

# Chapter

# 02

## Enabling Environment

**Why it is important:**

A country's enabling environment for its civil registration, vital statistic and identity management (CRVSID) systems — including the legal, organizational, and financial foundations — directly affects the capacity of CRVSID systems to achieve their basic functions. The key elements of a strong enabling environment described in this chapter must be in place for relevant CRVSID stakeholders to effectively perform their complementary roles. [Note: this section is relevant and should be completed even if a country does not have an ID system and is reviewing only CRVS systems.]



## Introduction

A strong legal framework enables efficient and effective operation of the CRVS systems. A strong legal framework should have the following components and/or address the following issues: 1) Definitions of vital events should be unambiguous and accord with recommended United Nations definitions; 2) the roles and responsibilities of all stakeholders involved in civil registration should be clearly established; 3) key stakeholders should have rule-making authority to set standards for consistent practices across the country and to respond to changing needs of the system; 4) a coordination committee with representation of all stakeholders should be permanently established; 5) stakeholders should have a source of sustainable funding to carry out key functions; 6) the use of technology to register, store and transfer information should be permitted; and 7) the technology used by key stakeholders should be interoperable.

### 1. Vital Events captured and defined

**Best Practice:** Records of vital events are critical sources for the production of vital statistics.<sup>1</sup> Vital events may include live births, deaths, foetal deaths, marriages, divorces, annulments, judicial separations, adoptions, legitimations, and/or recognitions.<sup>2</sup> In considering the improvement of performance of civil registration and vital statistics systems, top priority should be given to registration of live births and deaths, including causes of death, followed closely by foetal deaths.<sup>3</sup>

Clear definitions are required to establish a system for collecting high-quality data. Definitions should align with international standards; this will help countries track development progress and meet international reporting requirements.

The UN definition for each vital event is provided below.

#### *UN Definitions:*<sup>4</sup>

*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 any definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached."

*Death:* "The permanent disappearance of all evidence of life at any time after live birth has taken place (post-natal cessation of vital functions without capability of resuscitation)." This definition therefore excludes foetal deaths.

*Foetal death:* "Death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of the 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 muscles."

*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

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<sup>1</sup> United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 27.

<sup>2</sup> United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 2.

<sup>3</sup> United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 30, 291.

<sup>4</sup> United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 2.

two persons.

*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 reenter into another partnership or marriage.

*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."

*Judicial separation:* "The disunion of married persons, according to the laws of each country, without conferring on the parties the right to remarry."

*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."

*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."

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

**Guidance:** For each vital event, state whether the event is recorded by the civil registration system and if the vital event is defined in the law. If defined, indicate whether the definition aligns with the UN definition. Provide the law citation for the definition and include the language of the definition. If the vital event is defined in multiple places, cite relevant laws and indicate whether the definitions are identical. In the comments section, provide any recommended action to align the law with best practice.

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*a. Live Birth:*

Recorded by CR System?                      \_\_\_Y / \_\_\_ N

Defined in Law?                                \_\_\_Y / \_\_\_ N

Definition aligns with UN Definition?    \_\_\_Y / \_\_\_ N

Definition:

Citation:

Comment:

*b. Death:*

Recorded by CR System?                      \_\_\_Y / \_\_\_ N

Defined in Law?                                \_\_\_Y / \_\_\_ N

Definition aligns with UN Definition?    \_\_\_Y / \_\_\_ N

Definition:

Citation:

Comment:

*c. Foetal Death*

Recorded by CR System?                    \_\_\_Y / \_\_\_ N

Defined in Law?                            \_\_\_Y / \_\_\_ N

Definition aligns with UN Definition?   \_\_\_Y / \_\_\_ N

Definition:

Citation:

Comment:

*d. Marriage*

Recorded by CR System?                    \_\_\_Y / \_\_\_ N

Defined in Law?                            \_\_\_Y / \_\_\_ N

Definition aligns with UN Definition?   \_\_\_Y / \_\_\_ N

Definition:

Citation:

Comment:

*e. Divorce*

Recorded by CR System?                    \_\_\_Y / \_\_\_ N

Defined in Law?                            \_\_\_Y / \_\_\_ N

Definition aligns with UN Definition?   \_\_\_Y / \_\_\_ N

Definition:

Citation:

Comment:

