CIVIL REGISTRATION SYSTEM IN KENYA

BY

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1. CIVIL REGISTRATION SYSTEM

1.1 Historical Background

Compulsory registration of births and deaths in Kenya started way back in 1904. This was for Europeans and Americans only. In 1906, compulsory registration was extended to cover all deaths in townships and to deaths of Europeans, Americans and Asians in rural areas. On 9 June, 1928, registration of births of Asians became compulsory. In the same year of 1928, The Births and Deaths Registration Act (Cap. 149) was enacted, which, with subsequent revisions and supplements, is in force at present.

At independence in 1963, it was extended to cover births and deaths of Africans in Nairobi and Nyeri districts. However other districts gradually became compulsory registration areas until all districts were covered by 1 September, 1971.

However, this extension was only in the legal sense, because, in none of the districts is registration coverage complete. Various attempts by the Government to improve the registration system have been made and some progress achieved but not to the extent that the results can be utilised for planning and administrative purposes. Thus, in the years 1979 to 1981, between 37% to 42% of births and 23% of deaths were registered in the country as a whole.

When the Government realised the extent and implication of this under-registration, it requested the assistance of the United Nations Fund for Population Activities (UNFPA) and a project of cooperation was concluded in 1979. On this basis, UNFPA provided technical and financial assistance for the establishment of a demonstration project in three districts which served as model areas for the experimentation on ways and means leading to the improvement of the registration system.

After more than a year of experimentation, a Tripartite Project Review, having examined the results, came to the conclusion that the experiment was a success and recommended extension of the improved registration system to four additional districts. This was carried out in 1984. While the UNFPA assistance ended in 1985, the Government continued with the extension of the improved system to additional districts: five in 1986, one in 1991 and another one in 1993.

Although only 14 out of 41 (34%) districts are covered by the improved system, the population involved is 10.8 million or 51% of total country population. It is the intention of the Government to extend this system to all the districts but in phases. It is important to note that the improved system in the 14 districts and the 'old' system in the remaining 27 districts operate in parallel under the same Act.

With effect from 1 July, 1989, births and deaths registration services were transferred from the Office of the Attorney General to the Office of the President and at the same time elevated to a full-fledged department - Department of Civil Registration.

1.2 Legal Provisions

The law governing the registration of births and deaths is known as "The Births and Deaths
Registration Act", Chapter 149 of the Laws of Kenya. This Act is administered by the Principal Civil Registrar, Office of the President. The Act requires that all births and deaths which occur in Kenya MUST be registered without distinction of race, religion or nationality. Equally, all births and deaths of Kenya citizens occurring abroad may be registered in Kenya.

Under the Act, occurrence of each birth or death should be registered within six months from the date of such occurrence. This is called "Current Registration" and it is done FREE OF CHARGE.

On the other hand, registration of any birth or death AFTER six months from the date of occurrence is called "Late Registration" and attracts a penalty (currently Ksh. 100). Besides, its registration is only done by the District Registrar and even then, at his own discretion.

On disposal of a dead body, the Act states that no body of a deceased person should be disposed off or buried without a permit for burial.

The Act has adopted the definitions of a birth and a death in conformity with the international recommendations.

The Act is also very specific on the persons who are responsible for reporting the occurrence of births and deaths. Every person notifying the birth of a child and death of a deceased person is required by the Act, to the best of his/her knowledge, and ability to give the prescribed particulars to the Registration Assistant. The Registration Assistant is required to enter such prescribed particulars forthwith in the birth or death register.

The said particulars for a birth include: name, sex, date, type, nature and place of birth of the child; name of father; name, age and residence of the mother; name, capacity, date and signature of the informant.

Particulars for a death include: name, sex, age, date, place of death and residence of the deceased; cause and certification of death; name, capacity/title, date and signature of the one certifying death.

All events which occur at home are supposed to be reported to the area Assistant Chief while those which occur in health institutions are handled by the health staff.

The informant is further required to certify to the correctness of the birth/death entry by signing or, if he/she is illiterate, by affixing his or her mark to the register.

Any person who fails to report an occurrence of a birth or death for registration, or who refuses to furnish any of the prescribed particulars, or who dispose of the body of a deceased without a burial permit, and any person who wilfully gives any false information or particulars for the purposes of registration, shall be guilty of an offence and liable to a fine (currently Ksh. 500) or imprisonment for a term of six months, or to both such fine and such imprisonment.

The various different Acts on marriage are administered by the Registrar General while the Act on adoption is jointly administered by the High Court and the Registrar General.
1.3 Administrative Structure

During the implementation of the improved registration system, not only was a Head Office with the required units and skills established, but so was the field organization strengthened by integration of new persons in the system, thus creating a continuous chain of communication between the Head Office in Nairobi and the local leaders. The authoritative Head Office is functionally structured to enable it to direct and supervise registration activities in the country.

1.3.1 Head Office

With the creation of the Department of Civil Registration in July 1989, the Head Office, under the Principal Civil Registrar, has three divisions: Planning & Statistics, Administration & Finance, and Registration Services. Among the areas that Head Office is responsible include the following:

- policy formulation and implementation
- control of all financial matters
- printing and distribution of registration materials
- recruitment, training, deployment, discipline and welfare of staff
- supervision, control, monitoring and evaluation of registration activities
- preservation of one set of registration records from all the districts
- data processing and generation of vital statistics
- registration of events of Kenya citizens abroad

Below the Head Office is a field organization extending parallel to the internal administration of the country and vertically complete so as to ensure a continuous chain of communication between the Head Office and the smallest administrative unit (the sublocation).

1.3.2 District Registry

With effect from 1 July 1990, all registration services were decentralized to the district level whereby all districts have a registry which is responsible for all registration activities from the reporting to the issue of certificates for events occurring within the respective district. Each district registry is the focus of registration activity and the main centre of legal documentation. The Principal Civil Registrar has delegated to the District Registrar the authority to legalize registration forms filled by either the assistant chief or the health staff. With the district registry (not Head Office) being the focus of registration, its other responsibilities include:

- distribution of registration materials to the field
- collection of completed registration forms from sublocations
- monitoring and evaluation of registration activities in the district
- community mobilization in reporting of vital events
- preservation of one set of registration records
- issue of certificates for events registered in the district
- control of funds issued by Head Office
- accounting for revenue collected from the sale of certificates.

1.3.3 Field

While the Department of Civil Registration is legally responsible for vital registration, it has staff only at district registries who undertake the legal act of registration and issue certificates. For
administrative expediency, data capture (i.e. completion of registration forms) is done by two other organizations, namely the Ministry of Health and the Provincial Administration (Office of the President) which has an organization extending down to the smallest administrative unit (sublocation). There are about 4,000 sublocations in the country with an average of 5,500 population per sublocation. The assistant chief, who heads a sublocation, therefore is the crucial key person in the reporting process of vital events occurring within his sublocation but outside health facilities. He has been given the responsibility of the important task of initiating the registration process of completing the registration forms and to sign these forms. Events occurring in health institutions are handled by health workers. With a total of some 2,500 health institutions (300 hospitals, 400 health centres and 1,800 dispensaries), an average of 100 births and 25 deaths occur per health institution annually although hospitals handle about four-fifths of the events.

1.4 Registration Processes

In the legal sense, the registration of a vital event refers to the act in which the registrar signs the register of birth or death to make it a legal document. In a broader sense, however, the term refers to all the acts relating to the various stages and steps in the registration processes.

Naturally, in discussing the processes of registration, the key persons in registration and the documents of registration must inevitably be mentioned. We may, therefore, have to digress from time to time, to the organisation structure of civil registration and the key persons involved.

1.4.1 Flow of Information/Forms

In Kenya, there is a very clear distinction between the reporting of events which have occurred at home and those which have occurred in health institutions. When an event occurs at home in the rural areas, the sequence of the process of registration (refer to Fig. 1) is as follows:

a. Declaration/Notification: The parents of the newborn or the relatives of the deceased should report the event immediately to the assistant chief, who has been appointed as a part-time registration assistant (RA), of the sublocation of occurrence. This report can be made orally.

b. Filling and Certification: On receipt of the report on the occurrence of an event, the RA fills, in duplicate, the registration form beginning with the Register of Birth/Death (the lower part of form). The RA then enters the name of the informant in the form and asks the latter to sign. Finally, himself signs the form as the RA of the sublocation where the event occurred.

c. Acknowledgement: The Acknowledgement of Birth Notification (ABN) or the Permit for Burial (PB) is filled by copying some of the particulars entered on the register of birth or death. The ABN or the PB is then issued to the parent of the child or relative of the deceased or any other informant who took the report to the RA.

d. Transmission of Forms to the District Registrar (DR) At the end of each month, the RA counts each category of forms (both original and duplicate) which he has filled for the events reported to him during the month. Then he enters their numbers in a transmittal form and keeps them in an envelope awaiting the Assistant District Registrar (ADR) to come and take them to the
After the ADR has opened the envelope containing the forms, he checks if the number of forms in the envelope agrees with the numbers entered in the transmittal form. Then he checks if there are any inconsistencies in the forms or clerical errors. Some of such errors can be rectified with the RA immediately but for others which need more time to sort out, the ADR will ask the RA to find the correct or relevant information while, for the time being, he takes the registration forms to the DR. The answers to the queries or the missing information is taken to the District Registry as it is made available (most likely during the course of the following month). The ADR, then, prepares a statistical return, which is a consolidated summary of all the transmittal forms from the sublocations, which accompanies the registration forms to the DR.

For events which occur in health institutions (HIs), the registration process is based on the same principles as for the events occurring at home except for slight differences in the detailed procedures. The detailed procedure in health institutions is as given below:

a. Declaration/Notification: Unlike the case of events occurring at home, there is no declaration or notification for registration because the midwife or the nurse who fills the registration form is a witness in the occurrence of the event. Moreover, immediately the event occurs, the registration form is completed in the presence of the mother of the baby or the relative of the deceased.

b. Filling and Certification: In compliance with HI procedures and practices, the function of filling of the registration forms is delegated to the midwife, nurse and doctor (not the designated RA of the institution, who is usually the in-charge of the records office). These persons play the role of informant and, partly, that of the RA in the filling of the form. In the case of the death register, however, only the doctor is authorised to fill and certify the cause of death.

c. Acknowledgement: After the forms have been filled and signed by the midwife or the nurse and doctor, the rest of the steps are the responsibility of health institution's RA. These steps are visiting all wards to collect all booklets of registration forms; comparing the number of filled forms with the number of births and deaths entered in the HI birth and death record books; ensuring that all entries in the birth and death registers are correct; certifying the correctness of the information entered in the form by signing the space reserved for the RA; and filling and signing the counterfoils relating to the ABN and PB.

Finally, the RA tears off and hands over, to the mother of baby or the relative of deceased, the ABN or PB respectively, and returns the booklets to the various wards.

d. Transmission of Forms to DR: On prescribed dates, the RA of the HI transmits, directly, the completed forms to the DR under cover of a transmittal form which also acts as a statistical return to the DR.

1.4.2 Processing at District Registry

The actual processing of the registers of birth and death at the district registry consists of several steps which are essentially the same regardless of the origin of the forms. There are only very minor
differences with regard to the detail in some of the steps:

a. **From Sublocations:** The registry clerk counts the forms to ascertain that the number of the forms agrees with the corresponding number entered by the respective ADRs in the consolidated return.

b. **From HIs:** The registry clerk similarly checks if the actual number of forms agrees with that the RA entered in the covering note. If there is agreement in the numbers, the clerk acknowledges receipt; otherwise, the clerk may state any discrepancy. (The steps followed in the check and acknowledgement compare with the steps taken by the ADR when he receives forms from the RAs of sublocations during his field trips).

The next step taken by the registry clerk is to verify the contents of each form to make sure that there are no missing entries or illegible words, illogical/inconsistent information (e.g. age of mother). If the RA, in the opinion of the clerk, can obtain the missing information or correct the inconsistent information, the clerk fills the appropriate query form to elicit the information, attaching a tag on the register while he waits for the RA's reply.

After the clerk has completed his check for missing information or errors, he performs the last steps in the process of the transformation of the form into a legal document. These steps consist of the following:

1. Entering the name of the district (using a rubber stamp).
2. Assigning a running registration number (using a hand numbering machine).
3. Entering the date of registration (using a date stamp).
4. Entering the name of the District Registrar (DR) (using a rubber stamp).

This latter step is in readiness for the signature of the DR which finally makes the register a legal document which should be securely guarded. Any subsequent alteration made on the form must be supported by a written justification.

Following the DR's signature, the registry clerk separates the originals from the duplicates, files the originals according to the registration number in batches of 250 labels the files for easy identification and despatches the duplicates (also arranged in the same order as originals), on a monthly basis, to the Head Office (HO) under cover of a transmittal note. The duplicates are also accompanied by statistical returns from the DR.

The duplicates received at the HO are counted to verify their number, put into hard cover folders and subsequently used for further data processing. Later, the duplicates are bound into volumes of 250 forms ready for final storage. The originals are then sent to the HO for binding in exchange for the bound duplicates. Eventually, the bound originals are returned to the district registries, once again in exchange for the duplicates which finally go into archive.

**1.4.3 Issue of Certificates**

1.4.3.1 **Search:** On application for a birth or death certificate, the first step taken by the district registry is to look for the corresponding register from which information is going to be extracted. This can be done by using either serial number on the ABN/PB (which also appears on the corresponding register) or by using the date of occurrence/filling as a guide. After a complete year,
computer printouts are expected to be produced which show the births arranged according to the alphabetical order of the name of the child, alphabetical order of the name of the mother, chronological order of the date of birth of the child and the serial number of the register of birth.

Deaths are arranged according to the alphabetical order of the name of the deceased, chronological order of the date of death and the serial number of the register of death. Such computer printouts greatly ease the otherwise arduous task of locating a particular record. Unfortunately, the production of these indices has remained ineffective.

1.4.3.2 Application and Payment of fee: The application form must be completed even if the applicant goes in person for the certificate at the registry. Following the application, the applicant is required to pay a fee (currently Ksh. 50) for the certificate, the amount of which is entered in the application form and a receipt issued to the applicant.

1.4.3.3 Typing, Signing and Handing Over: A typist then extracts from the register the particulars needed in the relevant certificate on which the seal of the Principal Civil Registrar has been impressed (in advance at HO), the typing is checked and verified by a clerk, then the DR signs after verifying the related documents. The certificate can then be handed over to the applicant or mailed if requested.

1.4.4 Late Registration

Although the Registration Act sets a six-month grace period, from the date of occurrence of an event, within which such event should be registered, there is a provision to register an event under "Late Registration". However, such registration can only be done by the DR (not the assistant chief) after:

a. an application for late registration has been made;
b. a search to make sure that the event was not registered before;
c. sufficient supportive documents have been produced, and
d. the late registration fee (currently Ksh. 100) as well as the certificate fee has been paid.

Since most, if not all, of the late registration cases are motivated by the need for a certificate, the two processes of registration and issue of a certificate are combined.

Inspite of the existing provision under the Registration Act to prosecute those who do not register their events within six months, this has not been enforced upon late registration applicants. It was thought that prosecution may likely contribute to discourage registration.

1.5 Local Registrars

1.5.1 The District Registrar (DR) being the Principal Civil Registrar's representative at the district level, is an important authority hence responsible for all legal and administrative matters on vital registration in his district. The DR should be conversant with all aspects of the registration process in order to control those registration aspects for which he is responsible and also to explain them to others. He should be able to interpret the law on civil registration since he is the legal authority to register vital events and issue certificates as well as representing the Principal Civil Registrar in the district. The person requires not only technical knowledge but also experience.
1.5.2 For posts of DRs, complete secondary education (Form VI) is regarded as a desirable educational background. This, however, has not always been achieved. The educational background of the current DRs is lower (Form IV) than the desired level but they have long-term experience which is very useful for civil registration operations. These DRs, having been appointed on full-time basis within the public service, were drawn from diverse backgrounds and have largely risen through the clerical cadre. Even where university graduates have penetrated through the service, they too have received only general education. While this gives them the potential to develop relevant and specialized skills, it does not automatically confer them the ability to function as knowledgeable officers in civil registration.

1.5.3 Until 1992, there have been no articulate arrangements for training staff in civil registration and vital statistics. Drawing from the experience of organizing a regional workshop that was supported by the UN Statistical Office in 1989, the department has initiated a six-week course on Integrated Civil Registration and Vital Statistics held annually for DRs since 1992.

1.6 Supervision and Control

1.6.1 Complete Coverage

In order to obtain reliable vital statistics, the first priority of civil registration still remains the achievement of complete coverage of births and deaths through an increase in the number of events registered hence the month by month intensive follow-up of the number of events registered.

The assistant district registrars (ADRs) operate motor cycles during the collection of registration forms from the field to the district registry. Since this collection directly affects the registration coverage, strict control of the uneconomic use or misuse of transport is exercised.

1.6.2 Monitoring Devices

The various devices of supervision and control have been established gradually and incorporated at various stages in the registration exercise. They range from conventional administrative inspections of compliance with instructions and rules, to more elaborate statistical controls and evaluation of work performance of certain crucial key persons in the registration process and result finally in monitoring and improvement exercises.

1.6.3 Submission of Monthly Returns

The timely submission of registration returns and their completeness is the most obvious indicator of good performance on the part of the key persons in the field in the registration exercise.

a. Births/Deaths at home:
   - The assistant chief compiles his monthly return by completing a summary form at the end of each month for collection, together with the completed registration forms, by the assistant district registrar (ADR).

   - The ADR visits the assistant chiefs in the following month to collect returns. He fills a consolidated return relating to all the sublocations of a given division indicating those with nil returns.
and those he did not visit. By the end of the month, the ADR submits this consolidated return, with the respective registration forms, to the DR.

- If the ADR fails to visit any assistant chief, he is at fault and should explain the reason to the DR. If the ADR did not adhere to the set dates of submission of his returns to the DR, the ADR is again at fault as he is delaying the compilation of the district summaries for submission to Head Office.

- The DR transcribes the number of events from each sublocation onto a summary return of all sublocations in the district. While doing this, he should note nil and/or no returns from a given sublocation and take the appropriate action.

b. Births/Deaths in health institutions (HIs):

- The health personnel transmit to the DR all registration forms filled during a given week under the cover of a statistical summary form. The small HIs should transmit their returns at the end of each month. If there is a delay or the transmission is incomplete, the particular HI is at fault.

- The district registry staff count and verify the number of forms and transcribe the numbers unto return form for all HIs. In doing so, they should notice nil or no returns and report these to the DR who should take the appropriate action.

c. DR’s Monthly Return to Head Office (HO):

- At the beginning of each month, the DR compiles an summary of registration activities in the preceding month and dispatches it to HO. These include statistical summaries of all sublocations and HIs together with the relevant duplicate registers. All these should be sent to HO by the 4th day of each month. If the DR fails or delays to submit some or all documents, then he is at fault.

d. Receipt of Monthly Returns by HO:

- On receipt, HO staff verifies the totals indicated on the summary sheets against the duplicate registers paying particular attention to the registration areas with nil returns.

- Monthly figures of events registered by each district are tabulated. These figures are provisional since they are based on totals derived from the first and last registration numbers used during that particular month.

1.6.4 Control measures

- From the above-indicated set of returns, there is responsibility at each departmental level: ADR, DR, HO.

- The date of submission of the returns and the nil/no returns should be noticed and the reasons for the faults examined.

- Appropriate actions have been prescribed at each level:
  * the ADR should report the errant assistant chief to his chief or the district officer
* the DR should admonish the ADR at fault and, if faults continue, report him to HO
* the HO should take appropriate action against the ADR or DR if faults continue

1.6.5 Control of Coverage

Although the supervision starts at the level of the ADR and continues up to that of the HO, the control of coverage is initiated at HO level and passed through the lower levels, down to the primary registration unit - the sublocation or the affected HI - which constitutes the source of under-registration i.e. the omission of some births/deaths.

1.6.5.1 Registration coverage

The "rate of registration" is used to measure registration coverage. It is the percentage of births/deaths actually registered out of the number "expected" to be registered, taken as 100. The number expected is obtained by applying the estimated crude birth and death rates to the corresponding estimated population of each district. The expected number is considered as the target figure of registration coverage and the rate of registration indicates the progress towards achieving this target.

The intensive follow-up of this rate, at half-yearly and yearly periods, for districts is a priority task. Pointing it out to a District Commissioner (DC) that a his district showed a low rate of registration is important. However, in order to enable him and his staff to follow-up the under-registration to its source and to take practical measures, the affected sublocations and the respective number or percentage of under-registration has to be specified.

1.6.5.2 Coverage in Rural Areas

In order that we obtain the amount of under-registration for sublocations, all births and deaths registered have to be distributed by sublocation of mother's and deceased's residence respectively. This is done from some of the tabulations of the statistical data processing. From the projected population of each sublocation, the expected number of births and deaths are estimated for each sublocation. The difference between the number registered and the number expected (both at home and in HIs) given as the number deficient, shows the amount of under-registration. This report showing the registration performance is sent to respective district registrars and provincial administrators for remedial action.

1.6.5.3 Coverage in HIs

Although the concept of the number of events expected, which is a derivative of the resident population, is not applicable to HIs, there is still need to evaluate the registration performance in HIs. In order to check this performance, annual totals for each HI from each DR's monthly return are obtained. From these totals, the trend in the number of events registered annually for a number of years gives a glimpse of the registration performance of each HI. Table 4 and Table 5 in the Annex show the number of births and deaths registered respectively by the major HIs between 1990 and 1993. Using this trend, HO makes annual visits to selected HIs which have shown a decline in the number of events registered. During such visits, hospital authorities are asked to justify the apparent decline in the number of events registered.
At the same time, the HO staff undertakes a physical count of the number of events which occurred in the respective year as recorded in the hospital records books and compares these with the number registered. Since 1984 when such visits were started, there have been persistent discrepancies between the number registered and that from hospital records books. More often than not, the number of events in the hospital records books exceeds the number registered i.e. some events occur in HIs but are not registered. That some events are entered in the hospital records books and are not registered and vice versa has led HO to highly suspect that there may be some events that are neither entered in the hospital records nor registered. However, the extent of this kind of phenomenon has not been established. After such visits to HIs, an elaborate report is written by HO outlining its findings together with recommendations. This report is sent to the respective HIs and also to the officer in charge of HIs in the Ministry of Health for improvement measures.

1.7 Civil Registration Archives

Birth and death registration forms are completed in duplicate - originals are maintained at the district registry while duplicates are sent to head office. These forms are legal records which are supposed to be maintained and preserved on a permanent basis to serve both legal and statistical needs.

1.7.1 Local Civil Registry Archives

Numbering of the records using running numbers every year is common between the two parallel registration systems but the filing methods are different. In districts under the improved registration system, records are filed according to the consecutive registration numbers while in the rest of the districts, filing is by the date of occurrence of an event.

Each filing system has its unique merits and demerits. For example, while filing by date of occurrence (hence distorting the numbering sequence) eases the retrieval process, it not only increases the clerical workload but even more important, any misfiling will inevitably introduce double registration. On the other hand, filing by registration numbers (which is done as forms come in from the field) retains the sequence in numbering hence very easy to countercheck:

- the total number of forms registered;
- any skipping and/or repetition in the numbering.

However, retrieving a record from the latter system of filing is much more laborious especially where alphabetical indices are unavailable.

In both filing systems, 250 records are tagged in batches and placed in manila covers as a temporary measure before they are finally bound into hard cover volumes. These volumes are placed in either wooden or metal shelves in a registry which, in most districts, is a separate room accessible only to registration staff.

Retrieval of records filed by date of occurrence wholly depends on the accurate knowledge of the exact date. Those filed by registration numbers are retrieved using alphabetical indices where they exist or else the serial number of the Acknowledgement of Birth Notification (ABN) or Permit for Burial (PB) is used to identify a particular record.

There are no articulate arrangements to safeguard and preserve these records from environmental hazards.

1.7.2 Central Civil Registration Archives
Upon receipt of one set of registration records from each district, head office maintains them temporarily before binding them in a similar fashion as described for the districts. Although these records are sent to head office as a backup to the set in the district, and even more importantly for statistical analysis, occasionally they are used for the issue of certificates for various uses such as school admission (especially in urban areas), issue of national identity cards and passports. Depending on the filing system, retrieval of such records is manual and is done exactly like explained above in the districts. A combined effect of the sheer number of records from all the districts and the delay in binding of these records results in loss of a number of records due to tearing and/or falling off from their respective batches.

2. ASSESSMENT OF THE CIVIL REGISTRATION SYSTEM

2.1 General Assessment

Despite the various efforts put in the improvement of the civil registration system over the last two decades, the present system is far from adequate. However, there are a number of pockets with fairly good coverage rates as opposed to others whose registration coverage is far from complete. These differential rates of registration coverage are determined by the prevailing socio-economic conditions in these areas.

The situation of low coverage at the national level has persisted due to a number of contributory factors both from within the registration system and others which are external.

2.1.1 Legal Profile

The law governing vital registration has been and still quite adequate. It was formulated such that there are the main sections and under each section, there are rules which guide the day to day operations of the registration exercise. Any amendment of these rules is purely an administrative matter that does not require the approval by parliament hence making the Act operationally flexible. Since 1982 when the improved registration system was started, there has been some relaxation in the strict adherence to some sections of the registration law. For example, use of registration forms and some registration procedures outside those stipulated within the Act have been allowed on trial basis. The understanding is that if these forms and procedures are found to be more suitable than those in the Act, then the Act will be amended to adopt them. It is a question of adopting legal requirements which are workable drawing from the experience of formulating and implementing compulsory registration laws which failed to have any significant impact.

2.1.2 Administrative Profile

The transfer of the births and deaths section from the Office of the Attorney General to the Office of the President in 1989, and at the same time elevating it to a fullfledged department, greatly boosted the status of civil registration. This elevation was rightly accompanied by a corresponding increase in the number of posts within the department's establishment. Unfortunately, the department is still short of staff at all levels due to delays in filling these posts. To compound this inadequacy, the quality of the present staff is also wanting. Most of the staff members are not fully capable of handling registration activities. This deficiency in both quantity and quality has been a result of the little importance accorded to civil
registration by the administrative organs at the highest level. Without strong commitment to civil registration by policy makers, negative effects have spread to different areas including funding levels, scheme of service for registrars, provision of supplies and equipment, etc. which have adversely affected the registration performance. The shift of emphasis by the donor community from vital registration to other sources of vital statistics has further marginalised the status of registration.

2.1.3 Population Attitude

The general attitude of the population towards registration is one of the major factors influencing the success of the Kenyan civil registration system, especially in areas where most events occur at home. Even more crucial in the organisation of civil registration is the attitude of the assistant chiefs who are not only required to urge the general public to report their events, but also perform the actual completion of registration forms. Members of the public can only report the occurrence of their events voluntarily if they are aware of the importance of and benefits accruing from registration. This sort of awareness is quite limited since formal enlightenment campaigns have been carried out in only ten districts. Together with such campaigns, there is every need to create demand for registration by increasing the use to which registration records are put.

2.2 Registration Completeness

Inspite of the fact that all districts have been compulsory registration areas since 1971 coupled with the opening of district registration offices in all districts since 1989, registration still remains incomplete countrywide as can be seen from Table 6 and Table 7 in the Annex. However, there are great variations among different districts depending on the prevailing environmental and socio-economic conditions on one hand, and the investment undertaken towards the improvement of civil registration in a district on the other. In the districts where the improved registration system has been extended, a common pattern in registration performance has been observed. Immediately after the system is launched in a district, there is a tremendous rise in the number of events registered. However, this trend is not sustained as the number registered events starts falling after about two years.

