

## CIVIL REGISTRATION AND IDENTIFICATION SERVICE IN CHILE<sup>1</sup>

### I.- HISTORICAL BACKGROUND

The secularization of the civil registration was secured with the adoption of the Code of Napoleón in France in 1804. It resulted in that the civilian dispositions of this Code influenced mightily in the development of the systems of inscription of vital facts in Occidental Europe, Latin America and in the countries of the near East. These assigned the State the responsibility of registering the births, death and marriages of the national territory. So, the legal aim of the civil registration made vital facts began to have an importance that would increase with the run of the years.

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In Chile the first Law on Civil Registration was dictated on July 17, 1884. Together with this law was proclaimed the Law of Civil Marriage, that entered in validity January 1<sup>o</sup> of 1885.

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As a consequence of the mentioned laws settled down the Civil Registration in Chile, Institution that became expense of the regimen of registration of the births, deaths, marriages and all the rest comparative acts to the civil status, that in that time was eclesiastic responsibility For tthis reason declined validity to all marriage that didn't take place in front of the Civil Official.

In the year 1930 was dictated the Law 4.808, on Civil Registration and the Ordinance with Strength of Law 2.128, on Organic Regulation of the Service, repealing the law of the year 1884. They refer refer to the procedures that they should carry out in order to proceed to the inscriptions of the births, marriages, deaths and other acts and comparative contracts to the civil status of the people.

The current organization of the Civil Registration Service and Identification are from the year (1943). This year the Civil Registration and the Identification Service got together as a unique institution

Subsequently, successive laws have given you a structure and own physiognomy that have permitted through the years look after " The Legal Constitution of the Family". It is this their fundamental mission, established for the Law 19.477, of the year 1996, Organic of the Civil Registration and Identification Service.

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## II.- FUNCTIONS OF THE CIVIL REGISTRATION AND IDENTIFICATION SERVICE

The Service looks after the legal constitution of the family and the registration of vital facts that constitute the fountain of the civil status of the people. Together with it proceeds to identify the people. This function allows collaborate direct and permanently with the National Institute of Statistics in the summary of antecedents that allow to elaborate statistical on vital facts, information that is fundamental for the planning and execution of politics to regional and national level. Important is to outstand that this National Institute of Statistics has it's origin in the Office of Statistics created in the year 1843 under the government of President Manuel Bulnes.

The facts and acts to those that we have made reference are the birth, the marriage and the deaths, they have great importance in the juridical life of the people and they are the principal source of the civil status that form the structure of the Civil Registration.

In Chile apart from the registral function and identificaction, this have the duty and responsibility of carrying, keeping up daily and inform different matters that are in the following files: General Registration of Sentences; National Registration of Motorized Vehicles; Nacional Registration of Drivers; Public Registration of Professionals; Registration of Passports; Registration Insurence Vehicles; Authorization Registration for underage travelling out of the country to be adopted in a foreing country. National Registration of " Discapacidad"; Registration for Intrafamiliar Violence; Special Registration created by the law related to condemn people for the drugs and narcotics.

The different functions assigned by law have turned us to be a vital institution for the good development of the State and the society in general.

The Civil Registration and Identification Service proportions daily information to other public and private institutions, such us \* Tribunals of Justice; \* Police Departament;\* Registration Electoral Service; \* National Institute of Statistics; \* Tax Service; Health Departament; \* Departament of Foreign Relationships; Education Departament; Departament of Economy, Mobilization National Direcction.

It also offered computing services, previous payment of a cost , to the private sector such us Banks, Managers Funds of Pensions; insurance companies, universities.

### III.- CHARACTERISTICS OF THE CIVIL AND IDENTIFICATION REGISTRATION SERVICE

#### ADMINISTRATIVE ORGANIZATION

From the organic point of view the Civil Registration and Identification Service of our country depends on the Executive Power through the Department of Justice – up to the year 1930 it was a part of this Department- and it is formed by a National Direction with address in Santiago from Chile, from which they depend 13 Regional Direction seated in each regional capital.

This Service covers all the country through 429 Offices including Island of Pascua and the Chilean Antarctic reaching every place according to the procedures established in the laws by which we are ruled and according to the given instructions in the central level from the National Direction.

The type of organization is a national one, because it covers the whole country and independent from the administrative point of view, because it works independently from any other organism placed in the same governmental level.

Having a ministerial dependence is not bad for this last characteristic and it represents lots of advantages among which we can distinguish : better possibilities to obtain a comun criterion in methods and procedures, rules and instructions, documents and general documentation. It also allows to coordinate technically the local Offices, it helps in the existence of central files and general national index and they allow the purity and exactness of the registers.

This characteristic from the perspective of the statistical function, also allows you to prevent and discover crimes like bigamies, double inscriptions and other false situations in regards civil status.

In the same way, for internal administration the national territory is divided in Regions (13); Provinces and Communal. In order to establish an internal structure they have also created Province Offices that coordinate the Regional Direction and Communal Offices.

At the same time, the Service is divided into "Circumscription", each one of which corresponds as a general rule, to the administrative division "commune". Only exceptionally one circumscriptions covers more than one "comune" or it constitutes only one part of a "commune".

In each "circumscription" there is a Civil Registration and Identification Office in charge of a civil servant named the Civil Officers of the Civil Registration. In other circumscriptions there are Sub offices located in medical places to register births and deaths only, or located in geographically far away places.

The basic rule in the territorial field is that the Officers of Civil Registration can only act according to the facts that happen in their own circumscription.

In Chile, the inscription of vital facts is compulsory. This is, every vital fact that happens in the national territory must be registered, in this way you can have national statistics for the different levels of the administrative political division.

#### **IV.- PROCEDURES FOR REGISTERING VITAL FACTS**

Registration method according to the Statistics Office from United Nations, that is to say " all continuous annotation and obligatory of the vital facts that are produced and its characteristics, mainly to have the official documents according to the law, and in secondly to have statistics sources."

In our country (Chile), these procedures are in Civil Registration Law N°4.808, of 1930 and its later modifications, and in the Ordinance with Strength of Law N° 2.128 of the same year, that establishes the Organic Rules of this Service.

The Law 4.808 about Civil Registration Organic Rules establishes in its article 1° that: " The inscriptions of births, marriages, deaths and others contracts related to civil status of people have to be done in the Civil Registration by Civil servant that the law determines ".

The second article of the same law, says that the Civil Registration will have 2 copies and it'll be divided into 3 books denominated as follows birth, marriage and death. Book " B" or original is kept under the custody of the Head of the General File from the Civil Registration. Book "A" copyist, remains in the Civil in the Civil Registration Office, where the vital fact happened. In both cases they can give the corresponding certificates.

Every registration has more or less similar characteristics: they are ordered their pages are numbered. The inscriptions are also numbered and ordered by years, so that the 1° of January of each year must be new registers opened.

When someone needs to make an inscriptions it has to be done directly in the registration file, it must be hand written and signed by the person or people and witness if there are, and it has to be immediately authorized by the Civil Official with his signature and stamp.

### **BIRTHS:**

As a general rule, births must be inscribed in the Office that corresponds to the circumscription where they happen. This has to be proved in front of the Civil Official through a medical certificate or from the matron, or in their defect, two able witness. In general parents are the ones who are responsible to inscribe the child or relatives that are in charge of the young.

In these books you also inscribe the different type of adoption regulated by special laws.

### **MARRIAGES**

In Chile there is only one valid marriage, and it is the civil marriage celebrated in front of Officer of the Civil Registration. The marriage has to be done in front of the Civil Officer from the circumscription in which one of them, at least lives or had lived for the last three months before the marriage. The law distinguishes between the manifestation, information and celebration itself. They have to prove with two witness that they don't have any legal impediment, such as having a marriage before.

### **DEATH**

This inscription is done with the oral or written testimony that the relatives of the dead one say or people from the house where death happened or neighbours.

If death happens in a convent, jail, hospital or any other similar place, the head of each place has the obligation to ask for the inscription.

This is strictly necessary so that the Civil Official can allow the burial. Without the Civil Officer pass certificate you cannot bury the dead person.

The inscription must be asked during the first three days after the date of death. After this time you need a judicial authorization.

If the judge orders an autopsy the death has to be inscribed in the Office where the Medical Legal Service did the autopsy.

If you die on the way to the hospital everything will be inscribed in the Office in which the circumscription started the trip unless the judge orders an autopsy.

### **SUBINSCRIPTIONS**

Subinscriptions are annotations that by law, or judicial order are done apart from the inscriptions and they modify and correct mistakes. In Chile you must inscribe only births, marriages and death. All the rest of vital facts can be subscribed. The National Direction of the Service imparted instructions about they can be done.

### **RECTIFICATION OF BIRTH, MARRIAGE DEATH INSCRIPTIONS**

There are two different procedures to alter or modify the inscriptions in the Civil Registration: One is Judicial and the another is Administrative.

The judicial one constitutes the general rule, because it can be used in every case. Among the rectifications by judicial way there is one that outstands and it is the one that allows changing name and surnames established by law N° 17344, 1970. You can ask only once, to have your name or both name and surname changed.

Exceptionally it can be used an administrative procedure when there is a mistake or omission in the inscription.

### **V.- VITAL STATISTICS SYSTEM**

According to United Nations, vital registration can be defined as those dealing with life, fetal death, marriages, divorces, adoptions, recognition, annulment and separations. Everything related with the beginning and end of human life, and with changes in civil status that may happen through life.

Number and characteristics of the vital facts that you can find in a specific group of people.

You get this through public instruments, known as birth, marriage and death as they have juridical nature they are to be trust.

The information coming from vital statistics is multiple. Among the most important one we can name as an example the following ones:

- **DEMOGRAPHIC AREA:**

They take into the account : age, sex, civil status, education, economic activities and others of a specific group of people.

All these characteristics are determined through census by which you can have clear ideas on the starting of an economic program, of the localization, qualification sex, age etc.

All these have the influence of birth mortality and internal and external migration. Everything affects the social economic development of a country.

In this way, birth and death statistics allow you to calculate the different levels tendencies and behavior that affect the volume and composition of people from a country.

#### **\* HEALTH AREA**

One of the objectives is to reduce mortality rate.

It has to be determined by sex and age and the demographic increase.

You also have to consider sanitary conditions, epidemics, malnutrition bad medical assistance or specific illness, etc.

#### **\* GOVERNMENTAL AREA**

Resources in goods and services should satisfy necessities of people. That is why it is important to know the mortality, birth, marriage rates. They have to satisfy housing, education, health, recreation and others. In our country statistics system is regulated by 3 institutions:

- National Statistics Institute ( INE)

In charge of statistics and official census from the country and it is related to the government through the Department of Economy.

- Health Department
- Civil Registration and Identification Service.

There is a committee formed by representants of each of the institutions. They came to an agreement in 1992. The contents are the following:

- Civil Registration and Identification Service has to collect the statistics of everything registered in the inscriptions, also the fetal mortality.

It also gives out a copy of magnetic tapes that the INE and Health Department can need.

- INE will codify and verify statistics of marriage, birth and death.
- Health Department codifying death cause.

Each institution names one representant to form the committee, and they get together monthly.

## **VI.-. IDENTIFICATION**

The identity card is a public document given to people to identify themselves. If people are foreigners and they are going to stay in Chile for more than three months they must ask for this document.

The Ordinance N° 26, 1924, established the obligatory identification in Chile so if you are 18 years old or more you must have the identity card.

It corresponds to the National Director of the Civil Registration and Identification Service determine the mentions that will contain the Identity Card, passport and other documents that the Service utilizes for the complement of their functions.

Also it has to adopt all the procedures that are necessary for the security of the document.



## VII.- COMPUTING REGISTRATION

In the year 1982, the system suffered a change, the computing system was implanted, with which besides the information registered by hand in mentioned registrations a base of datos exists that it incorporated the registrations of birth, marriage and death, corresponding to the B Registration file (Original) the one which means the immediate obtaining of a computational certificate through whatever of the Offices of Civil Registration of the country, that have terminal computational.

The Service has 429 Offices along the country, from which 346 will be in line with access to the computational system for the year 2.000.

It is expected that by the year 2.000 have concluded the admission to the computational system of all the inscriptions of birth, marriage, death existent in the Service from the year 1900.

Specified the anterior, it is necessary mark that this computational system contains the universe of the chilean population that has gotten identification of identity giving it unique number of identification for the hole life.

Actually, each person that is born generates a departure of birth and is assigned a number of RUN that is unique and is not reusable by another person. Therefore, all the vital facts are registered and entered to the computational system utilizing their only number of identification as reference.

The registrations of birth and death contain besides the information of a person statistics datas that refers to the education of the parents, civil status, quality of the home and information of the childbirth, such us the time of gestation, weight upon being born, place of birth, place in which was attended the childbirth, work from the parents, etc.

This information is collected and entered to the counter of the Service and two times a year is sent to the National Institute of Statistical and to the Departament of Health. They analyze the information and they emit an annual report on poblational density, causes of more common death, projections of growth of populations for Region, labors, social forecast, cultutre, education etc.

The registrations of birth, marriage and death are referred to a person, therefore these registrations meet bound permitting it to the public could get all type of automated certificates with the only presentation of their number of RUN (Identification Number). Other important characteristic of the system, is that each vital fact up dates and complete the information of each person.

Finally, it is indispensable to point out that this Service for its importance requires have presence in all the regions of the country, and having knowledge that Chile has an heterogeneous geography and in order to impell a better cover of services to national level, the Service has a Mobile Office that reaches for terrestrial road the remote villages of the country. However this initiative was not enough and on July 19, 1999, was inaugurated a Marine Office named "Civil-Sur", that swifts services to the people that inhabit the great amount of islands that conform the Archipelago of Chiloé in the south of Chile, that means a clear sign of modernity and of service and help to the community.