purposes.

339. If countries decide to combine medically certified COD data with VA-generated COD data, they will need to consider how best to present the data, including questions of weighting and clearly delineating source of COD data (e.g., medically certified versus VA-generated). Recommendations on these issues are not currently available, given that routine use of VA in the CRVS system is just developing.

(vii) Registration deadlines

340. The legislation should specify the time period in which a death must be notified. Uniform processes and time periods for registering vital events should be applied throughout the country. The maximum time period allowed for notification should be as short as possible so as to facilitate current and accurate registration. Deadlines for death notification are around 3 days, but vary by country.²⁹⁹ Registration notified by health facilities, rather than next of kin, may allow for shorter deadlines. Therefore, the legislation should provide a maximum time period for registration, and regulations may provide for a shorter time period for specific situations, such as in-facility death.

(viii) Late and delayed registration

341. A late registration occurs after the legally specified time period, but within a grace period, usually considered one year after the vital event. Delayed registration occurs after the grace period. Legislation should allow for late and delayed death registration, with the specific process set out in the regulations or instructions. These provisions should indicate the required documentary evidence that may be acceptable, based on the length of time of the delay.³⁰⁰ While late and delayed registration should be discouraged so that vital events are registered in a timely manner, the procedures should not be so restrictive that they prevent late and delayed registration of events.

342. The length of the period of delay may affect the evidence required. Late registration should be permitted with a valid MCCOD. If there is no MCCOD, the regulations or instructions should state what alternative evidence of fact of death may be accepted, such an affidavit of a witness, or a record of burial or cremation. Delayed registration after one year may require judicial

²⁹⁹ *Handbook of Vital Statistics Systems and Methods, volume I: Legal, Organization and Technical Aspects*, United Nations Publication, Sales No. E.91.XVII.5, United Nations, 1991, paragraphs 180-184.

³⁰⁰ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 369-374.

procedures and decisions.³⁰¹ However, if a country is striving to increase its rate of death registration, consideration should be given to creating a non-judicial procedure for delayed death registration with the provision of adequate documentation proving the fact of death.

343. Malawi has established a point system for late registration of births and deaths. The later the registration, the more points that are needed in order to establish the fact of the event. Different types of documentation are assigned different amounts of points based on the level of assurance they provide as proof of the fact of the event. See Box X for details on the Malawi point system

Box X. Malawi Point System

In 2017, Malawi embarked upon a national identity registration project, which aimed to issue ID cards to all citizens. In a country where many people lack documentation, determining who was and who was not a citizen was a challenge. To determine who qualified as a citizen, Malawi developed a scoring model that assigned a certain number of points to different forms of identification, with 100 points as the threshold needed to qualify. For example, a passport received 40 points, a birth certificate 60 points, and a driver’s license 30 points. Other acceptable documents included (but were not limited to) registration and naturalization certificates, utility bills, and paystubs from government departments. See the table below for the full list of accepted documents and assigned point. Crucially, given the prevailing absence of formal documentation, Malawi also assigned 80 points to each traditional authority or village head who could act as a witness to verify a person’s citizenship.

List of accepted documents and points assigned	
National ID card presented in person by biological parent, who is a Malawian (100)	Receipt presented in person by biological parent, who is a Malawian and registered previously by same Biometric Registration Kit (BRK) (100)
Personal testimony of village head and advisor (80)	Certified and signed letter from village head with indication of your parent and list of children (80)
Name in village register (80)	Citizenship or naturalized certificate (60)
Certified and signed letter from village head (40)	A certified copy of adoption court order (in the case of an adopted child when one or both of the adopting parents are Malawian Citizens) (40)
New birth certificate post 2015 (60)	Old birth certificate pre-2015 (30)
Malawian diplomatic / service passport (70)	Malawian passport (40)
Driver’s license (30)	Voter card (40)
Government pay slip (30)	Two community witnesses registered by same Biometric Registration Kit (BRK) (must be present when registering) (100)

³⁰¹ See *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 162.

Employment ID card (10)	Employment discharge certificate (10)
Marriage certificate (10)	Tax certificate (5)
Any other official document (10)	Letter from the social welfare officer of the district (in the case of an abandoned child who is now 16 years or above) (40)

As no scoring system is perfect, Malawi also created an adjudication committee to investigate and make determinations for the roughly 3,400 cases whose files either raised questions or were flagged as possible duplicates during deduplication. The adjudication committee, run by the National Registration Bureau (NRB), includes members from the police, Immigration Department, and NRB officials to make the final decision for each case.³⁰²

(ix) Content of the entry in the death register

344. As stated above (paragraphs xx-xx), information collected during registration is provided for both a vital event registration record and a corresponding statistical report. The registration record, due to its legal function, is permanently filed and stored. The statistical report is forwarded to the agency responsible for compiling vital statistics. However, as civil registration becomes computerized, these two components are merging into one computerized input in the system. Therefore, a clear distinction should be made between the legal and statistical components. Items that are relevant only for statistical purposes must not be reproduced on certified copies of records.³⁰³

345. The *Principles and Recommendations for a Vital Statistics System* provides recommendations on data elements that should be recorded for statistical purposes, including high-priority topics as well as topics that are a less urgent goal.³⁰⁴ These topics are set out in Annex A. The information required for legal purposes for the death register is more minimal. The information may consist of: name of the deceased, place and date of birth, place and date of death, sex, and unique identification code.

346. While the registrar should strive for complete legal and statistical information, an informant's inability to provide information for any one data field should not prevent registration. The information required for legal purposes versus additional information desirable for statistical purposes should be made explicitly clear to prevent refusal of registration if the informant is unable or unwilling to supply the statistical information. For example, although cause of death information is essential for public health purposes, it should not rigidly be required to register a death, as this might deter or prevent registration of deaths that occur at home or in the community.

347. In addition to information regarding the death itself, data elements should include: information regarding the registration area (territorial district) and local office; number of record; date and place of registration; identity of registrant; and identity of the registering

³⁰² Malik, T., *Malawi's Journey Toward Transformation: Lessons from its National ID Project*, Center for Global Development, August, 2018, pages 25-26.

³⁰³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 374-377.

³⁰⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 66, Table III.1.

officer.³⁰⁵ Legislation should not prescribe the precise form of the register — in contrast to data elements to be captured—as this may be overly prescriptive and prevent changes in the form of the register as technology advances.

(x) Death certificate

348. Country practices vary on inclusion of COD in the death certificate issued by the civil registrar. UN guidance provides that close family members should have the right to request COD information be included in a death certificate. However, certifiers of COD are less likely to be biased in their reporting of the COD if fewer people have access and knowledge to that potentially sensitive information. For example, a physician may not feel comfortable listing HIV as the underlying cause of death on a MCCOD that will be handed to the family. As a consequence, some countries do not include COD information on death certificates issued by the civil registrar; others do. Some countries provide for a two-part death certificate - one part with the standard certificate of death and a second part that includes confidential information on cause of death. Similarly, there may be a long and short form certificate. The short form contains basic information, which may be in the public domain, such name, sex, and date and place of death. The long form contains cause of death information.

349. Due to the sensitivity of COD information, legislative drafters should consider whether to include COD information in the death certificate, or consider having a two-part or long and short form death certificate. The format of the death certificate should be included in the regulations or instructions, rather than the legislation, to allow for changes to the form over time.

350. The legislation should require that, upon completion of registration, the registrar issue a death certificate to the decedent's next of kin free of charge. For the reasons discussed above (see paragraphs XX), the local registrar should have the power to issue a death certificate. As with the issuance of a birth certificate, the legislation should require security measures be put in place for certificate issuance (both hard copies and electronic) to minimize fraud. The specific type of security measures should be addressed in regulations or instructions to maintain flexibility. (See paragraph 67 above for details).

351. Legislation should provide for the issuance of a duplicate death certificate. Regulations or instructions should set out the specific process for obtaining a duplicate death certificate, and should address from what district office a duplicate certificate may be requested. As discussed above, with computerization and timely information sharing between local and central registers, a duplicate certificate may be requested from any local registrar office. The regulations or instructions should also address the process by which a certificate may be requested, for example, in-person, by mail, by phone, or by internet, and how the identity of the requester is to be verified (see paragraphs XX above). Only interested parties or their legal representatives should be able to request certificates that contain COD information. Government agencies may also require such information for legitimate purposes. The local registrar should have authority to determine the legitimacy of such requests, in accordance with guidelines issued by the national registrar.

(xi) Permit for disposal of body

352. Applicable laws should require a permit to transport and dispose of a body. This requirement is often included in municipal laws or regulations, but could also be included in the civil registration law. Legislation should require that a death be notified to the registrar before a

³⁰⁵ *Handbook of Vital Statistics Systems and Methods, volume I: Legal, Organization and Technical Aspects*, United Nations Publication, Sales No. E.91.XVII.5, United Nations, 1991, page 23.

permit to dispose of the body is issued, as this incentivizes death registration.³⁰⁶ To enforce this requirement, custodians of funeral and burial facilities and crematoriums should be required to request proof of notification of the death before proceeding with services.

353. While ideally all deaths should be registered as a condition to issuance of a permit for disposal of a body, this may not be practical in some countries, particularly in rural settings where the registration office is far from the occurrence of death. Where death registration is not possible before disposal of a body, some countries require village leaders or custodians of funeral facilities, burial facilities and crematoriums to provide a record of all funerals, burials and cremations. This will alert the registrar to the fact of a death that has not been notified. Even if registration is required before issuance of a disposal permit, some countries require custodians to verify identity of the deceased (through unique identification code, identity card, birth certificate or other means) and provide other particulars to the registrar. This can be an alternative means to notify death, or a means to verify identity of the deceased.

354. Legislation should address whether registration is required to obtain a permit to dispose of a body. It should also address any obligations of custodians of funeral facilities, burial facilities and crematoriums to provide records to the registrar of disposal of a body. If the provision of records is required, regulations should provide timeframes and processes for custodians to notify the registrar.

(xii) Death circumstances requiring special procedures

i. Registering the death of an unknown person

355. Cases where the decedent's identity is unknown should be referred to the police. However, these deaths should be registered while the investigation is pending, as investigation might take a substantial amount of time. Legislation should place responsibility on the head of the local police department to notify the registrar of the death of an unknown person within their jurisdiction within a specified timeframe after the case is referred to the police. Legislation should authorize the national registrar to issue regulations or instructions on how to register a death when the name (or any other information) is unknown. Generally, procedures permit the registration of the death under a generic name, such as John Doe or Jane Doe, with an investigation number.

ii. Registering a death in prison

356. When a death occurs in prison, the head of the prison should be responsible for ensuring that cause of death is determined and certified. If the inmate was under medical supervision, the head of the prison should be responsible for ensuring that the supervising medical practitioner completes a MCCOD. If the responsible medical practitioner is unable to determine cause of death or suspects it may be due to external causes, the case should be referred to law enforcement for inquiry. Deaths due to external causes, including violence or accident, should be investigated by the coroner's office.

Box X. Minnesota Protocol.

The Minnesota Protocol on the Investigation of Potentially Unlawful Death requires the investigation of all potentially unlawful deaths at the hands of the state. This includes not only killings by state officials and deaths in custody, but also covers deaths linked to a possible state failure "to exercise due diligence to protect an individual or individuals from foreseeable external threats or violence by non-State actors".

357. The civil registration law should require the head of the prison to notify the registrar in the area where the prison is located of the death of the inmate. The head of the prison should be

³⁰⁶ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraphs 138 - 140.

required to notify the registrar while any investigation is pending, in order to ensure timely death registration. If the death is due to natural causes and the prisoner was under medical supervision, the head of the facility should be responsible for ensuring that a MCCOD is completed and transmitted to the registrar.

iii. Registering death to nationals occurring abroad

358. Vital events occurring to nationals who are abroad temporarily should be registered.³⁰⁷ When a person dies abroad, the next of kin or other person with knowledge of the death should register the death with the local authorities where the death occurred. The death should also be registered in the person's home country. It is particularly important to capture deaths to nationals temporarily abroad so that their UICs may be deactivated and archived. Otherwise, such numbers could be used for fraudulent purposes.

359. To bring the body or remains back to a person's home country, the next of kin generally must provide the death certificate from the country where the death occurred (which may require translation) and permission to transport the body or remains from the country where the death occurred. Once the body is back in the home country, the next of kin should take the death certificate (from the country where death occurred) to the registrar office where the funeral, burial or cremation is to occur. The registrar will not issue a new death certificate, as the death certificate from the country where the death occurred is the official document. However the registrar should issue a document noting the reporting of the death. This allows the funeral, burial or cremation to proceed in the home country. If the death was due to external causes, the next of kin may also need to notify the coroner's office and a certificate from that agency also may be needed to proceed with disposal of the body.

360. A death certificate and other documents from the country of residence may not be in the official or national language of the country of citizenship. A country's laws may require certified translation of the death certificate and any other required documents, as well as proof that the documents are valid. If a country is a Party to the Apostille Convention, validity may be established under the procedures of the Convention. The registrar should be aware of any laws requiring translation and certification of validity.

iv. Registering death to non-citizens occurring in the country

361. All vital events occurring within a country's territory should be registered. Therefore, the death of a non-citizen within a country should be registered. If the individual is a permanent resident registered in the identity management system, the notification, COD certification and registration process should be the same as for citizens. If the individual is temporarily within the country - such as a tourist or temporary worker - the regulations should address the process for provision of MCCOD and death certificate to next of kin for use in the deceased's home country.

v. Registering death occurring in a moving vehicle

362. If a death occurs in a moving vehicle, such as a ship, airplane, train or car, a question arises as to "place of occurrence" of the death for registration purposes. If the death occurs in a moving vehicle within the territory of the country, many countries consider the place of occurrence to be the place where the body is removed from the vehicle. Deaths that occur in international airspace or waters present a tougher question. Some countries require that if a person dies on a foreign ship or aircraft, the death must be registered in the country in which the ship or aircraft is registered. The legislation should address these questions and state the presumption for "place of death" for deaths that occur in or on moving vehicles, both domestically and internationally.

³⁰⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 296.

vi. Registering death to refugees, undocumented migrants, internally displaced, stateless persons, persons of undetermined nationality, and nomadic populations

363. All deaths that occur in the country - including deaths of refugees, undocumented migrants, internally displaced persons, stateless persons, persons of undetermined nationality, and nomadic peoples - should be registered. The legislation should contain specific processes for registering the deaths of these populations, such as through mobile units, regardless of whether the person has legal residency status.³⁰⁸

(xiii) Registration of Death Summary

364. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be “yes”.

Registration of Death	Yes/No
Are the heads of health facilities responsible for notifying the registrar of deaths that occur in facilities?	
For deaths due to natural causes that occur outside a health facility, does legislation clearly state who is responsible for notifying the registrar of the death?	
For deaths due to external causes that occur outside a health facility, does the legislation clearly state who is responsible for notifying the registrar of the death?	
When a body is brought in dead to a health facility, does the legislations clearly state who is responsible for notifying the registrar of the death?	
Is there a process for registering deaths resulting from emergencies and disasters?	
Does the legislation permit deaths to be registered at the place of occurrence (or where ever the system may be accessed)?	
Does legislation address whether cause of death information is required in order to register a death?	
Does legislation clearly state what entity and person is responsible for determining and certifying cause of death for all types of deaths, including deaths that occur in a health facility, bodies brought in dead to a health facility, death due to natural causes that occurs outside a health facility, death due to external causes, and emergencies and disasters?	
Does legislation address if and when the International Form of the Medical Certification of Cause of Death (MCCOD) is required to be used for recording information regarding cause of death?	
Where use of the MCCOD is not required, does legislation address if use of an alternative method of determining COD, such as verbal autopsy, is permitted?	
Is there a clear process for transmitting cause of death information to the registrar and the statistics agency for all types of deaths, including deaths that occur in a health facility, bodies brought in dead to a health facility, death due to natural causes that occur outside a health facility, death due to external causes, and emergencies and disasters?	
Is there a specified time period within which a death must be notified?	
Is there a process for late and delayed registration that specifies evidence required to register the death?	

