

Chapter

03

Registration of Birth and Death

Why it is important: For individuals, birth registration is the foundation of legal identity and facilitates access to key population services, such as education and healthcare. For government, the collection of critical information about vital events, and the compilation of vital statistics based on this data, provide critical information about the population for decision making. Complete registration of vital events, particularly births and deaths, is essential for realizing human rights and promoting better health outcomes.

Introduction

Birth and death registration, like civil registration in general, serve three primary functions: 1) a legal and administrative function, 2) a statistical function, and 3) an identity management function.¹ The legal and administrative function consists of registering births and deaths, keeping records on births and deaths, and issuing birth and death certificates. Birth and death certificates are extremely important to individuals because they provide legal proof of these key vital events and these certificates may be required to access private and public services and benefits. Complete registration of vital events, particularly births and deaths, is essential for realizing human rights and promoting better health outcomes. The statistical function involves collecting information on births and deaths, which forms the basis of the country's birth and death vital statistics. This data provides critical information about the population for decision making and public health interventions. Birth and death registration are also important for identity management. Birth registration establishes a legal identity and death registration retires that legal identity, preventing the fraudulent use of that identity. The civil registration system, in addition to forming the foundational source of data for vital statistics, should also continuously update the identity management system and/or the population register.²

This chapter covers the following topics:

1. Universal Application
2. Definition of Vital Event and other Key Terms
3. Informants
4. Place of Registration
5. Time Allowed for Registration
6. Cost of Registration
7. Information Required at Registration
8. Proof Required to Register for On-time Registration
9. Provision for Late and Delayed Registration
10. Unique Identity Codes
11. Certified Copies of Vital Event Information
12. Incomplete Records, Amendments, and Corrections
13. Registration Linked to Access to Key Services and Other Incentives
14. Burial Permits and Disposal of Bodies

1. Universal Application

Best Practice: There must be a legal requirement for the civil registration authority to register all births and deaths. In keeping with the UN principles for a CRVS system, registration should be inclusive and compulsory, and should capture all vital events occurring in every geographical area and every population group in the country.³

Countries may have a process by which vital events occurring to citizens who are residing abroad may be reported to the home country.⁴ When a child is born to parents who are residing outside their country of citizenship, the country in which the birth occurred has an obligation to register the birth and issue a birth certificate. However, the parents may wish to report the birth to their home country,

¹ *Guidelines on a Legislative Framework for Civil Registration, Vital Statistics, and Identity Management*, United Nations, 2019, at paragraph 53-62.

² *Guidelines on a Legislative Framework for Civil Registration, Vital Statistics, and Identity Management*, United Nations, 2019, at paragraph 53-62.

³ United Nations, *Principles and Recommendations for a Vital Statistics System*, Revision 3, New York, 2014, para. 34.

⁴ U.N. *Principles and Recommendations for a Vital Statistics System*, Revision 3, para. 296.

as this can facilitate obtaining citizenship, a national ID and/or a passport for the child in the parent’s home country. There should be a process by which the parents can report the birth. The home country of the parents will not issue a new birth certificate; however, the country may issue a document that reflects the birth abroad to a citizen.⁵ When a person dies abroad, the next of kin or other person with knowledge of the death should register the death with the local authorities in the country where the death occurred. There may also be a process by which next of kin may report the death in the person’s home country, as this may be needed to transport the body back to the home country and to retire the decedent’s legal identity.⁶

Guidance: Describe whether birth and death registration is compulsory and, if so, for whom. Indicate whether the law applies to all births and deaths that occur in the country. Consider all forms of discrimination that might interfere with the ability of certain groups or individuals to access the civil registration system, such as discrimination on the basis of geography, race, ethnicity, religion, or marital status (i.e., is registration refused to unwed mothers). Note whether nomadic populations, refugees, foreign nationals born in the country, temporary workers, asylum seekers, and displaced, native and aboriginal populations are included in civil registration. Indicate whether and how the law applies to citizens of the country residing abroad. Consider whether the law requires the government to take affirmative steps to register people who might not otherwise be able to, such as persons with disabilities, persons who speak other languages, and persons who live in remote areas. In the comments section, describe whether the law aligns with best practice and note any opportunities for regulatory reform.

a. Is Registration of Birth and Death Compulsory and Provided for All, regardless of:

	Birth	Death
Race, gender, religion, ethnicity, or population group	Yes _____ No _____	Yes _____ No _____
Nationality, citizenship, residency, or refugee/asylum status	Yes _____ No _____	Yes _____ No _____
Geography (e.g., remote areas)	Yes _____ No _____	Yes _____ No _____
Objections by person or the family	Yes _____ No _____	Yes _____ No _____
Marital status	Yes _____ No _____	Yes _____ No _____
Other characteristics (e.g., prisoners, persons with disabilities, or who speak native or foreign language)	Yes _____ No _____	Yes _____ No _____

Is civil registration available to citizens living abroad for:

Birth: Yes _____ No _____

Death: Yes _____ No _____

⁵ United Nations, Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, New York, 2019, para. 304.

⁶ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, para. 372.

Citations:

Comments:

2. Definition of Vital Event and other Key Terms

Best Practice: 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 defines “live birth” as: “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.”⁷

The UN defines “death” as: “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 (see chapter 4 on foetal deaths).⁸

Guidance: Provide the definition of “live birth” and “death” contained in the law. Pay particular attention to whether the definitions, read together, are coherent and whether the definitions of live birth and death create any other legal issues. If there are any other key definitions related to live birth or death, note these below in section (c) (“Other key terms”) and indicate whether they align with UN definitions or otherwise advance or delay the registration work. In the comments section, state whether the law aligns with best practice, and describe any gaps and/or opportunities for regulatory reform.

a. Definition of Live Birth:

Citations:

Comments:

b. Definition of Death:

Citations:

Comments:

c. Other Key Terms:

Citations:

Comments:

⁷ U.N. *Principles and Recommendations for a Vital Statistics System, Revision 3*, para. 2.

⁸ U.N. *Principles and Recommendations for a Vital Statistics System, Revision 3*, para. 2.

3. Informants

Best Practice: Registration records should be completed as soon as possible after the vital event occurs. The simplest and quickest method to achieve this is to require a specifically designated informant to provide the needed information soon after the event has occurred.⁹ The informant is the person who is legally required to report to the local registrar the occurrence and details of a vital event within the prescribed time limit.¹⁰ The informant is important because the registrar can only register a vital event on the basis of the informant's declaration, either verbally or in writing.¹¹ The law should clearly and unequivocally ensure that there is one and only one person primarily responsible for serving this role; however, the law may designate individual alternatives.¹² The appropriate informant, in priority order of preference for birth, deaths and foetal deaths are given below.¹³

Informant	Live Birth	Death by Natural Causes	Death by Unnatural or Suspicious Causes
Head of the institution where the event occurred/ health professional under whose supervision the event occurred	1	1	1
Mother	2		
Father	3		
Nearest relative of the mother	4		
The nearest relative (e.g., surviving spouse or partner; or brother, sister, father or mother of decedent)		2	2
Any other adult person having knowledge of the facts. ¹⁴	5	3	3
Medicolegal officer (police, coroner, medical examiner)			1

When vital events occur in health institutions, the most effective approach is to designate the head of the health institution as the primary informant for the event.¹⁵ Similarly, when a birth or death occurs at home under the care of a health professional (e.g., midwife, birth attendant, nurse, doctor), many countries find it effective to designate the health professional as the primary informant for the event.¹⁶ In certain

⁹ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 281.

¹⁰ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, paras. 349, 356.

¹¹ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 351.

¹² U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 352.

¹³ U.N. Guidelines on the Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, paras. 257, 312, 318.

¹⁴ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 352 - 355.

¹⁵ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 350.

¹⁶ U.N. Guidelines on the Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, paras 257, 312, 318

circumstances, such as those involving unnatural causes (i.e. accident, suicide, homicide) and deaths occurring outside of health facilities without medical supervision, the medicolegal authorities (e.g., police, coroner, medical examiner) may be responsible for informing the registrar of the vital event. In particular, deaths by unnatural causes and non-medically supervised deaths are often underreported because many CRVS systems rely on families (rather than government authorities) to report these deaths. (See Chapter 11, on Medicolegal Death Investigations, for more detail).