*f. Annulment (complete if annulment exists in laws of country)*

Recorded by CR System?                    \_\_\_Y / \_\_\_ N

Defined in Law?                            \_\_\_Y / \_\_\_ N

Definition aligns with UN Definition?   \_\_\_Y / \_\_\_ N

Definition:

Citation:

Comment:

*g. Judicial Separation (complete if judicial separation exists in the laws of the country)*

Recorded by CR System?                    \_\_\_Y / \_\_\_ N

Defined in Law?                            \_\_\_Y / \_\_\_ N

Definition aligns with UN Definition?   \_\_\_Y / \_\_\_ N

Definition:

Citation:

Comment:

*h. Adoption*

Recorded by CR System?                    \_\_\_Y / \_\_\_ N

Defined in Law?                            \_\_\_Y / \_\_\_ N

Definition aligns with UN Definition?   \_\_\_Y / \_\_\_ N

Definition:

Citation:

Comment:

*i. Legitimation (complete if legitimation is a concept in laws of country)*

Recorded by CR System?                    \_\_\_Y / \_\_\_ N

Defined in Law?                            \_\_\_Y / \_\_\_ N

Definition aligns with UN Definition?   \_\_\_Y / \_\_\_ N

Definition:

Citation:

Comment:

*j. Recognition:*

Recorded by CR System?                    \_\_\_Y / \_\_\_ N

Defined in Law?                            \_\_\_Y / \_\_\_ N

Definition aligns with UN Definition?   \_\_\_Y / \_\_\_ N

Definition:

Citation:

Comment:

## 2. Roles and responsibilities of government stakeholders

**Best Practice:** Functioning CRVS systems typically include at least three key stakeholders — the civil registration authority, the national statistics office, and the health sector. If a country has a national identity system, the CRVSID systems will include those three key stakeholder and the identity management authority. In some countries, some of these stakeholders may fall under the jurisdiction of one ministry or agency. For example, the civil registration authority and the identity management authority may fall under the same ministry. In some instances, these functions may even be carried out by the same agency. Other agencies or branches of government may also have a role in CRVSID. For example, the courts may have a role in issuing adoption and divorce orders, approving certain amendments to vital records, notifying the registrar of such events and amendments, and hearing appeals from civil registration and identity registration decisions. The medicolegal authorities (police, coroner, medical examiner) are responsible for reporting, investigating and/or determining cause of death for unnatural or suspicious deaths. Emergency services may report and/or determine cause of manner of death in natural disasters and emergencies.

The legal framework should assign the functions of establishing, operating, and maintaining national civil registration, vital statistics, and identity management systems to a government agency or agencies, and provide a clear designation of duties and responsibilities to the relevant agencies. For civil registration, these duties and responsibilities should include the validation and registration of 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 reporting information on certain vital events to the identity management system. For vital statistics, these include: collecting, compiling, analyzing, evaluating, presenting, and disseminating vital statistics derived from civil registration data, and providing reliable and timely information and data to other government agencies (and research institutions). And for identity management, these include: enrolling and validating individuals in the identity management system; issuing identity credentials; establishing processes for authentication of identity; and, if authorized, maintaining a continuously updated population register.<sup>5</sup>

**Guidance:** List the relevant government agencies that perform the functions listed below, and describe their roles and responsibilities within the civil registration, vital statistics, and identity management systems. In the comments section, note any gaps, opportunities for regulatory reform, or recommendations for clarifying roles and responsibilities.

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### a. Civil Registration

Name of responsible agency(s):

Roles and responsibilities:

Citation:

Comments:

### b. Vital Statistics

Name of responsible agency(s):

Roles and responsibilities:

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<sup>5</sup> United Nations Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, New York, 2019, Para. 236

Citation:

Comments:

**c. Health Sector:**

Name of responsible agency(s):

Roles and responsibilities:

Citation:

Comments:

**d. Identity Management (if country maintains a national identity system):**

Name of responsible agency(s):

Roles and responsibilities:

Citation:

Comments:

**e. Courts:**

Roles and responsibilities:

Citation:

Comments:

**f. Medicolegal authorities (e.g., police, coroner, medical examiner):**

Name of responsible agency(s):

Roles and responsibilities:

Citation:

Comments:

**g. Emergency services:**

Name of responsible agency(s):

Roles and responsibilities:

Citation:

Comments:



**3. Rule-making authority**

**Best Practice:** The legal framework should empower the head of a central government agency or agencies to set standards for the implementation of various operations within the civil registration, vital statistics,

and identity management systems, including notification, registration, and certification of vital events; the subsequent collection, analysis, and production of vital statistics;<sup>6</sup> and registration (enrollment and validation) of identity, issuance of identity credentials, management of identity data, and identity authentication services.<sup>7</sup> In general, laws should grant rulemaking authority to the head of a central agency or agencies with sufficient flexibility in rulemaking to permit the systems to respond to changing processes and needs.