³⁰⁸ For a fuller discussion on special registration issues and these populations, see *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraphs 180 - 183.

Are only persons with a legitimate interest able to receive a copy of a person's death certificate?	
Does the law require security measures for the issuance of death certificates to minimize the risk of fraud?	
Do local registrars have the authority and capacity to issue death certificates?	
Is the United Nations recommended statistical information collected during death registration?	
Is there a clear distinction made between legal and statistical information?	
Does the law address whether cause of death information is included on the death certificate?	
Is death registration required in order to receive a permit to dispose of a body?	
Are custodians of funeral and burial facilities and crematoriums required to provide the registrar a report of bodies received for disposal?	
Is the head of a prison responsible for notifying the registrar of a death that occurs in a prison?	
Is there a process for registering the death of: An unknown person? A national temporarily residing abroad? A foreigner residing in the country? Refugees, undocumented migrants, internally displaced, stateless persons, persons of undetermined nationality, and nomadic populations?	

D. REGISTRATION OF MARRIAGE

365. Marriage is the act, ceremony or process by which the legal relationship of spouses is constituted. The legality of the union may be established by civil, religious or other means as recognized by the laws of each country. Some countries recognize other forms of legally recognized partnerships, such as civil unions. Registered partnership usually refers to a legal construct, registered with the public authorities according to the laws of each country that leads to legal conjugal obligations between two persons.³⁰⁹ All marriages, civil unions and other legally recognized partnerships that occur in a country should be registered. For simplicity, all of these types of partnership are referred to below as "marriage".

366. Because marriages are conducted in a manner that is dependent on particular societal conventions, there is no standard registration process across countries.³¹⁰ However, there are common elements that are often addressed in legislation or regulations concerning marriage registration, including: place of registration, application for marriage; late and delayed registration, information collected, issuance of the marriage certificate, name change procedures, and the process for registering marriages that occurred abroad. Lawmakers should consider and address these topics in legislation or regulations governing marriage registration. If a different registration process exists for marriage and other civil unions, the legislation or regulations should specifically address these differences.

(i) Place of registration

367. Countries may require marriage registration in the location where the marriage ceremony took place or the place where one or the other or either spouse resides. Some countries may permit marriage registration at any registrar location within the country, particularly if the system is centrally networked. Flexibility regarding the location of marriage registration may help increase marriage registration rates in some countries. Conversely, rigidly requiring marriage registration in a specific location - for example, at the registration office in the area of

³⁰⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

³¹⁰ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraphs 142 - 143.

residence of one of the spouses - may create barriers to registration if the marriage ceremony occurs outside that area. Lawmakers should consider the options for place of registration of marriage and specifically address in the legislation the location where a marriage should be registered.

(ii) Application process: proof required, waiting period, duration of validity of application

368. A country's family law will generally address substantive requirements for marriage, including for example, the age at which a person can consent to marriage, and restrictions on remarriage, polygamous unions, and marriage between persons who are related. . There must be a process to ensure that these requirements are met. Generally this occurs through an application process, sometimes referred to as an application for a marriage license or a notice of marriage.

369. This application, when signed by both persons in the presence of the registrar, may act as proof of consent to marry. Along with the application, generally both spouses must present proof of identity and proof of legal age to marry. If either spouse has been married previously, they must also present proof of dissolution of the previous marriage or proof of death of a spouse. There may also be a statement demonstrating the persons who are to marry are not close relatives.

370. This application generally must be filed within a specified time period before the marriage ceremony. For example, in the United Kingdom, notice of marriage must be given to the registrar at least 28 days before a marriage ceremony. This is often referred to as the waiting period, and there may be a requirement that notice of the marriage be published at the registration office or other location during this period. Legislation or regulations should address how long a waiting period is required after filing of the application before the marriage ceremony can take place and state where notice of the marriage will be published, if these are requirements. These requirements may also be contained in a country's family law.

371. The application is usually valid for a specified period of time, for example one year, during which the marriage ceremony must take place and/or completion of registration occur at the registration office. If the marriage does not take place within this time period, the application expires and the marriage is not registered.

372. Some countries require a civil ceremony take place at the registrar office after the waiting period and before the validity of the application expires. Where this is the case, the registrar issues the marriage certificate after the civil ceremony. A religious or other type of ceremony may be celebrated after the civil ceremony.

373. Other countries do not require that the marriage take place in front of the registrar and provide for an alternative process to complete the marriage registration. For example, if a religious officiant or other marriage officiant conducts the ceremony, that marriage officiant is required to submit documentation to the registrar verifying the fact of marriage. The registrar then issues the marriage certificate. In the United Kingdom, if a couple marries in the Anglican Church they do not need to give notice at the registrar office; the Anglican minister collects the required application information from the spouses and registers the marriage.

374. Some countries have low marriage registration rates, often due to a lack of understanding of the marriage registration process. For example, couples are "married" in religious or customary ceremonies that are recognized in the community as marriage; however, the couple fails to apply for or complete registration of the marriage with the registrar, resulting in a marriage that is not legally recognized. If a country requires the marriage to be entered into in the presence of the registrar, education campaigns should make this known. Alternatively, countries should consider permitting and requiring religious and other officiants to complete the registration process by filing proof that the marriage occurred.

(iii) Late and delayed registration

375. As discussed in the preceding paragraph, some countries have low marriage registration rates because couples are married in religious or customary ceremonies that not legally recognized. A process for registering these marriages is important for legitimation of children, property rights, inheritance and other legal purposes. Therefore, lawmakers may wish to consider creating a process by which a marriage can be registered retroactively by providing proof that the marriage occurred at some time in the past, such as affidavits or statements of witnesses to the wedding ceremony.

(iv) Contents of Register

376. The marriage application should contain the data elements to be recorded in the register, including characteristics of the spouses and characteristics of the event.³¹¹ The application form should not be included in the legislation, but rather, appended to the regulations or contained in instructions for ease of amendment. For recommended statistical data elements, see Annex B. As with registration of birth and death, the regulations or instructions should clearly state which elements are required for legal purposes and which are required for purely statistical purposes.

(v) Marriage certificate

377. The legislation should provide that upon completion of marriage registration, the registrar should issue a marriage certificate to the spouses. The form of the marriage certificate should not be contained in the legislation, but rather in regulations or instructions to allow for flexibility. As with birth and death certificates, the local registrar should have the authority to issue a marriage certificate. In addition, the legislation should require security measures be put in place for certificate issuance (both hard copies and electronic) to minimize fraud. The specific type of security measures should be addressed in regulations or instructions to maintain flexibility. (See paragraph 67 above for details).

(vi) Procedure for name change

378. In many countries, it is common for a spouse to change their family name after marriage. Regulations frequently provide a process for name change after marriage that is simpler than the standard process, which usually involves the courts. The simplified process may entail providing proof of marriage (marriage certificate) to the identity management authority or some other process of verifying the fact of marriage. The identity management authority then authorizes the name change on the identity document issued by that authority. The name change on that identity document can then be used to change the name on other documents.

(vii) Process for registering marriages that occurred abroad

379. In general, unless a marriage abroad breaks the laws of the country of a person's origin, marriages that are legally performed and valid abroad are also legally valid in the country of the person's origin. Accordingly, substantive family law should recognize a marriage that occurs abroad as legally valid and recognize a marriage certificate from a marriage abroad as providing legally valid proof of the marriage.

380. Country practices vary on registration of a marriage that occurred abroad. For example in the United Kingdom, citizens and residents of the United Kingdom are not required to register a marriage performed abroad.³¹² However, they may apply for an Overseas Marriage Certificate if they wish, which provides legally valid proof that the marriage occurred.³¹³ If registration of the marriage that occurred abroad is required or permitted, the legislation should address what

³¹¹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, Annex I.

³¹² See Gov.UK at: <https://www.gov.uk/marriage-abroad>

³¹³ See Gov.UK at: <https://www.gov.uk/government/publications/overseas-marriage-certificate>

documentary evidence is necessary for registration (e.g., a marriage certificate from the foreign country). Regulations may require the foreign marriage certificate to be validated by the country in which the marriage was performed.³¹⁴ Regulations may also require a certified translation of a marriage certificate in a foreign language.

(viii) Marriage of Foreign Nationals

381. Marriage to a foreign national is generally subject to immigration requirements. These laws may require special fiancé or spouse visas, and may have different waiting period requirements. Registrars should be aware of immigration laws to ensure compliance.

(ix) Registration of Marriage Summary

382. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be “yes”.

Registration of Marriage	Yes/No
Is place of marriage registration specified?	
Is proof of age and consent required to register a marriage?	
Does the law address whether there is a marriage application process?	
If there is an application process, does the law specify if the marriage must occur within a specified time period after an application is filed?	
Does the law specify if there is a waiting period and publication of the pending marriage after application for marriage?	
Does the law address whether marriage must be entered into before the registrar?	
Does the law address whether religious or other officiants are permitted to lawfully marry a couple?	
Is there a process for late and delayed registration of marriage?	
If so, does this process specify the evidence required for late and delayed registration?	
Is the United Nations recommended statistical information collected during marriage registration?	
Is there a clear distinction made between legal and statistical information?	
Do local registrars have the authority and capacity to issue a marriage certificate?	
Does the law require security measures for the issuance of death certificates to minimize the risk of fraud?	
Is there a simplified process for changing one's name after marriage?	
Does the law address whether there is a process for registering a marriage that occurred abroad?	

E. REGISTRATION OF DISSOLUTION OF MARRIAGE OR CIVIL UNION

383. There are various legal means to dissolve a marriage or civil union, each of which has different legal implications. A divorce is the final legal dissolution of a marriage; that separation of spouses which confers on the parties the right to remarriage under civil, religious and/or other provisions, according to the laws of each country. In countries that recognize registered partnerships, a legal dissolution of a registered partnership refers to the legal final dissolution of such a partnership, according to national laws, conferring on the parties the right to re-enter

³¹⁴ This may be subject to the requirements of the Apostille Convention if both countries are Parties to the Convention.

into another partnership or marriage.³¹⁵ Annulment is the invalidation or voiding of a marriage by a competent authority, according to the laws of each country, which confers on the parties the status of never having been married to each other.³¹⁶ Judicial Separation is the disunion of married persons, according to the laws of each country, without conferring on the parties the right to remarry.³¹⁷ A country's family law governs which types of dissolution of marriage or partnership are legally recognized.

(i) Process for registering dissolution of union

384. The dissolution of a marriage or civil union - whether by divorce, dissolution of registered partnership, judicial separation or annulment - falls under the jurisdiction of the courts. Because the process for registering each type of dissolution is similar, for simplicity the word "dissolution of union" is used for all processes.

385. When a court grants a request for dissolution of union, this information must be submitted to the registrar in order for the dissolution to be matched against the marriage record and recorded. Therefore courts should be required to collect specific information about the spouses and the marriage. After the dissolution decree is issued, the decree and the required information should be submitted to the local registrar office in the area (e.g., province, district) where the dissolution decree was issued. Legislation should require the courts to submit this information to the local registration office within a specified time period.

386. Some countries do not place this requirement on the courts, but instead place responsibility on the parties to submit the information to the local registrar. However, this process is likely to result in a lower rate of dissolution of union registration than a process in which the court reports on dissolutions. To encourage registration of dissolution of union where the recipient of the dissolution is the informant, the civil registration law should require proof of registration of dissolution before remarriage.

(ii) Contents of Register

387. The information collected by the court (or alternatively, provided by the parties to the dissolution) should contain characteristics of the parties to the dissolution and characteristics of the event.³¹⁸ As with registration of birth and death, regulations or instructions should clearly state which elements are required for legal purposes and which are required for purely statistical purposes. Information collected for legal purposes is minimal and may include the name of the spouses, date and place of the dissolution, and the judicial authority granting the dissolution. For recommended statistical data elements, see Annex B. The record should include the date and place of the union dissolved. This identifying information will help the registrar match the dissolution of union record to the corresponding marriage or civil union record.

(iii) Divorce/Dissolution certificate

388. The legislation should provide that upon dissolution of the union, the parties to the dissolution should each be given a certificate of dissolution of the union. In some jurisdictions the court issues the certificate, in other jurisdictions the registrar issues it. The form of the certificate should not be contained in the legislation, but rather in regulations or procedures to allow for flexibility. The certificate need only contain legal information and should not contain

³¹⁵ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

³¹⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

³¹⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 2.

³¹⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, Annex I.

any sensitive statistical information.

(iv) Name change after divorce/dissolution of marriage/civil union

389. The regulations should provide for a simplified process for a spouse to change their name back to the name they used prior to marriage. Often this may be done at the same time and through the same court that grants the dissolution of union.

(v) Process of registering a divorce/dissolution that occurred abroad

390. A country's family law will generally address when and to what extent a foreign dissolution decree is recognized as legally valid. Foreign dissolution decrees are usually recognized as valid if certain procedural requirements have been met (such as proper notice to the parties). The civil registration law should provide a process for registering a dissolution that occurred abroad. The regulations should address who may register the dissolution (i.e., either party to the dissolution) and what, if any, documentary evidence in addition to the foreign dissolution decree is required.

391. Regulations may require the foreign dissolution decree to be validated by the country in which the dissolution was granted. This may be subject to the requirements of the Apostille Convention if both countries are Parties to the Convention. Regulations may also require a certified translation of a dissolution decree in a foreign language.

(vi) Registration of Dissolution of Union Summary

392. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be "yes".

Registration of Dissolution of Marriage	Yes/No
Does the legislation address whether courts are required to notify the registrar of dissolution decrees granted?	
Is the United Nations recommended statistical information regarding divorce collected (by either the courts or the registrar)?	
Is there a process for issuing a certificate of dissolution of the union?	
Is there a simplified process to change one's name back to one's name prior to marriage?	
Is there a process for registering a dissolution that occurred abroad?	

F. CORRECTIONS AND AMENDMENTS TO THE RECORD

393. Because vital event records serve a legal purpose, it is essential that they accurately reflect the characteristics of the event and the persons related to the event. There are two reasons why it may be necessary to change a vital event record in order to maintain accuracy: 1) the original record contained errors or omissions that require correction, and 2) circumstances regarding the event have changed and require amending the record. Examples of the first type of change include obviously spelling, date and typographical errors, and adding uncontested omitted information, such as the late naming of a baby. Examples of the second type of change include adoption, contested paternity, divorce, annulment, judicial separation, declaration of death for persons missing for a statutorily defined period of time, name change, and sex change. Generally, only the registrant or the registrant's legal representative have the authority to request or apply for a correction or amendment.

(vii) Authority to amend registration record (role of registrar and courts)

394. The authority to correct or amend the record may rest with the civil registration authority or the courts, depending on the type of change sought. The civil registration agency

should have authority to correct errors such as obvious spelling, date or typographical errors. The registrar may require documentary evidence for certain types of changes. For example, if a father's name is misspelled on a birth certificate, the registrar may request a copy of legally valid identification from the father to verify the error and ensure the accuracy of the correction. Providing the registrar authority to make these types of corrections relieves the applicant of having to spend time and money applying to the courts, and relieves the court of additional workload.

395. An individual should be able to appeal to the courts if they feel they have not been able to obtain satisfactory resolution of their issue through an application to the registrar. However, in many countries, before appealing to the courts, an individual must appeal a local registrar's decision to a higher administrative level, up to the national level, before appealing to the courts. This is referred to as "exhaustion of remedies" and serves two purposes. First, it allows the registration authorities the opportunity to correct the mistake without burdening the courts. Second, it creates a record of the administrative decision for the court to review.

396. For corrections or amendments that involve changed circumstances that involve changed circumstances or involve the rights of others (e.g., a spouse or a child), a registrant or their legal representative generally must apply directly to the courts. These types of amendments usually include adoption, surrogacy, paternity, divorce, annulment, judicial separation, name change and sex change and are discussed below.

(viii) Amendments requiring a court order

397. Adoptions must be approved through a judicial process. Country laws vary regarding the legal requirements and arrangements for adoption. Many jurisdictions require that adoptions be kept confidential. This is accomplished by preparing a new birth record reflecting the new parents' birth facts and sealing from the public the pre-adoption facts of birth. The place and date of birth of the child remain unchanged in the record, as well any unique identification code, if one is assigned.³¹⁹ If a child is adopted from a foreign country, most countries have a process by which the adoptive parents may apply for a domestic birth certificate. This generally involves providing to a court a certified copy of the final adoption decree from the foreign country and a written request for a new birth certificate.

398. Surrogacy is an arrangement whereby a woman agrees to carry a pregnancy for another person or persons who will become the newborn's parents after birth. National laws regulating surrogacy vary substantially, from total banning of the practice to allowing it and specifying conditions to include in the agreement between the parties. Regardless of how surrogacy is regulated, civil registration in surrogacy is handled similarly to that for adoption. The original birth record contains the information of the biological mother. After the birth, the parents initiate the process of legal adoption and the procedures described above for adoption are followed.

399. A request to amend the father's name on a birth registration record may require administrative action only or may require judicial action. For example, if the father freely acknowledges paternity and the mother consents, laws of the country may allow the registrar to fill in the missing paternal information on the birth record without application to the courts. However, if paternity is disputed, amending the record requires a judicial decision.³²⁰ After adjudication, the judicial decree should be transmitted to the registrar so that the registrar may make a notation on the birth record regarding paternity.

³¹⁹ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 157.

³²⁰ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraphs 151 - 152.

400. As discussed in the section on registration of divorce, upon receipt of the judicial decree or information regarding the divorce from the court, the registrar should match the divorce record to the original marriage record and annotate the record accordingly. When the divorce occurs in a place different from where the marriage was registered, the registrar who receives the divorce notification should notify the registrar in the location where the marriage took place so that a notation can be made on the original marriage record. If the registration system is networked to a central database, this step is not necessary.

401. In many jurisdictions, change of sex on a birth record and identity documents involves a court decision and often requires proof of sex reassignment surgery. However, this is changing in some jurisdictions. About half of the states in the United States no longer require proof of surgery or court orders before allowing a change of sex on birth records and identity documents.³²¹ Removing these barriers reduces the cost and time of the process and helps protect the privacy of the applicant. If a court order is required, courts should be required to transmit this information to the registrar, who then should record the amendment in the record.

(ix) Preservation of the original record

Additions or changes to the record (other than corrections of minor errors) should be made in such a way as to not alter the original entry.³²² The process for changing the record will differ for paper-based and computerized systems. For example, in paper-based systems, the layout of the registration record should have ample space for entering those notations and additions. Further, the changes should be made in duplicate so that copies can be forwarded to the central storage place and other archives. For all amendments and corrections, every copy, either active or archival, should be amended to reflect the changes.³²³ While the principles are the same as for paper records, the methods used for making amendments and corrections in computerized records differ. Annotations in computer files can be made in a section of the record designed for annotations. When uploaded to a central system, all records in the system should reflect the change. Computerized records allow changes to be tracked by the person, date and place the change was made.

402. Legislation and regulations should contain clear provisions for amending records, including correcting errors, name changes, disputed entries, adoptions, and other changed circumstances. The legislation should specify who may request or apply for a correction or amendment to a record. The legislation should also specify what entity - the civil registrar or the courts - has the authority to amend the registration record and under what circumstances. Because processes for paper-based and computerized systems will differ, the specific process for making amendments and corrections should be set out in instructions, which can be easily amended if needed.

(x) Corrections and Amendments Summary

403. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be “yes”.

Corrections and amendments to the record	Yes/No
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³²¹ National Center for Transgender Equality, Issues: Identity Documents and Privacy, available at: <https://transequality.org/issues/identity-documents-privacy>.

³²² *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 409.

³²³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 414.

Is there a clear distinction between types of corrections within the jurisdiction of the civil registrar and amendments within the jurisdiction of the courts?	
Is there a process for appealing the decision of a local registrar to regional and national level registration officials, before appealing to the courts?	
Is there a process to issue a new birth certificate after a child is adopted?	
Is there a process to amend name and sex on a birth certificate?	
Are amendments to the record made in such a way as to not alter the original entry?	
Are amendments and corrections to the record made in such a way as to ensure that every copy, either active or archival, reflects the changes?	

G. SUBMISSION OF LOCAL REGISTRAR RECORDS TO NATIONAL REGISTRAR

404. The legislation should set timeframes for the transfer of information from the local register to the centralized register. For non-computerized systems, this should cover the timing and frequency of delivery of copies of registers and/or compilation of reports derived from registers. For computerized registers, this should cover the frequency with which electronic records are transmitted to the central register. This may be simultaneous with registration (where local registers are linked to central registers), daily, weekly or monthly. The timing may be different for non-computerized and computerized systems. Therefore if a country has two types of systems in use simultaneously, the legislation should provide a maximum timeframe for submission of records and regulations may provide a shorter timeframe for those districts that are computerized. The process should be addressed in regulations or instructions to allow for flexibility as the system technology advances.

405. Regardless of whether the system is computerized or non-computerized, a local registrar must submit records of all vital events occurring in the territory of the reporting official during the reporting period.

406. Mongolia provides an example of a country with dual processes for districts that have online access to the central database and districts that do not have online access. Districts that do not have access to the online system for civil registration complete registration offline. The complete registration form is printed with a Quick Response (QR) code in machine-readable format. These forms are delivered to the provincial level office where the QR code is scanned and information is entered into the central system.³²⁴ See Box X for details on the transfer of records on and offline in Mongolia.

Box X. Mongolia. Transfer of records on and off line

Mongolia has achieved very high birth and death registration in recent years. An important factor in this is that they have introduced an electronic system for data capture. Digital data that has been collected from the local registration units is transmitted through the online system to the central database where possible. However, as the greater part of the districts (soums) is not yet able to have direct access to the online system for civil registration, an offline program has been introduced in these offices.

The register at the district level enters a vital event using the offline program. This program includes checks and controls and ensures that the forms are entirely filled out and in line with nationally standardized questions. If one information item is missing, a warning is shown by the registration program and no further processing is accepted. Once the registration is complete,

³²⁴ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, page 183.

the local civil registrar prints the official registration form including a QR code where information has been saved in a machine-readable format.

The registrar and the informant sign the registration form, which is sealed by the registrar. The registration form (which contains also digital information in the QR code) is then delivered to the province (aimag) registration unit where a superior registrar verifies the information on the registration form, as well as other attached documents (such as the birth notification form issued by the health facility, copies of the IDs of parents, and acknowledgement of parentage). If everything is in order, the information will be scanned through the QR code and entered into the online registration system. If not, a correction procedure will be required and the registration form will be returned to the district registrar. At registration centres without access to internet, information about vital events is also computerized. The computers are used to print a QR code with all relevant information on a copy of the certificate, which is then forwarded to the higher-level civil registration centre, where the QR code is scanned and this information is entered online into the national database.

Before the offline system was introduced, inaccurate information on vital events due to unintentional mistakes often occurred. Since the offline program has been in place, the mistakes caused by manual errors have almost disappeared. Also, significant time is saved as data only have to be entered once and many errors are avoided due to automatic checks.³²⁵

407. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be “yes”.

Submission of records to national registrar	Yes/No
Is there a clear timeframe within which registrars must transmit records to the national registrar?	
Does legislation allow for development of both paper-based and electronic submission processes, if needed?	

H. FEES

(i) Fees for registration

408. To encourage registration, the legislation should clearly state that registration of a birth, foetal death and death within the time period prescribed by the law is free of charge. Instructions might address ways to ensure that no fees are charged, such as the display of signs at registration offices notifying the public of services that are free of charge and establishing a hotline for public complaints.

409. While many countries charge for marriage registration, drafters of the legislation should consider making this process free if marriage registration rates are low. Regulations or internal procedures should address these fee structures, as fees may change over time.

410. Some countries apply fees in cases of delayed registration of vital events, with rates related to the extent of the delay.³²⁶ However, in countries where registration rates are low and officials are attempting to increase rates of registration, late registration fees may hinder these efforts.

³²⁵ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, page 183.

³²⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 363.

411. If higher fees are imposed on non-citizens, the drafters should ensure that these higher fees are not imposed on refugees, stateless persons or other vulnerable populations.

Box X. Uganda: Waiving fee for vulnerable non-citizens

In Uganda, in 2012, the Attorney General exercised his powers under section 24 of the Births and Deaths Registration Act of 1973 and waived the registration fees payable by refugees in order to register a birth or death. Previously, refugees had been required to pay \$40 (the same as for foreigners) in order to obtain a birth or death certificate.

(ii) Fees for original and duplicate certificate issuance

412. The first (original) certificate for a birth and death and should be free of charge. Fees may be charged for duplicate birth and death certificates, but should be appropriate so as not to discourage application for a duplicate certificate.³²⁷ Appropriate fees may be charged for other types of certificates, including marriage and divorce. These fees should be addressed in regulations or instructions to allow for adjustments over time and should be minimal or priced so as not to disincentivize application for a duplicate certificate.

(iii) Fees for corrections and amendments

413. Minor corrections due to clerical errors should be permitted free of charge.³²⁸ The addition of a baby name within the time frame for late naming should also be free of charge. Fees may be charged other types of amendments, including amendments made due to adoption, establishment of paternity, name change, and sex changes.

(iv) Fees for use of data for research purposes

414. Researchers may sometimes request data from civil registrars for academic purposes. Legislation should specify under what circumstances data from the civil registrar may be provided to researchers, in accordance with privacy provisions (See Section Four below). If data is provided to researchers, fees may be charged. The fee structure should be set out in regulations or instructions.

(v) Fees Summary

415. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be “yes”.

Fees	Yes/No
Is registration of birth, foetal death, and death within the prescribed period free of charge?	
If late and delayed registration fees apply, are these fees reasonable?	
Is the first (original) birth and death certificate provided free of charge?	
Are corrections due to clerical errors free of charge?	
If data is available to independent researchers, is there a fee structure for this data use?	

SECTION 3. IDENTITY MANAGEMENT

³²⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 363.

³²⁸ See *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 363.

A. IDENTITY MANAGEMENT PRINCIPLES AND LIFE CYCLE

416. As discussed in Chapter One, a person's entry into the identity management system starts at birth with the issuance of a birth certificate and assignment of a Unique Identity Code (UIC), which is assigned for life. Later in life, an individual will obtain a digital identity, or e-identity, which is a set of electronically captured and stored attributes and credentials that can uniquely identify a person.³²⁹ These digital identities are created and used as part of a life cycle that includes four fundamental stages: (a) registration, including enrolment and validation, (b) issuance of documents or credentials, (c) authentication for service delivery or transactions, and (d) closure/deactivation and archiving. This section discusses the lifecycle of identity management, with a focus on policy decisions that should be made by lawmakers before drafting legislation on identity management. This section also addresses the principle of universality (as it applies to identity credential provision) and fees that may be charged to individuals and other users of the system.

(vi) *Universality*

417. The ability to prove one's identity is fundamental to the enjoyment of human rights as well as government and private sector services. Therefore, as with civil registration, proof of identity should be provided without discrimination or distinction based on geography; racial, ethnic or religious group; status as a member of a nomadic, indigenous, native or aboriginal population; status as displaced, stateless, refugee, asylum seeker, or person of undetermined nationality; or status as a foreign national born in the country or temporary worker; or any other characteristic.

Box X. India: Delinking ID from Citizenship

In the Aadhaar system, a unique identifying number is provided to anyone who registers, regardless of citizenship.

(vii) *Assignment of Unique Identity Code*

418. As discussed in Chapter One (paragraphs XX), a Unique Identity Code (UIC) is a code assigned for life to an individual. An individual should have only one UIC and each UIC should be assigned to only one individual. With the assignment of a UIC, an individual's record across various registers can be linked. For example, an individual's birth registration record and identity information, including biometrics, can be linked to firmly establish that the information in both records unequivocally belongs to one individual. The UIC may be used by other government actors as well, such as health and social services, in order to link records across various agencies. The UIC, when linked with biometrics in an identity record, helps prevent duplication of identity in the system; it ensures each person's identity is registered in the system only once. A UIC should be closed at death. This ensures that the identity can no longer be used and helps prevent identity theft.

1. **Assignment of UIC at birth**

419. Assignment of a UIC at birth, rather than when a person has reached a certain age, facilitates linkage of the civil registration and identity management systems. As discussed in paragraphs xx above, a UIC may be generated by either the civil registration or the identity management agency (if separate entities). If the civil registration agency generates and assigns a UIC to a newborn, the registrar should send the UIC along with birth information (such as name, date and place of birth, and name of mother/father) to the identity management agency. If the identity management agency generates the UIC, the registrar should send a request to the identity management agency, which then issues a UIC and sends it to the registrar. The registrar then enters this information into the birth record.

420. Regardless of which entity generates the UIC, legislation should require the registrar to

³²⁹ *Technical Standards for Digital Identity*, World Bank, 2017, page 2.

ensure that a UIC is assigned at birth. Legislation should make clear that a UIC is assigned to *all* newborns, regardless of citizenship, nationality or residency status.

2. Assignment of UIC after birth

421. If the assignment of a UIC at birth is a new requirement in a country, many people will have been born before the requirement comes into effect. In addition, there will be people that immigrate into a country. These people will not have had an opportunity to receive a UIC at birth. Therefore, legislation should require all individuals permanently residing within the territorial jurisdiction of the country, who were not previously assigned a UIC, to apply for a UIC by a certain age. A UIC should not be denied based on citizenship, nationality or residency status, as it does not confer citizenship or any specific legal rights.

3. UIC character sequence

422. The characters in a UIC may be alphabetic and/or numeric. The content of the alphanumeric characters in the UIC has important implications for security. In many countries, character sequences were traditionally based on personal information, such as date and place of birth. Today, random sequences (also referred to as “unintelligible sequences”) are preferred, as character sequences based on personal information may be easily comprehended, allowing the information and/or UIC to be used fraudulently. Such a security breach occurred in South Korea, which uses digit sequences based on date of birth. See Box X for details on how South Korea addressed this situation. In addition, character sequences that contain variables for personal status such as citizenship may make individuals vulnerable to discrimination. Further, citizenship may change during the course of a person's lifetime through naturalization and therefore a variable based on this status could later require re-characterization of the UIC sequence.

423. Legislation should address the key elements of the UIC, requiring for example that a UIC be unique, unintelligible and random. Other elements of the UIC (for example, number of characters and use of checksum) should be within the jurisdiction of the identity management agency to determine, either through regulations or instructions.

Box X. South Korea: Intelligible digit sequence

Identity numbers started to be issued in the 1960s. The first few digits are the user's date of birth, followed by a one for male or two for female. Due to the ease of determining a person's ID number, the government estimated that an estimated 80% of the country's population had their ID numbers and personal details stolen from banks and other targets. Due to this, in recent years, the government now offers PINs to be used with ID numbers, which increases security.

(viii) Registration: Enrolment and Validation

424. As discussed in Chapter 1, identity registration entails enrolment in the system and validation of identity. Enrolment involves capturing and recording key identity attributes from a person who claims a certain identity, which may include biographical data and biometrics.³³⁰ Once a person has claimed an identity during enrolment, their identity is then validated by checking the attributes presented against existing data.³³¹

1. Biometrics: type of biometrics and age of collection

425. Biometrics is the measurement of unique physical characteristics that can be used for automated recognition. Biometrics may include a photo readable by facial recognition software, the capture of one to ten fingerprints, and iris scan, or other evolving types of biometrics. Up until recently, biometrics have been collected somewhere between the ages of 15 to 18 years, partly because it has been difficult to reliably capture biometrics on the very young. However, as

³³⁰ *Technical Standards for Digital Identity*, World Bank, 2017, page 3.

³³¹ *Technical Standards for Digital Identity*, World Bank, 2017, page 4.

biometric technology improves, some countries have started capturing biometrics earlier in life. India and Mexico, for example, now begin capturing biometrics at the age of 5 and then recaptured biometrics at the age of 15. See Box X, Chapter 1. Peru captures a footprint at birth and captures other biometrics later in life. See Box X for details on Peru.

426. While biometrics is emerging as the core of identity management, some individuals may have biometrics that are hard to capture. For example, manual labourers or the elderly may have worn fingerprints that cannot be captured clearly; and iris scans may be difficult to capture on people with cataracts. Due to this, lawmakers will have important policy decisions to make regarding what types of biometrics are captured and at what age. Even with the best of systems, biometric capture can fail. (See Chapter 1, paragraphs xx). Therefore, policy makers should determine what back up measures will be put in place for those individuals whose biometrics cannot be used in the system.

427. Legislation should authorize an agency to collect biometrics. Because biometric technology is changing rapidly, the type of biometrics collected should not be prescribed in the legislation. Instead, the legislation should delegate authority to the identity management agency to establish regulations on the type of biometrics collected. The legislation may specify at or by what age a person must enrol (or is permitted to enrol, if not mandatory) and have their biometric information collected, or authority may be delegated to the identity management agency to make this determination, as the age of enrolment may be related to the type of biometrics collected. Although authority to determine age and type of biometrics may be delegated to the identity management agency, the legislation should specify if there are any constraints on the type of biometrics that may be collected. For example, in some countries the collection of DNA or blood samples violates the right to privacy. Accordingly, the collection of fingerprints, iris scans, and vein pattern-recognition might be allowed; however, collection of DNA or blood samples would be prohibited.

2. Validation

428. The validation process ensures that the identity exists (i.e., that the person is alive) and is claimed by only one person (i.e., it is unique in the database). This process is important to ensure that there are no duplicate identities in the system. For the UN recommended model of integrated civil registration and identity management systems, validation against information in the civil register should be required.³³² This incentivizes birth registration, in essence making it a requirement in order to enrol in the identity management system. If a person whose birth has not been registered applies to enrol in the identity management system, ideally, the identity management agency would assist the individual in registering their birth before enrolling the individual in the identity system.

429. Depending on the age of enrolment, the validation process might also require checking the claimed identity against other databases or checking other forms of proof of identity. For example, if enrolment is at a very young age, connecting the child's identity to the parents is generally sufficient. However, if enrolment is at later age, additional documentation might be required, such as school records or other forms of identification to ensure that the person is who they claim to be. Policy makers could consider introducing a point system, requiring a certain number of points to establish identity with highly trustworthy documents assigned more points than other documents. See Box X on the Malawi point system.

430. Legislation may state how an identity is validated, or it may delegate authority to the identity management agency to determine the validation process, including which databases are checked and what identity information should be provided.

³³² *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraphs 456 - 457.

(ix) Credential Issuance

431. As discussed in Chapter 1 (paragraphs XX), after registration an identity provider issues identity credentials. Common types of electronic credentials fall into three categories: 1) something you know (e.g., a password), 2) something you have (e.g., an ID card, mobile phone or a cryptographic key), or something you are (e.g., a fingerprint or other biometric data).³³³

432. Common types of electronic credential technology include:

- **Smart cards:** cards offer advanced security features and record digital cryptographic key and/or biometric on an embedded computer chip. Smart cards can come in the form of a contact/contactless card, or Near Field Communication (NFC)-enabled SIM card. Data stored on a smart card can be accessed offline for authentication where there is no internet connection or mobile network.
- **Two-dimensional (2D) barcode card:** Cards can be personalized with an encrypted 2D barcode containing a person's personal data and biometrics, either instead of or in addition to a chip. The 2D barcode is a cost-efficient means to provide an e-identity and to authenticate holders by comparing live biometrics with that on the card. It has been widely deployed in Africa, Latin America and the Middle East, including in Ghana, Mali and Lebanon.
- **Mobile identity:** Mobile phones and other devices can be used to provide portable e-identity and authentication for a variety of online transactions. For example, providers can issue SIM cards with digital certificates or use other mobile network assets that can enable secure and convenient identity and authentication of users for eGovernment (eGov) services and other public or private platforms.
- **Identity (credential) in a central store/Cloud:** Unlike portable credentials such as smart cards and SIM cards, some systems store certificates and biometrics on a server only. In this case, a physical credential storage device may not be issued. A UIC may be issued in non-electronic form (for example, India's Aadhaar program issues only a paper receipt). A tamper-resistant environment of cryptographic key generation and management to secure the ID credential in the central store against theft will increase the security and assurance level of the identity system.³³⁴

433. Lawmakers must make several policy decisions regarding credentials, including the type of credential issued, information presented on, or knowable from, the credential, and credential validity and expiration.

(x) Type of credential

434. There are advantages and disadvantages to each type of credential and policymakers should weigh these in determining the type of credential to be used. For example, smart cards with chips or 2D barcodes permit authentication of an identity offline, which is important in countries where internet connectivity is not widely available. However, smart cards can be expensive to produce. Credentials stored in a central store can produce enormous cost savings, as has been the experience with India's Aadhaar system. However, storing credentials in a central store can leave the system vulnerable to security breaches. This has been the experience in India, where identity numbers and information may have been sold or made public inadvertently on multiple occasions.

435. Technology is changing rapidly. Therefore, it is best not to specify the type of credential system in legislation. Rather, authority should be delegated to the identity management agency to determine the type of credentials to be issued and the technology system used with the credential (e.g., chip, bar code, etc). The identity management authority should promulgate

³³³ *Technical Standards for Digital Identity*, World Bank, 2017, page 4.

³³⁴ *Technical Standards for Digital Identity*, World Bank, 2017, page 4.

credential standards in regulations or procedures. This will allow for changes, if needed or desired, as technology advances.

1. Information presented on or in credential

436. Many countries have a different type of identification card for citizens and non-citizens. For example, in Thailand, non-citizens are given a pink-coloured card; Thai citizens are given a blue card. However, a credential need not be tied to citizenship. For example, India's Aadhaar system was revolutionary in providing a UIC to all residents of the country, with no information contained in that UIC regarding citizenship or residency status.

437. Information on citizenship, ethnicity or residency status may make an individual vulnerable to discrimination. Therefore policy makers should carefully consider whether it is necessary to include this information, or other information that may be the basis for discrimination, on the face of the ID card or other physical credential. It is important to note that only limited information is necessary on the face of the credential, particularly if a credential has biometrics, a chip, a PIN or other authenticating method associated with it.

438. If a physical credential is used, the legislation may authorize the identity management agency to determine what information is presented on the credential. However, policy makers may wish to provide parameters to the agency and, for example, state that the face of credentials may not identify an individual as member of a minority or marginalized segment of the population, as this may lead to discrimination.

2. Credential validity/expiration

439. The period of validity of credentials varies from country to country and may be dependent on the type of credential. For example, the UIC assigned in the Indian Aadhaar system never expires. However, in many countries that use an ID card with a photo, the ID card must be renewed with a new photo periodically, usually within a period of 10 years.

440. Because the period of validity is related to the type of credential, policy makers may choose to delegate authority to the identity management agency to determine the period of validity. If authority is delegated, the identity management agency should also have authority to establish the process for renewing credentials.

(xi) Authentication

441. Once a person has been registered and credentialed, they can use their credential to access benefits and services, such as health services and banking. In order to access services, the user must be authenticated using one or more factors that, like credentials, generally fall into one of three categories—something you know, something you have, something you are.³³⁵ Authentication using these attributes can occur through various pathways, including:

- **Smart cards:** People with smart cards can authenticate their identity using multiple authentication factors for varying levels of assurance. For example, a simple PIN for low risk use cases or a digital signature based on public key infrastructure (PKI) technology for high risk use cases. Fingerprints can be used to establish a non-ambiguous link with the user. Because they store data locally on a chip, smart cards can also be used for offline digital authentication or remote locations where connectivity is limited.
- **Mobile identity:** Using smartphone applications, Unstructured Supplementary Service Data (USSD) or Short Message Service (SMS)-based authenticators, or SIM cards, mobile identity can incorporate multiple authentication factors for varying levels of assurance. For example, a simple PIN for low risk use cases, multiple-factor authentication solutions

³³⁵ Other types of information, such as location data or device identity, may be used by an verifier to evaluate the risk in a claimed identity, but they are not considered authentication factors. Grassi, P., et. al, NIST Special Publication 800-63-3, *Digital Identity Guidelines*, page 12.

(including with the use of biometrics) or a mobile signature based on public key infrastructure (PKI) technology with a secure element (SE) for high-risk use cases. Authentication can be strengthened by using third and fourth factors such as the individual's location or behaviour.

- **ID in the central store/Cloud:** Instead of issuing an e-identity document or mobile credential, an e-identity system can rely on biometrics for remote authentication. In this case, an identity is asserted and verified via a computer or other device with a biometric reader that connects to the Cloud. A Cloud-based system eliminates the need and cost of physical credentials, but requires robust ICT infrastructure for connectivity and security of the central storage.³³⁶

442. Biometric authentication can sometimes fail to recognize an individual even though they are who they say they are. This could potentially result in the owner of an ID being rejected for the services the individual is seeking. For example in March 2018, the Unique ID Authority of India (UIDAI), which is the custodian of Aadhaar's database, stated that biometric authentication failure rate for fingerprints (after three attempts) was nearly 12 percent in government programs, 5 percent in banks and 3 percent for telecom operators. Other reports, suggest a rate of between 2 and 4 percent after repeated attempts.³³⁷ This highlights the importance of having effective protocols to manage exceptions, such as mobile one-time password (OTP) or authentication by a local authority. In Andhra Pradesh, the village revenue officer is allowed to authenticate a beneficiary if needed as a last resort—a human response to a shortcoming of technology.³³⁸

443. The process of authentication is related to the type of biometrics and technology adopted in enrolment and credential issuance. Therefore, policymakers may choose to delegate authority to the identity management agency to determine the method of authentication, including whether single or multi-factor authentication is used. No matter what type of technology and authentication process is adopted, the identity management agency should have authority to establish alternative authentication procedures in case of authentication failure, such as mobile one-time password (OTP), alternative biometric or authentication by a local authority.

(xii) Deactivation/Closure and Archiving

444. Deactivation of a UIC and identity credential upon death is important in order to prevent identity theft. An efficient and effective connection between the civil registration and the identity management systems is the best way to ensure that this deactivation occurs upon death. This should occur when the civil registrar transfers information from the death record to the identity management system. There may be other reasons for deactivation of a UIC or identity credential, such as fraudulent use of the identity.

445. After closure of a UIC and identity credential, identity records should be retained and permanently archived. Country practices vary on the reuse of a UIC after closure. In some countries an UIC is never reused; in others an UIC is not reused for at least 50 to 100 years.

446. Legislation should require the deactivation of a UIC and associated identity credential upon death. The procedures for that deactivation, including the reuse of UIC, should be set out in regulations or instructions.

³³⁶ *Technical Standards for Digital Identity*, World Bank, 2017, pages 4 - 5.

³³⁷ Gelb, A. and Mukherjee, A., *The Aadhaar Debate: Where Do We Go from Here?*, Center for Global Development blogpost, available at: <https://www.cgdev.org/blog/aadhaar-debate-where-do-we-go-here>

³³⁸ Gelb, A. and Mukherjee, A., *The Aadhaar Debate: Where Do We Go from Here?*, Center for Global Development blogpost, available at: <https://www.cgdev.org/blog/aadhaar-debate-where-do-we-go-here>

B. FEES

(xiii) *Fee for Identity Card Issuance*

447. Many countries charge a fee for identity credential issuance and there is no best practice regarding fees. However, if obtaining an identity credential is mandatory, policy makers should consider providing the original identity credential free of charge or for a minimal fee. Fees may be charged to replace a lost identity credential. This fee structure should be addressed in regulations or instructions.

(xiv) *Fee for Private Institutional Use*

448. As discussed in paragraphs xx above, individuals may use their identity credentials to authenticate their identity in order to access services. Private institutional users, such as banks, that wish to use the identity management system for identity authentication purposes may be charged a fee for this service. The legislation should authorize the identity management agency to set fees for authentication services. Fees should be established in regulations so that they may be more easily adjusted over time.

(xv) *IDENTITY MANAGEMENT SUMMARY*

449. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be “yes”.

Identity Management	Yes/No
Is proof of identity provided to all persons, without discrimination, within the territory of the country?	
Is a unique identity code (UIC) assigned at birth?	
Is the character sequence of the UIC random?	
Does the law address the scope of authority of the identity management agency to collect biometrics, with specified constraints?	
Does the law address the age at which of biometrics are collected?	
Is there a process for validating the identity of a person when they enrol in the identity management system?	
Is authority delegated to the identity management agency to determine the type of credentials issued and method of authentication used?	
Does the information contained on or in the credentials protect against discrimination by not providing information on status as member of a minority or marginalized group?	
Is there a clear process for deactivating a UIC and identity credential upon death?	
Are identity credentials provided free of charge or for a reasonable fee?	
Is there a fee structure for private institutional users of the system?	

SECTION 4. THE POPULATION REGISTER

450. The population register is a data system used for continuous recording, and/or coordinated linkage, of selected information pertaining to each member of the resident population of a country, in such a way as to provide the possibility of determining up-to-date information concerning the size and characteristics of a country's population at any given time. The population register is the product of a continuous process, in which notifications of certain events, which may have been recorded originally in different administrative systems, are

automatically linked to it on a current basis.³³⁹

451. Not all countries maintain a population register. However, for those that do, the population register is essentially a computerized database with a separate record for each individual in the country. The population register can be a centralized database or it can consist of regional/provincial databases that are inter-linked. Agencies in charge of operating and maintaining a population register differ from one country to another. In many countries, it is the responsibility of home affairs and police. In other countries, it is under the responsibility of tax authorities. Frequently, the civil registration or the identity management agency may maintain the population register. There were cases where the population register was located in the national statistical office; yet, they were subsequently moved to an agency that has more direct access to the population.³⁴⁰

452. The primary function of the population register is to provide reliable information for the administrative purposes of government, particularly for programme planning, budgeting and taxation. The registers are also useful in other administrative areas, such as voting, education, military service, social insurance and welfare, and for police and court reference. Information submitted by the civil registration agency, as well as other agencies, is crucial for keeping the population register up to date.³⁴¹

A. INFORMATION TO BE SUBMITTED TO THE POPULATION REGISTER

453. The more information included in the population register, the richer the variety of possible analyses of population structures and dynamics, but, at the same time, the greater the concerns about confidentiality and the more complex the issue of management. Therefore, during the development of a population register, countries might benefit from progressive implementation, entailing, at the beginning, inclusion of only a minimum amount of information.³⁴²

454. The content of a specific population register varies from country to country. However, it commonly contains the names of a person and her/his parents, date and place of birth, address, and UIC.³⁴³ A person's first entry into the population register generally happens at birth. After birth registration, the civil registration agency submits basic facts about a child (name, parents, place/date of birth and UIC) to the population register. First entry into the population register can also happen when a person immigrates to a country and is assigned a UIC, after which immigration or other agency submits their basic information to the population register. Submission of the UIC soon after it is assigned is essential, as this allows the population register to link with other databases and to maintain continuously up-to-date information about the population.

