


Chapter

3A

Structure of the Civil Registration Authority

Why it is important: The organizational structure of the civil registrar's office affects how its key activities — including notification, registration, and certification of vital events — are achieved. Countries with a poorly defined structure are less likely to achieve continuous, permanent, compulsory, and universal recording of the vital events in their populations.



Introduction

There is significant diversity in how countries organize and structure their CRVSID systems. In some countries, there is one lead agency responsible for CRVSID systems. In other countries, the functions of civil registration, vital statistics and identity management are performed by multiple agencies. In addition to variation in the number of agencies responsible for carrying out CRVSID functions, countries also have differing levels of centralization or decentralization of CRVSID systems. Some of these functions, such as civil registration, might be decentralized; while other functions, such as vital statistics and ID management might be centralized. Countries can have efficient and effective CRVSID systems with a wide variety of institutional arrangements. There is no “one size fits all” or “best practice” for institutional arrangements.¹ However, the legal framework should ensure that: the head of each stakeholder agency has sufficient authority to implement the system in way that is efficient and effective, including the ability to delegate authority; there are generally uniform procedures across the country; local registrars have the ability to provide efficient services to the people, including issuance of certificates; registration offices are located so that they are accessible to the entire population; the Registrar General and local registrars are adequately paid and qualified; there are clear processes for sending information from the local to the national/central level; and administrative processes for hearing grievances and appeals.

1. Roles and Responsibilities of National Civil Registrar (or head registrar in decentralized systems)

Best practice: There is tremendous diversity in how countries organize and structure their civil registrar authority. Depending on the judicial, political, and administrative structures of a country, as well as its traditions, the civil registration system may be either centralized or decentralized.² In a centralized system, there will be a national central agency with local offices at the level of major and/or minor political subdivisions. In a decentralized system, major political subdivisions, such as states or provinces, each have their own civil registration system created via state/provincial law. Whether the systems are centralized or decentralized, there will be a role for national agencies.

In a centralized system, the head of the central agency should be responsible and empowered to oversee operation of the civil registration system and authorized to issue directives/regulations to do so. The national registrar should be responsible for, at a minimum, participation in drafting of rules, regulations and instructions to promote uniform national practice; management and inspection of registration and certification services; assessing degree of coverage and establishing boundaries for local offices; hiring, management, and training of personnel; management of physical resources and technology; conducting ongoing quality assurance monitoring and addressing areas of concern; resolution of incidents and appeals; promoting the registration requirements to the public; receiving and compiling data; exchanging information with other agencies; and safekeeping records and archives.³

Even in a decentralized system, there should be an agency at the national level to create minimum standards or to work cooperatively with decentralized offices to ensure generally uniform practices and procedures.⁴ For example, a central agency may issue model laws and/or regulations, or guidance on operating procedures for heads of decentralized offices. However, in a decentralized system, head registrars at the major political subdivision level (e.g. state, province) have oversight responsibility for all local offices within their jurisdiction and, in relation to these offices, generally are authorized and responsible for the same types of duties undertaken by the national registrar in a centralized system (e.g., issuing rules and regulations; management and inspection; assessing coverage and boundaries; oversight of personnel, resources, technology; quality assurance; resolution of incidents and appeal; public

¹ United Nations, Guidelines on a Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, Para 165-166.

² United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Paras. 307-311.

³ United Nations, Guidelines on a Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, Para 177.

⁴ United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 311.

education; exchange of information; and safekeeping records and archives) .

Guidance:

Describe the activities assigned by the legal framework to the national civil registrar (or for decentralized systems, the head registrar at the major political sub-division level). Chapter 2, Section 2, on roles and responsibilities of government stakeholders, described the general responsibility of the civil registration agency. For this section, focus the analysis on the specific responsibilities of the national registrar (or for decentralized systems, the head registrar at the major political sub-division level). In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

a. For centralized systems, describe the responsibilities of National Civil Registrar (i.e., the head of the civil registration authority). For decentralized systems, describe the responsibilities of the head registrar at the major political sub-division level.

Citation:

Comments:

2. National control or uniform/model law

Best practice: Countries with a decentralized system for civil registration should adopt uniform legal provisions and procedures for civil registration. In general, countries having decentralized systems should have procedures that outline a model/uniform law and its regulations so that each major civil division may promulgate its own laws and regulations to closely conform to the recommended model.⁵

Centralized systems will issue instructions to local offices, but may allow a degree of flexibility and discretion for local registrars.⁶

Guidance: For decentralized systems, indicate whether a central authority has issued model/uniform laws and regulations or any other type of guidance related to adoption of uniform procedures. For centralized systems, indicate whether the national civil registrar has issued regulations, standard operating procedures, or training manuals. Similarly, for decentralized systems, indicate whether the head registrar at the major political subdivision level has issued regulations SOPs, or training manuals for offices with that jurisdiction. For either system, describe the extent of instructions to local registrars and the extent of local discretion. For either system, indicate where there is regional variance across the different jurisdictions. In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

a. For decentralized system - Is there a model law, regulations, or other guidance for uniform procedures? Are there regional variances across jurisdictions (major subdivisions)?

Citation:

Comments:

⁵ United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Paras. 49, 317-318.

⁶ Handbook of Vital Statistics Systems and Methods Volume I: Legal, Organizational, and Technical Aspects, New York, 1991. P. 19.

b. For decentralized system - are there regulations, SOPs, and manuals that apply to local registrars with that jurisdiction? Are there variances across local jurisdictions?

Citation:

Comments:

c. For centralized system - are there regulations, SOPs, and manuals that apply to all local registrars? Are there regional variances across jurisdictions?

Citation:

Comments:

3. Delegation of powers

Best practice: The volume of work in most countries will require the national registrar (or for decentralized systems, the head registrar at the major political sub-division level) to delegate powers to others to act on his or her behalf. A strong legal foundation, oversight, and integrity of this role are critical. Care is needed to decide what duties are delegated and ensure there is proper supervision.

Guidance: Describe the powers that can be delegated by the national registrar (or head registrar in a decentralized system), whether they have been delegated, and how the delegated functions are overseen. In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

a. Describe delegable powers of National Registrar (or for decentralized systems, head registrar at the major political subdivision level).

Citation:

Comments:

b. Have these powers been delegated and, if so, how are the delegated powers overseen?

Citation:

Comments:

4. Roles and responsibilities of local civil registrars at primary registration offices

Best practice: Whether the system is centralized or decentralized, local civil registrars act as the officials responsible for primary registration. These local registrars must be sufficiently empowered to permit universal access to services. Access to registration services is a key factor affecting completeness of civil registration, but this requires thought regarding which services to delegate, to whom, and how oversight is implemented.⁷

The local civil registrar should be authorized by law to register vital events. Duties and responsibilities of local civil registrars should include: recording information on vital events according to procedures; ensuring compliance with registration laws; ensuring accuracy and completeness of each record; taking custody of records; issuing certified copies of vital records upon request; and educating the public about registration.⁸

Guidance: Describe the roles and responsibilities for local civil registration offices, including localized services and which government body operates these services. Describe the registration authority of the local registrars and whether they are able to delegate that authority. In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

a. Description of local civil registration office services and government body that operates services:

Citation:

Comments:

b. Description of responsibilities of local civil registrar:

Citation:

Comments:

c. Description of delegable powers of local civil registrar:

Citation:

Comments:

5. Location of primary civil registration offices

Best Practice: Each primary civil registration area is the jurisdictional territory of one local civil registrar and should correspond with minor civil divisions of the country, adjusting boundaries if necessary based on population, resources, accessibility, literacy, and simplicity of registration. Each registration area should be

⁷ United Nations, Handbook of Vital Statistics Systems and Methods Volume 1: Legal, Organizational, and Technical Aspects, New York, 1991. Pp. 18-19.

⁸ United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Paras. 328-334; United Nations, Handbook, United Nations, Handbook of Vital Statistics Systems and Methods Volume I: Legal, Organizational, and Technical Aspects, New York, 1991. Para. 162.

managed by one local civil registrar and easily accessible to the public.⁹ In addition, regular daily office hours should be kept.

Secondary civil registration units may be established at selected locations with high levels of vital events, such as civil registration offices located within health facilities.¹⁰ Where distance and terrain are factors, local civil registrars should be allowed to travel through their district regularly to capture vital events that have occurred since the last visit.¹¹ Mobile units should also be allowed.¹²

For decentralized systems, each decentralized system should correspond with major civil divisions, such as states or provinces. In the capital city or town of each major division, a central civil registration office should be established to direct and monitor the civil registration work of all offices within the major division. Local civil registration offices should correspond to minor political sub-divisions.¹³

Guidance: Describe the geographic scope of primary civil registration areas and whether secondary and mobile civil registration units are permitted. If known, describe whether the primary civil registration areas are geographically distributed to allow all persons within the country reasonable access. Describe whether office hours permit easy access or whether hours are limited. In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

a. For decentralized systems, do the locations of head offices correspond with locations of major civil divisions?

Citation:

Comments:

b. For all systems, do primary civil registration areas correspond to minor civil divisions?

Citation:

Comments:

c. For all systems, are secondary civil registration units established or allowed (e.g., in hospitals)?

Citation:

Comments:

d. For all systems, are mobile civil registration units currently used or allowed?

Citation:

⁹ United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Paras. 340-346.

¹⁰ United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 347.

¹¹ United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 329.

¹² United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 348.

¹³ United Nations, Guidelines on a Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, Para 239.

Comments:

e. For all systems, are primary civil registration offices reasonably accessible to all persons in the country? Do office hours permit easy access?

Citation:

Comments:

6. Location, roles, and responsibilities of sub-national civil registrars (other than registrars at primary registration offices)

Best Practice: In addition to primary civil registration offices at the minor civil division level, the national civil registration authority may also maintain offices that correspond to the major civil sub-divisions of the country. For example, in addition to village or district offices, the national authority may also have offices at the provincial level. These mid-level offices generally have supervisory authority over the lower level offices in their jurisdiction and answer to the national authority. They may also be empowered to register vital events and issue certified copies of vital records, just like primary registration offices.¹⁴

Similarly, in a decentralized system, there may be civil registration offices at a political sub-division level higher than the primary registration office but lower than the major political sub-division level (e.g., province or state), which answer to the civil registrar at the province or state level and oversee the work of lower level offices.¹⁵

Guidance: Describe the legal framework for any mid-level civil registration offices, including all levels that may exist between national level (or provincial/state level in a decentralized system) and primary level offices. Describe any supervisory responsibilities of mid-level civil registrars over lower level civil registration offices and any authority to act as a primary registration site (e.g., to directly register vital events and issue certificates). Describe whether these mid-level registrars are able to delegate any powers and functions. In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

a. Location of mid-level civil registration offices:

Citation:

Comments:

b. Responsibilities of mid-level civil registrars:

¹⁴ United Nations, Guidelines on a Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, Para. 239.

¹⁵ United Nations, Guidelines on a Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, Para. 239.

Citation:

Comments:

c. Delegable powers of mid-level civil registrars:

Citation:

Comments:

7. Fitness of civil registrars

Best Practice: Clear requirements governing civil registrars' fitness must be outlined because civil registrars hold significant power in assigning legal identity at birth and closing legal identity upon death. Civil registrars may also collect fees directly, which make them vulnerable to corruption claims. As such, it is important that there is a strong legal framework that governs the requirements and qualifications for a civil registrar, the proper conduct of a civil registrar, and how they are appointed. Civil registrars should be full-time officials, enjoy civil-service status, and be adequately paid.¹⁶

Guidance: Describe the legal framework related to matters of civil registrars' qualifications, fitness, and civil-service status. These requirements are often contained in civil servant laws, regulations or policies. In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

a. Qualifications for National Civil Registrar (or head registrar in a decentralized system):

Citation:

Comments:

b. Qualification for local civil registrars:

Citation:

Comments:

c. Rules governing proper conduct of National Civil Registrar (or head registrar in a decentralized system):

Citation:

Comments:

¹⁶ United Nations, Guidelines on Legislative Framework for Civil Registration, Vital Statistics, and Identity Managements Systems, New York, 2019, Para 242.

d. Rules governing proper conduct of local civil registrars:

Citation:

Comments:

e. Are registrars full-time, adequately paid and have civil servant status?

