

Action guide on CRVS legal and regulatory reviews

This *CRVS action guide* is edited from 'Strengthening CRVS systems through effective legislation', a *CRVS development series* paper available at <https://crvsgateway.info/library>

- 1 Establish an advisory group or legal review committee
- 2 Review key documents and concepts
- 3 Collate and review all existing relevant laws and policies
- 4 Complete the matrix of best practices
- 5 Draft and revise a final report

Why are legal and regulatory frameworks important in CRVS systems?

A good legal and regulatory framework is important for the effective management, operation and maintenance of a civil registration system (**Figure 1**).¹

Well-designed registration law gives clear guidelines around how the civil registration system will work. It provides the rules needed to register the vital events records that affect the civil status of individuals, defines the roles of civil registration in the production of vital statistics and its relationships with other institutions that rely on such data, and defines the services it should provide.

Key terms

Legislation refers to specific laws that regulate the behaviour of people, government institutions, or other organisations.

Regulation (sometimes known as decrees, directives, or orders) provide additional details to the legislation.

Civil registration has two basic functions: a legal function that registers vital events and provides identity documents, and a statistical function that generates national and subnational vital statistics data.² These two functions should be viewed of equal importance. However, it is often the case that the statistical function is not properly defined in law, resulting in confusion concerning who is responsible for generating the vital statistics from the registration records.

To ensure all vital events are captured, registration of the vital event's occurrence (ie the birth, death, adoption, marriage or divorce) should ideally be made compulsory under the law. Penalties should also be in place for non-compliance (for example, a fee for late registration).

Legislation helps to ensure the completeness of registration and to improve the accuracy of information held in the civil record, which is used to generate vital statistics. Overall, the objective of any CRVS-related law should be to ensure the CRVS system is continuous, permanent, compulsory, universal, and confidential.³

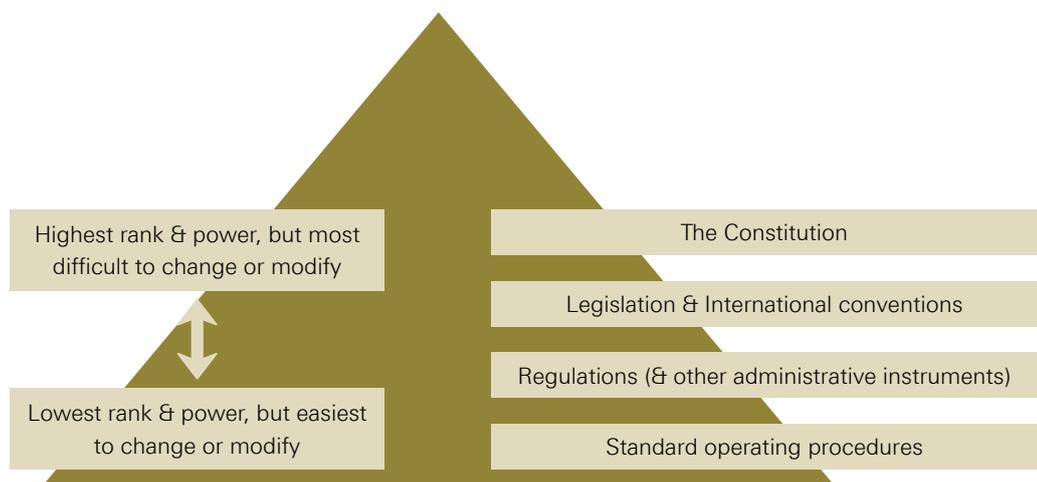
¹ University of Melbourne. Topic 2: CRVS governance and architecture. Legal and regulatory frameworks. Available at <https://crvsgateway.info/learningcentre/crvs-governance-and-architecture/legal-and-regulatory-frameworks>

² United Nations Department of Economic and Social Affairs. *Principles and Recommendations for a Vital Statistics System*. Revision 3. New York, USA: UNSD; 2014.

³ United Nations Department of Economic and Social Affairs. *Handbook on civil registration and vital statistics systems: Preparation of a legal framework. Series F, No. 71*. New York, USA: UNSD; 1998.



Figure 1 Hierarchical nature of the law



Source: CRVS Knowledge Gateway

Action guide – key tasks and challenges

Existing laws on CRVS are problematic in many countries. CRVS laws have often been in place for many years without revision or amendment, making them outdated. In addition, as a CRVS system includes many stakeholders, the laws are often fragmented and inconsistent, with unclear roles and responsibilities.

Other challenges include poor definitions for key terms, limited provisions for data confidentiality and security, insufficient attention to at-risk population groups, and legislation that is unenforced.

The Bloomberg Philanthropies Data for Health Initiative (BD4H) is working with sixteen countries and two cities to increase the registration of births and deaths, improve the quality of cause of death (COD) information in hospitals, apply verbal autopsy to better understand COD in communities, and to produce high quality data analysis skills for vital statistics.