**Guidance:** Describe any rule-making authority of the head of the central agency or agencies to oversee operation of the civil registration, vital statistics, and identity management systems, including: reorganizing civil and/or identity registration offices; preparing/approving notification and civil registration processes and documents; issuing directives/SOPs to improve operation and efficiency of local civil and identity registrars, and physicians in the coroner or medical examiner system; participating in the production of vital statistics in cooperation with the national statistics agency; determining identity registration requirements, the form and content of identity credentials and credential systems, and manner of identity authentication; and any other matters. In the comments section, describe any gaps and/or opportunity for regulatory reform.

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**a. Civil Registration Agency(s)**

Describe rule-making authority:

Citation:

Comments:

**b. Identity Management Agency(s) (if country maintains a national identity system)**

Describe rule-making authority:

Citation:

Comments:

**c. National Statistics Agency(s)**

Describe rule-making authority:

Citation:

Comments:

**d. Other Agencies:**

Describe rule-making authority:

Citation:

Comments:

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<sup>6</sup> United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 40(e).

<sup>7</sup> United Nations Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, New York, 2019, Para 177-179, 245.



#### 4. Coordination

**Best Practice:** Because multiple stakeholders are involved in civil registration, vital statistics, and identity management systems, it is important to have a coordinating mechanism for their activities. Close coordination and collaboration across government agencies facilitates accurate, timely and updated information across databases; aids production of timely and accurate statistics; avoids duplication, errors, or omissions; ensures concepts, definitions, and classifications are consistent nationally, and helps align system processes.<sup>8</sup> This could take the form of an interagency committee, comprising staff members of the agencies involved in the CRVSID systems, which meets at regularly to discuss matters affecting the agencies.<sup>9</sup> Coordination methods may also be included in legislation (for example, empowering a single government agency to coordinate the activities of CRVSID stakeholders and obliging stakeholders to collaborate with the coordinating entity). Any coordinating mechanism should be established on a permanent basis, have clearly defined membership and terms-of-reference, be sufficiently funded, and meet regularly.<sup>10</sup> Ideally, participation in the coordination mechanism should be required by the terms of the participants' employment contracts so that participation is assumed and required without additional remuneration.

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 (e.g., efforts to improve completeness, introduction and rollout of an international standard form of the medical certificate of cause of death, use of verbal autopsy (VA), medical certification of cause-of-death training, reduction of ill-defined or garbage codes, introduction of automated coding, etc.). Similarly, a verbal autopsy committee can play a key role in improving the completeness and quality of cause-of-death data. A working group on interoperability can help ensure that sharing of data between key stakeholders is effective and efficient by establishing standards for business processes, definitions and technology.

**Guidance:** Describe all CRVSID coordinating mechanisms in the country, such as a single agency leading coordination, an interagency CRVSID Committee, and/or technical working groups (e.g., mortality, verbal autopsy, interoperability, etc). Describe whether the coordinating mechanisms are permanent or expiring, and other relevant details related to coordination of CRVSID systems. If known, discuss whether the various committees are functioning and how often they meet. If a committee or working group exists, it is likely to have been formed pursuant to an internal directive or interagency agreement (such as a memorandum of understanding), rather than through legislation. In the comments section, note any gaps or opportunities for regulatory reform.

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*Complete the following information for each coordinating mechanism*

**a. Coordination Mechanism:**

Description of coordination mechanism and work:

Citation:

Comments:

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<sup>8</sup> United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Paras. 41, 48

<sup>9</sup> United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Paras. 52, 319-22.

<sup>10</sup> United Nations, Handbook of Vital Statistics Systems & Methods, Volume 1: Legal, Organizational, and Technical Aspects, New York, 1991. Para. 270.