The rates of coverage depicted in Table 6 and Table 7 should be used with caution due to the "expected" number of events used to generate these rates. The "expected" figures are estimated using indirect techniques:

Births:- first, district age-specific fertility rates (ASFRs) from the 1979 census were applied to the projected female population aged 10-49 in each district to obtain the expected number of births. By applying the number of births expected to the respective district projected population, crude birth rates (CBRs) for each district were obtained. For lack of fertility data from the 1989 census, these CBRs are still being applied to the revised 0 population projections based on the 1989 population census.

Deaths:- the expected number of deaths in each district was calculated by means of the Brass 1-parameter logit method using data from the 1979 census. These expected number of deaths were then applied to the respective district projected population figures to obtain crude death rates (CDRs) for each district. These CDRs are now being applied to the revised population projections.
based on the 1989 census.

By applying the fertility and mortality schedules from the 1979 census to the projected population figures from the 1989 census, the inherent assumption is that both fertility and mortality have been constant since 1979. This assumption is contrary to the available data from the two Kenya Demographic and Health Surveys of 1989 and 1993 which show that total fertility has declined from 7.8 in 1979 to 6.7 in 1989 and to 5.4 in 1993.

There is a general notion that the number of expected events used to calculate the rates of coverage is usually higher than the actual number of events that occur. If this is true, then the expected figures are over-estimated hence yielding lower coverage rates than they actually are. In support of the above notion, coverage rates for three districts were obtained from an independent source through a National Demographic Survey conducted in 1983 for events which occurred in 1982. Rates of registration coverage from registration records were compared with those from the survey as shown in Table 8 below.

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>BIRTHS</th>
<th>DEATHS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>REGISTRATION</td>
<td>SURVEY</td>
</tr>
<tr>
<td>TOTAL</td>
<td>64</td>
<td>74</td>
</tr>
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<td>72</td>
</tr>
<tr>
<td>KIRINYAGA</td>
<td>53</td>
<td>68</td>
</tr>
</tbody>
</table>

For both births and deaths, rates of coverage from the survey are higher than those from registration records. With such differences in rates of coverage in 1982, one can rightly assume that these differences have widened further with time hence the general declining pattern in rates of coverage especially for births as is evident from Table 6 above. However, despite the apparent flaws in the estimation of the expected number of births and deaths, the worrying declining trend depicted by the rates of coverage still persists from the absolute figures of the number of events registered over the years.

2.3 Constraints

The present low level of registration coverage is a by-product of specific constraints that plague the civil registration system. Most of these constraints are solvable as they revolve around two main areas: low priority given to civil registration, and equally, the low funding levels.

2.3.1 Registration Stationery

The present civil registration system functions poorly due to inadequate supply of registration stationery. Since civil registration is thought to be less important other sectors, printing of documents whose output is immediately tangible (for example, receipts for revenue collection, forms for the issue of identity cards, political party membership cards, etc) is given priority by the Government Printer - the only central organ authorised to print all Government official documents. The shortage of registration forms not only increases the number of events not registered, but it is also a major demotivating factor on the registration agents. The increasing motivation and
enthusiasm to report events as a result of community mobilisation activities in a number of districts has not been matched by a corresponding increase in the supply of registration stationery. To date, the supply can only meet one third of the demand countrywide hence the futility in the efforts towards improving the civil registration system.

2.3.2 Lack of Public Awareness

Other than putting an effective civil registration in place, public awareness in reporting vital events which occur at home is one single factor that greatly influences the registration coverage in Kenya. Civil registration being a passive system implies that registration of such events wholly depends on the awareness of the general public whose responsibility it is to report. It is not just the mere existence of compulsory registration that the public needs to be aware about, but even more crucial, is the practical benefits accruing from registration particularly to the individual. The effect of such awareness was demonstrated by an increase of about 300% in the registration coverage in South Nyanza district after a series of community mobilisation sessions in 1992. Similar campaigns are yet to be undertaken in 32 districts.

2.3.3 Registration Staff

Lack of training in civil registration and vital statistics has yielded very little appreciation in vital statistics as a by-product of the registration exercise by most of the registration staff. Consequently, more resources are spent on the issue of certificates, especially from late registration, at the expense of improving current registration. All district registrars need a formal training in civil registration and vital statistics to effectively manage registration operations at the district level. The other cadre which lacks training are the assistant district registrars who form a key link between the district office and the field where the actual completion of forms is done.