Vital Strategies and the Global Health Advocacy Incubator, as part of BD4H, have developed a **Civil Registration and Vital Statistics Legal and Regulatory Review: Tool and Methodology** to help improve stakeholder’s understanding of their CRVS system’s design, strengths, and weaknesses.⁴

General recommendations on the steps and strategies countries should use for conducting a legal review on existing CRVS-related laws are provided below. Note that legal reviews should take part within the broader context of CRVS system assessments, including business process mapping.



Step 1: Establish an advisory group or legal review committee

The national CRVS committee overseeing CRVS system strengthening should appoint a subcommittee to undertake the legal review. Participating agencies might include the justice department, civil registrar, national statistics agency, ministry of health, home affairs, social welfare, ministry of education, immigration, and departments concerned with personal identification and voter registration.

The function of the group or committee is to prepare the work plan and time schedule for the legal review, keep the various agencies informed and ensure their ongoing support, and to delegate roles and responsibilities for the review among team members.

⁴ Available at: https://www.vitalstrategies.org/wp-content/uploads/2018/01/CRVS-Legal-Toolkit_11_29_17.pdf



Step 2: Review key documents and concepts

Those appointed to the legal review committee should familiarise themselves with key documents and concepts relevant to CRVS legislation, as well as the overarching international standards. These include, for example:

- Handbook on Civil Registration and Vital Statistics Systems Preparation of a Legal Framework.⁵
- Principles and Recommendations for a Vital Statistics System.⁶
- Legislation for Civil Registration and Vital Statistics in the Pacific: Best Practice Guidelines and Examples.⁷
- Model State Vital Statistics Act and Model State Vital Statistics.⁸



Step 3: Collate and review all existing relevant laws and policies

Members of the committee should obtain all laws and regulations as well as standard operating procedures, manuals, forms and other relevant documents currently available for registering births and deaths, including any documents that refer to the compilation and dissemination of vital statistics, disposal of dead bodies, certification of births and deaths and reporting of these from health institutions.



Step 4: Complete the matrix of best practices

After the relevant laws, regulations, and other documents have been collected, they will be used to complete the matrix of best practices set out in *Civil Registration and Vital Statistics Legal and Regulatory Review: Tool and Methodology*. The matrix will assist the legal review committee or subcommittee in comparing national laws against international best practice in CRVS systems.



Step 5: Draft and revise a final report

Based on the needs of the government and stakeholders, a report of the findings of the review should be prepared. The report should describe the CRVS system and highlight major differences between the CRVS system and international standards. The report should explain any legal (or inter-related) obstacles to aligning the system with international standards and identify potential opportunities and recommendations for improving the CRVS system from a legal perspective.

Country example: Outcomes of a review of CRVS-related legislation in the Solomon Islands

The Solomon Islands national CRVS inter-agency committee, in conjunction with the Civil Registry Office, held a national stakeholder meeting in June 2017 as part of an ongoing review of CRVS legislation. The Government of the Solomon Islands previously acknowledged that to meet the 2030 UNESCAP targets, a major revision to the 30-year-old legislation on CRVS was needed. As a first step towards updating the legal framework, the meeting focused on addressing key structural and design issues in relation to the national civil registration system. The committee and stakeholders attending the meeting found ways to improve the capturing and collation of vital events and their records by agreeing to update reporting pathways, timeframes and delegations. As a next step, “these proposed changes will now be the basis for further consultation by the national committee and will form the basis of a white paper to government in order to issue a formal drafting notice”.

Source: Solomon Islands National Stakeholder Meeting on Legislative Review. Available at <http://www.getinthepicture.org/news/solomon-islands-national-stakeholder-meeting-legislative-review>

⁵ Available at: https://unstats.un.org/unsd/publication/SeriesF/SeriesF_71E.pdf

⁶ Available at: <https://unstats.un.org/unsd/demographic/standmeth/principles/M19Rev3en.pdf>

⁷ Available at: <http://www.pacific-crvs.org/docs?view=download&format=raw&fileId=115>

⁸ Available at: <http://www.fgs.org/rpac/wp-content/uploads/2010/02/Model-State-Vital-Statistics-Act-2011.pdf>

Summary

Making the functioning and performance of a country's CRVS system subject to the law and establishing procedural rules and regulations is essential for the efficient management, operation and maintenance of CRVS systems. Legislation helps to ensure the completeness of registration and to improve the accuracy of information held in the civil record. Strong civil registration law also helps to ensure the continuity, consistency, correctness and comprehensiveness of CRVS systems.

Countries that have not adopted strong civil registration law, or that have outdated and/or fragmented law and weak overarching regulatory environments, should urgently consider remedying this situation. The review of a country's CRVS law(s) and overarching regulatory environment is the first step to strengthen the legal framework underpinning the CRVS system, and should be prioritised. This action guide has suggested some general steps countries can take when performing a legal review, as outlined in the Vital Strategies and the Global Health Advocacy Incubator's *Civil Registration and Vital Statistics Legal and Regulatory Review: Tool and Methodology*.

For more information contact:

CRVS-info@unimelb.edu.au
crvsgateway.info

CRICOS Provider Code: 00116K

Version: 1117-02