## 5. Resources

**Best Practice:** Continuous and efficient functioning of CRVSID systems require adequate financial resources and, therefore, the legal framework should include provisions to ensure sustainable funding of CRVSID systems (and its key stakeholders) through national or sub-national budgets. In addition, ideally, revenue generated from civil registration and identity management services should be retained to fund the system rather than going to the central treasury. The might also give a wide scope of power to CRVSID agencies to generate revenue from entrepreneurial or contractual services.<sup>11</sup>

**Guidance:** Describe the legal framework related to committed funding and other resources for CRVSID functions of the key stakeholders, including the amount, duration, etc. Pay particular attention to which agencies are responsible for funding various aspects of the work, including staffing and other expenses for local civil and identity registration offices. In the comments section, note any gaps or opportunities for regulatory reform.

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### a. Civil registration functions:

Funding and resources:

Citation:

Comments:

### b. National statistics functions:

Funding and resources:

Citation:

Comments:

### c. Health services functions (particularly in relation to notification of vital events):

Funding and resources:

Citations:

Comments:

### d. Medicolegal death investigation functions (e.g., police, coroners, medical examiners):

Funding and resources:

Citations:

Comments:

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<sup>11</sup> United Nations Guidelines on a Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, paragraphs 210-213.

**e. Identity management functions (if country maintains a national identity system):**

Funding and resources:

Citations:

Comments:

**f. Courts:**

Funding and Resources:

Citations:

Comments:

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## **6. Use of Technology**

**Best Practice:** The use of computers, tablets, and other electronic devices should be permitted for collection of data for births, deaths, and causes of death, and this data should be allowed to be transmitted using mobile technology and/or the internet between government agencies and other authorized entities.<sup>12</sup> Electronic signatures (or unique identifiers in lieu of signatures) should be explicitly permitted to facilitate electronic collection of information, registration of vital events, and issuance of certificates.<sup>13</sup> A common problem with older CRVS laws is that they contain provisions that are specific to paper processes. For example, some laws require a person to sign a registration application in person in front of the registrar. These types of provisions should be updated to allow for electronic registration and electronic signature.

**Guidance:** Describe any law relating to digitization of CRVS information. Describe laws related to the permitted use or prohibition of technology (e.g., computers, tablets, phones, or other devices) to collect and transmit data related to births, deaths, and/or causes of death. If there is no law specifically applicable to CRVS information, describe any laws related to the use or prohibition of technology in other settings that might be applied by analogy. In the comments section, note any gaps or opportunities for regulatory reform.

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*Use of technology permitted for:*

a. Data collected by government?

Citation:

Comments:

b. Data shared among government agencies?

Citation:

Comments:

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<sup>12</sup> United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Paras. 378, 381-382.

<sup>13</sup> Pacific Community, Legislation for Civil Registration and Vital Statistics in the Pacific: Best Practice Guidelines and Examples, Noumea, Secretariat of the Pacific Community, 2016. P. 46.

c. Data shared with interested persons (digital certificates)?

Citation:

Comments:

d. Online registration (e-government services)?

Citation:

Comments:

e. Electronic signatures (or unique identifiers in lieu of signatures)?

Citation:

Comments:

## 7. Interoperability and technology neutrality

**Best practice:** 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. There are three aspects of interoperability: organizational interoperability, semantic interoperability, and technical interoperability.<sup>14</sup>

Organizational 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. 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. Technical interoperability covers the technical issues of linking computer systems and services and can be achieved across agencies by using the same software platform or compatible software.

Laws should not dictate what type of technology is used, and 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.<sup>15</sup> To this end, measures to ensure interoperability and vendor neutrality are generally addressed in operating procedures, not laws

**Guidance:** To the extent known, discuss whether the systems used for civil registration, vital statistics, and identity management (if your country has a national ID system) are interoperable. Address whether definitions of vital events, data elements in forms, and the way data elements are coded are standardized across the civil registration, vital statistics, and identity management authorities. Describe any barriers

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<sup>14</sup> United Nations Guidelines on a Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, paragraphs 96-97.

<sup>15</sup> United Nations Guidelines on a Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, Para 99-102.

that may exist for interoperability or technology/vendor neutrality in laws; e.g. if laws prescribe certain types of technology. In the comments section, note any gaps or opportunities for regulatory reform.

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**a. Are CR, VS and ID systems interoperable? Discuss Measures to ensure interoperability among CRVSID systems:**

Citation:

Comments:

**b. Definitions, data elements and coding standardized across authorities?**

Citation:

Comments:

**c. Barriers to interoperability?**

Citation:

Comments:

**d. Are the laws neutral about the type of technology used?**

Citation:

Comments: