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# MODEL LEGISLATION FOR CIVIL REGISTRATION AND VITAL STATISTICS

# Model legislation for Civil Registration and Vital Statistics

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## **Introduction**

The following is an outline of topics to be addressed in a legislative framework on civil registration and vital statistics (CRVS). It is important to note that not all topics must be covered in one distinct piece of legislation. In fact, in most countries legal provisions pertaining to CRVS systems are contained in more than one piece of legislation and regulations. While many topics may be covered in a law on registration of births, deaths, foetal deaths, marriage and divorce, separate legislation may cover other related topics, such as selection and qualifications for civil servants, civil and criminal offenses and penalties, and data protection and technology. Whether contained in one law or across several laws, what is important is that the topics and best practices discussed in these guidelines be addressed somewhere in the overall legal framework for CRVS systems. Topics that are most likely to be addressed in legislation that is not specific to CRVS are noted in the model legislation framework outline below.

## **I. General Provisions and Institutional Arrangements**

### **A. General Provisions**

1. Purpose/Objective
2. Definitions of vital events and other key terms

### **B. Institutional Arrangements**

1. Ministries/Departments/Agencies authorized to carry out civil registration and vital statistics functions
2. Organizational structure/administrative arrangements, including location of primary registration offices and lines of authority
3. Qualifications and Codes of Conduct for civil registrars and Statistics officials [may be included in laws on civil servants]
4. Powers, roles and responsibilities of civil registration and vital statistics authorities
  - a) Powers of National Registrar, including rule-making and delegation powers
  - b) Powers of Local Registrars
  - c) Powers of National Statistician, including rule-making and delegation powers, and powers of local statisticians if applicable

## **II. Civil Registration**

### **A. Registration of Birth**

1. Scope (i.e., all births that occur within the country)
2. Informants: Persons responsible for reporting /notifying birth
  - a) Role of health facilities
3. Place of birth registration
4. Proof required for birth registration
5. Deadline for reporting/notification of birth
6. Late and delayed notification
7. Information collected at birth registration
8. Birth certificates: who has authority to issue / security features
9. Registering a birth that occurs in a vehicle/ship/aircraft in transit
10. Registering a birth to nationals abroad
11. Special procedures, if needed, for:
  - a) Delayed naming of child
  - b) Registering a foundling
  - c) Registering births to populations requiring special assistance, such as refugees, asylum seekers, stateless, etc.
12. Legitimation/Recognition/Acknowledgment
13. Adoption: Amendment of birth record

### **B. Reporting of Foetal Death**

1. Foetal deaths to be reported (by weight, gestation and/or length)
2. Certification of cause of foetal death
3. Information to be reported
4. Informants and to whom reported (e.g., ministry responsible for health or civil registration authority)
5. Process for delayed reporting pending medico-legal inquiry

### **C. Registration of Death**

1. Scope (i.e., all deaths that occur within the country)
2. Informants: Persons responsible for reporting/notifying death
  - a) Role of health facilities
3. Place of registration
4. Medical Certification of Cause of Death (MCCD)
  - a) Requirement for MCCD
  - b) Entity/Person responsible for certifying cause of death
  - c) International MCCD form
  - d) Transmission of MCCD to Registrar/Statistics agency
  - e) Reporting of unnatural or suspicious death to medico-legal officer, including reporting of outcome of investigation/MCCD to Registrar
  - f) Alternative methods for determining cause of death: verbal autopsy VA
  - g) Proof required for death registration if MCCD not available
5. Deadline for reporting/notification of death
6. Late and delayed notification
7. Information collected at death registration
8. Death certificate: who has authority to issue / security features
9. Registering death occurring in a vehicle/ship/aircraft in transit
10. Reporting the death of a national occurring abroad
11. Special procedures for:
  - a) Registering the death of an unknown person
  - b) Registration of death for persons presumed dead
  - c) Registering death to populations requiring special assistance, such as refugees, asylum seekers, stateless, etc
  - d) Registering deaths in emergencies, disasters or where there are no human remains
12. Permit for burial, cremation or other disposal of body
13. Reporting requirements for funeral homes, cemeteries, crematoria

#### **D. Marriage Registration**

1. Place of registration
2. Application process:
  - a) Proof of age, consent, and eligibility to marry (i.e., proof of divorce or death of a previous spouse) [may be addressed in family law]
3. Late and delayed registration, if applicable
4. Information collected through marriage registration
5. Marriage certificate: who can issue / security features
6. Recognition of customary marriage, if appropriate
7. Procedure for name change after marriage, if appropriate under local customs

#### **E. Registration of Divorce/Dissolution of marriage or civil union**

1. Process for registering divorce/dissolution of union, including matching with marriage registration record
2. Information collected through divorce/dissolution of marriage registration
3. Name change after divorce/dissolution of union (if appropriate)

#### **F. Corrections and Amendments**

1. Corrections and amendments within the authority of the civil registrar (e.g., clerical errors, voluntary acknowledgment of paternity and, depending on local law, name change)

2. Amendments requiring a court order (e.g. adoption, contested paternity and, depending on local law, name change) [jurisdiction of the courts may be contained in laws on courts]
3. Preservation of the original record

**G. Submission of local registration records to national registrar**

1. Timeframe for submitting/sharing information

**H. Fees**

1. Fees for registration - birth and death registration free of charge
2. Fees for certificate issuance - original birth and death certificate free of charge
3. Fees for corrections and amendments, if applicable
4. Fees for use of data for research purposes

**III. Identity Management [May be in a separate law on national identity registration]**

**A. Birth registration as prerequisite for national ID registration**

**B. Deactivation/Closure of legal identity upon death registration**

**IV. Vital Statistics**

**A. Vital Statistics to be derived from civil registration data /may include supplemental sources [may be contained in law on statistics]**

**B. Sharing of civil registration information with statistics authority and other agencies, as appropriate**

**C. Requirements for compilation, analysis, and publication of vital statistics [may be in laws, regulations or SOPs on statistics]**

**V. Data Protection and Personal Privacy [May be contained in Data Protection/Personal Privacy Law]**

**A. Confidentiality/Privacy: Access to registry information**

1. Who can obtain certified extracts/copies of birth/death certificates
2. Personnel authorized to access registry

**B. Process for sharing registry information with overseas registries, including privacy procedures [may be contained in other laws or international instruments]**

**C. Sharing of civil registration information with researchers, including privacy procedures**

**D. Security [may be contained in regulations, SOPs or guidelines]**

1. Secure transmission and storage
2. Archiving procedures

**VI. Compliance, Enforcement, Rights and Remedies**

**A. Monitoring and inspection**

1. Monitoring and inspection of civil registration offices
2. Monitoring and evaluation of other institutional processes

**B. Administrative and judicial review/appeals [may be contained on laws on administrative procedure]**

**C. Offenses and penalties [may be contained in civil service laws, criminal code or other laws]**

1. Disciplinary sanctions, civil and criminal penalties for failure to carry out duties and misconduct by civil registrars
2. Offenses and penalties for other government officials
3. Penalties for the general public: refusal to register, fraudulent action

**D. Resources/revenue to fund the system [may be contained in other laws]**

**VII. Transitional Provisions**

**A. Commencement**

**B. Repeal and savings**

**C. Transitional provisions**

**VIII. Facilitating use of technology**

**A. Electronic /Digital signatures [may be contained in other laws]**

**B. E-services [may be contained in other laws]**