455. Generally, the civil registration authority also submits information about the fact of the occurrence of other vital events - marriage, divorce, adoption, legitimation, recognition, and death - to the population register. This keeps the population register up to date regarding a person's civil status. While legal information is generally submitted, policymakers should consider whether other information in the register, captured for statistical purposes, is needed in the

³³⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 454.

³⁴⁰ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 438.

³⁴¹ See *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 472.

³⁴² See *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 481.

³⁴³ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 443.

population register. If the statistics agency compiles vital statistics from information provided by the civil registration agency directly, rather than from the population register, then statistics information collected during civil registration need not be submitted to the population register.

456. Country practices vary on what information is submitted from the identity management system to the population register. In some countries, biometrics are submitted, in others they are not. Policymakers should take into account data protection and privacy concerns when determining whether this information should be submitted to the population register. Even if biometric information is not submitted, the identity management agency might play a role in keeping the population register up to date. For example, in Chile, when a person renews their national identity card they are given the opportunity to update their address, and this residence information is then updated in the population register.³⁴⁴

457. If functional registers -- such as voter registers -- are linked to the population register, policy makers should consider what information collected by these other agencies should be transmitted to the population register.

458. Legislation should address the minimum information the civil registration agency and identity management agency are required to submit to the population register. If the agency in control of the population register has rule-making authority, this agency might require additional information to be transmitted to the population register through regulations. Legislation might also address the information to be submitted from functional registers to the population register.

B. TRANSMISSION PROCEDURES

459. Information from the civil registration and identity management agencies must somehow be accessible in the population register. However, a population register need not be either a physical or single consolidated list (either in paper or electronic format), but can be a network of registers linked in a coordinated way. In such systems, it may be that the information is not physically submitted or transmitted from the civil registration, identity management, and other agencies, to the population registrar; rather, the registers may be linked, through a UIC, so that a complete record may be recreated at any time.³⁴⁵ This is the case in Estonia, as described in Box X.

460. The process for collecting information in the population register, whether through transmission or linkage, will depend on the level of digitization and type of system. Records may be transmitted manually or electronically, or databases may be linked. Manual and electronic systems may be used concurrently for many years in a country as it digitizes its system. In these circumstances, it is important that the regulations allow for both manual and electronic processes. Therefore, processes for transmission or linkage should be specified in regulations or instructions, so as to allow for changes to the process over time.

Estonia: Personal Control over data

While the Estonian eID is anchored in the national population register, databases are decentralized, with each government agency and service provider storing only the data necessary for their own purposes. Databases are linked, to allow for exchange of information between state entities and with private entities. Individuals have control over their data and if one entity wishes to see data in other entity's database, the individual must consent to this. This allows residents maximum access and control over their data, including checking who has accessed data and when. Abuse by public officials is punishable by imprisonment.

³⁴⁴ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, page 155 (textbox).

³⁴⁵ See *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 469.

C. TRANSMISSION FREQUENCY

461. Regulations should address the frequency of transmission of records from civil registration and identity management agencies to the population register. Because the population register may be linked to numerous services (e.g., voter registration, education, taxation, social security, health benefits), there is good reason to update the population register as frequently as possible. The regulations should specify the frequency of updating, e.g., daily, weekly, or monthly, which likely will depend on the mode of transmission and the degree of digitization and interconnection across systems. To allow for flexibility, regulations may address the minimum frequency of transmission, and instructions may establish greater frequency as technology develops.

D. DATA PROTECTION AND PRIVACY DURING TRANSMISSION TO AND STORAGE IN THE POPULATION REGISTER

462. Legislation should mandate that individual data and information be protected during transmission to, and storage in, the population register. Data is particularly vulnerable during transmission and therefore encryption should be required (for electronic transmission of information). However, technical specifications on encryption should be left to instructions to allow for changing technology. See Section Six below for more on Data Protection, Privacy and Security.

E. POPULATION REGISTER SUMMARY

463. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be “yes”.

Population Register	Yes/No
Is information required to be transmitted to the population register from the civil registration and identity management agencies clearly defined?	
Is the timeframe for submission of information to the population register specified?	
Does legislation allow for development of both paper-based and electronic submission processes, if needed?	
Does legislation require that personal data and information be protected during transmission to, and storage in, the population register?	

SECTION 5. VITAL STATISTICS

A. VITAL STATISTICS TO BE DERIVED FROM CIVIL REGISTRATION DATA

464. Vital statistics constitute the collection of statistics on vital events in a lifetime of a person as well as relevant characteristics of the events themselves and of the person and persons concerned.³⁴⁶ Vital statistics provide crucial information on the population of a country,³⁴⁷ which is a prerequisite to socioeconomic planning and informed decision-making. The civil registration system is the ideal source from which to derive accurate, complete, timely and continuous information on vital events. Therefore vital statistics should be derived from civil registration data.

465. The *Principles and Recommendations for Vital Statistics Systems*, Revision 3, provides a list of recommended topics to be collected for statistical purposes when registering births, deaths,

³⁴⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 1.

³⁴⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 1.

marriages, and divorces. The list includes high-priority topics, which are an immediate goal, as well as topics that are a less urgent goal.³⁴⁸ The recommended topics to be collected for births, deaths, marriages and divorces are contained in Annexes A and B.

466. Legislation should require that vital statistics be derived from civil registration data and should delegate authority to the civil registration agency to issue regulations or instructions that state the information to be collected when registering births, deaths, marriages and divorces. The regulations or instructions should clearly state what information is required for legal purposes and what information is desired for statistical purposes. These data elements should be included in notifications forms as discussed in the sections above.

B. SUBMISSION OF STATISTICAL INFORMATION TO STATISTICS AUTHORITY

467. The civil registration agency must submit statistical information collected during registration to the vital statistics agency in order for the agency to compile and publish vital statistics. Therefore legislation should require submission of statistical information on a periodic basis. Legislation should require that when records are submitted from the civil registration authority to the vital statistics authority, names on records and other unique identifiers must be removed so as to ensure confidentiality.

468. Specific procedures for submission of statistical information from the civil registration agency to the statistics agency will vary depending on the level of integration, connectivity and digitization of a country's civil registration and vital statistics agencies. For example, if the two systems are computerized and integrated, submission may be automated and happen continuously, or daily or weekly. In paper-based systems, submission might be less frequent, such as monthly or quarterly. Therefore the specific process for submission, including the frequency of submission, should be addressed in regulations or instructions, rather than legislation, to allow for changes over time.

C. COMPILATION OF VITAL STATISTICS

469. The compilation of vital statistics data is the process of condensing and summarizing information on vital events by classifying and tabulating the data within categories or groups in order to produce vital statistics according to a predetermined tabulation programme. Vital statistics should be compiled for the total geographical area of the country, for each of the major or minor civil divisions, and for each principal town and city. Vital statistics should distinguish between urban and rural for at least the country as a whole and for each major or other civil division.³⁴⁹

470. National vital statistics should be compiled uniformly for the country, using common definitions, classifications, coding, querying, data entry and editing procedures throughout. To ensure uniformity, compilation of vital statistics should to be undertaken by the central agency, rather than compiled at the local level. In cases where the numbers of vital events would be overwhelmingly large if processed at the central level, a decentralized approach may be adopted whereby sub-national offices are set up to carry out all or selected data-processing functions, subject to guidelines issued by the central agency.³⁵⁰ During compilation, the statistics agency should conduct an internal review to validate the data and ensure there is no missing, duplicative, improbable or erroneous data. See **Box X** on Canada's internal review mechanism.

³⁴⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 66, Table III.1.

³⁴⁹ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 213.

³⁵⁰ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 218.

471. Legislation should require the compilation of vital statistics by the statistics authority on a regular periodic basis, for example monthly, quarterly or annually. The process for compilation should be set out in instructions in order to allow for flexibility. Instructions should address the following topics: control of receipt of statistical reports, editing, querying, imputation of missing or inconsistent data items, coding of data, quality assurance, and tabulation. When compilation is carried out in a decentralized manner, the central agency should issue detailed guidelines to ensure uniformity. These topics are discussed in depth in *Principles and Recommendations for a Vital Statistics System, Revision 3*, paragraphs 220 - 256.

Box X. Canada. Internal review mechanisms for vital statistics

Coverage. Although vital event registration data are received by Statistics Canada on a daily basis, and volumes are monitored on a weekly basis, data are processed on a yearly basis. Once all the microdata for a reference year are extracted, a reconciliation of data holdings takes place. During this step, different sources of data are gathered: the electronic National Routing System (NRS) messages, digitised images of event registrations, cause of death data from automated cause of death coding software extract, and the highest registration number reported by the jurisdiction. These are compared in order to determine whether all records have been received. If for example, there are more records on the cause of death coded data than there are electronic death messages for a particular jurisdiction, the jurisdiction is contacted and asked to send the missing data.

The next step is the elimination of possible duplicates within a jurisdiction, among jurisdictions, and over two years of data. Most of the possible duplicates identified through this process, which is based on a set of key fields, can be resolved at the central office, which then cancels the duplicate record. For those that cannot be resolved, the jurisdictions for which there are duplicate records are contacted for resolution.

Missing, improbable, and erroneous data. The microdata are then run through a series of validation edits. Historically, vital statistics records in error have been corrected or verified by manually going to the digitised image (or microfilm) of the registration to confirm or correct the information in the field that failed the edit. This process is lengthy and labour intensive. Where possible, automated corrections or data conversions have been programmed for systematic errors, based on information available in other data elements. For example, if the age of mother field is blank but the date of birth field contains data, the age will be derived using the date of birth and date of event. This way the parity of the mother can be better verified during the editing stage. Another example is where the province of residence is missing and the postal code is available, the province is derived by looking at the first letter of the postal code. Certain edits correct logic errors (e.g. verify marital status as "single" for deaths of children under the age of 15).

The final piece of the evaluation will be to measure the value of the corrections on the precision of the estimates.

Cause of death editing is a separate process and a shared responsibility. The three larger jurisdictions maintain their own trained cause of death coding staff and code their own data. Statistics Canada provides cause of death coding for the remaining jurisdictions. Statistics Canada provides the training for all cause of death coders and also conducts a cause of death review where invalid cause, rare codes, first time used codes, age and cause correlations, maternal deaths are reviewed. The review also ensures consistent application of the classification and addresses known problems with the automated mortality classification system. Validity checks such as age and cause or sex and cause are addressed during the editing process.

D. PUBLICATION AND DISSEMINATION OF VITAL STATISTICS REPORTS

472. Annual publication of vital statistics reports offer government agencies and other users a dependable source of vital statistics data and provide the vital statistics agency with visibility in terms of its fulfilment of national needs, its purpose and its importance to society. Therefore, legislation should mandate that the statistics agency publish and disseminate vital statistics

reports and data on a regular basis, and at least annually.³⁵¹

473. Regulations should address the age of the data - the timeframe within which the data must be reported. This is usually within 18 months. For example, publication of data for the year 2017 would be published by June 2019. This would allow 6 months to close out the data from 2017, allowing for late registration, and then one year for compilation and publication. Reports on vital statistics for any calendar year should be based on events that actually occurred during the calendar year and not on those merely registered during that period. The date of occurrence as the basis for tabulation requires the determination of a terminal date after which final tabulation can be made. Instructions issued by the statistics agency should provide a "cut-off" date, and final tabulations should be made on the basis of statistical reports received before that cut off date. Report received after the cut off date should be tabulated separately by date of occurrence to provide for the analysis of the problems of delayed registration and delayed reporting.³⁵²

474. Regulations or instructions may address the means of dissemination (e.g., paper publications, bulletins and electronic media), as well as content and format.³⁵³

E. VITAL STATISTICS SUMMARY

475. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be "yes".

Vital Statistics	Yes/No
Are vital statistics derived from civil registration data?	
Is the civil registration authority required to transmit data to the statistics authority on a regular basis and within a specified timeframe?	
Is identifying information removed from data submitted to the statistics authority?	
Are vital statistics compiled for the total geographical area of the country, for each of the major or minor civil divisions, and for each principal town and city?	
Are vital statistics compiled on a prescribed regular, periodic basis?	
Are vital statistics published at least annually?	

SECTION 6. DATA PROTECTION, PRIVACY AND SECURITY

476. Many countries have data protections laws that regulate the collection, storage and use of data by both government and private data collectors. CRVSID systems should be subject to these laws, while allowing data to be used for legitimate government purposes. It is recommended that countries develop a general data protection law. If such a law exists, lawmakers should consider including provisions in CRVSID legislation that state how the provisions of a general data protection law specifically apply to civil registration and identity records. If a general data protection law does not exist, CRVSID legislation should contain provisions that provide for the protection of personal information contained in civil registration

³⁵¹ See *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 258 -273 for a discussion on "Presentation of results and data dissemination".

³⁵² *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 245-251.

³⁵³ See *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 258 -273 for a discussion on "Presentation of results and data dissemination".

and identity records, including information transferred to the population register. Some internationally recommended principles for the protection of data are discussed below.

477. The Organization for Economic Cooperation and Development (OECD) has developed guidelines governing the protection of privacy of personal data, which apply whether the data is in the public or private sector. These Guidelines set out the following eight principles:³⁵⁴

- i. **Collection Limitation Principle:** There should be limits to the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.
- ii. **Data Quality Principle:** Personal data should be relevant to the purposes for which they are to be used, and, to the extent necessary for those purposes, should be accurate, complete and kept up-to-date.
- iii. **Purpose Specification Principle:** The purposes for which personal data are collected should be specified not later than at the time of data collection and the subsequent use limited to the fulfilment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose.
- iv. **Use Limitation Principle:** Personal data should not be disclosed, made available or otherwise used for purposes other than those specified in accordance with Paragraph iii except:
 - a) with the consent of the data subject; or
 - b) by the authority of law.
- v. **Security Safeguards Principle:** Personal data should be protected by reasonable security safeguards against such risks as loss or unauthorised access, destruction, use, modification or disclosure of data.
- vi. **Openness Principle:** There should be a general policy of openness about developments, practices and policies with respect to personal data. Means should be readily available of establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and usual residence of the data controller.
- vii. **Individual Participation Principle:** Individuals should have the right:
 - a) to obtain from a data controller, or otherwise, confirmation of whether or not the data controller has data relating to them;
 - b) to have communicated to them, data relating to them
 - i. within a reasonable time;
 - ii. at a charge, if any, that is not excessive;
 - iii. in a reasonable manner; and
 - iv. in a form that is readily intelligible to them;
 - c) to be given reasons if a request made under subparagraphs (a) and (b) is denied, and to be able to challenge such denial; and
 - d) to challenge data relating to them and, if the challenge is successful to have the data erased, rectified, completed or amended.
- viii. **Accountability Principle:** A data controller should be accountable for complying with measures which give effect to the principles stated above.

478. Applying these general principles ensures the protection and privacy of personal data, while still allowing CRVSID systems to function effectively and fulfil their intended purposes. How

³⁵⁴ *The OECD Privacy Framework*, Organization for Economic Cooperation and Development, 2013, page 14 - 15.

these principles might be applied to CRVSID systems is discussed below. Because there is some overlap in these principles, the discussion is structured around how the principles apply: 1) at the time of collection and updating (collection limitation, data quality and purpose specification principles); 2) at the time of access and use (use limitation and security safeguards principles); 3) during storage, transmission, and archiving (security safeguards principle); and 4) to individual rights and remedies (openness, individual participation, and accountability principles).

A. COLLECTION AND UPDATING: COLLECTION LIMITATION, DATA QUALITY AND PURPOSE SPECIFICATION PRINCIPLES

479. Having CRVSID legislation, regulations and instructions that specify the exact information to be collected with civil registration and identity registration helps ensure that the collection of data is obtained lawfully and fairly, in conformity with the collection limitation principle. The preamble or general provisions of CRVSID legislation should clearly define the purposes - legal, statistical, and administrative - for which the data will be used (see paragraph 9 above). This serves to notify the population of the purposes and uses of the data collected, in line with the purpose specification principle. If data is to be used for other purposes in the future, laws should be promulgated or amended to reflect these uses.

480. In accordance with the data quality principle, "personal data should be relevant to the purposes for which they are to be used." While a wide array of information is collected during civil registration, this principle does not restrict the collection of statistical information. However, it does require that individual records be anonymized before submission to the statistics agency, as this ensures that information collected for statistical use is not used for other purposes. For identity registration, experts recommend that information collected during enrolment be kept to the minimum needed to validate an identity - for example, name, limited biographical information, and biometrics.

481. The continuous and permanent nature of civil registration and identity management helps ensure that personal data is accurate, complete and kept up to date, in line with the data quality principle. An individual's right to correct and amend their own data (as discussed in paragraphs xx - corrections and amendment to the record) and to appeal decisions related to corrections and amendments (paragraphs xx - administrative and judicial review) also helps ensure data quality.

B. ACCESS AND USE: PURPOSE SPECIFICATION, USE LIMITATION, AND SECURITY SAFEGUARDS

482. The purpose specification, use limitation and security safeguards principles state that data should be used only for its specified purpose and should be protected from access by unauthorized persons. Different categories of government officials and non-government persons have diverse needs for access to and use of data from CRVSID systems. In keeping with the "use limitation" and "security safeguards" principles, legislation should address these diverse needs for all those who may be able to access the records. This includes civil registration and identity management officials, vital statistics officials and independent researchers, other government officials, vendors and contractors, and non-governmental and private institutional users. These are discussed below.

483. *Access by civil registration and identity management officials:* Legislation should allow access to vital event records and identity records, including the right to change or amend data, for official legal, administrative and statistical purposes only. Legislation should establish that access to civil registration and identity records is limited to only the necessary officials. Regulations or instructions should establish a hierarchy for allowing different levels of access to the records, limiting this access to only that which is necessary for the specific legal, authorized

administrative or statistical purpose in question.³⁵⁵

484. *Access by vital statistics officials and independent researchers:* As discussed in the Vital Statistics section, paragraphs xx, individual records submitted from the civil registration agency to the statistics agency should be submitted with identifying information removed. This prevents unauthorized access to personal information and ensures that statistical data is used for its intended purpose. Academic and independent researchers may also wish to access civil registration data. Legislation or regulations may provide that access to civil registration records may be provided to certain users for legitimate research purposes only. Access may include data at an aggregated level as well as individual vital statistics records. However, access to individual records should only be allowed with identifying information removed from the file to protect the privacy of individuals, and subject to a user agreement on confidentiality and the use of data between the statistical agency and users.³⁵⁶ See Box X for an example of how Norway handles requests for access to data in the population register from government and private researchers.

485. *Access by other government officials:* Other government agencies, such as health or social services, may have need to access civil registration and identity records. Regulations or instructions should establish procedures for other agencies to request access to or copies of records or data for official government purposes and should provide that any disclosure of information that might identify a person has been specifically authorized with the national registrar, either by legislation, regulation, instruction or agreement.³⁵⁷ As with access by civil registration and identity officials, access should be permitted only to the extent necessary for the specific administrative purpose and levels of access should be established.

486. *Access by vendors and contractors:* Civil registration and identity management agencies may have need to contract with technology firms and other vendors to carry out specific functions of the system. For example, the identity management agency may contract with a vendor to provide authentication services, including point-of-service equipment and platform software; or enrolment in the program might be sub-contracted to a variety of entities, as with India's Aadhar system. Vendors' and contractors' access to data should be limited to only that which is essential to carry out the task required. Contracts between the government agency and vendor should contain provisions that explicitly set out what data may be accessed, how it may be accessed and used, and limit the ability of the vendor/contract to store and retain that data to only that which is necessary for the specified task. As with government officials, contractors should have protocols that establish a hierarchy of levels of access.

487. *Access by non-governmental and private institutional users:* Legislation or regulations should address access by private institutions that use the identity management system for authentication purposes. The legislation or regulations should address the level of access, including access to only that data that is necessary for authentication. The means for accessing that data should ensure that the private institution does not have the ability to collect and store that data, but only to use it for the authentication purpose at the time of request. Specific procedures for accessing data should be detailed in instructions or a user agreement.

488. To ensure that only authorized personnel access data, some countries have a system to monitor and track system users who access records. Policy makers may wish to consider imposing a general requirement that digital systems be designed in such a manner as to automatically and continuously keep a log of personnel that access records. Instructions may

³⁵⁵ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 485 - 488.

³⁵⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraphs 269, 299.

³⁵⁷ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 417.

address technical specifications and procedures for such a system.

Norway: Privacy and Use of Data by Government and Researchers

Requests on access to the data of the Central Population Register (CPR) in Norway are handled by the owner agency, the National Tax Administration. The Tax Administration distributes data directly and daily to a few large users, including Statistics Norway, the Norwegian Labour and Welfare Administration, the Directorate of Immigration and the Norwegian Mapping Authority. Other users (more than 2,200) receive the information through a private company according to an agreement with the Tax Administration. Users may only receive data after an application that explains the reasons for needing the data. The users only receive the data in the CPR that they are entitled to, according to the law.

On the other hand, Statistics Norway handles requests for microdata for research projects, relating to persons, establishments and enterprises. Researchers from approved research institutions in Norway have to apply to the Data Protection Authority or one of the Regional Ethical Committees for permission to use microdata, while paying for the costs of producing the data files. Transfer of personal data outside the country's borders is not allowed according to the Statistics Act. There have not been any very serious cases of misuse of data from the CPR, but it has been revealed that in a handful of cases, conditions for receiving microdata were violated, such as sharing the data with other researchers or exporting data to other countries.

The micro data are anonymized before being released, which means that variables that can be used to directly identify an individual are removed from the file, such as name and PIN. Since it may be possible to use other variables, such as address, full date of birth, etc., to indirectly identify individuals, users need to sign a non-disclosure declaration. Furthermore, micro data are released for a specific project and must be eradicated when such a research project is finished. Micro data that may be released for research include data from administrative registers, population censuses and sample surveys, and cover labour market, population, social security, income, wealth, educational activity and attainment, health and establishments and enterprises.

According to the National Registry Act public authorities and enterprises are able to obtain non-confidential information from the CPR through lists based on personal identification numbers. Private businesses and actors are able to obtain non-confidential information from the CPR about named identifiable individuals. The principle of confidentiality will not apply for information elements such as name, date and place of birth, gender, personal identification number, citizenship, marital status and date of death. The confidential items will include among other address, parents, spouse, children and adoption.

C. STORAGE, TRANSMISSION AND ARCHIVING: SECURITY SAFEGUARDS

489. As reflected in the “security safeguards principle”, data in civil registration and identity management systems must be secured and protected from loss or unauthorised access, destruction, use, modification or disclosure of data. Unauthorized use and access were discussed above. Here we discuss measures to prevent loss, destruction and unauthorized modification or disclosure during transmission, storage and archiving.

490. Data is particularly vulnerable during transmission and therefore measures should be put in place to safeguard data during transmission. Specific processes to protect data will differ for manual and digital systems. For manual systems, records should be physically protected from tampering and improper access and use when being transferred from local registrars to the central authority. Where registration records are transmitted electronically, end-to-end encryption should be used. Measures and technology used to ensure privacy and security should be set out in instructions so that they may be more easily amended as technology advances.

491. Special consideration should be given to issues of privacy and security when record linking is used, as linking may provide opportunities for inadvertent and inappropriate

disclosures.³⁵⁸ If record linking is employed, regulations should address how access to information and data elements will be limited to only those officials with authorization and need to access that information.

492. Protection of data from loss and destruction during storage and archiving requires protocols for maintenance and backup systems. For digital civil registration and identity management systems (including the population register), procedures for storing and preserving records rely on current general practices for maintenance and backup. A common approach consists of having two servers simultaneously online and mirroring each other so that each interaction and input of a new record is recorded on both. Another common practice is to have daily backups from the main server maintaining the database/population register, thus ensuring the preservation of records. Frequently, the mirror or backup server is located in a different geographical area, even a different country, as a risk mitigation strategy. If this course of action is taken, data protection measures for the mirror server must be taken, particularly if the service is outsourced to a private company.³⁵⁹

493. Legislation should require that there be maintenance and back systems to prevent the loss and ensure the security of civil registration and identity data. The legislation should not address the type of technology used, the frequency of backup, or other details regarding maintenance and backup procedures. This is better addressed in internal agency instructions, so they may be revised in response to needs.

D. PROTECTION OF INDIVIDUAL RIGHTS

494. The “openness” and “individual participation” principles involve a person’s right to know who is using their data, what data is used, and to correct or amend that data. Legislation should state that all persons have a right to know how their civil registration and identity data is collected, used, stored and shared, and a right to correct and modify one's own civil registration and identity records, subject to proper documentary or other evidentiary proof, in accordance with provisions of the law. Provisions that address amendments and corrections of vital events records and identity documents, as well as provisions on administrative and judicial appeal processes, help ensure these rights. Providing for sanctions and penalties (paragraphs xx below) ensures that data controllers are held accountable for compliance, in accordance with the accountability principle.

E. DATA PROTECTION, PRIVACY AND SECURITY SUMMARY

495. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be “yes”.

Data Protection, Privacy and Security	Yes/No
Are the general OECD principles of data protection reflected in CRVSID legislation?	
Is data collected limited to that which is necessary for its intended purpose?	
Is access to and use of data limited to only necessary officials?	
Is a hierarchy allowing different levels of access to the records established?	
Is access to records by civil registration, identity management, and other government officials permitted only to the extent necessary for the specific administrative purpose?	
Is access to data by independent researchers subject to confidentiality agreements and only with identifying information removed?	

³⁵⁸ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 425.

³⁵⁹ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 251.

Are vendors' and contractors' access to data should be limited to only that which is essential to carry out the task required?	
Are private institutional users prevented from storing accessed data?	
Are digital systems designed in such a manner as to automatically and continuously keep a log of personnel that access records?	
Are procedures established to ensure the confidentiality of vital event and identity records during transmission, storage, archiving?	
Are back-up systems maintained?	
Do individuals have a right to know who is using their data and what data is used?	
Do individuals have a right to correct and amend their data, in accordance with provisions of law, including a right to appeal decisions regarding correction and amendment of data?	

SECTION 7. COMPLIANCE, ENFORCEMENT, RIGHTS AND REMEDIES

A. MONITORING AND INSPECTION

(i) *Monitoring and Inspection of civil registration and identity registration offices*

496. A performance-monitoring program is an integral part of civil registration and identity management systems. Routine monitoring and inspection of a registrar's work is required in order to continue to improve the efficiency, effectiveness and quality of the systems. Periodic information on the systems' performance provides information on whether the systems are being conducted effectively. To this end, the *Principles and Recommendations for a Vital Statistics System* recommends tracking the total number of registrations of each type of vital event, at least on a monthly basis, and at every geographical or administrative level. Similarly, the total number of certificates issued for each type of vital event should be tracked periodically and at every geographical and administrative level. With these indicators, a manager, national or local, will be able to detect unexpected drops or spikes in registration flow.^{360 361} Similarly, performance of identity registration and credential issuance may be tracked.

497. Legislation should authorize and require the national registrar to implement a performance-monitoring program and conduct routine and ad hoc inspections of local registration offices. Details on the monitoring and inspection program should be addressed in instructions, which should include the method and frequency with which routine inspections of local registrars are conducted. In addition, instructions should address procedures for conducting ad hoc inspections, as necessary, to respond to special situations, such as an office that is underperforming or is suspected of abuse of authority.

(ii) *Monitoring and evaluation of institutional processes*

498. Completeness of civil registration can only be achieved if the legal obligation of other stakeholders - such as the health sector, police, coroner's office, and custodians of funeral, burial and cremation facilities - to report or notify vital events is monitored and enforced. A system of supportive supervision and monitoring is likely to be more effective than a system of fines and penalties, in part because the infrastructure required to adjudicate fines and penalties may not be available. For example, courts may be backlogged, appeal procedures may be lengthy, and

³⁶⁰ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, United Nations Publication, Sales No. XXX, 2018, paragraph 203 - 204.

³⁶¹ See *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 335.

collection of fines may be difficult.³⁶² In contrast, a good system of reporting, monitoring and feedback - including regular reports from those obliged to notify vital events which can then be compared against birth and death registers - may be more feasible and effective.

499. Legislation should require monitoring of institutions that are responsible for reporting or notifying vital events. The specific monitoring process may be set forth in regulations or instructions.

B. ADMINISTRATIVE AND JUDICIAL REVIEW

500. Decisions made by officials within the CRVSID system can have legal consequences that may fundamentally impact a person's life. Reasonable minds may disagree about how to resolve certain difficult situations and therefore decisions made by civil registration and identity management officials should be subject to administrative and judicial appeal. These procedures are often contained in country's administrative procedure law.

501. If a country does not have applicable administrative procedure law, CRVSID legislation should provide for an appeal process. Policymakers should consider requiring administrative appeal before appeal to the courts. This will prevent overloading of the courts, provide the civil registration and identity management agencies the chance to correct any errors, and establish a record upon which the court can act if satisfactory relief is not granted in the administrative process. An administrative process generally provides for appeal from a decision at the local level to a higher-level (such as provincial), and up to the national level. After exhaustion of this process, appeal may be taken to a court with appropriate jurisdiction.

502. Legislation should allow for appeal from registrar decisions; for example, a refusal to register a vital event or issue an identity credential. Legislation should permit appeal within prescribed periods of time. Regulations or instructions should contain detailed procedures for processing the appeal so that the national registrar will have the competent authority to rule on the filed appeal. In all cases, if satisfactory relief has not been granted through the administrative appeal process, an individual should be permitted to appeal to a court with appropriate jurisdiction.

C. OFFENSES AND PENALTIES

(i) Disciplinary sanctions, civil and criminal penalties for failure to carry out duties and misconduct by registrars

503. Civil registrars and identity management officials, as public servants, are expected to faithfully carry out the law. Where a civil registrar or identity management official fails to carry out duties or abuses their authority, legislation should explicitly provide for penalties.³⁶³ There should be clear disciplinary procedures and penalties for instances of deliberate misconduct by registrars, including fraudulent registrations or inappropriate disclosures,³⁶⁴ as well as for abuse of powers and discretion. In criminal cases, the head of the civil registration and/or identity management agency should be accountable to the competent law enforcement authorities. Regulations should set out disciplinary sanctions, as well as civil and criminal penalties, for instances where a civil registrar or identity management official:

1. Fails to register a vital event or its characteristics, as reported by the informant;

³⁶² *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 294.

³⁶³ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 338 - 339.

³⁶⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 326.

2. Fails to register an individual in the identity management system, where there is a right to such registration;
3. Loses, damages or alters any registered records or permits such loss, damage or alteration to occur;
4. Breaches a person's right to privacy and protection of their data;
5. Has been found guilty of violating the provisions of CRVSID legislation or regulations;
6. Fails to fill out and submit statistical documentation;³⁶⁵
7. Fails to transmit data in accordance with the provisions of CRVSID law.

