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registration and vital statistics systems**

Review of laws on civil registration and vital statistics: an essential step towards strengthening civil registration and vital statistics systems

I. Introduction

1. Civil registration is defined by the United Nations as the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided for through decrees or regulations in accordance with the legal requirements of a country. The primary purpose of civil registration is to create legal documents that are provided for under the law. The role of civil registration in the production of vital statistics is also well established.

2. Civil registration is an administrative process whose outputs maintain their fundamental legal standing across many years and generations. Civil registration records (and certificates issued through this process) have the following functions, among many others: (a) they confirm an individual's civil status and family relationships; (b) they authenticate the facts surrounding the occurrence of a given vital event; (c) they provide basic identification information on the basis of which a Government organizes public administration functions and services, including those concerned with taxation and pensions; and (d) they provide the basis for the administration of inheritance rights and related family entitlements, including serving as judicial evidence in cases of dispute. In order to fulfil these functions, civil registration must be conducted according to a well-defined legislative and policy framework that includes adequate implementing regulations and instruments, without which its outputs may be rendered invalid.

3. In the present document, the terms “legislation”, “legislative framework” and “law” are used in a general sense and interchangeably to refer to legislation passed by the legislature or parliament, as well as to regulations, standard operating procedures, guidelines and other

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implementing directives used or adopted by government bodies at the national level to guide operations involving civil registration and vital statistics.

4. Civil registration and vital statistics legislation should be current and should have the flexibility to adapt and respond to rapidly changing environments and to take advantage of new and emerging innovations, such as electronic registration systems, which improve performance and increase public accessibility. Legislation should, among other functions, provide clarity on the roles and responsibilities of the various actors involved in civil registration, ensure that data are adequately protected, remove barriers to registration by simplifying processes, and assist in the effective enforcement and application of the law. In this regard, civil registration legislation can serve as both a facilitator and a bottleneck to the functioning of the civil registration and vital statistics system. Legislation can be a bottleneck to the system when it is non-existent, archaic, discriminatory or generally not aligned with international standards¹ and best practices. In addition, laws can be obstacles when they are not backed by adequate policies and implementing regulations and instruments that are aligned with international standards and best practices or when they overlap with or contradict other laws in other sectors. Examples of provisions that contradict international best practices include civil registration laws that encourage discrimination against certain segments of the population, such as nomadic groups, internally displaced persons, refugees and women, or that require fees for the registration and issuance of certificates, and laws that do not provide for enforcement measures.

5. In the context of Africa, the lack of a comprehensive civil registration and vital statistics legal framework that is aligned with international standards has been identified as a major weakness obstructing the development of civil registration and vital statistics systems in many countries. During the second session of the Conference of African Ministers Responsible for Civil Registration,² the ministers urged all countries to undertake comprehensive assessments of civil registration and vital statistics systems that included assessments of the adequacy of legal frameworks for civil registration and vital statistics, and to develop national action plans on the basis of the findings of the assessments. During the fifth session of the Conference, the ministers requested the African Union Commission and the Economic Commission for Africa to support countries in harmonizing legislation governing civil registration and identity management, including ensuring the interoperability of systems by using appropriate information and communications technology.

6. In line with these commitments, over the past 10 years, with support from the secretariat of the Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics Systems and the regional civil registration and vital statistics core group, most African countries have undertaken an assessment of their civil registration and vital statistics systems. In their findings, countries have highlighted significant shortcomings in the existing laws and policies on civil registration and vital statistics. Some countries have subsequently designated making improvements to legislation as a core priority at the national level. Given the fact that the under-registration of vital events is a major challenge across the continent, a review of the legal

¹ International standards, recommendations and tools are available on the website of the Statistics Division of the United Nations (<http://unstats.un.org/unsd/demographic/CRVS/default.htm>).

² The Conference is a statutory body of the African Union Commission that reports to the Assembly of Heads of State and Government. The Conference meets every two years to provide policy direction to the secretariat, and to monitor and advise on progress relating to the regional initiative on civil registration and vital statistics. The first to fifth sessions of the Conference were held as follows: in August 2010 in Addis Ababa; in September 2012 in Durban, South Africa; in February 2015 in Yamoussoukro; in December 2017 in Nouakchott; and in October 2019 in Lusaka.

framework has been found to be crucial in facilitating the identification of bottlenecks in the law and bottlenecks that the law can help to address.