2.3.4 Monitoring Systems

The monitoring procedures as described in section 2.6 above are operative only in those districts where the new registration system has been introduced since their effectiveness depends on the registration agents who require training before these procedures are implemented. To ensure sustainability of the expected registration results, monitoring the efficiency of the system, both at the district level and registration centres in the field on a regular basis, is only but mandatory. This has not been possible mainly due to lack of transport: the Head Office has only two serviceable vehicles and on the other hand, the allocated funds can run and maintain the motor cycles in the field for not more than five months in a year.

2.3.5 Nomadism

Due to the prevailing harsh physical environment, residents of the sparsely populated northern Kenya (predominant in eight districts) practice nomadism. A combination of temporary settlement and the movement of the population across Kenyan borders introduces yet a special registration constraint peculiar to these areas. No specific approach has been devised to address registration needs of these people.

2.4 Actions for Improvement
In spite of the current low registration coverage, a number of actions for improvement have been put in place by the Government. The impact of some of these actions is already apparent but for others, their impact will take some years to show.

2.4.1 Transfer of Registration Services

The transfer of the registration services section from the Office of the Attorney General to the Office of the President coupled with its elevation to a full-fledged department in 1989 was an immediate improvement. The new departmental status formed a springboard to request for increased levels of funding, staffing, supplies, etc. just like other departments. The transfer to the Office of the President resulted into two merits:
- Office of the President is the most powerful office in the land hence priority is given and more attention paid to matters emanating from this office.
- This transfer brought the assistant chiefs into the mainstream of registration work since civil registration and provincial administration are sister departments within the same ministry unlike previously when the assistant chiefs nursed the feeling that registration was not part of their work since it belonged to the Office of the Attorney General.

2.4.2 Decentralisation of Registration Activities

The decentralisation of registration activities countrywide to the district level in 1990 fitted in very well with the general Government concept of the District Focus Strategy which stresses active community participation in the planning process for socio-economic development. This removed the handicap of the public having to travel to the provincial or national headquarters for registration or issue of certificates.

For registration purposes, the services have been moved even nearer since members of the public are supposed to report their events which occur at home to their respective assistant chiefs.

2.4.3 Staffing Levels

To cope with the increased departmental responsibilities, the Government authorised 723 new posts of various cadres for the department. Although about one third of these posts are yet to be filled, the department will be sufficiently staffed once this is done.

2.4.4 Training of Staff

As was earlier mentioned in section 2.5 above a Foundation Course in Civil Registration and Vital Statistics for registrars is now held annually both for registrars in service (since they have had no such training before) and the newly recruited staff. This course is considered mandatory for every registrar given his central role in the registration system at the district level as outlined in section 2.5 above.

For the assistant chief to effectively register events in his sublocation, he requires some basic training both in the legal aspects and in the procedures in registration. Although assistant chiefs in a majority of the districts have not been trained, those who have been trained have greatly improved the registration coverage in their respective areas.
2.4.5 Public Awareness

Apart from the investment in the registration system, the parallel arm that equally requires improvement is public awareness. Information, Education and Communication materials have been designed and community mobilisation programmes tested in a few selected districts with resounding results.

Another different approach aimed at sustaining community participation in registration activities is the collection and use of registration data at the local level. Special forms have been designed for the collection of registration data by assistant chiefs. In four districts, assistant chiefs have been guided in the collection of such data and more importantly, the various uses to which such data can be put for the benefit of the local community. This approach is being refined further with the intention of extending it to all districts.

2.4.6 Civil Registration Monitoring Committees

In an attempt to actively involve all the relevant organs in registration matters at the district level, the Office of the President, in December 1992, directed district commissioners to form District Monitoring Committees on civil registration. Under specific terms of reference, these committees were mandated to take charge of all registration activities in their respective districts and institute measures which will ensure sustained registration of all events. The impact of these committees is yet to be felt but is hoped that this approach is more pragmatic in the improvement of registration coverage through the involvement of all relevant departments than the previous one where the district registrar shouldered this heavy responsibility all alone.

Currently being formed are the Division Coordinating Committees and Location Action Committees which are extensions of the District Monitoring Committee to the division and location respectively.

RECOMMENDATIONS

In order that the civil registration system accomplishes its responsibility of generating reliable vital statistics on time, it is recommended that attention be paid in the following areas:

- Community mobilization towards reporting of all vital events. This should be re-enforced by the creation of demand for registration records.

- Ensure sustainability of registration activities especially the strengthening of monitoring mechanisms.

- Undertake surveys to enhance measurement of registration coverage.

- Undertake studies in attitudes and beliefs to unearth factors responsible for underreporting of vital events.

- Increase the capacity and capability of data processing for timely generation of vital statistics.
Table 4: BIRTHS REGISTERED IN HOSPITALS, 1990-1993

<table>
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<th></th>
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Table 5: DEATHS REGISTERED IN HOSPITALS, 1990-1993
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<th>Hospital Name</th>
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<th>People</th>
<th>Patients</th>
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