504. Whether a violation merits disciplinary sanctions or civil or criminal penalties should be determined by the severity of the violation, in accordance with national law.

(ii) Offenses and penalties for other government officials

505. Legislation should provide for disciplinary sanctions and civil penalties for other government officials that fail to comply with the law, including entities that are required to notify vital events to the civil registrar and government officials that fail to transmit information to the population register as required under the law.

(iii) Third parties penalties

506. Third parties users of the system, including those using the system for authentication purposes, must be subject to civil and criminal penalties for failure to comply with the law, including data protection and privacy provisions.

(iv) Penalties for the general public: late and delayed registration, fraudulent action

507. Care must be exercised in imposing sanctions, particularly penal ones, for late and delayed registration. Contrary to what might be expected, sanctions discourage registration and entail the risk of keeping important segments of the population from registering vital events or lead to false declarations of important data, particularly the date of occurrence.³⁶⁶ Therefore, policymakers should avoid penalties for individuals for late or delayed registration.

508. Legislation should provide for criminal penalties for fraudulent acts, such as providing false documentation to civil registration or identity management authorities, or falsifying or altering certificates or identification documents. This should include criminal penalties for government officials who take part in, or aid and abet, this type of fraudulent activity.

D. REVENUE TO FUND THE SYSTEM

(v) Fee collection into the system

509. In order to support sustainability of the system, legislation should provide that fees and other revenue collected through CRVSID systems should be allocated to funding of CRVSID systems.

E. COMPLIANCE, ENFORCEMENT, RIGHTS AND REMEDIES SUMMARY

510. To aid in drafting, the following checklist provides a summary of topics discussed above that should be addressed in CRVSID legislation. The questions are structured such that, if good practices are being followed, the answer should be "yes".

³⁶⁵ See *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 338.

³⁶⁶ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 371-373.

Compliance, Enforcement, Rights and Remedies	Yes/No
Is a system of monitoring and inspection of civil registration and identity registration offices established?	
Is a systems of monitoring institutions that are responsible for reporting or notifying vital events established?	
Are decisions of civil registrars and identity management officials subject to administrative and judicial appeal?	
Are disciplinary sanctions, and civil and criminal penalties established for cases where a civil registrar or identity management official fails to carry out duties, violates provisions of law, or engages in other misconduct?	
Are sanctions and penalties established for other government officials that fail to comply with provisions of the law (including entities that are required to notify events to the civil registrar and government officials that are required to transmit information to the population register)?	
Are third party users of the system, such as institutions that use authentication services, subject to civil and criminal penalties for failure to comply with the law, including failure to comply with data protection and privacy provisions?	
Are criminal penalties established for fraudulent acts, such as providing false documentation to authorities, falsifying or altering documents, and aiding and abetting such acts?	
Is revenue collected from CRVSID systems used to fund CRVSID systems?	

SECTION 8. TRANSITIONAL PROVISIONS

511. Transitional provisions may be necessary to ensure that the transition from the existing law to the new law is properly implemented. If all provisions of the new law come into effect immediately, before stakeholders are ready and able to implement those provisions, stakeholders may find themselves in violation of the law. For example, if the new law requires heads of health facilities to notify the registrar of births and deaths that occur in their facility but systems are not in place to enable the facility to record all required information and transmit it to the local registrar, the head of the health facility would be in violation of the law.

512. To avoid this situation, legislation should contain transitional provisions phasing in the new requirements. Such a provision might state, for example, that Section X of the law (the section that requires health facilities to notify the registrar of births and deaths) comes into force on a specified date in the future, which could be one, two or even more years in the future. During this transitional time, the civil registration agency should work with the health facilities to ensure that staff are adequately trained to collect the required information. If health facilities will submit information online, civil registration authorities should work with health facilities to ensure that the systems are interoperable. If a paper-based system is used, health facilities must have a sufficient supply of the required forms and understand procedures to submit the forms to the registrar on a timely basis.

513. In many countries, computerized and paper-based registration systems will be used concurrently for many years, particularly if some parts of the country lack internet connectivity. If this is the case, regulations and instructions can be developed that set out the steps registrars must follow when collecting, storing and transmitting information to the central registrar for both paper-based and digitized systems. If the goal is to have all registrar offices computerized by a specific date, the regulations governing paper-based processes can be phased out over time. As discussed above in paragraph XX, Mongolia provides an example of a country with dual processes for districts that have online access to the central database and districts that do not have online access. See Box X above for details.

514. Transitional provisions should allow for pilot projects to be developed during the phase-in period, in order to develop processes that work best for the country. As new procedures and systems are honed, they can be rolled out over a period of years around the country. Drafters of legislation should be realistic regarding time frames for pilot projects and roll out. New systems can take years to develop and the transitional provisions should allow adequate time for this.

VI. OTHER LAWS AND POLICIES THAT SUPPORT CRV SID SYSTEMS: INCENTIVES, MEDICAL PROFESSION TRAINING, AND TECHNOLOGY

515. Much of the information in the preceding chapters of these *Guidelines* addresses how a country's CRV SID laws can create an enabling environment for civil registration, vital statistics and identity management systems, with the aim of achieving complete and universal civil registration; timely and accurate production and dissemination of vital statistics generated from civil registration; and provision of identity credentials to individuals for proving legal identity and exercising their human rights. Creating an enabling environment includes removing barriers to civil and identity registration - such as fees and penalties, inefficient and burdensome procedures, distance to registration offices, social and language barriers, and other exclusionary policies. Effective CRV SID laws may also place the onus on civil registration and identity registration officials to proactively reach out to remote or marginalized communities, and require other government entities, such as health care facilities, to take on the responsibility of acting as informants for vital events.

516. However, even with these best practices in place, there may not be 100 percent compliance by institutions and individuals. For example, local registrars may not sufficiently engage in outreach and some health facilities may fail to register all events that occur in their facilities. Vital events that happen outside of facilities, where the individuals themselves or the family might be directly responsible for registering these events, are particularly likely to be unregistered. If individuals do not perceive any personal benefit from civil registration, these individuals may not take the time to register vital events. Similarly, an individual may not perceive any benefit from registering their identity and receiving an identity credential, regardless of whether identity registration and credentials are mandatory or not.

517. This chapter focuses on how to create incentives for institutions and individuals to comply with CRV SID obligations. Whereas measures to remove barriers and otherwise create an enabling environment are generally addressed in CRV SID laws, measures to incentivize institutional compliance and increase individual demand for civil registration and identity documents are commonly addressed in other laws and policies. Below we discuss measures that may help countries increase institutional compliance and individual demand for civil registration and identity documents, and suggest how these policies might be integrated into other laws. This chapter also addresses laws that may be adopted, outside of CRV SID laws, to improve cause of death information and facilitate the use of technology in civil registration and identity management systems.

518. In addition to integrating these measures into laws, education and communications campaigns also are necessary so that people are aware of the benefits of civil registration. For further information on education and communications campaigns, see *Handbook on Civil Registration and Vital Statistics Systems: Demand Creation*.

A. INCENTIVES FOR INSTITUTIONAL COMPLIANCE

519. Civil registration and identity registration rates can vary greatly within a country. Poorer, rural, remote or mountainous areas often have lower registration rates than more urban or economically developed areas due to greater difficulty in accessing registration offices and lower levels of knowledge regarding the benefits of registration. As discussed in Chapters 1 and 4, obligating and empowering local civil and identity registrars to conduct public outreach campaigns and organize mobile units can help increase registration rates in these areas. However, laws requiring civil registers to be proactive may not by themselves be sufficient. In addition, particularly in decentralized systems, central authorities may struggle to get

registration records from local authorities in a timely manner. To incentivize compliance, proactive action, and timely transmission of information by local registrars, some countries have linked funding of local registration offices to the attainment of certain criteria or targets. For example, in Peru, both the central civil registration agency (RENIEC) and municipal registry offices have authority to register births and issue certificates. To ensure that local municipalities transfer birth registration information to RENIEC in a timely manner, the central government has incorporated this requirement into its performance-based payment plan for municipalities; municipalities only get paid if the civil registry entries are received centrally.³⁶⁷ Similarly, funding may be used to incentivize health institutions to comply with civil registration requirements; those institutions that reach target compliance levels may receive higher levels of funding. Likewise, funding incentives may be used for all types of partners and stakeholders in the CRVSID system.

520. Tying funding to performance can be an effective way to increase institutional compliance. However, when doing this, countries must be careful not to penalize those areas of the countries that have the greatest need. For example, as noted above, remote and mountainous regions often have the lowest civil registration and identity registration rates. These areas often are poorer regions and have the greatest need of funding in order to organize mobile units and conduct outreach and education campaigns. Yet, if funding is tied solely to registration rates, these areas may be deprived of the very funding they need to increase registration rates. Countries should be careful to ensure that funding incentives do not create a low registration rate trap, with low funding contributing to low registration rates and low registration rates leading to lower funding.

521. Policies that address the level of disbursement of funds to registration offices, CRVSID stakeholders, and government or private facilities may be contained in laws or regulations, but more often detailed funding criteria are contained in agency procedures. This affords the government and central offices of agencies greater flexibility in determining the disbursement of funds to incentivize compliance, proactive action and timely transmission of information.

B. CREATING INDIVIDUAL DEMAND FOR IDENTITY CREDENTIALS

522. As discussed in Chapter One, country practices vary on whether registering for and obtaining a national identity card or other credential is mandatory, voluntary, or even available. Even in countries where identity cards or credentials are mandatory, many people may still not register if they see no benefit to having a national identity card or credential. Many countries have found that linking the national identity credential to provision of services is the best way to incentivize identity registration. For example, a national identity card is required in many countries to vote (or register to vote) and to obtain a passport.

523. The rights to vote and obtain a passport, however, are tied to citizenship. If a country aims to have all residents register and obtain a national identity credential, presenting the national identity credential must be tied to a wide variety of benefits and services; benefits available to all residents within the territory. To this end, countries may consider requiring proof of identity in the form of the national identity credential in order to receive many types of services, such as services under a national health care system and social service benefits. The national identity credential may be required as proof of identity to open a bank account or to obtain a driver's license. The Government of India has made access to the free school midday meal for children contingent on proof of participation in the Aadhaar identification program, through either an Aadhaar number or other form of Aadhaar authentication. In Indonesia, some areas experimented with creating incentives for child participation in the identification program, including partnering with local businesses to provide discounts for school supplies

³⁶⁷ Gelb, A., Diofasi Metz, A., *Identification Revolution: Can Digital ID be Harnessed for Development?*, Center for Global Development, Washington, D.C., 2018, page 120.

and staple foods for parents of children with the national Child Identity Card (Kartu Identitas Anak (KIA)).³⁶⁸

524. These types of requirements and policies are generally not contained in CRVSID laws. Rather, they are contained in laws that pertain to those particular services. For example, "Know Your Customer" obligations, a process by which a business identifies and verifies the identity of its clients, are often contained in banking laws. The requirement to provide proof of identity in order to receive health care benefits or other government services would ordinarily be contained in regulations or agency instructions that pertain to those services. Whether the requirement is contained in legislation, regulations, or instructions is a decision to be made by a country's lawmakers, bearing in mind that regulations and instructions are easier to amend than legislation.

525. Most countries have more than one type of government issued identity document. In addition to a national identity credential (if available), countries issue passports and driver's licenses. Some countries issue national health care system cards and documents that entitle the bearer to other forms of government assistance. All of these are official documents and may, depending on the country, be accepted as proof of identity. Some countries that have a mandatory national identity credential have low registration rates for the credential because other forms of proof of identity are readily accepted for public and private services. This decreases demand for the national identity credential. If a country aims to have the entire population (or population above a certain age) obtain the national identity credential, the laws, regulations and procedures that require proof of identity for services should specify that the national identity credential is the only acceptable form of proof of identity.

526. When linking identity registration and provision of a national identity credential to provision of services, countries must ensure that they do not exclude individuals from services to which they are entitled. If the ability to access a service or avail oneself of a right is tied, by law, to identity registration and provision of an identity credential, then the State has an obligation to ensure that barriers to identity registration are removed, and that all persons residing within the territory of the country have the means to obtain an identity credential.

C. CREATING INDIVIDUAL DEMAND FOR CIVIL REGISTRATION

527. As with increasing demand for national identity credentials, an effective way to increase demand for civil registration is to link registration of vital events to access to key services. Examples of services that may be linked to birth, death, marriage and divorce registration are discussed below. Also as with national identity credential provision, linking civil registration to key services should not have the unintended effect of excluding people from the service they are seeking. If civil registration is required to access a service, then the State has an obligation to ensure that barriers to civil registration are removed, and those who were not registered at the time of occurrence of the vital event have the means to register later.

(i) Birth Registration

528. If there is a mandatory national identity credential that is the sole form of acceptable proof of identity, the single most effective way to encourage birth registration is to make birth registration a prerequisite for national identity registration. This requirement not only helps validate an identity during identity registration, it also helps incentivize birth registration. Demand for national identity cards and other credentials is often higher than the demand for birth certificates because, as discussed above, a national identity credential is often required to exercise the right to vote, to obtain a passport, and to obtain healthcare and social service benefits. Therefore making birth registration a prerequisite to obtaining a national identity credential can provide a strong incentive to register a birth. This requirement, however, should not prevent provision of an identity credential. If a person whose birth is previously

³⁶⁸ Cyril Bennoua, *Will child ID cards really protect children's rights?*, The Jakarta Post, 6 April 2016.

unregistered applies for an identity credential, ideally identity registration officials would facilitate delayed birth registration. This is made easier if the identity registration and civil registration functions are the responsibility of one agency (see Chapter 3). However, even if not, cooperation between the two agencies can facilitate delayed birth registration. Identity registration officials may be deputized as civil registrars or may act as a notifier for delayed birth registration. Because identity registration officials are tasked with collecting information to enroll and validate the identity of an individual, they may already have collected information that could be used for delayed birth registration. Consequently, coordination between identity registration and civil registration officials can aid in increasing birth registration rates. **Country example of this type of coordination.**

529. The requirement to provide proof of birth registration in order to enroll in the identity management system and obtain a national identity credential is generally contained in ID legislation or regulations. This will ensure that the requirement is binding and alternative forms of proof of identity are not accepted as substitutes. The process by which the civil registration and identity management agencies cooperate to ensure that those seeking a national identity credential are able to register a previously unregistered birth may be set out in regulations or instructions, or a memorandum of understanding (MOU) between the agencies.

530. Many countries do not have a national identity credential, or have low or incomplete rates of registration for the national identity credential. Therefore, other incentives for birth registration may be necessary. Many countries have had success in increasing birth registration by linking birth registration to access to services, such as education, health care, and social services. Requiring proof of birth registration (a birth certificate) in order to enroll in primary school can be particularly effective, as almost all countries provide free, compulsory, primary education, as required by the International Covenant on Economic, Social and Cultural Rights.³⁶⁹ Caution should be exercised, however, as no child should ever be denied the right to enroll in school if their birth is not registered. Instead, school officials should facilitate the child's delayed birth registration. This will require cooperation between the Ministry of Education and the civil registration agency. In some countries, local registrars attend school enrollment drives to register the birth of those children not previously registered. In others, school officials might act as informants for the child's late birth registration.

531. The requirement to show a birth certificate to enroll in primary school may be contained in legislation, regulations, or even instructions on how to complete the enrollment application. Cooperation between the civil registration agency and the ministry responsible for education may occur in several ways. The ministry may be invited to take part in a CRVSID interagency coordination committee, as discussed in Chapter 3, or the ministry and civil registration authority may enter into an MOU.