When no other informant is able to report the vital events, any adult with knowledge of the facts should be required (or at least permitted) to report the vital event. Responsibility might be placed on other government officials, such as local government representatives, tribal leaders, or community health workers.¹⁷ Religious actors who might be responsible for notifying home births or deaths could include priests, imams, or others presiding over naming ceremonies or funeral/burial ceremonies. Funeral directors may also be required to provide information to the registrar based on particulars collected about the decedent from next of kin.¹⁸ Countries should consider how best to ensure that information from these possible informants is shared with the civil registrar – whether through an obligation to notify within a specified time period or by keeping a register that is shared with the civil registrar on a periodic basis.

The law should also address informants in the following situations. When a birth or death occurs on a ship or airplane, many countries place responsibility on the captain of the ship or airplane to act as the informant.¹⁹ If a baby is found without any known guardians (called a “foundling”), the person or the head of the institution that assumes custody of the infant should be responsible for notifying the registrar of the birth.²⁰ When a person is brought in dead to a health facility, the law should place responsibility on the health facility or the medicolegal authorities to notify the death to the registrar.²¹

Guidance: For each vital event, indicate the enumerated informants, any hierarchy, and whether each is permitted or required to report to the civil registrar, as well as any special procedures for reporting to the civil registrar. In the comments section below, state whether the law aligns with best practice and describe any gaps and/or opportunities for regulatory reform.

a. Live Birth Informants (Note any hierarchy and whether the informant is permitted/required to act. Also note any informants for births that occur on ships and airplanes and informants for foundlings):

Citations:

Comments:

b. Death Informants (Note any hierarchy and whether the informant is permitted/required to act. Also note any informants for deaths that occur on ships and airplanes. Specifically address informants for unnatural or suspicious deaths, including those brought in death to health facilities):

Citations:

Comments:

¹⁷ U.N. Guidelines on the Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, paras 257, 312, 318.

¹⁸ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 350; Model State Vital Statistics Act and Model State Vital Statistics Regulations 2011. Revision, p. 29, lines 1219-1223.

¹⁹ U.N. Guidelines on the Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, para. 306.

²⁰ U.N. Guidelines on the Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, para. 297.

²¹ U.N. Guidelines on the Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, para. 341.

4. Place of Registration

Best Practice: A legal framework might limit registration of births and deaths to a primary registration area in a certain location: (1) the place of the event's occurrence, (2) the place of usual residence of the mother (for birth) or the decedent (for death), or (3) either location. Allowing registration at the place of the event's occurrence, rather than requiring registration at the place of residence, should facilitate and accelerate registration of vital events. If registration at both place of residence and place of occurrence is not practical, it is preferable to require vital events to be registered at the place of occurrence.²² Note, however, that in the case of births, even where registration is limited to place of occurrence, the place of mother's usual residence should still be recorded for statistical and legal purposes.²³

If a birth or death occurs in a moving vehicle, such as a ship, airplane, train or car, many countries consider the place of occurrence to be the place where the baby or the deceased is first removed from the vehicle.²⁴

As CRVSID systems become more networked within countries, it may be possible to register a vital event at any point where the informant can access the system, as the information would go directly to a central database.²⁵

Guidance: Describe where registration of birth and death must occur (i.e., place of residence vs. place of occurrence vs. either, or anywhere the system may be accessed). In the comments section below, state whether the law aligns with best practice and describe any gaps and/or opportunities for regulatory reform.

a. Live Birth:

Citations:

Comments:

b. Death:

Citations:

Comments:

5. Time Allowed for Registration

Best Practice: Uniform processes and time periods for registering vital events should be applied throughout the country. The maximum time period allowed for registration should be as short as possible so as to facilitate current and accurate registration, and the timely production of population statistics. Deadlines are often between 14-30 days for birth registration and around 3 days for death registration, but vary by country.²⁶ A grace period of up to one year after the event has occurred may be allowed for extenuating

²² United Nations, Handbook of Vital Statistics Systems and Methods Volume I: Legal, Organizational, and Technical Aspects, New York, 1991, paras 177-179.

²³ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 358.

²⁴ U.N. Guidelines on the Legislative Framework for Civil Registration, Vital Statistics, and Identity Management Systems, paras 306, 377.

²⁵ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 92.

²⁶ U.N. Handbook of Vital Statistics Systems and Methods Volume I: Legal, Organizational, and Technical Aspects, paras 180-184.

circumstances.²⁷

As a practical matter, hospitals and health facilities should be able to notify births almost immediately if the system is computerized and linked to the registrar, while notification of out-of-facility events often take longer. To address this, the legislation may provide a maximum timeframe in which an event must be reported and the regulations may set a shorter time frame for specific circumstances, such as events that occur in facilities with computerized systems.²⁸

Guidance: Describe the deadlines for on-time registration. Pay attention to whether different informants have different deadlines. Indicate who, if anyone, has authority to modify these deadlines and under what circumstances. Note: Late and delayed registrations are discussed in Section 9 below. In the comments section, state whether the law aligns with best practice and describe any gaps and/or opportunities for regulatory reform.

a. Live Birth:

Citations:

Comments:

b. Death:

Citations:

Comments:

6. Cost of Registration

Best Practice: UN principles for a registration system state that there should be no charge for registering a birth or death.²⁹ Payment of any fee to register these vital events before the statutory deadline would act as a disincentive to timely registration. While some countries impose a fee if an event is registered after the deadline, this too may act as a disincentive to registration. Therefore, it is recommended to use incentives, rather than penalties, to encourage on-time registration.

Guidance: Include details of all fees and deadlines related to registration of births and deaths. Note that costs of receiving birth/death certificates are analyzed in Section 10 and need not be addressed here. In the comments section, state whether the law aligns with best practice and describe any gaps and/or opportunities for regulatory reform.

a. Fees for Live Birth Registration:

Citations:

Comments:

b. Fees for Death Registration:

²⁷ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 363

²⁸ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, para. 279.

²⁹ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 364.

Citations:

Comments:

7. Information Required at Registration

Best Practice: Information collected during birth and death registration includes both legal information (the information that is entered into the register) and a wide variety of statistical information (the information used to generate vital statistics). (For more on statistical topics collected during civil registration, see Chapter 7 on Vital Statistics.) While the registrar should strive for complete legal and statistical information, an informant's inability to provide information for any one data field should not prevent registration.³⁰ For example, the need to name a father in the case of a birth to a single mother can be a major barrier to registration. While it is preferable that both parents are detailed in the registration record (in accordance with the Convention on the Rights of the Child), legislation should not prevent the registration of a child's birth if the mother cannot or will not name the father, or if the father refuses to acknowledge the child. For certain population groups, requiring disclosure to a government agency of citizenship status, nationality, ethnicity, religion, or other characteristics may act as a disincentive. In these situations, registration should be permissible without disclosing this information. For death registration, ideally there is a medically certified cause of death; however, lack of cause of death information should not prevent registration of death. (See Chapter 5 on Certifying Cause of Death).

Guidance: Describe the minimum information required in order to register a birth or a death. In the comments section, analyze whether any of the required data fields might present a barrier to birth or death registration.

a. Describe the minimum information required for birth registration.

Citations:

Comments:

b. Describe the minimum information required for death registration.

Citations:

Comments:

8. Proof Required to Register for On-time Registration

Best Practice: Registrars should require proof of the veracity of the information to be registered. The level of proof or evidence required for registration must be sufficiently stringent to provide assurance of the accuracy of the information without being so burdensome as to discourage registration.³¹ Verification of the vital event can be achieved through documentary or oral evidence. Documentary evidence is always

³⁰ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, para. 292, 357.

³¹ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, paras 365-366.

preferred, with the most common forms of documentary evidence being a notification of birth, a notification of death, and a medical certificate of cause of death (MCCD) (See Chapter 5 for more on MCCD). Ideally, this documentary evidence is issued by the health facility or health professional with knowledge of the event, and is submitted directly to the civil registrar. However, if an event occurs without medical supervision, documentary evidence may not always be available and, in such cases, a witness to the event may be requested for registration.³² (For documentary evidence that is required for late or delayed registrations, see Section 9.)

A notification of birth or death from the health sector constitutes critical documentary evidence of the occurrence of an event, which can be used to satisfy civil registration verification requirements. While the health sector should be the primary informant in accordance with best practice, if the family is the informant, the health sector should be required to issue a notification of birth or death to the family free of charge for all medically attended events.

Although cause of death information is essential for public health purposes, it should not be an absolute requirement to register a death.³³ In some countries, notification of the “fact of death” is verified by submitting the Medical Certificate of Cause of Death (MCCD) to the registrar. However, in places or circumstances where an MCCD is not available, this may create an impediment to registration. Therefore, proof or information on cause of death should not be required to register a death. (See Chapter 5 for more on MCCD). If an MCCD is not available, the death should be registered without cause of death information. A non-medical person should never be asked or required to provide cause of death information.

Laws may require the national ID number or ID card of the mother (and father, if available) for birth registration, and of next of kin for death registration. While this is generally good practice, rules should allow for alternative proof of identity for those who lack a national ID number or credential, such as those who live in remote areas, migrants, refugees, and stateless persons.

Guidance: Describe the documents or other evidence required to register a birth and death *within the statutory deadline*. Describe any requirement for medical professionals and/or the health sector to submit a notification of birth or notification of death to the registrar. If the family is the primary informant, describe any payment required for the issuance of a notification of birth or death to the family. Describe whether an MCCD or other proof of cause of death is required to register a death (address separately the requirements for medically attended deaths and deaths that occur without medical supervision).

In the comments section, state whether the law aligns with best practice and describe any gaps and/or opportunities for regulatory reform.

a. Evidence Requested to Register a Live Birth (medically attended and not medically attended):

Citations:

Comments:

b. Evidence Requested to Register a Death (medically attended and not medically attended):

Citations:

Comments:

³² U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, paras 365-366, 368; U.N. Handbook of Vital Statistics Systems and Methods Volume I: Legal, organizational and technical aspects, paras 189-192.

³³ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, para. 321

9. Provision for Late and Delayed Registration

Best Practice: Deadlines for birth registration are often between 14-30 days and around 3 days for death registration, but vary by country.³⁴ A late registration occurs after the legally specified time period, but within a grace period, usually one year after the vital event.³⁵ Delayed registration occurs after the grace period.³⁶ While late registration should be discouraged so that vital events are registered in a timely manner, the procedures and proof required should not be so restrictive that they discourage late registration of events. Procedures should take account of the difficulties in finding or verifying evidence of past events while striving to maintain the integrity of the records.³⁷ Usually, late registration is allowed without much additional proof of the event. For delayed registration, additional proof (such as witnesses) may be required; however, this should not be so burdensome as to disincentivize registration. In addition, fees and penalties for late and delayed registration are generally not effective in preventing late and delayed registration, but instead act as a disincentive to registration.³⁸

Guidance: Describe the process and timelines for late and delayed registration of vital events. Note whether fees, the required proof, or other requirements are different for late and delayed registration compared to on-time registration. Indicate whether fees can be amended without legislative action. In the comments section, state whether the law aligns with best practice and describe any gaps and/or opportunities for regulatory reform.

a. Late and Delayed Live Birth Notification (time periods, evidence requested, fees):

Citations:

Comments:

b. Late and Delayed Death Notification (time periods, evidence requested, fees):

Citations:

Comments:

10. Unique Identity Codes

Best Practice: A Unique Identity Code (UIC) is a numeric or alphanumeric code assigned to an individual for life. Use of a UIC is a common way to share information across databases. However, not all countries use a UIC and in some countries the use of UIC to link information across databases is not legal due to

³⁴ U.N. Handbook of Vital Statistics Systems and Methods Volume I: Legal, Organizational, and Technical aspects, para. 182.

³⁵ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 363.

³⁶ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, paras 369-370.

³⁷ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, paras. 281-283, 353-354.

³⁸ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, para. 30

privacy concerns.³⁹

For countries that use a UIC, a UIC should be assigned at birth registration, which facilitates linkage with the identity management and other data systems.⁴⁰ A UIC is assigned to only one person, and a person should have only one UIC within a jurisdiction.⁴¹ A UIC generally cannot be changed except under specified circumstances, such as identity theft, and is retired or deactivated upon death.⁴² Country practices vary on the reuse of a UIC after its retirement. In some countries a UIC is never reused; in others a UIC is reused but only after a lengthy period of time, such as 50 to 100 years after the person's death.⁴³

The content of the alphanumeric characters in the UIC has important implications for security. When UICs were first introduced decades ago, character sequences were based on personal information, such as date and place of birth. However, character sequences based on personal information may be easily comprehended, allowing the information and/or the UIC to be used fraudulently or for discriminatory purposes (for example, if a person can be identified as a refugee based on the UIC).⁴⁴ Therefore, randomly generated unintelligible sequences are now preferred. Because a UIC is used to access services, it should be kept confidential and not displayed on birth certificates, as this may create the potential for identity theft.

Guidance: State whether UICs are in use in the country. If so, describe whether a UIC is assigned to all persons within the country (without discrimination) and at what age. Describe the character sequence of the UIC, including whether the character sequence is unintelligible, and whether a UIC sequence may be reused for another person after a period of years after retirement of the UIC. In the comments section, describe whether the law aligns with good practice and note any recommendations for regulatory reform.

a. Are UICs Assigned? ___ Yes ___ No

Citations:

Comments:

b. Is a UIC Assigned to All Persons Without Distinction or Discrimination? At What Age is a UIC Assigned?

Citations:

Comments:

c. Describe the Character Sequence of a UIC and Note any Potential Reuse:

Citations:

Comments:

³⁹ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, para. 104-105.

⁴⁰ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, paras 437-440.

⁴¹ However, it is possible to have a UIC in more than one jurisdiction if a person is a resident or citizen of more than one jurisdiction

⁴² U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, para. 94.

⁴³ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, para. 465.

⁴⁴ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, para. 441.

11. Certified Copies of Vital Event Information

Best Practice: A key responsibility of the registrar is to issue birth and death certificates, which serve as official evidence of the information on vital events listed in the register. A certificate is a document, in paper or electronic format, issued by the registrar and containing all or part of the exact information included in the original vital record, and which, when issued by the registrar, has the full force and effect of the original vital record.⁴⁵ These certificates come in several forms, including a computer printout, a photocopy or reproduction of the original record, or a separate form with handwritten or typed information. Depending on the information required, the certificate may contain all the information from the register (full- or long-form) or limited information (partial- or short-form).⁴⁶

The receipt of a birth or death certificate, which is required to access certain services, is often a significant incentive for registration. UN principles provide that issuance of the original certificate should be free of charge.⁴⁷ Charging for the original certificate at registration can serve as a disincentive for registration. However, the civil registration authority may charge for the issuance of additional copies of a certificate.

Because certificates may contain sensitive information and are often required to access certain private and governmental services and benefits, only interested parties or their legal representatives should be able to request certificates. Some countries issue “short-form” and “long-form” certificates. Short-form certificates contain limited information – such as full name, name of parents (for birth certificates), sex, place and date of birth, and/or place and date of death (for death certificates). Long-form certificates may include other information, which may be sensitive (such as issues of paternity and wedlock, cause of death information, etc.) and disclosure to the wrong person could violate the right to privacy. Only the immediate family, spouses, heirs, legal representatives, and third parties with a legitimate interest should have access to such sensitive information.⁴⁸ The local registrar should have authority to determine the legitimacy of such requests and to require proof of identity and relationship to the registrant. Government agencies may also require such information for legitimate purposes.

Guidance: Indicate who is able to receive certified copies of information on birth and death contained in the register, what evidence is required to prove the identity of the requester, and what information is contained in the certified copy (including long-form and short-form, if applicable). Include details of all fees payable in connection with receipt of the certified copy, and note any fee differences between the original certificate and additional copies. In the comments section, state whether the law aligns with best practice and describe any gaps and/or opportunities for regulatory reform.

a. Birth Certificate (information contained on the birth certificate; who can request and proof of identity; fees for original and duplicate):

Citations:

Comments:

b. Death Certificate (information contained on the death certificate; who can request and proof of identity;

⁴⁵ Model State Vital Statistics Act and Model State Vital Statistics Regulations 2011 Revision, p. 4, lines 140-144. 81-

⁴⁶ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, paras 284, 359.

⁴⁷ U.N. Principles and Recommendations for a Vital Statistics Systems, Revision 3, para. 364.

⁴⁸ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, paras. 285-286, 360-361.

fees for original and duplicate):

Citations:

Comments:

12. Incomplete Records, Amendments, and Corrections

Best Practice: The law should contain clear provisions for amending records, including correcting errors and disputed entries, and name changes, legitimations, adoptions, and other changed circumstances. The civil registration agency should have authority to correct errors such as obvious spelling, date or typographical errors, and these types of changes should be permitted free of charge. Adding omitted information - such as late naming of a child or uncontested paternity information - should also be within the power of the civil registration authority. This relieves the applicant of having to spend time and money applying to the courts, and relieves the court of additional workload.⁴⁹ For corrections or amendments that involve changed circumstances or involve the rights of others (e.g., a spouse or a child), a registrant or their legal representative generally must apply directly to the courts. These types of amendments usually include adoption, surrogacy, paternity, divorce, annulment, and judicial separation. Country practices vary regarding name change. Some countries require a court order in order to change a name in the birth register; other countries allow registrars to approve name changes. In some jurisdictions, change of sex on a birth record and identity documents requires a court order and may also require proof of sex reassignment surgery. However, this is changing in some countries, which now allow a change of sex on birth certificates and identity documents without this overly burdensome requirement.⁵⁰

In some cultures, a child is not given a name until after a naming ceremony. Registration practices should be sensitive to those customs to minimize the number of name changes required, while ensuring timely registration of the birth. One way to achieve this is to register the birth with a “temporary” name of “baby boy/girl” and permit the addition or amendment of a name within a defined number of days — at which point the child’s name will be changed.⁵¹

Guidance: Describe which types of amendments the registrars can make on his/her own and which can only be made following judicial intervention/court order. Describe all procedures facilitating or impeding delayed naming of a child pursuant to naming ceremonies or similar customs, including time periods, certificates to be delivered, etc. Note any process for legitimation or adoption of a child following initial registration of birth. In the comments section, state whether the law aligns with best practice and describe any gaps and/or opportunities for regulatory reform.

a. Corrections/Amendments that Can be Made by Registrar (for example, errors, omissions, uncontested information and late naming (if applicable)). Note if registrars can approve a name change. Distinguish between amendments that can be made by a local registrar and those that require approval from a higher level, such as the national registrar:

⁴⁹ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, paras. 408-412.

⁵⁰ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, paras 413-418.

⁵¹ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, paras 295-296.

Citations:

Comments:

b. Amendments Requiring a Court Order (e.g., adoption, surrogacy, paternity, divorce, annulment, judicial separation, and sex change). Note if a name change requires a court order:

Citations:

Comments:

13. Registration Linked to Access to Key Services and Other Incentives

Best Practice: Complete registration of births and deaths will be affected by demand from citizens for birth and death registration and certificates, particularly in systems where the family is the informant. Linking access to key services to birth/death registration can increase demand. Key services might include national IDs, passports, voter registration, drivers' licenses, access to the national health system or national insurance plan, burial permits, access to pensions (or the pensions of loved ones who have died), inheritance, and other property rights. Marriage and divorce may also be linked to birth or death registration. For example, a birth certificate may be required to prove age of consent to marry, and a deceased spouse' death certificate may be required to permit re-marriage. Some private companies may require certificates for access to services, such as life insurance, banking, cellphones, or Internet access.⁵² While requiring a certificate to access key services will certainly increase demand for civil registration, overly strict requirements can reduce access to these services —an unintended consequence that may violate the human rights of the unregistered person. For example, if a birth certificate is mandatory for school attendance, a child should not be deprived of an education if their family failed to register their birth. Instead, birth registration should be facilitated at the time of school enrollment.⁵³

There may also be incentives to register other than access to services. For example, some countries provide newborn kits (with items such as diapers, bottles and baby clothing) with birth registration, and subsidize costs for burial upon proof of death registration.⁵⁴

Guidance: Summarize whether and which civil registration documents are required to access key services, such as those listed above. Indicate whether registration is sufficient for access to the service or whether the person or family must present the certificate. In those cases, indicate whether the certificates are mandatory for access to the services or whether any alternative documents are permitted to access the system. Note that these rules are rarely included in the civil registration law, but are usually contained in laws related to the particular subject area (i.e., documents required to enroll in school may be found in education regulations). In the comments section, state whether the law aligns with best practice and describe any gaps and/or opportunities for regulatory reform.

a. What Services are Linked to Birth Registration and/or Having a Birth Certificate? (e.g., school, health,

⁵² U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, paras 555-569.

⁵³ UNICEF, A Passport for Protection: A Guide to Birth Registration Programming. Ch. 2, pages 66-67.

⁵⁴ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, paras 564, 566

national ID document). Are alternative documents accepted?

Citations:

Comments:

b. What Services are Linked to Death Registration and/or Having a Death Certificate? (e.g., life insurance benefits, pension of deceased spouse, remarriage). Are alternative documents accepted?

Citations:

Comments:

c. Services Linked to Other Vital Event Registration/Certificate? Alternative documents accepted?

Citations:

Comment:

14. Burial Permits and Disposal of Bodies

Best Practice: UN guidance recommends that a country's legal framework require all deaths to be registered as a condition to issuing a permit for burial, cremation or other disposal of human remains.⁵⁵ This requirement may be included in national laws on cemeteries/crematoria, in municipal laws/regulations, or in the civil registration law.

The need for a permit to transport or dispose of a body is a significant incentive for ensuring that the death is registered.⁵⁶ The law should require that a death be reported to the registrar before a permit to dispose of the body is issued, as this incentivizes death registration.⁵⁷ To enforce this requirement, custodians of funeral and burial facilities and crematoriums should be required to request proof of notification of the death before proceeding with services.

If death registration is not required to obtain a burial permit, funeral facilities, cemeteries and crematoria may constitute an alternative entry point for ensuring that deaths are notified and/or registered. The heads of these facilities may be required to the informant or may be required to provide a periodic report on persons buried or cremated, in order for the registrar to determine if the deaths were registered.

Guidance: Describe the process for issuing a permit to bury, cremate or otherwise dispose of a body, including who issues the permit, whether prior reporting of the death to the registrar is required for permit issuance, and any timelines. Discuss whether funeral homes, cemeteries and crematoria must request a copy of the permit or request proof that the death was reported to the registrar before proceeding with disposal of the body. Indicate whether these service providers are required to share

⁵⁵ U.N. Principles and Recommendations for a Vital Statistics System, Revision 3, para. 362.

⁵⁶ U.N. Guidelines for the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems, paras 363-365, 567.

⁵⁷ *Handbook on Civil Registration and Vital Statistics Systems: Management, Operation, Maintenance, Revision 1*, 2018, paragraphs 138 - 140.

records with the civil registrar, or to act as the informant or notifier for unregistered deaths. In the comments section, state whether the law aligns with best practice and describe any gaps and/or opportunities for regulatory reform.

a. Requirements for Permit to Dispose of Body (issuing authority, whether reporting of the death to the registrar is required prior to permit issuance, and any timelines):

Citations:

Comments:

c. Are Funeral, Burial and Cremation Services required to request the burial permit or proof of reporting of the death?

Citations:

Comments:

d. Are Funeral, Burial and Cremation Service Providers required to share records with Civil Registrar (acting either as informant, or simply reporting bodies disposed of)?

Citations:

Comments:

