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Civil Registration, Vital Statistics and Identity Management (CRVSID)

Legal and Regulatory Review Toolkit

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ABOUT THE BLOOMBERG DATA FOR HEALTH INITIATIVE

The World Health Organization estimates that 65% of all deaths worldwide — 35 million each year — go unrecorded, and millions of deaths lack a documented cause. Many records do not provide medically accurate or specific information regarding the cause of death. Without this information, government officials, public health leaders and funders cannot make informed decisions on priorities, including how and where to direct public health resources.

Funded by Bloomberg Philanthropies and the Australian Department of Foreign Affairs and Trade, the Data for Health Initiative seeks to address this issue and works to improve public health data so that governments, aid organizations, and public health leaders are equipped with the tools and systems to collect and use data to prioritize health challenges, develop policies, deploy resources, and measure success.

ABOUT THE GLOBAL HEALTH ADVOCACY INCUBATOR

The Global Health Advocacy Incubator supports civil society organizations in advocating for evidence-based policies to improve public health and decrease death and disease. This mission is accomplished by providing training and technical assistance for existing organizations working on public health policy, identifying new partners where needed, and assisting in the development and implementation of strategic advocacy campaigns to promote the adoption and implementation of public health policies.

ABOUT VITAL STRATEGIES

Vital Strategies is a global public health organization working to address the most challenging health issues to improve quality of life for people around the world. An affiliate of the International Union Against Tuberculosis and Lung Disease, Vital Strategies is an implementing partner in the Bloomberg Data for Health Initiative.

ABOUT THE CENTRE OF EXCELLENCE FOR CIVIL REGISTRATION AND VITAL STATISTICS (CRVS) SYSTEMS

Funded by Global Affairs Canada and the International Development Research Centre, the Centre of Excellence supports efforts to develop, strengthen, and scale-up CRVS systems. It contributes directly to the work of the Global Financing Facility. Opinions expressed herein are those of their authors, and do not necessarily represent the views of the Centre of Excellence or its partners.

ABOUT THE CDC FOUNDATION

The CDC Foundation helps the Centers for Disease Control and Prevention (CDC) save and improve lives by unleashing the power of collaboration between CDC, philanthropies, corporations, organizations and individuals to protect the health, safety and security of America and the world. The CDC Foundation is the go-to nonprofit authorized by Congress to mobilize philanthropic partners and private-sector resources to support CDC's critical health protection mission.

INTRODUCTION

This toolkit consists of thirteen (13) chapters. A legal review conducted with this toolkit can be customized by completing the chapters that are relevant and of interest to the stakeholders of a country's CRVSID systems. However, some chapters are generally applicable to all CRVSID systems and should be completed by all reviewers. Specifically:

Chapter 1 explains the purpose, scope and methodology of the legal review. All reviewers should read this chapter.

Chapter 2 addresses the enabling environment and structure of the civil registration system. All reviewers should complete this chapter, as it is important for any assessment of the civil registration and vital statistics system.

Chapter 3 addresses registration of birth and death, **Chapter 4** addresses stillbirth reporting and registration, and **Chapter 5** addresses determining and certifying cause of death. All reviewers should complete these chapters, as they provide best practices that are fundamental to the efficient and effective operation of CRVSID systems.

Chapter 6 addresses medicolegal death investigations (MLDI), with a focus on improving cause of death data from unnatural deaths. This chapter is intended for countries that already have a relatively high rate of death registration for natural deaths. It should be completed if a country is interested in improving cause of death data for unnatural deaths, regardless of whether their MLDI system is led by coroners, medical examiners, or law enforcement.

Chapter 7 addresses registration of marriage and divorce and may be completed if a country is interested in assessing these areas of the legal and regulatory framework.

Chapter 8 addresses the unique challenges women and children face in accessing civil registration and identity document registration and recommends actions to be taken to remove these barriers and facilitate inclusion of women and children. We encourage all reviewers to complete this chapter, as country stakeholders may not recognize the disparate impact of registration processes upon women and children unless these processes are examined.

Chapter 9 addresses best practices that are fundamental to production of timely, complete and comprehensive vital statistics. All reviewers should complete this Chapter.

Chapter 10, on national identity systems, should be completed if a country maintains a national ID system. If a country maintains civil registration and vital statistics systems alone, and does not maintain a national ID system, reviewers should skip this chapter.

Chapter 11 provides a framework for countries to assess if their CRVSID are compliant with international human rights obligations and recommends actions that can be taken to make CRVSID systems more inclusive of lesbian, gay, bisexual, transgender and intersex (LGBTI) people. This chapter should be completed by any country wishing to better understand and redress the challenges faced by LGBTI people with respect to CRVSID.

Chapter 12, on populations registers, should be completed if a country maintains a population register. Countries wishing to establish a population register should review this chapter to understand the various options for designing a population register.

Chapter 13 addresses personal privacy and data protection. We encourage all reviewers to complete this chapter, as issues of personal privacy and data protection apply to all information captured by civil registration and national identity management systems.

The table below serves as a quick guide for reviewers.

Chapter	Title
1	Purpose, scope and methodology for a CRVSID Legal Framework Analysis
2	Structure of the Civil Registration Authority
3	Registration of Birth and Death
4	Stillbirth Reporting and Registration
5	Determining and Certifying Cause of Death
6	Medicolegal Death Investigations
7	Registration of Marriage and Divorce
8	Inclusion of Women and Children
9	Production of Vital Statistics
10	National ID System
11	Equal Access for LGBTI Individuals
12	Population Register
13	Personal Privacy and Data Protection

Chapter

01

Purpose, Scope and Methodology for a CRVSID Legal Framework Analysis

1. Purpose of a Legal Analysis

The United Nations describes civil registration as “the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population as provided through decree or regulation in accordance with the legal requirements of a country.”¹ Civil registration serves three important functions: 1) a legal and administrative function, which consists of registering vital events, keeping records that constitute the source of civil status, and issuing certificates that provide proof of that civil status; 2) a statistical function, whereby registration offices collect information on vital events that is the basis of the country's vital statistics, and 3) an identity management function, whereby civil registration provides continuous and accurate input into an identity management system or population register.²

A country's civil registration system must have complete coverage, accuracy, and timeliness to generate quality vital statistics for informed public policy and planning purposes. Currently, many low- and middle-income countries (LMICs) fail to achieve adequate levels of coverage, completeness, and timeliness to generate quality vital statistics.

Identity management refers to producing legally valid proof of identity to each individual and maintaining systems for managing information and documents associated with one's identity, often including individual biometrics. Like civil registration, identity management systems must be continuous and permanent to be effective, and should be universal, in that everyone in the population of the country should have the right to register for and obtain an identity credential or some other means to prove their legal identity. However, unlike civil registration, identity registration and obtaining of an identity credential is not compulsory in all countries. Under the UN model, civil registration should form the basis for establishing and retiring a legal identity.

Civil Registration, Vital Statistics, and Identity Management (CRVSID) responsibilities can be scattered across a range of ministries and agencies that may not coordinate sufficiently or understand the role of other stakeholders in the systems. Among the potential contributing factors to this situation are sub-optimal laws, regulations, standard operating procedures, or other rules that govern the multiple practices that comprise functioning CRVSID systems.

A strong legal framework is the foundation from which well-functioning CRVSID systems are built, and is a necessary step toward achieving universal, permanent, and continuous coverage for civil and identity registration. Undertaking a CRVSID legal review to ensure compliance with international best and good practices is a means to catalyze improved efficiency, security and demand for CRVSID services. Potential benefits include strengthened governance and coordination amongst stakeholders, inclusion in government and private sector services, as well as better health outcomes and life expectancies for the population. It is critical for country stakeholders to understand the legal and regulatory environment related to CRVSID systems given: (1) the multiplicity of stakeholders involved in typical CRVSID systems, (2) the complexity of CRVSID systems and processes, (3) the legal implications of certified vital event information and identity credentials, and (4) the crucial population and health statistics derived from civil registration data.

A review of the existing legal and regulatory environment is therefore advisable before reforming CRVSID systems, or any individual component of a country's CRVSID systems, in order to:

- improve stakeholder's understanding of their CRVSID systems' design, strengths, and weaknesses;
- identify possible improvements to the CRVSID systems that can be made under existing regulatory authority; and
- reform laws and regulations to achieve best practices and align with international

¹ United Nations, *Principles and Recommendations for a Vital Statistics System*, Revision 3, New York, 2014. Para. 279.

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

standards.

This toolkit provides a guide for analyzing the existing CRVSID legal framework to identify legal obstacles and opportunities. Even though CRVSID systems across countries should serve the same principal functions, every country has developed somewhat different approaches based on its structure, history, and culture. Countries also differ in their CRVSID organization, implementation, processes, scale, partners, and capacities. This toolkit attempts to provide a standardized methodology to capture and evaluate this range of approaches and needs. While the toolkit was designed primarily for analyzing the national laws of LMICs, it can be used to analyze any country's CRVSID systems.

This toolkit allows attorneys and policymakers with differing knowledge of and experience with CRVSID systems to evaluate these complicated systems in accordance with recommended good and best practices and international standards. The toolkit was designed to balance depth, comprehensiveness, ease-of-use, and time to complete. The toolkit provides concise explanations of best practices and good practices and specific guidance on how to evaluate compliance with them. These best and good practices were distilled from publications from the United Nations, the World Health Organization, the World Bank, and other international bodies, which are cited throughout. The results of a CRVSID legal review will allow stakeholders and technical experts to identify strategies for reforming CRVSID systems, or any component of these systems, and distinguish those improvements that can be implemented under current authority from those that require adoption of new legislation.

True reform of CRVSID systems requires many phases of work that extend beyond the scope of this toolkit. With respect to the CRVSID legal framework, these additional phases include, at a minimum, drafting new laws or regulations, advocacy to enact new policies, and implementation of these new policies. Guidance on those additional phases is not included within this toolkit; however, this CRVSID legal review toolkit anticipates, and serves as a basis for, those additional phases of work. This toolkit can be used for developing or enacting national strategic CRVSID plans to pinpoint legislative gaps and opportunities for strengthening CRVSID systems.

2. Scope of the legal analysis

This CRVSID legal toolkit is intended to guide in a comprehensive evaluation of the legal framework of civil registration, vital statistics and ID management systems.³ Therefore, the review focuses on key issues involving registration of births, deaths (including determining and certifying causes of death), stillbirths, marriage (including domestic partnerships and civil unions), and divorce (including judicial separation, annulment and other types of dissolution of marriage). This review is also intended to guide a review of some key concepts and evolving international good practices in national identity management, including identity registration, authentication and retirement, with a particular focus on civil registration providing the basis for national identity management. In addition, the review evaluates foundational issues that are crucial to functioning CRVSID systems, including laws related to the enabling environment, the structure of the civil registrar and identity management agencies, production of vital statistics, and personal privacy and data protection and technology.

Note: while this toolkit guides a review of important concepts and evolving good practices in national identity management and personal privacy and data protection, a thorough review of all aspects of digital identity management systems and privacy protection is beyond the scope of this toolkit. Reviewers interested in highly technical evaluations of technology and security requirements and the corresponding legal issues should seek additional resources.⁴

³ For purposes of this toolkit, the term "legal framework" includes laws and standard operating procedures. The term "law" includes any legally binding measure, including constitutional provisions, legislation, regulations, decree, ministerial orders, official instructions to government agencies, judicial orders, international treaties, and any other document with the force of law. The term "standard operating procedures" includes employee manuals, agency instructions, and any other guidelines issued by agency heads regarding standard procedures and processes.

⁴ For a more thorough review of a country's legal and regulatory enabling environment for digital identification (ID) systems, please

3. Preliminary steps before conducting the legal analysis

For this legal review of CRVSID systems to be most effective, high-level officials from all the relevant government agencies should endorse the process. These participating agencies might include the civil registration agency, national statistics agency, health agency, and identification agency. At a minimum, these agencies should commit to sharing their policies with the legal reviewers and participating in a discussion of the results of the legal analysis.

The analysis itself should be assigned to a skilled attorney or team of attorneys. These attorneys or legal experts should work closely with stakeholders and legal staff from institutions with responsibility for CRVSID systems. The work should be led by an attorney with strong knowledge of and experience in the constitutional structure, administrative system, and policy-making procedure of the country. Actual experience with the laws at issue is helpful, but not required. The material in the toolkit is designed to be self-taught and self-led, so it requires minimal oversight or previous knowledge of CRVSID systems. If necessary, the reviewers can consult with specialists in particular areas of law, such as electronic security, family law, or police and hospital procedures.

The lead attorney(s) should have access to all relevant government agencies and other stakeholders to gather formal rules and informal practices that will be relevant for the review. Agencies should also share previous legal reviews that have been conducted on the CRVSID system, as well as any strategy documents, business process maps, or other non-legal materials that might aid the review process.

4. Process and methodology

This section will outline the recommended seven-step process for legal reviewers. Reviews usually take between six to twelve months, depending on (1) the size of the legal team, their experience, and time they can dedicate to this work, (2) the complexity of the current legal framework, (3) the scope of the legal review, and (4) the ability to find and access all relevant laws. The timeline of working days provided below is an estimate, to assist with time management.

As noted above, we strongly recommend that relevant government agencies formally endorse the review before beginning the process. We also recommend gathering relevant stakeholders together at the conclusion of the review to discuss the results and recommend improvements.

Review Process for Legal Framework Analysis*

Step 1: Read source documents and background information (2-5 working days)

Step 2: Learn glossary of key terms (1-3 working days)

Step 3: Collect all relevant laws using research log (5 working days)

Step 4: Upload all relevant laws to a central folder (1 working day)

Step 5: Review laws against best practices (30 -140 working days, depending on scope of review)

Step 7: Draft and revise a final report (10-40 working days, depending on scope of review)

**All time estimates are approximations.*

STEP 1: Read source documents and background information (Approx. 2-5 working days)

Reviewers should read this entire toolkit, which is based on international standards from key source

see the World Bank Identification for Development (ID4D) diagnostic tool, ID Enabling Environment Assessment (IDEEA), which can be found at: <http://id4d.worldbank.org/legal-assessment>

material, before beginning the legal analysis. Reviewers should also read these three key documents, which are the source of many of the international standards presented in this document:

- ❖ [United Nations, Principles and Recommendations for a Vital Statistics System, Series M No. 19/Rev.3. \(New York, United Nations Department of Economic and Social Affairs, 2014\)](#)
- ❖ [United Nations, Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management \(New York, United Nations, 2019\)](#)
- ❖ [World Health Organization, WHO Resource Kit: Strengthening civil registration and vital statistics for births, deaths and causes of death \(Luxembourg, World Health Organization, 2010\)](#)

For other background reading, see the Appendix, which contains a bibliography of source documents and other recommended background reading material.

STEP 2: Learn glossary of key terms (Approx. 1-3 working days)

Reviewers will require working knowledge of these key terms and their internationally standardized definitions for accurate collection and analysis of CRVSID legislation. The Appendix of the U.N. Principles and Recommendations for a Vital Statistics System contains a glossary of key terms that are relevant for a CRVSID legal review. Note that terms currently used in a country might vary greatly from the standard definitions.

STEP 3: Collect all relevant laws and standard operating procedures using a research log (Approx. 5 working days)

Reviewers will collect all laws and standard operating procedures that are relevant to CRVSID systems. Once the laws have been collected, review the collections for completeness. Occasionally, during the course of a legal review, a reviewer may realize that some information is missing and need to do additional research. While this may happen, reviewers should strive to have as complete a collection of laws as possible before starting the legal review. This will increase the speed and accuracy of the review, and will allow a team of reviewers to work on different parts of the review simultaneously. If new laws are added during the course of the reviewed, they should be uploaded as described above.

Note on the use of the term “law” and “standard operating procedures”: Throughout this toolkit, the term “law” includes any legally binding measure, including constitutional provisions, legislation, regulations, decree, ministerial orders, official instructions to government agencies, judicial orders, international treaties, and any other document with the force of law. When referring to only those acts approved by the legislature, the term “legislation” or “act” is used. The term “standard operating procedures” includes employee manuals, agency instructions, and any other guidelines issued by agency heads regarding standard procedures and processes. The “legal framework” includes all laws and standard operating procedures.

A comprehensive understanding of the legal and constitutional foundation of a country’s CRVSID systems is essential for interpreting the roles and responsibilities of CRVSID government agencies and non-governmental stakeholders; each institution’s processes, administrative architecture, and geographic scope; and multi-sectorial coordination in the CRVSID systems.

While most rules regarding civil registration and identity management systems are often contained in a small handful of laws and regulations (often a Birth and Death Registration Act, National Identity Registration Act, Statistics Act, and their respective regulations), there are likely to be dozens of other laws that will affect the functioning of civil registration and identity management. It is critical to collect and analyze every law before analyzing the system.

The checklist below serves as a guide to help ensure all relevant laws have been included in the review.

GOVERNMENT ADMINISTRATION

Constitutional Provisions

Government Organization
Civil Procedure and Civil Code
Local Government/Autonomy

Administrative Procedures
Criminal Procedure and Penal Code
Code of Conduct of Government Officials
Judicial Enforcement
Court Administration

INITIAL INFORMATION COLLECTION

Family, Family Registration and Paternity
Identity Management
Nationality, Residence and Immigration
Burial, Cremation, and Funeral
Education or Student Registration
Police Rules for Unnatural/Accidental Deaths
Emergency/Disaster Procedures

MEDICAL PROCEDURES AND RULES

Government/Private Hospital Manuals
Medical Board Training Requirements and
Procedures
Medical School Curriculum
Coroner, Autopsy, or Inquest Procedures
Hygiene and Disease Prevention
Laws on Specific Diseases, such as HIV/AIDS
National Health Care/Insurance