532. Linking birth registration to access to the national healthcare services and other social service programs, such as cash transfers and child grants, have also been shown to be extremely effective. In some countries, income transfer programs require beneficiaries to provide proof of birth registration (a birth certificate) before taking part in the program and support beneficiaries through the process of delayed birth registration if needed. Linking birth registration with these programs provides targeted intervention, as these programs help the poorest segment of the population, which is often less likely to register a birth.

533. A study in Zimbabwe and India examined whether birth registration rates were higher for those enrolled in a cash transfer programs conditioned upon birth registration. These studies found birth registration rates increased 16.4% and 14.6%, in Zimbabwe and India respectively, in the group participating in the cash transfer programs compared to control

³⁶⁹ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <http://www.refworld.org/docid/3ae6b36c0.html> [accessed 21 August 2018]

groups that did not take part in these programs.³⁷⁰ In other countries in which cash transfer and child grant programs are conditioned on birth registration, these programs have contributed to national birth registration rate increases of anywhere from 20 to 63 percentage points. Table X below demonstrates how these programs have contributed to birth registration rate increases in six countries.

534. As with education, requiring birth registration as a prerequisite to taking part in cash transfer or other social benefit programs can be included in regulations or agency instructions. However, as has been stressed above, cooperation between civil registration authorities and social service program officials is crucial to ensure that the birth registration requirement does not prevent individuals from receiving benefits to which they are entitled. Further, birth registration need not necessarily be a formal requirement to produce results. In Colombia, birth registration was not a formal requirement of the cash transfer program. However, the civil registration officials worked with cash transfer program officials to encourage birth registration, resulting in higher rates of birth registration for program participants. See Text Box X on Colombia for details.

Table X

	Program type	Location	Impact
Administrative requirements	▪ Conditional cash transfer program	▪ Brazil	▪ Contributed to national birth registration increase of 20 percentage points
	▪ Conditional cash transfer program	▪ Bolivia	▪ Contributed to national birth registration increase of 13 percentage points
	▪ Child grant program	▪ Nepal	▪ Birth registration of beneficiaries 48 percent higher than nonbeneficiaries
	▪ Child grant program	▪ Lesotho	▪ Contributed to national birth registration increase of 37 percentage points
	▪ Child grant program	▪ South Africa	▪ Contributed to national birth registration increase of 63 percentage points
	▪ Noncontributory pension program	▪ Brazil	▪ Contributed to national birth registration increase of 20 percentage points

* From *Incentives for Improving Birth Registration Coverage: A Review of the Literature*, ID4D, World Bank, 2018

Text Box X. Colombia.

In order to incentivize birth registration, Colombia links birth registration to cash transfer programs and to school enrollment. Colombia’s cash transfer program, Familías en Acción, has local officers from the national registration agency present when new beneficiaries enrolled in the program. In addition, when program officials checked on expectant mothers enrolled in the program, they encouraged mothers to register their newborns.³⁷¹ The rate of children with birth certificates was 97.3 percent of participant children compared to the 91.7 percent of nonparticipant children

Colombia also requires birth registration for school enrollment. Need specifics on how this works. How do the civil registration and education authorities work together?

535. Birth registration may also be linked to obtaining a passport or registering to vote. Both of these generally require proof of citizenship. While a birth certificate may not prove

³⁷⁰ *Incentives for Improving Birth Registration Coverage: A Review of the Literature*, World Bank, 2018, page 6.

³⁷¹ *Incentives for Improving Birth Registration Coverage: A Review of the Literature*, Identification for Development, World Bank Group, 2018, p. 7.

citizenship, it can be essential to help establish citizenship by proving place of birth or parents' nationality. Requiring proof of birth registration to obtain a passport or voter registration card can strongly incentivize birth registration. In some countries, a person can obtain a passport or voter registration card by providing a national ID card, as discussed above. However, if birth registration is required to obtain that national ID card, birth registration is indirectly required in order to obtain a passport or to register vote. This requirement, whether contained in legislation, regulations, or agency instructions, strongly incentivizes birth registration. However, here again, a birth registration requirement should not deny an individual a right to which they are entitled as a citizen. Officials should facilitate delayed birth registration for those registering to vote or applying for a passport who have not previously registered their birth.

536. Other incentives include requiring a birth certificate as a form of proof of identity in order to obtain a drivers' license. In addition, a birth certificate may be required to prove legal age for marriage and is a way to combat child marriage.

537. Some countries provide direct cash or in-kind incentives to register the birth of newborns. Ukraine provides an incentive to timely birth registration in the form of a lump-sum childbirth grant.³⁷² In-kind goods incentives may include newborn kits with items such as diapers, bottles and baby clothing, or may be the provision of household goods. Some countries also provide cash stipends for health care.³⁷³

(ii) Death Registration

538. In many countries, death registration rates are significantly lower than birth registration rates. Unlike a birth certificate, which may be necessary to obtain services during ones lifetime, the next of kin of the deceased often perceive little benefit from registering a death. The key to increasing death registration is to tie benefits receivable by the next of kin to proof of death registration. For example, a surviving spouse may be required to provide proof of death registration in order to receive the pension benefits of the deceased and inheritance, or establish other property rights. A death certificate may also be required to permit re-marriage.

539. Some countries provide direct cash incentives for death registration. In Cambodia, some communes offer small cash payments as an incentive to register deaths.³⁷⁴ Brazil pays for funeral expenses for the poor if the family registers the death. In Nepal, widowhood pensions are provided to women who can provide death and citizenship certificates for their deceased husbands.³⁷⁵

540. As discussed in Chapter Four, death registration should be required in order to receive a permit to bury, cremate or otherwise dispose of a body. This incentivizes death registration. Many countries require custodians of funeral, burial and cremation facilities to record the identity information of deceased persons for whom they provide services and report this information to the registrar. This may provide either an alternative way to register the death or a way to verify identity of the deceased to monitor whether the death was registered. In Peru, operators of funeral homes are reimbursed through public and private insurance schemes for the cost of the funeral if they verify that the death was registered and the cause of death was

³⁷² *Every Child's Birth Right: Inequities and trends in birth registration*, UNICEF, 2013, page 13.

³⁷³ *Handbook on Civil registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>, paragraph 480.

³⁷⁴ James C. Knowles, *Assessment of the quality and relevance of existing data to monitor the gender dimensions of CRVS in Asia and the Pacific*, Report to the UN Foundation under the Data2X Initiative, May 2016, page 9.

³⁷⁵ James C. Knowles, *Assessment of the quality and relevance of existing data to monitor the gender dimensions of CRVS in Asia and the Pacific*, Report to the UN Foundation under the Data2X Initiative, May 2016, page 9.

medically certified. This provides an incentive for funeral home operators to take on the responsibility of death registration as a service to the family of the deceased. See **Box X** for details on the role of funeral homes in death registration in Peru.

Box X. Peru: The Role of Funeral Homes in Death Registration.

There are two types of public national health insurance in Peru - "Seguro Integral de Salud" (SIS) (translated as "Comprehensive Health Insurance"), which generally covers poor populations, and "EsSalud", coverage through employment for working families and individuals. Both of these national health insurance schemes, as well as many private insurance companies, provide coverage for burial expenses as a benefit.

Funeral homes have strong incentives to register a death in cases where deceased persons have an entity that will cover burial expenses, including SIS, EsSalud and private insurance companies. To receive reimbursement, funeral homes must file paperwork that includes a medical certificate of cause of death and a death certificate issued by the registration agency (RENIEC). As a result, funeral homes offer two types of services: 1) services to carry out all the necessary procedures to obtain a medically certified cause of death and a death certificate, and 2) the services of the funeral itself for the deceased.

In order to facilitate the procedures to obtain the medically certified cause of death and death certificate, funeral home workers ask family members for limited power of attorney (POA). The POA allows the funeral home to represent the next of kin before the various public bodies to manage death registration and certification of cause of death, and also to seek reimbursement for the burial. This is a common practice and is regulated by law. The main incentive for funeral homes is the certainty regarding the amount to be reimbursed. The incentive for the family of the deceased is being relieved of the paperwork involved in registration.³⁷⁶

(iii) Marriage and Divorce Registration

541. There may be a variety of incentives to register a marriage, including tax, financial, legal, health and employment benefits. In some countries, married couples are subject to lower tax rates. Upon the death of a spouse, a marriage certificate may be required to obtain financial benefits. For example, a surviving spouse may be required to provide proof of marriage (as well as proof of death registration) in order to receive the pension or life insurance benefits of the deceased. Similarly, property may be transferred tax-free to a surviving spouse. Marriage registration can also confer legal decision-making benefits. A marriage certificate may be required to prove that a person is next of kin for purposes of making medical decisions for an incapacitated spouse. In addition, there may be employment-based benefits. For example, a spouse may be entitled to health insurance benefits through their spouse's employer and may be entitled to family-leave benefits should their spouse fall ill.

542. Registration of divorce is usually done through the courts (see Chapter Four). However, where the responsibility falls to the individual, the ability to prove dissolution of the previous marriage in order to remarry is incentive to register a divorce.

D. IMPROVING CAUSE OF DEATH INFORMATION

543. Accurate cause of death information is essential for public health policy and planning. Gathering accurate information on causes of death for the entire population requires not only

³⁷⁶ Luis Cordero, Karim Pardo, Javier Vargas, Janet Miki, *CRVS Technical Outcome Series, Peru: Investigating the under-reporting of deaths in health and medical facilities*, Bloomberg Philanthropies Data for Health Initiative, Executive Summary (Draft document).

registration of all deaths, but also accurate and complete information on the cause of death certified by medical professionals. Practicing medical professionals must be trained and retrained in medical certification of cause of death. To improve quality of information in medical certificates of death and mortality data, physicians must be trained in the correct completion of the World Health Organization's International Form of the Medical Certificate of Cause of Death (MCCOD). Medical certification of cause of death should be included in curricula for all medical students. This usually requires cooperation with the Ministry of Education, which has the power to mandate the inclusion of this topic in curricula. In addition, training on medical certification of cause of death should be made part of mandatory and voluntary continuing medical education programs, which may require cooperation with medical professional associations. In addition to physicians, coroners and other medical professionals who may be responsible for completion of a MCCOD should be included in these training programs.

544. Coding the information contained in a MCCOD in accordance with the World Health Organization's International Classification of Diseases (ICD) is essential to the production of high-quality mortality data and requires specialized training. This coding is usually done at the central level and it is recommended that a dedicated ICD-coder cadre is created, trained and funded. Coders may be employees of the central civil registration agency, and therefore the agency's power to hire and manage staff (as discussed in Chapter Four, paragraphs xx-xx) would provide the authority to establish and train such a cadre.

E. FACILITATING USE OF TECHNOLOGY

545. The use of computers, tablets, and other electronic devices should be permitted for collection of data for vital events, and this data should be permitted to be transmitted using mobile technology and/or the internet between government agencies and officials.³⁷⁷ In addition, registrants, family members, and representatives are increasingly seeking to transmit data and official documents by themselves through online access (for example, to transmit birth or death certificates to another government agency directly). As discussed in Chapter Four, CRVSID laws should not block the use of technology by containing language that requires collection of data with the registrant present or by stipulating manual processes for data transmission. In addition, processes should be contained in CRVSID regulations or instructions so that they may be amended as technology advances.

546. In addition to the above, some provisions that facilitate use of technology might be contained in laws other than CRVSID laws. For example, electronic or digital signatures (or unique identifiers in lieu of signatures) should be permitted to facilitate electronic collection of information, registration of vital events, and issuance of certificates. In many countries, these provisions are contained in laws that specifically regulate the use of technology, including electronic and digital signatures. Countries should ensure that these laws permit the use of electronic and digital signatures and technology in CRVSID systems.

³⁷⁷ United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 378, 381 – 382.

Annex A - Recommended Information for birth, death and foetal death registration

	Best Practice: Live Birth	Actual Practice: Live Birth	Best Practice: Foetal Death	Actual Practice: Foetal Death	Best Practice: Death	Actual Practice: Death
Characteristic of Event [●=High Priority, ○= Lower Priority]						
Date, (Time) and Place of Registration	●		●		●	
Date, (Time) and Place of Occurrence	●		●		●	
Attendant at birth	●		○		●*	
Type of place of occurrence (hospital, home, etc)	○		○		○	
Type of Birth (twin, triplet, etc.)	●		○			
Cause of Death			○		●	
Manner of Death					○	
Whether autopsy findings used to establish COD					○	
Death occurring during pregnancy, childbirth, puerperium					○	
Certifier			○		●	
Characteristics of Newborn/Foetus [●= High Priority, ○= Lower Priority]						
Sex	●		●			
Weight at birth	●		○			
Delivered in wedlock			○			
Characteristics of Mother/Father/Decedent [▼=Mother (C), ▽=Mother (R); ▲=Father (C), △=Father (R); ■=Decedent (C), □=Decedent (R)]						
Date of birth	▼/▲		▼/▲		■	
Sex	-/-		-/-		■	
Marital Status	▼/▲				■	
Educational Attainment	▼/▲		▽/△		□	
Literacy status	▽/△		▽/△		□	
Ethnic and/or national group	▽/△		▽/△		□	
Citizenship	▽/△		▽/△		□	
Economic activity status	▽/△		▽/△		□	
Usual occupation	▽/△		▽/△		□	
Whether birth was registered*					□	
Born in wedlock*					□	
Place of usual residence	▼/▲		▼/▲		■	
Place of usual residence of mother*					■	

	Best Practice: Live Birth	Actual Practice: Live Birth	Best Practice: Foetal Death	Actual Practice: Foetal Death	Best Practice: Death	Actual Practice: Death
Duration of residence in usual place	▼/△		▼/△		<input type="checkbox"/>	
Place of previous residence	▼/△		▼/△		<input type="checkbox"/>	
Place/country of birth	▼/△		▼/△		<input type="checkbox"/>	
Date of last menstrual period	▼		▼			
Number of prenatal visits	▼		▼			
Month of pregnancy prenatal care began	▼		▼			
Children born alive to mother during her entire lifetime	▼		▼			
Children born alive to mother during her entire lifetime and still living	▼		▼			
Foetal deaths to mother during her entire lifetime	▼		▼			
Date of last previous life birth	▼		▼			
Date of marriage	▼		▼			
Additional Information for Legal Registration [●=High Priority, ○=Lower Priority]						
Name and surname	●				●	
Name and surname of parents	●				●	
Nationality	●				●	
Nationality of parents	●					
Identity, Signature, and Seal of Registrar	●				●	
Identity document & registration data relating to birth					●	

* For deaths under 1 year

Annex B - Recommended Information for marriage and divorce registration

	Best Practice: Marriage	Actual Practice: Marriage	Best Practice: Divorce	Actual Practice: Divorce
Characteristic of Event [●=High Priority, ○=Lower Priority]				
Date of occurrence	●		●	
Date of registration	●		●	
Place of occurrence	●		●	
Place of registration	●		●	
Type of marriage	○			
Characteristics of Spouses/Divorces (each separately) [●=High Priority, ○=Lower Priority]				
Date of birth	●		●	
Marital Status (previous)	○			
Number of previous marriage	○		○	
Type of marriage being dissolved			○	
Number of dependent children of divorced persons			○	
Number of children born alive to the marriage being dissolved			○	
Date of marriage			●	
Mode of dissolution of previous marriage			○	
Educational attainment	○		○	
Literacy status	○		○	
Economic activity status	○		○	
Usual occupation	○		○	
Ethnic and/or national group	○		○	
Citizenship	○			
Place of usual residence	●		●	
Duration of residence in usual place	○		○	
Place of previous residence	○		○	
Place/country of birth	○		○	
Place of occurrence of marriage being dissolved			○	