II. Why do legal frameworks need to be reviewed?

7. As indicated above, the law provides the foundation for the establishment of a civil registration and vital statistics system. In this regard, a primary step that should be taken to strengthen such systems is to determine whether there are laws in place to facilitate activities involving civil registration and vital statistics and whether the necessary policies and regulations are in place to operationalize those laws. In Africa, almost all countries have a civil registration law in place (most of which were inherited from the colonial administration). However, there are numerous countries with the following issues in their civil registration laws:

(a) There are laws that are very old or not aligned with recent developments in the country, such as changes in the public administrative structure or human resource allocations, or with the application of information and communications technology.³ A review of the legislation in such contexts is primarily aimed at: (i) establishing the availability and relevance of existing legal instruments for civil registration; (ii) reviewing the provisions of the law against current practice and providing recommendations to address challenges; (iii) advocating the implementation of the law with relevant government stakeholders; and (iv) developing new instruments as needed;

(b) There are laws whose provisions contradict international standards and best practices set by the United Nations. A review of the legislation in such contexts is primarily aimed at: (i) orienting the stakeholders concerned towards best practices in civil registration legislation; and (ii) identifying elements in existing laws that are not aligned with recommended best practices and proposing revisions as needed;

(c) There are laws that are not backed by adequate policies or by implementing regulations and instruments. A review of the legislation in such contexts is primarily aimed at establishing the extent to which existing policies and implementing regulations and instruments support civil registration and vital statistics and are aligned with international standards and best practices. Where such policies, regulations and instruments are inadequate or missing, the legal review process should include efforts to support their development and to provide training to relevant focal points on their implementation and on advocacy efforts in that regard.

8. A review of the law is generally undertaken to ensure that any bottlenecks in the registration of vital events that the law may have created are identified and addressed and that the law is positioned to be a driver of, rather than a bottleneck to, civil registration. Common issues and challenges identified during the review of civil registration and vital statistics legislation include: the existence of outdated legislation; insufficient attention to vulnerable groups and discriminatory provisions; unclear definitions of the roles and responsibilities of various actors and stakeholders concerned with civil registration and vital statistics; inadequate attention to data security; inadequate attention to data confidentiality, including with regard to the storage and use of personal information; lack of recognition of the statistical functions of civil registration; limited or no enforcement of the law; lack of clear definitions of terminology used in the civil registration and vital statistics domain; and contradictions with broader government policies and practices.

³ It is common to find laws that prescribe the format in which an event should be registered, such as by paper and ink, which would call into question the validity of event registrations that had been carried out electronically.

III. Recommended approach to a legal review exercise

9. Civil registration law exists to establish the standards, the organizational and management framework (including processes) and the resources that will facilitate the registration of vital events. Reviewing the legislation for civil registration is a holistic exercise that broadly assesses: (a) the adequacy of existing legal standards, on the basis of international recommendations of the United Nations relating to civil registration and vital statistics legislation; (b) the extent to which provisions of current laws are observed and implemented and the reasons for or against their implementation; and (c) the extent to which the law facilitates or obstructs the performance of existing civil registration processes. While legislation reviews are likely to vary among countries, the secretariat of the Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics Systems recommends that any such review be preceded by an orientation for stakeholders on civil registration and vital statistics in general and a holistic analysis of a country's civil registration and vital statistics systems and the business processes therein. Both these activities are described below.

10. *Providing an orientation on civil registration and vital statistics systems.* Civil registration is inherently multisectoral, requiring the involvement of a wide range of stakeholders if it is to function efficiently. It is crucial that these stakeholders be strongly involved in the legal review process in order to ensure that the process is holistic and takes different perspectives into account. Ensuring their involvement is also a key strategy to ensuring buy-in towards the review process. Given that different stakeholders are likely to be involved in only some aspects of the civil registration and vital statistics system in their day-to-day work, it is important that a comprehensive orientation on civil registration and vital statistics be undertaken prior to the review exercise, to ensure that all stakeholders have a common understanding of the purpose of the system as a whole and that they appreciate their critical role in realizing the objectives of the system. Such an orientation could draw from various resources developed by the United Nations and other stakeholders. Specific training programmes, such as the basic level and advanced courses on civil registration and vital statistics of the World Bank e-learning platform,⁴ are also available to support such learning.

11. *Conducting a holistic analysis of the civil registration and vital statistics system.* The process of reviewing a civil registration law should ideally be preceded by a comprehensive review of the performance of the civil registration and vital statistics system, including a review of existing civil registration processes and related business processes. The purpose of such a review would be to identify any legal and non-legal concerns or challenges associated with the civil registration and vital statistics system and specific concerns or challenges that could be addressed through improvements to legislation covering civil registration. The identification of such issues would form the primary input for the review of civil registration law. The broader purpose of the initial comprehensive review would be to ensure that the revisions to the law would not impose additional challenges on the civil registration and vital statistics system, but rather be adapted to facilitate processes that have been identified as ideal. This is particularly important given that the review of legislation is an occasional exercise: with the exception of rules and regulations that may be easy to revise, the greater legal instrument may take a considerable amount of time to revise. The *CRVS Systems Improvement Framework*, developed by the Economic Commission for Africa and partners, is a tool to guide countries in conducting a holistic (end-to-end) analysis of the civil registration and vital statistics system.

⁴ See <https://olc.worldbank.org/content/civil-registration-and-vital-statistics-systems-basic-level-of-the-self-paced-format>.

IV. United Nations guidelines on the legislative framework for civil registration, vital statistics and identity management

12. The Statistics Division of the United Nations has been mandated with the development of the methodological framework for civil registration and vital statistics. In furtherance of this mandate, a series of international standards, guidelines, principles and recommendations were developed and adopted by the Statistical Commission of the Economic and Social Council. The most recent revision of the guidelines was adopted in 2014, in the form of the *Principles and Recommendations for a Vital Statistics System, Revision 3* (United Nations publication sales no. E.13.XVII.10).

13. As a companion guide to the Principles and Recommendations for a Vital Statistics System, the Statistics Division of the United Nations recently released a draft version of a handbook entitled “Guidelines on the legislative framework for civil registration, vital statistics and identity management”.⁵ The guidelines comprise six chapters: two introductory chapters that provide an overview of civil registration, vital statistics and identity management systems, followed by: an overview of the importance of civil registration and identity management to the realization of human rights; an exploration of the wide diversity of institutional arrangements that exist throughout the world for civil registration, vital statistics and identity management systems, with a focus on how institutional arrangements can support the effective and efficient functioning of such systems; detailed guidance on elements that should be included in civil registration, vital statistics and identity management legislation and regulations; and information on other laws that can support such systems by providing incentives that help to increase the rates of civil and identity credential registration and to improve the quality of information the systems contain.

14. The guidelines serve as a tool for developing a strong rights-based legal framework for civil registration, vital statistics and identity management system by providing overarching principles as well as detailed elaboration on the legislative framework that is critical for implementing international recommendations, with a focus on ensuring a holistic, integrated approach to civil registration, vital statistics and identity management. The principles and concepts presented in the guidelines can be adapted to the culture, traditions and legal systems of any country, in a manner that is consistent with its existing and chosen structures. While the guidelines recommend and present a framework for integrated civil registration, vital statistics and identity management systems, the principles and concepts therein can also be used and followed by countries that lack a national identity management system or in countries that have manual systems that have not yet been digitalized.

15. While the draft guidelines present a framework for legislation that facilitates the integration of civil registration, vital statistics and identity management systems, it is not necessary for a country to include all these concepts in one comprehensive piece of legislation. The concepts in the guidelines may be applied and integrated into one or more new or existing distinct pieces of legislation governing the civil registration system, the vital statistics system or the identity management system.

V. Conclusion

16. Countries are requested to take note of the recently released United Nations guidelines on the legislative framework for civil registration, vital statistics and identity management.

⁵ Available at <https://unstats.un.org/UNSDWebsite/Publications/>.

Countries are encouraged to review their civil registration and vital statistics laws and to determine whether they provide adequate support for well-functioning civil registration vital statistics and identity management systems. As part of the review exercise, countries are encouraged to conduct a holistic review of their civil registration and vital statistics systems, including existing business processes, and to ensure that the legislation enhances and facilitates civil registration and vital statistics processes and operations. Countries are further encouraged to make use of the *CRVS Systems Improvement Framework*.