INFORMATION MANAGEMENT AND DATA PROCESSING

Personal Privacy and Data Protection laws
Electronic Government Rules

Telecommunications Act
Digital Signature
Notary Offices
Certificate of Seal Imprint
Civil Information Management
Public Security

USES FOR CRVS INFORMATION

Statistics or Censuses
Inheritance and Property Rights
Access to Education
National and Local Tax Collection
Military Service
Social Security and Pensions
Emigration and Immigration
Voting and Elections
Registration of Real Estate
Labor/Employment
Access to Banks/Telecom

OTHER CONSIDERATIONS

International Treaties, including Human Rights
treaties
National/Regional Human Rights
Religious Freedom
Protection of Rights of Children
Protection of Rights of Women

Step 4: Upload all relevant laws to a central folder (Approx. 1 working day)

It is recommended that the reviewers, especially those working in a team, save all the laws and other material in a central electronic folder to permit ease of access. Online tools like DropBox and Google Drive offer inexpensive file sharing for multiple users. A standardized labeling format for saving the laws is recommended, as this will allow easier sorting and organization of the many of laws and amendments that are typically involved in a CRVS system. Files should be saved in the following format:

Country_YYYYMMDD_Short Title of Law_DRAFT_Language_Translation.filetype

Below is a key that explains each component of this format:

1. Country: Use the short title of the country name. For example, state the country name as "China" not "The People's Republic of China". Sub-national laws should be saved in a separate folder under each country. For sub-national laws add the region following the country name; for example, "Russia_Chuvasia".
2. Date: Use the enactment date. Usually, this will be the day the law was officially published. For some laws, you may only know the year or month – please include as much information as you have. If no enacted or published date can be easily determined, please leave this section blank. Use the "YYYYMMDD" format
3. Short Title of Law: Use a short, yet understandable, title of the law. Please include the type of law (e.g. law, constitution, regulation, gazette, etc). If the legislation is numbered, please include the number as well. For example, "Law 4256 on Public Health" or "Law 102/2001 on Civil Registration".

4. Draft or Final: Usually, only finalized laws will be analyzed; however, if there are relevant laws that are not final, for whatever reason, please label them: DRAFT. Otherwise, leave this section blank.
5. Language and Translation: Designate the language using an ISO 639-1 two-letter language code. A list of codes is available at: http://www.loc.gov/standards/iso639-2/php/code_list.php. For example, EN (English), ES (Spanish), FR (French), ZH (Chinese). If the file has been translated from the original language into English, write whether it is an official or unofficial translation. Example: EN (English_unofficial)
6. File type: Designate the file suffix. For example, For Microsoft Word file (.doc or .docx), for Adobe Acrobat (.pdf)

Examples:

- Canada_Alberta_20000719_Product Info Regs_EN.pdf
- Turkey_20080516_Circular 2008/6_EN_unofficial.doc
- Russia_200106_CRVS Law _RU.pdf
- Bangladesh_2010_Road Safety Amendments _DRAFT_BN.doc

STEP 5: Review laws against good and best practices (Approx. 30-140 working days)

Once the collection of laws is complete, organized, and up-to-date, reviewers should begin evaluating the laws against good and best practices through completion of the toolkit.

Each chapter describes in detail best practices or good practices (if there is no consensus on "best" practice), with guidance for reviewers on how to evaluate current practices against these international standards. For each of the sections in each chapter that is completed, reviewers will:

- (1) describe the current processes and procedures, as addressed in the guidance;
- (2) identify any legislation or other relevant laws (including decrees, orders, standard operating procedures) on the topic, providing pincites⁵ to relevant provisions; and
- (3) evaluate whether the legislation and other laws align with good or best practices, and provide recommendations on how challenges or gaps may be addressed.

STEP 6: Draft and revise a final report (Approx. working 10-40 days)

Based on the needs of the government and stakeholders, reviewers should draft a narrative report of the findings of the review. The report should be tailored to the circumstances of each country and may not need to include every issue raised in the legal analysis framework. The report should describe the CRVSID systems and highlight major differences between the country's CRVSID legislative framework and international standards, as outlined in this toolkit. The report should explain any legal obstacles to aligning the CRVSID systems with international standards and present potential opportunities for improving the CRVSID systems. The report should clearly explain which government agency or agencies, if any, have existing authority to make the suggested improvements within the existing CRVSID legislative framework. If the improvement can only be made through legislative amendment, the report should note that as well.

⁵ A "pincite", also known as a pinpoint citation, directs readers to the specific portion (e.g., page, section, article, footnote) of a source that supports the stated proposition.