Citation:

Comments:

8. Process for sharing information between local and national civil registrar offices (or head offices in a decentralized system)

Best practice: There must be clear procedures for transfer of information from local civil registers to the central civil register (for centralized systems - the national register, for decentralized systems - the central register at the major political division level). The legal framework should be clear regarding the definitive source of information regarding a vital event, (i.e., the centralized civil register). The legal framework should be worded broadly enough to permit the use of electronic registers as well as paper registers. This is particularly important for countries that are digitizing their systems, as both electronic and paper registers may be in use in different parts of the country concurrently for some time.

In countries with sufficient technology, entry of data at the local level may be immediately uploaded to the central level. However, for countries without that technology, the framework should permit the use of local civil registers. In all instances, the legal framework should specify the information to be transferred and set timeframes for the transfer of information from the local to the central register. The framework should cover transmission of information contained in civil registers and/or compilation of reports derived from the civil register of all vital events occurring in the territory of the reporting official during the reporting period.¹⁷

Steps should be taken to speed up processing and information sharing by facilitating direct and official communication between the local and central registries. This will enable local civil registrars to issue registration certificates, as information necessary for certification might be contained in that local civil register, another local civil register, or in the central civil register.¹⁸

Guidance: Describe the legal framework related to central and local civil registers, and the transfer of information between them. Indicate any provisions of the framework that might preclude use of electronic registers. In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

a. Process for transfer of information from local civil registers to central civil register, including timelines:

¹⁷ United Nations, Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, New York, 2019, Paras 242-243.

¹⁸ United Nations, Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, New York, 2019, Para 288.

Citation:

Comments:

b. Local offices able to provide certified copies of information from the central register?

Citation:

Comments:

9. Process for hearing appeals

Best Practice: Decisions made by civil registrars can have legal consequences that may fundamentally impact a person's life. Reasonable minds may disagree about how to resolve certain difficult situations and therefore decisions made by civil registrars should be subject to administrative and judicial review. In many jurisdictions, before appealing to the courts, an individual must appeal a local civil registrar's decision to a higher administrative level, on up to the central level. This is referred to as "exhaustion of remedies" and serves two purposes. First, it allows the registration authorities the opportunity to correct the mistake without burdening the courts. Second, it creates a record of the administrative decision for the court to review. After appealing through administrative channels, up to the central registrar level, an individual should be able to appeal to the courts if they feel they have not been able to obtain a satisfactory resolution of their issue. The legal framework should provide the right to appeal a registrar's decision, a clear process by which to appeal, and time frames in which to appeal.¹⁹

Guidance: Describe any right to appeal the decision of a civil registrar, including the process by which and the authority to which a person may appeal, and the timeframe for appeal. In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

a. Is there a right to appeal the decision of a civil registrar? Yes No

Citation:

Comments:

b. Must administrative remedies be exhausted before an appeal is filed in court?

Yes No

Citation:

Comments:

c. Describe the appeal process and time frames:

¹⁹ United Nations, Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, New York, 2019, Para. 528-530.

Citation:

Comments:

10. Accountability and Transparency

Best Practice: A performance-monitoring program is an integral part of civil registration systems. Routine monitoring and inspection of civil registrars' work is required in order to continue to improve the efficiency, effectiveness and quality of the system.²⁰ There should be a requirement that primary-level civil registration offices be routinely monitored and inspected, either by the central level authority or a mid-level office with supervisory power. If non-conformance to procedures is found, there should be procedure to improve performance, including additional training, warnings, and penalties for deliberate failure to carry out duties, as well as incentives to encourage local civil registrars to fulfill their duties.²¹ There should be clear procedures and penalties for instances of deliberate misconduct by civil registrars, including fraudulent registrations or inappropriate disclosures.²²

Guidance: Describe procedures to monitor and inspect civil registration offices; procedures for correcting poor performance and/or penalizing misconduct by civil registrars, as well as any incentives to improve the performance of registrars. In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

a. Describe any routine monitoring and inspection procedures for civil registration offices:

Citation:

Comments:

b. Describe any procedures for correcting poor performance and/or penalizing misconduct by civil registrars

Citation:

Comments:

c. Describe any other incentives to improve performance for civil registrars:

²⁰ United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 335; United Nations Guidelines for the Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, Paras 524-525.

²¹ United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Paras. 338-339; United Nations Guidelines for the Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, Paras 524-525.

²² United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 326; United Nations Guidelines for the Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, Paras 531.

Citation:

Comments:

