

Chapter

3B

Structure of the Civil Registration and Identity Management Authorities

Why it is important: The organizational structure of the civil registration and identity management authorities affects how key activities — including notification, registration, and certification of vital events, and registration of identity — are achieved. Countries with a poorly defined structure are less likely to achieve continuous, permanent, compulsory, and universal recording of the vital events and ID for all 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 and identity registrar

Best practice: There is tremendous diversity in how countries organize and structure their CRVSID systems. In some countries, there is one lead agency responsible for CRVSID systems. In other countries, the functions of civil registration, vital statistics and identity management are performed by multiple agencies. In addition to variation in the number of agencies responsible for carrying out CRVSID functions, countries also have differing levels of centralization or decentralization of CRVSID systems. In centralized CRVSID systems, there will be a lead agency or agencies at the central level, which has local offices at the level of major and minor political sub-divisions. These local offices are directly responsible to the national-level office. In a decentralized system, by contrast, there will be a lead agency or agencies at the level of each major political sub-division, and possibly at the level of smaller political sub-divisions, answerable to the local government rather than the central government. Whether the systems are centralized or decentralized, there will be a role for the national agency or agencies.

In a centralized system, the head of the central agency should be responsible and empowered to oversee operation of the system and authorized to issue directives/regulations to do so. The heads of civil registration and identity management agencies must have the power to oversee the management and operations of their respective agencies and any local offices of those agencies. To do this, heads of agencies should be authorized to undertake, at a minimum, the following management responsibilities (within each of their respective systems): participation in drafting of regulations, rules and instructions; management and inspection of civil registration and identity registration 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.²

Even in 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.³ For example, a central agency may issue model laws and/or regulations, or guidance on

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

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

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 education; exchange of information; and safekeeping records and archives) .⁴

Guidance: For centralized systems, describe the activities assigned by the legal framework to the head of the civil registration and identity management agency or agencies (referred to here as national civil registrar and national identity registrar). If CR and ID responsibilities fall under the authority of one agency, describe the responsibilities of the head of that agency, as well as the responsibilities of the heads of the CR and ID sections (if different). If more than one agency is responsible for CR and ID, describe the activities and responsibilities assigned by the legal framework to the head of each agency. Chapter 2, Section 2, on roles and responsibilities of government stakeholders, described the general responsibility of the civil registration and identity registration agencies. For this section, focus analysis on the specific responsibilities of the national civil registrar and national identity registrar.

For decentralized systems, apply the questions below to the head of the civil registration authority and head of the identity management authority at the major-political subdivision level. [Note: one system, for example civil registration, may be decentralized and the other system, e.g. ID, may be centralized. Respond as appropriate].

In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

a. Describe the responsibilities of the:

i) National civil registrar:

Citation:

Comments:

ii) National identity registrar:

Citation:

Comments:

2. National control or uniform/model law

Best practice: Countries with a decentralized system for civil registration or identity management should adopt uniform legal provisions and procedures for each decentralized system. In general, countries having decentralized systems should have procedures that outline a model/uniform law and its regulations so

Nations, Guidelines on a Legislative Frame work for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, Para. 168-170.

⁴ This applies to both civil registration and identity management systems, although civil registration systems are more likely to be decentralized than identity management systems for historic reasons.

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 civil registration authority and/or central identity management authority has issued model/uniform laws and regulations or any other type of guidance related to adoption of the model uniform procedures for their respective systems. For centralized systems, indicate whether the national civil registrar and/or national identity registrar have issued regulations, standard operating procedures, or training manuals. 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, for both civil registration and identity management. 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)? [Answer for both the CR system and ID system, if applicable]

Citation:

Comments:

b. For decentralized system - are there regulations, SOPs, and manuals that apply to local registrars with that jurisdiction? Are there variances across local jurisdictions? [Answer for both the CR system and ID system, if applicable]

Citation:

Comments:

c. For centralized system - are there regulations, SOPs, and manuals that apply to all local registrars? Are there regional variances across jurisdictions? [Answer for both the CR system and ID system, if applicable]

Citation:

Comments:

3. Delegation of powers

Best Practice: The volume of work in most countries will require the head of the national civil registrar and the national identity registrar (or for decentralized systems, the head civil registrar and head identity

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.

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 civil registrar and national identity registrar (or for decentralized systems, the head civil registrar and head identity registrar at the major political sub-division level), 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 the delegable powers of the:

i) National civil registrar (for decentralized systems, the head registrar at the major political subdivision level):

Citation:

Comments:

ii) National identity registrar (for decentralized systems, the 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 and identity registrars at primary registration offices

Best practice: Whether the system is centralized or decentralized, local civil registrars and identity registrars act as the officials responsible for primary civil and identity registration, respectively. 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 and identity 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

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

custody of records; registering the event; issuing certified copies of vital records upon request; and educating the public about registration.⁸

The local identity registrar should be authorized by law to register legal identity. Duties and responsibilities of local identity registrars should include: collecting biometrics and biographical information; ensuring accuracy and completeness of registration information; validating identity; issuing identity credentials; and transferring identity information to the central identity management office.

Guidance: Describe the roles and responsibilities for local civil registration and identity registration offices, including localized services and which government body operates these services. Describe the civil registration and identity 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(i) Description of local civil registration office services and government body that operates services:

Citation:

Comments:

a(ii) Description of local identity registration office services and government body that operates services:

Citation:

Comments:

b(i) Description of responsibilities of the local civil registrar:

Citation:

Comments:

b(ii) Description of responsibilities of local identity registrar:

Citation:

Comments:

c(i) Description of delegable powers of the local civil registrar:

Citation:

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.

Comments:

c(ii) Description of delegable powers of local identity registrar:

Citation:

Comments:

5. Location of primary civil registration offices

Best Practice: In some countries, civil registration and identity registration are conducted at the same office location. This is more often the case when civil registration and identity registration both fall under the jurisdiction of one agency. In other countries, civil registration and identity registration are conducted in different office locations. If the civil registration and identity registration function are coordinated, each primary civil and identity registration area may be the jurisdictional territory of one local registrar responsible for both civil and identity registration. If these functions are not coordinated, each primary civil registration area should be the jurisdictional territory of one local civil registrar, and each primary identity registration area should be the jurisdictional territory of one local identity registrar.⁹ Regardless of whether these services are coordinated and offered at the same location, each primary civil registration area and each primary identity registration area should correspond with minor civil divisions of the country, adjusting boundaries if necessary based on population, resources, accessibility, literacy, and simplicity of registration. Each civil/identity registration area should be managed by one local civil/identity registrar and easily accessible to the public.¹⁰ 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.¹¹ Where distance and terrain are factors, local civil registrars and identity registrars should be allowed to travel through their districts regularly to capture unregistered vital events and register the legal identity of eligible unregistered persons (e.g., those who have attained the age of ID registration).¹² Mobile units should also be allowed.¹³

Guidance: Describe the geographic scope of primary civil registration areas and primary identity registration areas. Note whether the geographic scope of the primary registration areas for civil registration and identity registration are the same or different. Note whether secondary registration units (for CR) and mobile registration units (for CR and ID) are permitted. If known, describe whether the primary civil registration and identity 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 (for CR and for ID) correspond with

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

¹⁰ United Nations, Guidelines on a Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, New York, 2019, Paras. 171 - 173, 239.

¹¹ United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 347.

¹² United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 329.

¹³ United Nations, Principles and Recommendations for a Vital Statistics System, Revision 3, New York, 2014. Para. 348.

locations of major civil divisions?

Citation:

Comments:

b. For centralized and decentralized systems, do primary civil registration and identity registration areas correspond to minor civil divisions? (Note whether geographic areas for CR and ID are the same or different).

Citation:

Comments:

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

Citation:

Comments:

d. For centralized and decentralized systems, are mobile civil registration units currently used or allowed (for CR and/or ID registration)?

Citation:

Comments:

e. For centralized and decentralized systems, are primary civil registration and identity registration offices reasonably accessible to all persons in the country?

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 and identity registration offices at the minor civil division level, the national civil registration and identity management authorities 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 authorities 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 level authority. The mid-level offices may also be empowered to undertake primary office functions. For example, a provincial civil registration office, in addition to having supervisory power, may be empowered to register vital events and issue certified copies of vital records. Similarly, a provincial identity management office may be empowered to register identity and issue credentials, in addition to having supervisory power over lower offices.¹⁴

Likewise, in decentralized systems, there may be civil registration and identity 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 central authority 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 and identity registration offices, including all levels that may exist between the national level (or provincial/state level in a decentralized system) and primary level offices. Describe any supervisory responsibilities of mid-level registrars over lower level registration offices and any authority to act as a primary registration site (for civil registration and identity registration, as applicable). 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 registrar and identity registrar offices:

Citation:

Comments:

b. Responsibilities of mid-level civil registrars and identity registrars:

Citation:

Comments:

c. Delegable powers of mid-level civil registrars and identity registrars:

Citation:

Comments:

7. Fitness of civil registrars

Best Practice: Clear requirements governing civil registrars' and identity registrars' fitness must be outlined because registrars hold significant power in: establishing legal identity at birth through birth

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

registration, creating and assigning legal identity through identity registration, and closing legal identity upon death through death registration and legal identity retirement. 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 civil registrars and identity registrars, the proper conduct of registrars, and how they are appointed. Civil registrars and identity 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' and identity registrars' qualifications, fitness, and civil-service status. These requirements are often contained in civil servant laws, regulations or policies. Note whether there are differences between the requirements for civil registrars and identity registrars. In the comments section, describe whether the law aligns with best practice and note any recommendations for regulatory reform.

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

a(ii) Qualifications for National Identity Registrar (or head registrar in a decentralized system):

Citation:

Comments:

b(i) Qualifications for local civil registrars:

b(ii) Qualifications for local identity registrars:

Citation:

Comments:

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

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

Citation:

Comments:

d. Rules governing proper conduct of local civil registrars and identity registrars:

Citation:

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

Comments:

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

Citation(s):

Comments:

8. Process for sharing information between local and national civil registrar offices

Best practice: Because there will be many civil registration and identity registration offices, there must be clear procedures for transferring information from local civil registers to the central civil register, and for transferring information from local identity registers to the central identity register. (For centralized systems - the centralized register is the national register; for decentralized systems, the central register is the register at the major political division level). The legal framework should be clear regarding the definitive source of information regarding vital events (i.e., the central civil register) and the definitive source of information regarding legal identity (i.e., the central identity register). The legal framework should be worded broadly enough to permit the use 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 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, for civil registries and identity registries. The framework should cover transmission of information contained in registers as well as the compilation of any reports derived from the registers 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. Similarly, it will enable identity registrars to issue identity credentials, as the information may be in that local identity register, another local identity register, or the central identity register.¹⁸

Guidance: Describe the legal framework related to central and local civil registers and identity 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 timeliness:

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

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

Citation:

Comments:

b. Process for transfer of information from local identity registers to central identity register, including timeliness?

Citation:

Comments:

c. Local civil registration offices able to provide certified copies of information from the central register?

Citation:

d. Local identity registration offices able to issue identity credentials from the central identity register?

Citation:

Comments:

9. Process for hearing appeals

Best Practice: Decisions made by civil registrars and identity 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 and identity registrars should be subject to administrative and judicial review. In many countries, before appealing to the courts, an individual must appeal a local 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 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 decision by a civil registrar and an identity registrar, 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 and an identity 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.

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

a(i) Is there a right to appeal the decision of a civil registrar? yes no

Citation:

Comments:

a(ii) Is there a right to appeal the decision of an identity registrar? yes no

Citation:

Comments:

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

i. for decision of civil registrar? yes no

ii. for decision of identity registrar)? yes no

Citation:

Comments:

c. Describe the appeal process and time frames:

Citation:

Comments:

10. Accountability and Transparency

Best Practice: A performance-monitoring program is an integral part of civil registration and identity management systems. Routine monitoring and inspection of a civil registrar's and identity registrar's work is required in order to continue to improve the efficiency, effectiveness and quality of the systems.²⁰ There should be a requirement that primary-level civil registration and identity 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 protocols to improve performance, including additional training, warnings, and penalties for poor performance and failure to carry out duties, as well as incentives to encourage local registrars to fulfill their duties.²¹ There should be clear procedures and penalties for instances of deliberate misconduct by civil registrars and identity registrars, including fraudulent registrations or inappropriate disclosures.²²

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,

Guidance: Describe procedures to monitor and inspect civil registration and identity registration offices; procedures for correcting poor performance and failure to carry out duties, and procedures for penalizing deliberate misconduct by civil registrars and identity 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 and identity registration offices:

Citation:

Comments:

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

Citation:

Comments:

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

Citation:

Comments:

