



Pacific
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du Pacifique

BEST PRACTICE GUIDELINES AND EXAMPLES OF



LEGISLATION FOR CIVIL REGISTRATION AND VITAL STATISTICS IN THE PACIFIC

VERSION 2 - DECEMBER 2019

Best Practice Guidelines and Examples of

Legislation for Civil Registration and Vital Statistics in the Pacific

Version 2 - December 2019

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Acronyms and abbreviations

BAG	Brisbane Accord Group
CNMI	Commonwealth of the Northern Mariana Islands
CRVS	Civil registration and vital statistics
FSM	Federated States of Micronesia
ID	National identity
IT/ICT	Information technology / information and communications technology
MCCD	Medical certifications of cause of death
PICTs	Pacific Island Countries and Territories
PVSAP	Pacific Vital Statistics Action Plan
RMI	Republic of the Marshall Islands
UN	United Nations
WHO	World Health Organization

Acknowledgements

This report has been developed by SPC with assistance from BAG partners including WHO, UNICEF, the University of Queensland, and the Pacific Civil Registrars Network; and has drawn extensively on the experience of national CRVS committees from the Pacific Islands. We would also like to acknowledge the valuable input from the New Zealand Civil Registry Office.

Summary

Within the last five years, almost all Pacific Island countries and territories (PICTs) have undertaken an assessment of the civil registration and vital statistics (CRVS) system with support from the Brisbane Accord Group (BAG), under the framework of the Pacific Vital Statistics Action Plan (PVSAP). The assessments were conducted using the World Health Organization (WHO) CRVS Comprehensive Assessment Tool. The findings of the assessment in most countries pointed to significant inadequacies in the existing legislative framework and policy framework for CRVS. A number of countries have hence designated legislation improvement as a core priority at the national level, while a few have already initiated arrangements to review the CRVS legislation. This document builds upon the work undertaken to date and aims at providing:

- an overview of the key legal issues and challenges facing the PICTs;
- guidance that countries can use to undertake an in-depth review of the CRVS legislative framework and policy framework in accordance with international standards and best practices; and
- guidance on evolving practices in civil registration, to help ensure countries have considered both current and future registration and vital statistics production needs.

While one approach to developing best practices in legislation is to develop model legislation which can then be copied and modified by participating countries and territories, this report focuses on the core legislative principles and elements that should be considered. This approach has been taken in recognition of the differences in administrative structures and historical legal frameworks across the region and the subsequent difficulties in developing a relevant model format, and the request of the PICTs for a more modifiable approach. However, a model legislation framework outline is provided as an addendum to these Guidelines. The outline sets out topics to be considered in CRVS legislation and other laws, rather than providing model language. Many of the topics may be covered in a CRVS-specific law, while some others might be covered in other relevant legislation, as described in the attached addendum.

These Guidelines outline and provide guidance on 86 elements against which countries should assess their CRVS legislation. The elements are grouped into 33 components:

1. General set-up
2. Purpose and functions
3. Definitions
4. Institutional arrangements
5. Compulsory nature of registration
6. Registers
7. Responsibility for reporting
8. Place of registration
9. Timeframe for notification
10. Late and delayed registration
11. Fees
12. Registration of birth
13. Legitimation/Recognition
14. Registration of name of child
15. Name changes
16. Adoption
17. Marriage and divorce
18. Medical certification of cause of death
19. Registration of death
20. Unnatural Deaths
21. Births and Deaths Outside Country
22. Foetal Death
23. Burial/Cremation
24. Correction/Amendment of registration records
25. Appeal of Registrar decisions
26. Statistical reports
27. Funding arrangements
28. Penalties and offences
29. Access to registry/ personal privacy
30. Data protection and security
31. Civil registration as foundation for legal identity
32. Commencement, repeal and transitory provisions
33. Use of information technology (IT)

In addition to the core elements, the document also identifies key principles that CRVS legislation should observe. In summary, CRVS legislation needs to:

- Be inclusive
- Be accountable

- Protect the official status of the data
 - Provide a basis for legal identity
 - Mandate compulsory registration
 - Protect the interests of individuals
 - Support data sharing for legitimate government use
 - Support registration as a free service
 - Be consistent with other acts and mechanisms
- Clearly outline roles and responsibilities, procedure, and penalties.
 - Support simplicity of registration processes
 - Allow for flexibility and responsiveness through authorization of agency rule-making power

As countries work towards improving their CRVS systems, the need for an enabling legislative environment will become increasingly important. Given the age of many Acts in the region, changes in the environment in which the registry operates, and our understanding of the roles of stakeholders and importance of CRVS, it is likely that many countries are operating under a legal framework that does not reflect current concerns or practice. It is important that outdated or contradictory legislation is amended, and that new legislation has 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 as well as increase public accessibility of the system. Strong legislation should also improve clarity around roles and responsibilities of the various actors involved in civil registration; ensure data is adequately protected; remove barriers to registration by simplifying the process; and assist in effective enforcement and application of the law.

The “best practice” examples will assist countries to analyse whether their current legislation has the flexibility required to take advantage of new technological developments and provide a strong legal foundation for the CRVS system. For those that require revisions, the document provides working examples that can be adapted to the local context as a starting point for a coordinated cross-sectoral legislation revision.

1. Background and rationale

1.1. Civil registration and vital statistics systems

Civil registration and vital statistics (CRVS) systems underpin good governance and planning at a national level. These systems play an important role in ensuring reliable and up-to-date data on population size, dynamics, and population health. This information is then used to plan and distribute services (including health, education, infrastructure services, etc.), monitor and respond to key health issues, and track development progress against population-based indicators, such as those required by The 2030 Agenda for Sustainable Development. The data also has important uses in ensuring that deceased persons are removed from electoral rolls and identifying potential voters coming of age, providing a secure identity to assist government functions such as immigration and policing, triggering deactivation of unique identity numbers and identity documents to prevent fraud, and the planning and provision of social welfare and pensions.

Civil registration also has an important legal function, which is to provide certificates of vital events that allow a person to prove the facts relating to his or her existence, identity, and personal and family situation. A certificate issued by the civil registration system has the full force and effect of the original vital record and is legally valid proof of the vital event. Proof of a vital event is often required to enjoy public or private sector services and for the fulfilment of basic rights. Registration of births is an essential legal tool to prevent statelessness and protect human rights. At an individual level, civil registration facilitates the legal rights of a child to participate and be counted in society. This may include health care, attendance at school, the right to travel, to open a bank account and ultimately to vote. Registration of a death assists families in legal transfer of land, access to assets or finances, and ultimately recognises the life of the individual who has died.

There are several international conventions that apply to civil registration, most notably the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC). Article 7 of the CRC states: “The child shall be registered immediately after birth and has the right to a name and nationality...” The CRC has been signed by all countries of the Pacific Region.

1.2. CRVS legislation

Due to their importance, and the existence of international conventions that commit governments to certain activities within their civil registration systems, CRVS systems require clear and effective regulation. The legislation provides an important framework to support registration and statistics functions, specifying who is subject to registration, how registration should be carried out, and ultimately how the data should be used and protected. While legislation may vary from state to state, the core functions of a CRVS system (to record, store and allow the use of data on vital events) are consistent and as such the basic elements that should be covered in national legislation remain similar regardless of setting. Although many provisions will fall under civil registration legislation of some kind, other provisions may be covered under other acts or regulations such as a national public health act, a national statistics act, or data protection act, and the implementing regulations of such legislation.

CRVS legislation in many PICTs is out-dated and requires revision as states move to improve their CRVS systems in line with regional and international improvement plans (such as the PVSAP and the Regional Action Framework for CRVS in Asia and the Pacific) and increasingly recognize the utility of the data generated through such systems. Legislation in many PICTs stems from colonial provisions that pre-date independence and may not have been significantly updated since independence. Other legislation, although more recent, retains elements of less modern systems and does not reflect current best practice. There is also growing understanding that sustainable CRVS systems are reliant on adequate resourcing and legislation may be essential to ensuring both national support and the ability of the registry to recover costs for certain services.

Emerging technology and the movement of people across the region has also highlighted how many of the current CRVS laws in place are unable to adapt to new opportunities and needs. These include allowing for the use of electronic registers in place of paper forms, the potential use of mobile technology to improve registration coverage, provisions to share data across borders with the place of initial registration in order to “close” or “retire” a legal identity when someone dies, and protection of data while facilitating legitimate uses either within government (such as for electoral rolls) or external to the government system (such as for duly approved health research).

Finally, with the increasing recognition of the importance of legal identity, as reflected in Sustainable Development Goal (SDG) Target 16.9 – “legal identity for all, including birth registration, by 2030” - it is essential that civil registration and national identity (ID) systems are interoperable and function together in a holistic manner. As such, legislation should recognize birth registration as the primary means by which legal identity is established, and proof of birth registration should generally be required in order to obtain a national ID, although exceptions may be granted and special procedures followed if needed.¹ Legislation should also facilitate linkage between the two systems so that death registration forms the basis for retiring a legal identity.

1.3. Development of the best practice guidelines

Within the last five years, close to all PICTs have undertaken an assessment of the CRVS system with support from the BAG, under the framework of the PVSAP. The assessments were conducted using the WHO CRVS Comprehensive Assessment Tool. The findings of the assessment in most countries pointed to significant inadequacies in the existing legislative framework and policy framework for CRVS. Several countries (including Kiribati, Vanuatu, Samoa, Solomon Islands, Federated States of Micronesia (FSM), and Republic of the Marshall Islands (RMI)) have hence designated legislation improvement as a core priority at the national level. This document builds on the work undertaken to date and aims at providing:

- an overview of the key legal issues and challenges facing PICTs;
- guidance that countries can use to undertake an in-depth review of the CRVS legislative framework and policy framework in accordance with international standards and best practices; and
- guidance on evolving practices in civil registration to help ensure countries have considered both current and future registration and vital statistics production needs.

Legislation from across the Pacific region was reviewed (Table 1), along with relevant UN and regional standards (Table 2) and the available country results from the WHO Comprehensive Assessment Tool, to identify key legislation elements that most impact or support good CRVS practice and which consequently should be included as part of the national legislative framework for CRVS. Examples of best practice for each of the identified elements were extracted from available PICT legislation. Where no examples of best practice were found within the existing PICT legislation, examples were sought from other countries such as Australia and New Zealand.

¹ For example, if a birth was not previously registered, late birth registration should be facilitated during identity registration. In addition, immigrants, stateless persons and others who do not hold birth registration documents may be permitted to establish their identity through other means.

2. Current legislation and key issues

2.1. Major legislation in effect

Table 1 sets out the primary CRVS legislation and regulations for each of the PICTs, along with the year of adoption of the most recent legislation or substantial legislative amendments. Countries are listed by year, in ascending order. Table 2 sets out international conventions and standards that relate to CRVS.

Table 1: Primary CRVS legislation in PICTs, by year of most recent legislation or substantial amendment

Country	Year of most recent legislation or last substantial amendment	Primary CRVS Legislation and Regulations (year enacted)
Palau (Republic of)	1966	Palau National Code (PNC), Title 34 (Public Health, Safety and Welfare), Division 5 (Vital Statistics - Population and Residence Reports), Chapters 40-41 (1966, amended, unknown date)
Tuvalu	1968	Births, Deaths and Marriages Registration Act (1968) Births, Deaths and Marriages (Prescription of Forms and Seal) Regulations (1968)
Tokelau	1969	Births and Deaths Registration Rules (1969)
Guam	1972	Guam Administrative Rules and Regulations (GAR), Title 26. Public Health and Social Services, Division 1, Chapter 2: Vital Statistics (1972)
Cook Islands	1973	Births and Deaths Registration Act (1973) Marriage Act (1973) (as amended through Marriage Amendment Act 1998, 2000 and 2007) Births and Deaths (Amendment) Act (2007) (repealing provision re: registration of children born out of Cook Islands) Births and Deaths Registrations Fees 2015
Fiji Islands	1978	Births, Deaths and Marriages Registration Act (1975, amended 1978) Births, Deaths and Marriages Registration (Amendment) Decree 2014 (No. 18 of 2014) (Allows Minister to waive fees) Births Deaths and Marriages Registration Regulations 1976 (available at: https://laws.gov.fj/Acts/DisplayAct/914#)
Federated States of Micronesia	1980	Code of the Federated States of Micronesia, Title 41. Public Health, Safety and Welfare, Chapter 1. Health Services Administration, § 105 (1980)
Niue	1984	Births and Deaths Registration Regulations (1984)
Solomon Islands	1988	Births and Deaths (Registration) Act (1988) Births, Marriages and Deaths Registration Act (1978) (applies only to foreigners in the Solomon Islands)
American Samoa	1990	American Samoa Code, Title 13, Chapter 5 Vital Statistics (1962) (amended 1968, 1979, 1990)
Samoa	2002	Births, Deaths and Marriages Registration Act (2002)
Northern Marianas (Commonwealth of)	2007	Vital Statistics Act of 2006 (2007)
Kiribati	2007	Births, Deaths and Marriages Registration Ordinance (1968) Births, Deaths and Marriages Registration (Amendment) Act (1997) (allowing registration of children born outside Kiribati) Births, Deaths and Marriages Registration (Amendment) Act (2007)
Marshall Islands (Republic of)	2007	Births, Deaths and Marriages Registration Act (1988) (amended 2009, 2016 re: marriage) Births, Deaths and Marriages (and Missing Persons Amendment) Act (2007) Births, Deaths and Marriage Registration (Amendment) Act 2016 (changing the age of marriage from 16 to 18)
Tonga	2012	Births, Deaths and Marriages Registration Act (1926) (amended in 1927, 1929, 1933, 1935, 1936, 1976, 1979, 1989, 1991, 2010, 2012)
Papua New Guinea	2014	Civil Registration Act (1963) Civil Registration (Amendment) Act 2014 (established national ID system)

		Civil Registration (Amendment) Act 2016 (repealed RG's power to prescribe fees) <i>Civil and Identity Registration Bill 2019 (pending)</i>
Nauru	2017	Births, Deaths and Marriages Registration Act 2017
Vanuatu	2018	Civil Status (Registration) Act (1970), (amended 1975, 1981) Civil Status (Time for Making Declarations) (1975) Burials Act (1988) Civil Status (Registration) (Amendment) Act 2009 (regarding appointment of RG and staff) Registration of Civil Status (Fees) (Amendment) Order No. 156 Of 2013 Civil Status (Registration) (Amendment) Act 2018 (regarding amending name)

As demonstrated in Table 1, much of the legislation related to CRVS in the region is dated, with nine countries or territories with primary legislation enacted prior to 1990, and six with legislation enacted prior to 1980. Both the environment in which the civil registration operates and our understanding of its functions and importance have changed substantially over the last several decades, suggesting that many PICTs may be operating under a legal framework that does not reflect best practice or address current needs.

Table 2: Relevant United Nation standards and conventions

Year	Title	Available at:
2019	United Nations Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management	https://unstats.un.org/unsd/demographic-social/standards-and-methods/?search=&Id=&Desc=Civil+Registration+and+Vital+Statistics&Title=Guidelines+on+the+Legislative+Framework+for+Civil+Registration%2C+Vital+Statistics+and+Identity+Management+%28Final+draft+subject+to+edition%29&Year=&topics=
2018	United Nations Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1	https://unstats.un.org/unsd/demographic-social/standards-and-methods/?search=&Id=&Desc=Civil+Registration+and+Vital+Statistics&Title=&Year=&topics=
2018	United Nations Personal Data Protection and Privacy Principles	https://www.unsystem.org/personal-data-protection-and-privacy-principles
2014	United Nations Principles and Recommendations for a Vital Statistics System (Revision 3)	http://unstats.un.org/unsd/demographic/standmeth/principles/M19Rev3en.pdf
2014	United Nations Fundamental Principles of Official statistics	http://unstats.un.org/unsd/dnss/gp/FP-New-E.pdf
1989	United Nations Convention on the Rights of the Child, Article 7	http://www.ohchr.org/en/professionalinterest/pages/crc.aspx
1948	United Nations Universal Declaration of Human Rights	http://www.un.org/en/universal-declaration-human-rights/
2014	Seoul statement: First international conference on identity management	https://www.unescap.org/commission/71/documents
2015	United Nations sustainable development goals, Goal 16	http://www.un.org/sustainabledevelopment/sustainable-development-goals/

2.2. Key legislative issues identified

Thematic issues raised by PICTs during their comprehensive assessments have been reviewed and common problems grouped into key issues. These have included:

Clarity of roles and responsibilities

- Poor clarity regarding the roles and responsibilities of key stakeholders, particularly in relation to the obligation to notify vital events, to share data between government ministries and departments, and to analyse and report data.
- Increasing reliance on health sector to carry out notification functions at the time of the vital event. Although this is driven primarily by data quality concerns in order to ensure more complete capture of information, it may create conflict with cultural practices (such as naming of the child) and lead to problems with completion of notification of birth from the health system (required in many instances for registration of the birth) and unrecognised workload in the health system.

Enforcement/Application of legislation

- Poor understanding of the legislation by the general public and poor enforcement of the legislation by responsible agencies (particularly regarding the compulsory registration of births and deaths).
- Inconsistent application of legislation – particularly of fees, which may vary according to location within a country and where the application for registration is made.

Contradictory or outdated legislation

- Legislation is too specific and does not allow changes to processes, revision or updating of forms, or use of IT for registration (often resulting in duplicate processes or parallel systems).
- Legislation conflicts with other laws of the country that provide alternative means of generating legal proof of birth, death or identification, which reduces demand for civil registration certificates.

Data protection

- There are little or no provisions to protect data, creating a risk of fraudulent activity, identity theft, or the creation of new identities to avoid past criminal records (such as when applying for a passport).
- Alternatively – where confidentiality provisions apply, these are often onerous and may contribute to barriers to registration. For example, in one country, the Notice of Birth from the Ministry of Health is required for birth registration - even for a late or delayed registration – however, the Notice of Birth can only be released directly to the birth mother, who may not be available or may no longer be the primary carer of the child. In addition, some confidentiality provisions may prevent data sharing for legitimate government purposes.

Delayed registrations

- Late and delayed registration is often overly complicated and difficult.² Many country stakeholders highlighted the difficulty of striking a balance between deterring late and delayed registration (thereby encouraging on-time registration, which increases the accuracy of information) and avoiding creation of unnecessary barriers to late and delayed registration.
- In several PICTs, doctors have also expressed concern regarding the procedural expectation for them to act outside of the law in issuing medical certifications of cause of death (MCCD) for deaths that occurred in the past and of which they may have no first-hand knowledge, and the potential legal implications of completing a MCCD from second hand information (either via a nurses report or potentially in the future from a verbal autopsy).

Complexity related to payments

- Charging fees for vital event registration or certification has been identified as a major barrier to vital event registration in numerous studies. Civil registration laws in most of the PICTs require the public to make some form of payment for registration and/or for receipt of a certificate. While the practice isn't recommended, there are problems surrounding the enactment of free registration provisions due to the fact that fees can only be collected by another ministry (such as Finance). In addition, the fee payment process of these other ministries may not allow electronic processes, thus adding additional steps in the registration process.

² A late registration occurs after the legally specified time period, but within a grace period, usually one year after the vital event. Delayed registration occurs after the grace period.

Social issues

- While most countries identified that their legislation allowed for the registration of births to single mothers without the father having to be named, several have legal provisions requiring paternal information, which may be a barrier to complete registration.
- Some countries particularly noted the importance of birth registration in managing adoptions – both within families and to prevent inappropriate overseas adoptions.
- An additional issue noted by several of the BAG partners during country workshops and visits (but less notably of concern to country participants) was the lack of legislated responsibility (and associated procedures) for health professionals to report deaths potentially due to assault or injury for further investigation, with this largely seen as a family responsibility to take any further steps they felt necessary. One country emphasised the risk to staff if they were responsible for recording causes of death for investigation and the need to ensure protection of staff in the legislation and associated procedures.

Infrastructure

- A further issue discussed in many of the assessment workshops was the lack of infrastructure and processes to support registry functions (such as death registration), even where there were adequate provisions for this in the legislation; thus highlighting the importance of reviewing legislation within the broader context of the system and system resourcing.

As can be seen above, there are a wide range of legislation-associated issues that limit or could limit the performance of CRVS systems. In part, this stems from the age of much of this legislation – with several PICTs still working under legislation dating prior to independence or several decades old – and, in part, relates to the way legislation is used and understood throughout the system.

3. Developing a framework for best practice

3.1. Core principles for strong legislation

The United Nations (UN) defines core principles for a civil registration system and for a vital statistics system. These underpin the functions of the CRVS system as a whole and are essential considerations when looking to update or revise national legislation. Boxes 1 and 2 define these core principles.

Box 1 Principles of civil registration*

Compulsory. Registration of vital events must be compulsory in order to assure smooth operation and effectiveness of the civil registration system. The compulsory obligations must apply to everyone with responsibilities in the civil registration system, including institutional actors as well as individuals. Institutions where vital events occur should face penalties for deliberate failure to notify the civil registration agency of the occurrence of a vital event within the institution. The imposition of some form of penalty on individuals who fail to register the occurrence of a vital event has historically not contributed to higher registration rates. In many instances it can serve as a disincentive, particularly for delayed and late registrations, as individuals will be reluctant to report a vital event after the time period provided by law if they will be penalized.**

Universal. In order to ensure that maximum value is derived from the registration system, registration requirements must apply to the entire population of the country, independent of geographical location or population subdivision. Vital events occurring to residents who are abroad temporarily should also be registered.

Continuous and permanent. Registration should be conducted on a continuous basis i.e. as events occur and not on a periodic basis, as with censuses and surveys. The continuity and permanence of the civil registration system require the existence of an agency of sufficient administrative stability whose operation is not limited by the factor of time. Permanence is contingent upon the authority given to the civil registration administration through the enactment of a civil registration law. Permanence of the system is a requirement for the continuity of registration and vital statistics data.

Confidential. Through civil registration, a variety of information is collected about individuals within the population. While all of the information collected has importance, some data, when identified with a specific individual, may be highly personal and sensitive. In order to promote the provision of full and honest data to the system, the confidentiality of the information must be protected, i.e., those who provide information must rest assured that it will be used only for the purposes prescribed by law and/or in aggregated form so that individuals are not identifiable.

*Source: United Nations. 2014. *Principles and Recommendations for a Vital Statistics System, Revision 3, p.68-69*

** *United Nations. 2019. Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management, paragraphs 28-30.*

Box 2 Principles of a vital statistics system*

Universal coverage. A vital statistics system should include all of the vital events occurring in every geographical area and in every population group of the country.

Continuity is critical to the collection and compilation of vital statistics, as data need to reflect short-term fluctuations, including seasonal movements, as well as longer-term movements. Continuity is most easily achieved once civil registration has been fully established, because usually, monthly (or quarterly) and annual reporting then becomes a routine activity within the system.

Confidentiality of personal information in vital statistics microdata and any associated statistical reports should be safeguarded to an extent consistent with the intended uses of these records for specific administrative and statistical purposes. Statistical reports based on vital events should be opened to the widest possible legitimate use, while at the same time ensuring the confidentiality of individuals whose data contribute to the statistics.

Regular dissemination. It is important to ensure that resources are available for regular release of vital statistics, according to an established time schedule. Total monthly or quarterly summary counts of vital events should be published promptly enough to provide information for health intervention and population estimation programs, administrative uses or other needs. Detailed annual tabulations of each type of vital event, cross classified by its demographic and socioeconomic characteristics, should also be published. As far as possible, such statistics should be comparable within the country, across demographic data sources and on an international basis.

*Source: United Nations. 2014. *Principles and Recommendations for a Vital Statistics System, Revision 3, p.11*

In addition to being essential for good governance and administrative planning, civil registration also provides the principal foundation for legal identity, as recognized by Sustainable Development Goal (SDG) Target 16.9: “By 2030, provide legal identity for all, including birth registration.” This legal identity function consequently makes civil registration a core mechanism for the protection of human rights.

In order to ensure a stable, effective legal foundation, a further set of principles is proposed as below. These are derived from the UN *Guidelines on the Legislative Framework for Civil Registration, Vital Statistics, and Identity Management (2019)*, the UQ CRVS Toolkit, and from the experience of PICTs as identified through their assessment results and discussions with technical partners.

CRVS legislation should:

- **Be Inclusive** – and allow registration of all vital events in the jurisdiction.
- **Be Accountable** – ensuring and verifying that the events registered are consistent with real life.
- **Protect the official status** of the data - ensuring the legality and integrity of the civil registration system.
- **Provide the principal basis for legal identity** – including linkages to other systems and agencies, such as national ID, passport and immigration systems and agencies, as appropriate.
- **Be compulsory** – requiring the registration of all vital events in the jurisdiction.
- **Protect the interests of individuals** – ensuring the protection of personal data from inappropriate use, while providing a clear framework for legitimate use and research.
- **Support data sharing for legitimate use** by the government and other relevant players, such as independent researchers.
- Support registration as a free service.
- **Be consistent** with other acts and mechanisms such as the National Statistics Act, Public Health Act, Crimes Act, etc.
- Clearly outline roles and responsibilities, procedure, and penalties.
- **Support simplicity** (and subsequently flexibility and comprehension of the legislation) – including through:
 - The use of plain, easy to understand language, and
 - Support for one national structure, rather than multiple parallel systems.
- **Be sufficiently flexible and responsive** to support overall system improvement and allow for improvements in procedures and technology. To provide the legal framework with greater flexibility and allow for modifications to be introduced over time, it is recommended that the legislation set out the general principles, while regulations (which can normally be changed without the authorisation of Parliament) and standard operating procedures (SOPs) are used to govern the operational and technical aspects.
- **Allow for regular revision and updates** – through a clearly defined process.

To support this further set of principles, it is critical that CRVS legislation is not developed or reviewed in isolation, but with real collaboration across other core sectors such as Health, Information technology and infrastructure, Statistics, Finance, Planning and the national ID authority. An interagency committee, comprising staff members of the agencies involved in the CRVS and ID systems, which meets regularly to discuss matters affecting the agencies, can greatly assist such collaboration.

Further, as countries move toward the establishment of national ID systems and e-government processes to improve data sharing, planning, and governance, the role of civil registration as the first entry point into the legal identity system (and the basis for closing these records when a person dies) becomes more important as the foundation for both of these broader functions to be successful. For this reason, registries that have not yet moved from an event-based system to a person-based system, which can link events across the life course of a person, are strongly encouraged to do so.

3.2. Core elements for best practice legislation

Table 3 provides the framework for best practice for CRVS legislation. The elements have been compiled from a range of sources, along with discussions with PICTs over the last few years throughout

the assessment and planning process. All elements should be considered for inclusion in the national legislative framework. While most elements will likely be covered in civil registration legislation, some elements may be better placed in other legislation (such as a National ID Act, Medical Registration Act, Coronial Act, ICT Act, etc.).

Table 3: Framework for best practice CRVS legislation

Component	Core Elements	Source	Comments	Examples (Country, Act, Year)
(1) General setup	i. Comprehensible.	1	Legislation is comprehensible and written in unambiguous, plain English (or appropriate local language).	A good example of local legislation is the Samoa Act of 2002. Although there are some updates required, in general the act is clearly written, easy to understand and written in plain English.
	ii. Acceptable level of detail.	1	Sufficient detail is provided to ensure clear interpretation without being overly prescriptive.	
	iii. Relationship to other relevant acts (such as a Public Health Act, or National Statistics Act) is clearly stated.	4	The legislation clearly states the civil registrar's responsibilities in relation to other Acts and systems with which the civil registration system interacts.	Australia (VIC) , Births, Deaths and Marriages Registration Act 1996, 2014 6. Registrar's general functions The Registrar's general functions are: <ul style="list-style-type: none"> (b) to administer the registration system established by this Act and the Relationships Act 2008 and ensure that they operate efficiently, effectively and economically; and (c) to provide information in relation to reviewable deaths for the purposes of the Coroners Act 2008 and the Victorian Institute of Forensic Medicine Act 1985 including information in relation to — <ul style="list-style-type: none"> (i) the identification of living siblings; and (ii) known or registered previous child deaths including neonatal deaths; and (d) to perform functions given to the Registrar by the <i>Assisted Reproductive Treatment Act 2008</i>.
	iv. Application/Scope of the act is clearly stated.	1, 4	The act should clearly state to whom the law applies within the country, which should be all persons within the country. (See Section 27 for vital events that occur outside the country.)	Cook Islands , Births and Deaths Registration Act, 1973 6. Place of registration of births and deaths (1) Subject to the provisions of this Act, all births and deaths occurring in the Cook Islands shall be registered by the Registrar whose office is nearest to the place where the birth occurred or to the place of burial, as the case may be. Australia (VIC) , Births, Deaths and Marriages Registration Act 1996, 2014 1. Purpose The main purpose of this Act is to provide for the registration of births, deaths, marriages and changes of name in Victoria.
	v. Legislation is flexible and responsive to change.		By authorizing the head of a ministry, department or agency to issue regulations or SOPs that contain specific details, procedures, roles or forms, the legislation provides a strong legal framework for the structure, resourcing and intent of the system, but at the same time is responsive to changing needs and circumstances, including technology.	Commonwealth of the Northern Mariana Islands (CNMI) , Vital Statistics Act, 2006 5. The Secretary of the Department of Health, hereinafter referred to as the "State Agency", is authorised to adopt, amend, and repeal regulations for the purposes of carrying out the provisions of this Act.
(2) Purpose and functions	i. Purpose of the Act is clearly stated.	1	In more modern drafting of Acts, a practice has emerged to state the purpose of the Act. This practice does not appear in the Pacific communities but one example is found in the New Zealand Act of 1995. In this way the intent of the legislation is made clear.	New Zealand , Births, Deaths, Marriages, and Relationships Registration Amendment Act, 2008 1A. Purpose The purposes of this Act are: <ul style="list-style-type: none"> (a) To require the recording and verification of information relating to births, deaths, marriages, civil unions, name changes, adoptions, and sexual assignments and reassignments, so as to provide— <ul style="list-style-type: none"> (i) a source of demographic information, and information about health, mortality, and other matters important for government; and
	ii. Purpose includes both the legal and identity functions of registration and recognises the	3, 4, 5	CRVS systems address several important functions for government. Addressing these in the legislation recognises at the political level	

	role of civil registration in producing vital statistics (statistical obligations described).		that the registry is much more than simply the collection of personal data.	<p>(ii) an official record of births, deaths, marriages, civil unions, and name changes that can be used as evidence of those events and of age, identity, descent, whakapapa, and New Zealand citizenship; and</p> <p>(b) To regulate access to, and disclosure of, information recorded in respect of these matters; and</p> <p>(c) To regulate the provision and effect of certificates relating to information recorded in respect of births, deaths, marriages, civil unions, and name changes.</p>
	iii. Purpose includes a custodial and/or preservation element.		Failure to preserve records due to deterioration or destruction of hardcopy records or electronic failure can lead to the denial of rights and services. Equally, with preservation come the demands of security to ensure that fraud due to internal or external accessing of data and its destruction or alteration is minimised.	<p>Australia (VIC), Births, Deaths and Marriages Registration Act 1996, 2014</p> <p>1. Objectives of Act</p> <p>The objects of this Act are to provide for:</p> <p>(a) the registration of births, deaths and marriages in Victoria; and</p> <p>(b) the registration of changes of name; and</p> <p>(c) the keeping of registers for recording and preserving information about births, deaths, marriages, changes of name and adoptions in perpetuity.</p>
	iv. The multi-sectoral (cooperative) nature of civil registration is recognised in the purpose and functions.	4, 5	Recognising the multi-sectoral nature of the CRVS system places a legal onus on countries to take a “whole of government” approach and to require various sectors and departments to work collaboratively to achieve the purpose of the Act. In doing so, it also highlights that provisions of the Act may compliment other legislation and be applicable across sectors.	<p>Federated States of Micronesia, Health Services Administration (Title 41, Chapter 1), 1980</p> <p>105. Birth and death records</p> <p>(1) The Department of Health Services shall be responsible for:</p> <p>(a) the prompt collection of vital statistical information concerning all births and deaths occurring in the Trust Territory;</p> <p>(b) preparing forms and issuing instructions necessary for uniform registration of births and deaths;</p> <p>(c) filing a copy of the certificate of such birth or death with the clerk of courts of the district in which the birth or death occurred; and</p> <p>(d) compiling, analyzing, and publishing vital statistics concerning births and deaths, and such other general welfare of the inhabitants of the Trust Territory.</p> <p>(2) Other departments, as designated by the High Commissioner, shall cooperate with and assist the Department of Health Services in performing these functions.</p> <p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Amendment Act, 2008</p> <p>85A. Health information may be used to correct records</p> <p>1) The chief executive of the department for the time being responsible for administering the New Zealand Public Health and Disability Act 2000 may:</p> <p>(a) Advise the Registrar-General of an apparent omission or error if he or she believes on reasonable grounds that a person’s birth or death has not been registered under this Act or has been registered incorrectly; and</p> <p>(b) Provide to the Registrar-General sufficient information to allow the error or omission to be corrected.</p> <p>(2) The Registrar-General may correct birth information or death information in accordance with information provided under this section.</p>
(3) Definitions	i. Defines vital events to be covered and gives clear definitions of each: <ul style="list-style-type: none"> - Live birth - Death - Foetal death. 	3, 4, 5	<p>Clear definitions are essential in establishing a system for collecting high quality data for decision making and planning.</p> <p>Definitions should be in line with UN standards. This standardisation allows country comparison and benchmarking when looking at issues of fertility and mortality (including foetal, perinatal, neonatal and infant deaths), and will assist countries both to track development</p>	<p>CNMI, Vital Statistics Act of 2006</p> <p>Section 3. Definitions</p> <p>The following terms are hereby defined as follows:</p> <p>(d) “Foetal death” means death prior to the complete expulsion or extraction from its mother of a product or human conception, irrespective of the duration of pregnancy and which is not an induced termination of pregnancy. The death is indicated by the fact that after such expulsion or extraction, the foetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeing respiratory efforts or gasps.</p>

			<p>progress and meet international reporting requirements.</p> <p>The CNMI Vital Statistics Act contains the UN definition of "foetal death" and "live birth", but lacks a definition for death. The Vanuatu Civil Status (Registration) act contains the UN definition of "death" and "foetal death", but lacks a definition for "live birth". Legislation should contain all three definitions.</p>	<p>(g) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.</p> <p>Vanuatu, Civil Status (Registration), 1970 (as amended through 2018)</p> <p>2. Interpretation</p> <p>In this Act, unless the context otherwise requires: ...</p> <p>"death" means the complete disappearance of all evidence of life at any time after live birth has taken place, that is to say, the post-natal cessation of vital functions without capability of resuscitation;</p> <p>"foetal death" means death prior to the expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, death being indicated by the fact that after such separation, the foetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles;</p>
<p>(4) Institutional Arrangements</p>	<p>i. Outlines the structure and administrative organisation of CR service and its main functions.</p>	<p>4, 5</p>	<p>There is no single "correct" way to write these provisions as the institutions involved in registration and the production of vital statistics differ across countries, and there are significant differences in the size and scale of the required system. In many countries, the civil registration authority falls under the ministry of home/internal affairs or justice. In some, civil registration functions fall under the national statistics agency, such as in Samoa, In many countries, the Ministry of health notifies births and deaths to the civil registration authority, which is responsible for registration of the event. In other countries, the ministry of health itself is responsible for registration. Similarly, the responsibilities for vital statistics production vary. While the NSO may be the responsible entity in some countries, in others as in the FSM example, the Ministry of health undertakes both registration and vital statistics production functions.</p> <p>Irrespective of the arrangement adopted, the roles and responsibilities of each stakeholder in the system must be clearly defined, including the role of registrars at the local level. Considerations here are to minimise unnecessary duplication, and to ensure that all functions are covered and work together.</p>	<p>Federated States of Micronesia, Health Services Administration (Title 41, Chapter 1), 1980</p> <p>105. Birth and death records</p> <p>(1) The Department of Health Services shall be responsible for:</p> <ul style="list-style-type: none"> - The prompt collection of vital statistical information concerning all births and deaths occurring in the Trust Territory; - Preparing forms and issuing instructions necessary for uniform registration of births; and - Filing a copy of the certificate of such birth or death with the clerk of courts of the district in which the birth or death occurred; and - Compiling, analyzing, and publishing vital statistics concerning births and deaths, and such other general welfare of the inhabitants of the Trust Territory. <p>(2) Other departments, as designated by the High Commissioner, shall cooperate with and assist the Department of Health Services in performing these functions.</p> <p>Tonga, Births, Deaths and Marriages Registration Act (1926) (as amended through 2012)</p> <p>2. Office of the Registrar-General</p> <p>(1) The Prime Minister with the consent of Cabinet may appoint a Registrar-General of Births, Deaths and Marriages.</p> <p>(2) There shall be such sub-registrars as may be appointed by the Registrar-General following consultation with the Chief Magistrate and with the consent of the Prime Minister; and a sub-registrar may hold that post in conjunction with any other public office.</p> <p>(3) Where a sub-registrar is, by reason of unforeseen circumstances temporarily unable to perform the duties of the office, a Governor or Government Representative may, with the consent of the Prime Minister, be appointed by the Registrar-General to act in the place of the sub-registrar.</p> <p>Vanuatu, Civil Status (Registration), 1970 (as amended through 2018)</p> <p>3. Registrar-General of Civil Status</p> <p>(1) A Registrar-General having an office in Port Vila, shall be responsible for the maintenance and verification of the Central Register of Civil Status in accordance with the provisions of this Act, and generally for the administration of this Act.</p> <p>(2) There shall be appointed one or more persons as Assistant Registrar-General. The Registrar-General may in any case where he is prevented by any cause from the exercise of his powers or the performance of his duties delegate the same to an Assistant Registrar-General.</p>

				<p>4. District Registrars (1) The Minister shall appoint District Registrars for Civil Status and their appointments shall be notified in the Gazette. (2) The instrument of appointment of a District Registrar for Civil Status shall declare the district within which he may register matters of civil status. (3) The Minister may subdivide registration districts and appoint one or more Sub-Registrars for each sub-district so created.</p> <p>Samoa, Births, Deaths and Marriages Registration Act, 2002</p> <p>3. Government Statistician to be Registrar-General (1) The Government Statistician appointed pursuant to the Statistics Act 2015 is also the Registrar-General of Births, Deaths and Marriages. (2) The Registrar-General is responsible for the general administration of this Act. (3) In the administration of this Act, the Registrar-General has the powers conferred by this Act only and cannot exercise his or her powers as the Government Statistician in the carriage of his or her duties as the Registrar-General under this Act.</p>
	<p>ii. Powers and responsibilities of the Registrar-General and/or office of the RG, and other stakeholder agencies are clearly stated.</p>	<p>3, 5</p>	<p>The law should clearly outline broad functions and responsibilities of the RG and other stakeholder agencies, but should not be overly prescriptive. The powers of the RG should include hiring, management, training, and supervision of personnel.</p> <p>The roles and responsibilities of other stakeholder agencies might be contained across several pieces of legislation pertaining to each ministry or agency rather than in the civil registration legislation.</p>	<p>Samoa, Births, Deaths and Marriages Registration Act, 2002</p> <p>5. Functions of the Registrar (1) The functions of the Registrar are: (a) To establish and maintain the Register, and (b) To administer the registration system established by this Act and ensure that it operates efficiently, effectively, and economically; and (c) To ensure that this Act is administered in the best way calculated to achieve its objects in a cost effective manner.</p> <p>CNMI, Vital Statistics Act, 2006</p> <p>7. Duties of the Registrar or Person in Charge (a) The Registrar shall: (1) Administer and enforce the provisions of this Act and the regulations issued hereunder, and issue instructions for the efficient administration of the system of vital statistics. (2) Direct and supervise the system of vital statistics and the Health and Vital Statistics Office and be custodian of its records. (3) Direct, supervise, and control the activities of all persons when they are engaged in activities pertaining to the operation of the system of vital statistics. (4) Conduct training programs to promote uniformity of policy and procedures throughout the CNMI in matters pertaining to the system of vital statistics. (5) Prescribe, furnish and distribute such forms as are required by this Act and the regulations issued hereunder, or prescribe such other means for transmission of data as will accomplish the purpose of complete and accurate reporting and registration. (6) Prepare and publish reports of vital statistics for the CNMI, and such other reports as may be required by the State Agency. (7) Provide to local health agencies copies of or data derived from certificates and reports required under this Act, as he or she shall determine are necessary for local health planning and program activities. The Registrar shall establish a schedule with each local health agency for transmittal of the copies or data. The copies or data shall remain the property of the Health and Vital Statistics Office, and the uses which may be made of them shall be governed by the Registrar.</p>

<p>iii. Outlines the appointment process and qualifications of the Registrar-General and local registrars.</p>			<p>Registrars hold significant power in establishing (and closing) legal identity. As such, it is important that the legal framework that governs the appointment, qualifications and proper conduct of a registrar. The integrity of this role is essential to ensuring a strong, fair registration system that works for the population. Provisions concerning the appointment or selection of registrars may be contained in the civil registration act, or may be governed by civil service laws.</p>	<p>Papua New Guinea, Civil Registration (Amendment) Act 2014</p> <p>3. Registrar-General</p> <p>(1) The Office of the Registrar-General is hereby established.</p> <p>(2) The Registrar-General shall be appointed by the Head of State acting on the advice of the National Executive Council, following the procedures set out in the Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004.</p> <p>(3) The terms and conditions of employment of the Registrar-General shall be as determined by the Salaries and Remuneration Commission pursuant to Section 216A (the Salaries and Remuneration Commission) of the Constitution.</p> <p>(4) The office of the Registrar-General is an office which Division III.2 (Leadership Code) of the Constitution applies.</p> <p>(5) The Registrar-General shall hold office for a term not exceeding five (5) years and is eligible for re-appointment.</p> <p>Nauru, Births, Deaths and Marriages Registration Act 2017</p> <p>4. Registrar of Births Deaths and Marriages</p> <p>(1) The Minister in consultation with the Cabinet shall appoint a Registrar under this Act.</p> <p>(2) No person shall be appointed as the Registrar unless he or she has been employed in the Registry of Births, Deaths and Marriages for a term of at least 5 years.</p> <p>Tokelau, Births and Deaths Registration Rules 1969</p> <p>3. Registrar and Deputy Registrars</p> <p>(1) The Council for the Ongoing Government may designate a fit and proper person employed in the Tokelau Public Service to be the Registrar of Births and Deaths under these Rules.</p> <p>(2) The office of the Registrar shall be at Apia in Samoa.</p> <p>(3) The Council for the Ongoing Government may designate fit and proper persons employed in the Tokelau Public Service to be Deputy Registrars of Births and Deaths.</p> <p>Vanuatu, Civil Status (Registration) Act, 1970 (as amended through 2018)</p> <p>3. Appointment of Registrar-General</p> <p>(1) The Public Service Commission is to appoint a person in writing to be a Registrar-General after consultation with the Minister.</p> <p>(2) A person must not be appointed as a Registrar-General unless he or she has a degree or a higher qualification from a recognised institution.</p> <p>Cook Islands, Births and Deaths Registration Act, 1973</p> <p>4. Appointment of Registrars and Deputy and Acting Registrars</p> <p>(1) There shall from time to time be appointed such fit persons as may be required to be Registrars and Deputy Registrars under this Act. One or more Deputy Registrars may be appointed in any case where a Registrar is appointed.</p> <p>(2) During a vacancy in the office of any Registrar or in case of the absence from duty of any Registrar there may be appointed to act for the Registrar a fit person to be Acting Registrar, and any such person while so acting shall have and may exercise all the powers, duties, and functions of the Registrar.</p> <p>(3) Any appointment to the office of Registrar, Deputy Registrar, or Acting Registrar shall be made in accordance with the Public Service Act 1969 in the case of persons who are, or after the appointment will, be, employed in the Public Service, and by the Registrar-General by writing under his hand in all other cases.</p> <p>(4) During a vacancy in the office of Registrar at any place, or during the absence from duty of the Registrar at any place, and so long as no Acting Registrar has been appointed to act for the Registrar, every Deputy Registrar at that place shall have all the powers, duties and functions of the Registrar.</p>
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<p>iv. Includes a process to delegate authority</p>		<p>In most countries, the volume of work will require that the national Registrar (sometime called the Registrar-General) to delegate powers to others to act on his/her behalf, often to local registrars, in order to improve access to civil registration services. Care is needed to decide what duties are delegated and that exercise of delegated duties is properly supervised. The preparation of the instrument of delegation must be carefully drafted to ensure the assigned officer exercises the powers with appropriate authority.</p>	<p>Samoa, Births, Deaths and Marriages Registration Act, 2002 6. Delegation The Registrar may in writing delegate to any person appointed under section 4 any of the powers of the Registrar under this Act, other than this power of delegation.</p>
<p>v. Authorizes heads of stakeholder agencies to issue regulations, guidelines and standard operating procedures.</p>	<p>5</p>	<p>Legislation should authorize the issuance of regulations, guidelines or SOPs that provide more detail regarding processes, as these can be more readily amended than legislation. This allows the system to respond to changing needs.</p>	<p>Samoa, Births, Deaths and Marriages Registration Act 2002 94. Regulations (1) The Head of State, acting on the advice of the Cabinet, may make regulations for all or any of the following purposes:</p> <ul style="list-style-type: none"> (a) prescribing fees or a basis for calculating fees for the purposes of this Act; (b) generally prescribing any matter, form, or thing required, authorised, or necessary to be prescribed for the purposes of this Act and for its effective and efficient administration; (c) prescribing any remuneration for services carried out by any person under this Act. <p>(2) Regulations made under this Act may:</p> <ul style="list-style-type: none"> (a) be of general or limited application; or (b) differ according to differences in time, place or circumstance; or (c) require the making of a statutory declaration; or (d) require the giving and collecting of information for the purposes of statistics, including matters to be notified, matters to be registered, or both. <p>CNMI, Vital Statistics Act 2006 5. Regulations The Secretary of the Department of Public Health, hereinafter referred to as the “State Agency”, is authorized to adopt, amend, and repeal regulations for the purpose of carrying out the provisions of this Act.</p>
<p>vi. Ensures that local registration offices are accessible to all members of the public.</p>	<p>5</p>	<p>In instances where members of the public are responsible for self-reporting vital events (e.g., for out of facility events), it is important that registration services be accessible. Therefore, primary civil registration areas should correspond with minor civil divisions of the country, adjusting boundaries if necessary based on population, resources, accessibility, and simplicity of registration. (This is particularly important where e-registration services are not available). Secondary civil registration units may be established at selected locations with high levels of vital events, such as civil registration offices located within health facilities.</p>	<p>Fiji, Births, Deaths and Marriages Registration Act 1975 (as amended through 2014) 4. Divisional and district registries (1) For the purposes of this Act there shall be such divisional registries, and within each division, such district registries, as the Registrar may direct. (2) For each division there shall be a divisional registrar of births, deaths and marriages and for each district there shall be a district registrar of births, deaths and marriages. (3) Any appointment to the office of a divisional registrar or a district registrar shall be made by the Registrar. (4) The Registrar shall direct the distribution of business between divisional registries and between district registries. (5) The Registrar may from time to time appoint such assistant divisional registrars as may be required and every assistant divisional registrar may exercise all the powers, duties and functions of the divisional registrar under this Act. (6) The Registrar may from time to time appoint such assistant district registrars as may be required and every assistant district registrar may exercise such of the powers, duties and functions of the district registrar as may be authorised by the Registrar by writing under his hand.</p>

				<p>Vanuatu, Civil Status (Registration) 1970 (as amended through 2018)</p> <p>4. District Registrars</p> <p>(1) The Minister shall appoint District Registrars for Civil Status and their appointments shall be notified in the Gazette.</p> <p>(2) The instrument of appointment of a District Registrar for Civil Status shall declare the district within which he may register matters of civil status.</p> <p>(3) The Minister may subdivide registration districts and appoint one or more Sub-Registrars for each sub-district so created.</p>
(5) Compulsory and universal nature of registration	i. Legislation requires that all births in the country be legally registered.	1, 2, 3	In keeping with the UN Principles and Recommendations for a Vital Statistics System, registration should be inclusive and compulsory. In order to avoid duplication, there should be a central registry authority rather than separate registers and/or departments for different groups or people.	<p>Cook Islands, Births and Deaths Registration Act, 1973</p> <p>6(1). Place of registration of births and deaths</p> <p>Subject to the provisions of this Act, all births and deaths occurring in the Cook Islands shall be registered.</p> <p>Samoa, Births, Deaths and Marriages Registration Act, 2002</p> <p>9. Births in Samoa must be registered</p> <p>(1) A birth in Samoa not registered under a former Act or other law must be registered in accordance with this Part.</p> <p>38. Deaths in Samoa must be registered</p> <p>(1) A death in Samoa not registered under a former Act or other law must be registered under this Part.</p>
	ii. Legislation requires that all deaths in the country be legally registered.	1, 2		<p>Marshall Islands, Births, Deaths and Marriages Registration Act, 1988 (as amended through 2016)</p> <p>420. Particulars of deaths to be registered</p> <p>Subject to this Part, the death of every person dying in the Republic and the cause thereof shall be registered by the Registrar for the Atoll in which the death occurred by entering in the register kept for that Atoll such particulars concerning the death as may be prescribed; provided, that where a dead body is found and no information as to the place of death is available the death shall be registered by the Registrar for the Atoll in which the body is found.</p>
	iii. If appropriate, the law includes special procedures for the registration of births and deaths of certain populations requiring special assistance (including nomadic or displaced populations, refugees, and asylum seekers).	3	Certain populations may need to be specifically mentioned in the legislation to ensure that vital events in this group are registered. For example, the Tonga Act relaxes the time period in which an event must be reported for four remote islands. While the system should be able to differentiate these events for statistical purposes, all events in the country or territory should be included in the system as required under the UN principles.	<p>Tonga, Births, Deaths and Marriages Registration Act (1988) (as amended through 2012)</p> <p>4. Special provisions for islands listed in Schedule 4</p> <p>(1) The following special provisions shall apply to islands listed in Schedule 4 hereto.</p> <p>(2)</p> <p>(a) The person responsible for informing a sub-registrar of a birth or death as provided in section 3 shall do so on the visit of the sub-registrar that takes place next after the event, to the district in which the island lies.</p> <p>(b) Such person must also report the birth or death to the Town Officer of the town in which the birth or death occurred within 48 hours of the event.</p>
	iv. The law includes penalty provisions for refusal to register a birth or a death.	3	The legislation states that it is an offence to refuse to register a birth or a death (as opposed to the mere failure to register a birth or death) and describes the penalty to be applied for this offence. Penalties for the mere failure to register a birth, or for late registration of a birth, present a disincentive to register.	<p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Act 1995</p> <p>89. Offences and penalties</p> <p>(1) Every person commits an offence who — ...</p> <p>(e) having had the relevant provision of this Act drawn to the person’s attention, fails or refuses to give any information required by this Act to be given; ...</p> <p>(3) A person who commits any other offence against this Act is liable, on conviction, to a fine not exceeding — ...</p> <p>(c) \$1,000 for — ...</p> <p>(ii) an offence against any of subsection (1) (d) to (f).</p> <p>Tuvalu, Births, Deaths and Marriages Registration Act, 1968</p> <p>42. Penalties for failing to give information, etc.</p> <p>If any person commits any of the following offences, that is to say —</p>
			Specific details on the amount of penalty to be paid for refusal to register should be reserved for the regulations, as this is likely to change over time.	

				(a) if, being required by or under this Act to give information of any birth or death or of any living new-born child found exposed or of any dead body, he wilfully refuses to answer any question put to him by the registrar relating to the particulars required to be registered concerning the birth or death or, save as is provided in this Act, fails to comply with any requirement of the registrar made thereunder; ... he shall be liable to a fine of \$10 for each offence.
(6) Registers	i. Describes who is responsible for keeping the central register (If a centralized system is maintained) and what information this should contain.		The legislation should clearly assign responsibility for maintaining the civil register(s) to the civil registration authority. Legislation may detail what information should be retained in the register. It should be clear from the legislation as to what is the definitive source of information (i.e. a central register versus information in local registers”).	Samoa , Births, Deaths and Marriages Registration Act, 2002 69. The Register of Births, Deaths, and Marriages (1) The Registrar must create and maintain the currency of a register to be known as the Register of Births, Deaths, and Marriages and which may comprise wholly or partly an electronic or computer system or such other form or forms as the Registrar from time to time considers appropriate for the purposes of this Act.
	ii. Describes what should be available in the local registers (if applicable) and includes responsibility and timeframe for transferring this data into a central register.		Legislation should set out the duty to transfer information from the local register to the central register (if one is maintained). However, to maintain flexibility to adapt and improve the system, legislation should authorize the Registrar-General to issue regulations or SOPs on the frequency and manner of information transmission. Note that in the examples given, this information is contained in the legislation but, preferably, it would be contained in regulations or SOPs.	Tuvalu , Births, Deaths and Marriages Registration Act, 1968 34. Duty of registrar to send certified copies of entries to Registrar-General Every registrar shall in the months of January, April, July and October on such days as may be appointed by the Registrar-General: (a) Make and deliver to the Registrar-General in the prescribed form a true copy, certified by him in the prescribed manner of all the entries of births, deaths and marriages made in the registers kept by him during the period of 3 months ending with the last day of the month immediately preceding that in which the copy is required by this section to be made; (b) If no birth, death or marriage has been registered in his district during that period, deliver to the Registrar-General in the prescribed form a certificate to that effect under his hand. Fiji Islands , Births, Deaths and Marriage Registration Act (1975) (as amended through 2014) 6. District registrars to forward returns and original registers to Registrar Every district registrar in charge of a district shall on or before the seventh day of each month transmit to the Registrar a return of all births, foetal deaths, deaths and marriages registered by him during the previous month together with the original register forms received and registered by him.
	iii. Mandates the duty to enter reported events into the register upon receipt of required documentation, and prescribes penalties for registrars that fail to carry out their duties.	4	The register (whether in hard copy or electronic form) is the principle record that assigns identity. As such the legislation should specifically require the entry of data as early as possible once required evidence has been verified.	Niue , Births and Deaths Registration Regulations, 1984 9. Entry in Register of Births (1) Upon receipt of the particulars of birth of any child born in Niue the Registrar shall enter those particulars in the Register of Births. 36 Failure of Registrar to register information Where: (a) The Registrar refuses or without reasonable cause omits to register any birth or any death of which he had due notice and information; or (b) Any person having the custody of any Register or certified copy thereof, or any part thereof, negligently loses or injures the same, or negligently allows the same to be injured while in his keeping — he is liable to a fine not exceeding 1 penalty unit.
	iv. Describes what data elements should be included on key registry forms.	4	Some legislation outlines the actual layout of registration forms; however, this is very prescriptive and does not allow for easy amendment of forms to improve data quality or use of electronic registers. Therefore	Samoa , Births, Deaths and Marriages Registration Act, 2002 10. Responsible person required to advise Registrar of birth (2) Advice of a birth under subsection (1) must include the following: (a) The gender of the child;

			<p>legislation should set out only those basic data elements that must be captured at registration, and should authorize the civil registration agency to issue forms with additional data elements. Where appropriate, legislation may refer to international data format standards.</p>	<p>(b) The date and place of birth of the child; (c) The complete names and the address of the mother, and of the father if known; and (d) Such other information as prescribed by Regulations.</p> <p>Tuvalu, Births Death and Marriages Registration Act, 1968 23. Particulars of deaths to be registered Subject to this Part, the death of every person dying in Tuvalu and the cause thereof shall be registered by the registrar for the district in which the death occurred by entering in a register kept for that district such particulars concerning the death as may be prescribed. Provided that where a dead body is found and no information as to the place of death is available, the death shall be registered by the registrar for the district in which the body is found.</p>
	v. Mandates that an official certificate be delivered as proof of registration.	4	<p>The issuance of an official birth certificate is a distinct activity that should follow the registration of a birth as it serves as proof of identity; while the death certificate is an essential document providing the final and permanent confirmation of the fact of death, enabling matters relating to inheritance and settling of an estate.</p>	<p>Marshall Islands, Births, Deaths and Marriages Registration Act 1988 (as amended through 2016) 427. Certificates as to registration of death The Registrar upon registering any death shall forthwith give to the person giving information concerning the death a certificate under his hand in the prescribed form, that he has registered the death.</p>
	vi. Authorizes and empowers the Registrar to verify information in the register.			<p>Samoa, Births, Deaths and Marriages Registration Act, 2002 71. Registrar to be satisfied in respect of information Subject to this Act, on receipt of any notification, certificate, form, application, or other document or information in respect of an event the Registrar must carefully consider the circumstances surrounding the event and the information received in respect of it and if the Registrar is satisfied that:</p> <p>(a) the information is correct; and (b) the event and the information should properly be recorded in the Register or be otherwise recorded, — certify that fact and register the event or amend, delete, or record the information in the Register, as the case may require.</p> <p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Act, 1995 82. Registrar-General's powers of inquiry (1) The Registrar-General may, if he or she considers it reasonably necessary for the purposes of this Act, make inquiries:</p> <p>(a) to determine whether a registrable event has occurred; or (b) to collect details of a registrable event; or (c) to ensure that there is a correct record of a registrable event.</p> <p>(2) The Registrar-General may also require a person who provides information under this section to make a statutory declaration on a form provided by the Registrar-General for the purpose or to provide other evidence in support of the information provided.</p>
(7) Responsibility for reporting (informants)	i. The law clearly defines who is responsible for reporting a birth or a death.	3, 5	<p>The law should provide a clear description of who is responsible for reporting a vital event to the registry office (this person is called the "informant").</p> <p>Health services are an essential source of information on vital events. Therefore, for in-facility events, the head of the health facility</p>	<p>Nauru, Births, Deaths and Marriages Registration Act 2017 12. Compulsory notification of births Where a child is born at a hospital in the Republic, the Director of Medical Services shall notify or cause the birth to be notified to the Registrar within 7 days of the birth.</p> <p>13. Compulsory registration of births (1) Where a person is born in the Republic one or both parents jointly shall register the birth of the person within 21 days of the birth.</p>

			<p>should be required to notify the Registrar of the event. In many countries, a health professional that attends a birth (such a licensed mid-wife) or death (including a licensed physician or other health profession) outside of a health facility is required to notify the registrar's office. The family may be required to provide additional information in order to complete notification and registration of a medically supervised event, whether in-facility or out of facility.</p> <p>For out-of-facility events, the family usually is responsible for reporting the event, however, local officials or community leaders or health workers may be responsible.</p>	<p>35. Compulsory notification of deaths Where a person dies at a hospital in the Republic, the Director of Medical Services shall notify or cause the death to be notified to the Registrar immediately after the death.</p> <p>36. Compulsory registration of deaths (1) The Registrar shall register each death occurring in the Republic on the provision of the particulars of the death provided to him or her in the prescribed form.</p> <p>Niue, Births and Deaths Registration Regulations, 1984</p> <p>21. Persons responsible for reporting deaths (1) The following persons or officer shall be responsible for furnishing the particulars of deaths specified in regulation 20, namely:</p> <ul style="list-style-type: none"> (a) The medical practitioner by issuing a death certificate duly executed under his hand; (b) Every occupier of the house or building in which the death took place; (c) Any person present at the death. <p>(2) If any of the persons or medical officer specified herein duly furnishes the required information, the others of those persons or officers shall thereupon be freed from the obligation of doing so.</p> <p>Australia (VIC), Births, Deaths and Marriages Registration Act 1996 (as amended through 2014)</p> <p>37. Notification of deaths by doctors (1) A doctor who was responsible for a person's medical care immediately before death, or who examines the body of a deceased person after death, must, within 48 hours after the death, notify the Registrar of the death and of the cause of the death in a form and manner approved by the Registrar and specifying any prescribed particulars. Penalty: 12 penalty units.</p>
	ii. The law defines who is responsible for reporting a birth or death that occurs on moving vehicle, including planes and water vessels.	3, 5	The law should further provide a clear description of who is expected to report a vital event to the registry office for events occurring on different modes of transport such as a vehicle, train, water vessel, airplane etc. Often, the driver, captain or pilot of moving vessels is obligated to report occurrence of the event along with the family.	<p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Amendment Act, 2008</p> <p>36. Deaths on New Zealand aircraft or ships Any person may notify the Registrar-General and the Registrar-General may cause to be registered, as if it had occurred in New Zealand, any death that occurred outside New Zealand on an aircraft registered in New Zealand under the Civil Aviation Act 1990 or a New Zealand ship (within the meaning of the Maritime Transport Act 1994) or an aircraft or ship of the armed forces (within the meaning of the Armed Forces Discipline Act 1971).</p>
	iii. Funeral facilities, cemeteries and crematoria have an obligation to ensure that a death has been registered prior to disposal of a body. If the death has not been registered, there is an obligation to report or to notify the Registrar of the death.	3	The requirement to register a death before burial is a significant incentive for death registration in many settings. Funeral facilities, cemeteries and crematoria must request proof of death registration prior to disposing of a body (See Section 20 below). If the death has not been registered, the facility should notify the Registrar of the death.	<p>Australia (VIC), Births, Deaths and Marriages Registration Act 1996 (as amended through 2014)</p> <p>39. Notification by funeral director, etc. (1) A funeral director or other person who arranges for the disposal of human remains must within 7 days after disposal of the remains give the Registrar a notice in the form and manner required by the Registrar specifying any prescribed particulars and including any supporting documentation required by the Registrar. Penalty: 5 penalty units.</p>
(8) Place of Registration	i. Law clearly states where a vital event may be registered (i.e. place of usual residence and/or place of occurrence).	3	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.	<p>Cook Islands, Births and Deaths Registration Act 1973</p> <p>6. Place of registration of births and deaths (1) Subject to the provisions of this Act, all births and deaths occurring in the Cook Islands shall be registered by the Registrar whose office is nearest to the place where the birth occurred or to the place of burial, as the case may be: Provided that any other Registrar may register any birth or death if it is shown to his satisfaction that the person whose duty it is to give the information required by this Act for the registration of a birth or a death could not, without difficulty, delay, or expense, attend at the aforesaid office.</p>

			To enable a more robust use of the registration data, including better in-depth statistical analysis, the UN recommends that countries collect the two variables i.e. the place of occurrence and place of registration. (Para 85-89, UN principles and recommendations for vital statistics systems).	Kiribati, Births, Deaths and Marriage Registration Ordinance 1968 (as amended through 2007) 9. Particulars of Birth to be Registered (1) Subject to the provisions of this Part of this Ordinance, the birth of every child born in the Gilbert Islands shall be registered by the registrar for the district in which the child was born by entering in a register kept for that district such particulars concerning the birth as may be prescribed: Provided that where a living new-born child is found exposed and no information as to the place of birth is available, the birth shall be registered by the registrar for the district in which the child is found. 23. Particulars of Death to be Registered Subject to this Part, the death of every person dying in the Gilbert Islands and the cause thereof shall be registered by the registrar for the district in which the death occurred by entering in a register kept for that district such particulars concerning the death as may be prescribed: Provided that where a dead body is found and no information as to the place of death is available, the death shall be registered by the registrar for the district in which the body is found.
(9) Timeframe for notification of vital events	i. Reporting periods are appropriate for local circumstances and clearly defined.	1, 3	This will be different for each country, and as such should be based on local practice rather than example legislation. The maximum time period allowed for notification 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 notification of a birth and around 3 days for notification of a death, but vary by country. For example, in Victorian (Australia) legislation, notification of a live-birth is due within 21 days after the birth. In Queensland, notifications of live births that take place within a hospital are due within two working days. In the Pacific, notification of births ranges between 10 to 21 days.
	ii. Timeframe for notification of births is clearly described.	3	A clear timeframe is central to setting out the expectations for reporting. Time frames for in-facility event notification may be shorter than time frames for out-of-facility event notification, as shown in the Nauru example.	Cook Islands, Births and Deaths Registration Act, 1973 11. Responsibility for providing information required for registration of birth (2) Every person responsible as aforesaid shall, within fourteen days after the date of the birth, attend the office of the Registrar and inform the Registrar. Nauru, Births, Deaths and Marriages Registration Act 2017 12. Compulsory notification of births Where a child is born at a hospital in the Republic, the Director of Medical Services shall notify or cause the birth to be notified to the Registrar within 7 days of the birth. 13. Compulsory registration of births (1) Where a person is born in the Republic one or both parents jointly shall register the birth of the person within 21 days of the birth.
	iii. Timeframe for notification of deaths is clearly described.	3		CNMI, Vital Statistics Act, 2006 15. Death Registration (a) A certificate of death for each death which occurs in the CNMI shall be filed with the Health and Vital Statistics Office, or as otherwise directed by the Registrar, within 5 days after death or the finding of a dead body and prior to final disposition, and shall be registered if it has been completed and filed in accordance with this section.
(10) Late and delayed registration	i. The law should clearly define a process for late and delayed registration of births, including standards of evidence that are achievable.	5	A late registration occurs after the legally specified time period, but within a grace period, usually one year after the vital event. Delayed registration occurs after the grace period. While late and delayed registration should be discouraged so that vital events are registered in a timely manner, the procedures	Nauru, Births, Deaths and Marriages Registration Act 2017 16. Late registration of birth Where a birth of any person is not registered under section 13 of this Act or under any former Acts, the Registrar shall register the birth of a person: (a) on an application for registration of birth; (b) upon payment of a late fee prescribed by regulations; and (c) a statutory declaration verifying the information in section 14.

			should not be so restrictive that they prevent the late or delayed registration. Procedures should take account of the difficulties in finding or verifying evidence of past events while striving to maintain the integrity of the records. Additional evidence might include a statutory declaration by the informant, as in the Nauru example. CNMI generally requires no additional evidence for a late registration; however, the legislation authorizes the State Agency to issue regulations on evidence required for delayed registration.	<p>CNMI, Vital Statistics Act 2006 Section 9. Birth Registration</p> <p>(a) A certificate of birth for each live birth which occurs in the CNMI shall be filed with the Health and Vital Statistics Office, or as otherwise directed by the Registrar, within 5 days after such birth and shall be registered if it has been completed and filed in accordance with this section...</p> <p>(h) Certificates of birth filed after 5 days, but within one year from the date of birth shall be registered on the standard form of live birth certificate in the manner prescribed above. Such certificates shall not be marked "Delayed". The Registrar may require additional evidence in support of the facts of birth.</p> <p>Section 11. Delayed Registration of Birth</p> <p>(a) When a certificate of birth of a person born in the CNMI has not been filed within one year, a delayed certificate of birth may be filed in accordance with regulations of the State Agency. No delayed certificate shall be registered until the evidentiary requirements as specified in regulation have been met.</p>
	ii. The law should clearly define a process for late registration of deaths, including standards of evidence that are achievable.	5		<p>CNMI, Vital Statistics Act 2006 Section 16. Delayed Registration of Death</p> <p>(a) When a death occurring in the CNMI has not been registered within the time period prescribed by Section 15, a certificate of death may be filed in accordance with regulations of the State Agency. Such certificate shall be registered subject to such evidentiary requirements as the State Agency shall by regulation prescribe to substantiate the alleged facts of death.</p>
(11) Fees	i. Registration of a birth and registration of a death within the designated timeframe is free.	4	UN principles for a civil registration system state that there should be no charge for registering a birth or a death within the designated timeframe. The registration of a vital event should be free of charge; recognising that civil registration is a primary responsibility of a government to its people	<p>Fiji, Births, Deaths and Marriages Registration Act, 1975 3. Duty of Registrar to register gratis all births, deaths and marriages Subject to the provisions of section 13, the Registrar shall register free of charge every birth and death required to be registered under this Act and every marriage solemnized under the Marriage Act of which he shall receive information together with such particulars in each case as are required to be registered.</p> <p>Tuvalu, Births, Deaths and Marriages Registration Act, 1968 28. Registration of death free of charge Where the registrar receives personally from any qualified informant, at any time before the expiration of 12 months from the date of the death or finding of the dead body of any person, information of the particulars required to be registered concerning that person's death, then, so soon as he has received any particulars required to be registered concerning the cause of the death which are required to be given by any person other than the informant, he shall forthwith register the death and the particulars, if not previously registered, in the prescribed form and manner without any fee or reward from the informant.</p>
	ii. Issuance of original birth or death certificate is free of charge.	4	UN principles for a registration system state that there should be no charge for issuance of an original birth certificate or original death certificate. Obtaining a birth or death certificate is a significant incentive to registration, as these documents may be needed to obtain services or settle estates. Accordingly, there should be no charge for the original certificate. Registrars may charge a fee for issuance of a duplicate birth or death certificate.	<p>Tuvalu, Births, Deaths and Marriages Registration Act, 1968 32. Certificate as to registration of death (1) The registrar upon registering any death shall forthwith give to the person giving information concerning the death a certificate under his hand that he has registered the death; but may, before registering the death and subject to such conditions as may be prescribed, upon receiving written notice of the occurrence of a death in respect of which he has received a certificate under section 30, give to the person sending the notice, if required to do so, a certificate under his hand that he has received notice of the death; and any certificate given under this subsection shall be given without fee.</p>
	iii. No fee for late birth or death registration.		Although some countries charge a fee for late registration, this has not been shown to increase timely registration, and in many cases this may	<p>Vanuatu, Civil Status (Registration) Act, (1970) (as amended through 2018) 34. One entry only for each late declaration</p>

			actually serve as a disincentive to registration (particularly in lower or middle income countries). The objective is to encourage the public to register events within the legally prescribed time. If a country is striving to increase rates of registration, lawmakers should consider having no fees or penalties for late registration. The Vanuatu example shows that late registration is subject to the same provisions as timely registration (Section 34(2)), and that registration is free of charge (Section 40).	(1) Only 1 entry shall be made for a birth, death or marriage declared late. In order to prevent the duplication of entries of the same event, every Registrar or Sub-Registrar who has received such a late declaration shall satisfy himself by enquiry from the Registrar of the district where the event is alleged to have taken place, that registration thereof has not already been effected. (2) Registration affected in this manner shall be subject to the same provisions as any other registration of civil status. 40. Fees for copies or extracts from register Entries in any registers shall be made free of charge. A fee may be charged when copies or extracts are issued, the amount of which shall be prescribed by the Minister by Order.
	iv. Fees can be adjusted through issuance of regulations or ministerial decrees, rather than amendment of the law, to allow for changes in fees over time.		As an Act may remain in effect over many years, it is essential that fees can be revised in line with changing economic conditions so that they remain appropriate for their intent. For this reason, fees should not be contained in legislation; legislation should authorize the civil registration authority to issue regulations or decrees on fees. In addition, the Registrar may be given the power to waive (remit) fees for those that cannot afford to pay.	Australia (VIC) , Births, Deaths and Marriages Registration Act 1996 (as amended through 2014) 49. Power to remit fees The Registrar may, in appropriate cases, remit the whole or part of a fee under this Act. 59. Regulations (1) The Governor in Council may make regulations for or with respect to: (a) prescribing fees or a basis for calculating fees for — (i) access to the Register; or (ii) a search of the Register; or (iii) the issue of a certificate following a search of the Register; or (iv) other services provided by the Registrar; Fiji , Births, Deaths and Marriages Registration Act, 1975 (as amended through 2014) 32. Regulations The Registrar-General may, subject to the approval of the Minister, make regulations from time to time for carrying out the provisions of this Act, prescribing the particulars required to be registered, the forms to be used, and the <i>fees to be charged or payable</i> , for the services to be performed in connexion with the provisions of this Act, and for the management of registries.
(12) Registration of birth	i. Details how to register a birth.	4	The key requirements of the registration process should be outlined, while allowing for detailed processes to be included in regulations. This allows for processes to be changed as needed.	Australia (VIC) , Births, Deaths and Marriages Registration Act 1996 (as amended through 2014) 14. How to have the birth of a child registered: A person has the birth of a child registered under this Act by lodging a birth registration statement with the Registrar in a form and manner required by the Registrar specifying any prescribed particulars.
	ii. Provides direction on what to do with the registration record, including forwarding of registration records from the local registrar to central registrar.	4	Details procedures should be set out in regulations or SOPs to allow for greater flexibility in the system while ensuring clear flows of information. The Cook Islands provides an example of legislation outlining what needs to be done and when, but which allows the details of how the data is transmitted to be further outlined in separate regulations, thus remaining flexible to changing circumstances.	Cook Islands , Births and Deaths Registration Act, 1973 8. Quarterly returns (1) Every Registrar shall, within the first ten days of each of the months of January, April, July, October in each year, transmit to the Registrar-General the duplicates, certified under his hand as such, of all entries of births and deaths made in the register books in his office during the three months then last past, or a certificate under his hand that there have been no such entries, as the case may be. Tonga , Births, Deaths and Marriages Registration Act, 1988 3. Town Officer to inform births and deaths Every Town Officer shall report to his district officer on the first day of every calendar month using Form VS3 in Schedule 3 hereto every birth and death that has occurred within the boundaries of his town during the previous month.
	iii. Describes the evidence required for a birth to be	4	A birth registration provides a legal identity. As such there is an onus on the registration	CNMI , Vital Statistics Act 2006 9. Birth Registration

registered and how this evidence will be validated.		authority to ensure that the information provided to create this identity is valid. For births that occur in a health facility, notification from the health facility generally is sufficient evidence. For out of facility births, a statement by a birth attendant, parent or other witness may be sufficient. The law should allow the civil registration authority to set out the requirements for evidence, as in the CNMI example.	<p>(b) When a birth occurs in an institution or en route thereto, the person in charge of the institution or his or her authorized designee shall obtain the personal data, prepare the certificate, certify that the child was born alive at the place and time and on the date stated either by signature or by an approved electronic process, and file the certificate as directed in Section 9.(a). The physician or other person in attendance shall provide the medical information required by the certificate within 72 hours after the birth.</p> <p>(c) When a birth occurs outside an institution,</p> <p>(1) the certificate shall be prepared and filed by one of the following in the indicated order of priority, in accordance with regulations promulgated by the State Agency;</p> <p>(i) the physician in attendance at or immediately after the birth, or in the absence of such a person;</p> <p>(ii) any other person in attendance at or immediately after the birth, or in the absence of such a person.</p> <p>(iii) the father, the mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.</p> <p>(2) the State Agency shall by regulation determine what evidence may be required to establish the facts of birth.</p>
iv. Requires verification of the names to be entered for the child and parents, as well other information.	4	<p>The identity created should be unambiguous, and the registrar should confirm that there have been no recording or transcription errors prior to the registration being finalised.</p> <p>The PNG example gives the registrar broad powers to make inquiries to verify information. Specific steps that registrars should take to verify and ensure accurate information should be set out in SOPs issued by the RG, rather than law, to allow for changes to procedure.</p>	<p>PNG, Civil Registration Act 1963 (as amended through 2016)</p> <p>7. Powers of Registrar</p> <p>(1) The Registrar may:</p> <p>(a) make such inquiries as he thinks proper to inform himself correctly on any matter registered or entered, or required to be registered or entered, in a register; ...</p>
v. Allows for registration of a child to a single mother without the father being named.		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 on the registration certificate (in accordance with the convention on the rights of the child), the legislation should not prevent the birth registration of a child whose mother is either unwilling or unable to name the father.	<p>Australia (VIC), Births, Deaths and Marriages Registration Act 1996 (as amended through 2014)</p> <p>15. Responsibility to have a birth registered</p> <p>(1) The parents of a child are jointly responsible for having the child's birth registered under this Act and must both sign the birth registration statement but the Registrar may accept a birth registration statement from one of the parents if satisfied that it is not practicable to obtain the signatures of both parents on the birth registration statement.</p>
vi. Clearly states how marriage affects the assumption of fatherhood.		Legislation or regulations should address if a father may be named in the birth registration record without his legal consent if the parents are not married.	<p>Marshall Islands, Births, Deaths and Marriages Registration Act, 1988 (as amended through 2016)</p> <p>416. Provision as to father of illegitimate child</p> <p>Notwithstanding anything in this Part, in the case of a child born out of wedlock, whether legal or customary, no person shall, as father of the child, be required to give information concerning the birth of the child, and the Registrar shall not enter in the register the name of any person as father of the child except at the joint request made in writing signed by both the mother and person acknowledging himself to be the father of the child.</p> <p>American Samoa, Code Title 13, Chapter 5, Vital Statistics, 1962 (as amended through 1990)</p> <p>13.0512 Fathers of illegitimates</p> <p>Entry of name on records:</p>

				<p>The father of an illegitimate child is not required to give information under this chapter regarding the birth of the child, and the father's name may not be entered on the records unless requested in writing by both the mother and the person acknowledging himself to be the father.</p> <p>Vanuatu, Civil Status (Registration) 1970 (as amended through 2018) 19. Contents of entries of births (2) In the case of an illegitimate child, if both or either of the parents is not named to the registering officer, no reference to such parent shall be noted on the register.</p> <p>Nauru, Births, Deaths and Marriages Registration 2017 14. Particulars of Birth (3) Where the Nauruan biological father intends to register the name of a person whose biological mother is a Nauruan and both the biological parents are not married to each other or to any other person, the father shall prior to registration:</p> <ul style="list-style-type: none"> (a) obtain the consent of the biological mother; or (b) obtain an Order from the Supreme Court declaring him as the father.
<p>(13) Legitimation/Recognition</p>	<p>i. There is a clear process defined for a child to be legitimised or recognized, including updating of the birth certificate.</p>	<p>5</p>	<p>Under the Convention on the Rights of the Child, a child has the right to know their parents. In the case of un-married parents where the father was not originally named on the birth certificate – there should be a process for allowing this information to be later added to the record once verified.</p>	<p>Tonga, Births, Deaths and Marriages Registration Act, 1926 (as amended through 2012) 11. Legitimation (1) Evidence required for registration:</p> <ul style="list-style-type: none"> (a) Where both parents wish to register their child as legitimate the following evidence will be required by the Sub-Registrar concerned. <ul style="list-style-type: none"> (i) The birth certificate of the person to be legitimated. (ii) The Marriage Certificate of his parents. (iii) An affidavit sworn by each parent deposing to the fact that he or she was not married to a third person when the person to be legitimated was born. (iv) That the father of the person to be legitimated was domiciled in Tonga at the date of Marriage. (b) Where only one parent wishes to register the birth as legitimate: <ul style="list-style-type: none"> (i) If the entry in the register shows the father's name then the same documentation as in (1)(a) above, save that it shall only be necessary to depose to the best of the knowledge and belief of the person registering that the other parent was unmarried at the date of birth. (ii). If the entry in the register does not show the father's name, then, in addition to the documents required by (1)(b)(i) above, the Court Order establishing the paternity. <p>CNMI, Vital Statistics Act 2006 14. Certificates of Birth Following Adoption, Legitimation, Court Determination of Paternity, and Paternity Acknowledgement</p> <ul style="list-style-type: none"> (a) The Registrar shall establish a new certificate of birth for a person born in the CNMI when he or she receives the following: ... <ul style="list-style-type: none"> (2) A request that a new certificate be established as prescribed by regulation and such evidence as required by regulation proving that such person has been legitimated, or that CNMI Superior Court has determined the paternity of such a person, or that both parents have acknowledged the paternity of such person and request that the surname be changed from that shown on the original certificate... (e) Upon written request of both parents and receipt of a sworn acknowledgment of paternity signed by both parents of a child born out of wedlock, the Registrar shall reflect such paternity on the certificate of birth in the manner prescribed by regulation if paternity is not already shown on the certificate of birth.

<p>(14) Registration of name of child</p>	<p>i. Birth registration procedures allow locally appropriate time for a child to be named, while encouraging complete registration as early as possible.</p>	<p>Name changes are a significant burden of work in many Pacific registries. Local practices vary, and a child may be given several names that vary over time before settling on a name for continued use. Registration practices should be sensitive to local naming customs to minimise the number of expected name changes, while ensuring timely registration of the birth. Kiribati and the Cook Islands allow for the addition or change of name for up to one and two years after registration, respectively. Vanuatu also allows for naming of a child after birth registration. In the New Zealand example, the notification of birth from the health services (which should be issued as close to the birth as possible) is restricted to the fact of birth and details of the mother or parents, with the child's name added at the completion of registration by the parents. (Note that the "preliminary notice of birth form" from the health provider does not contain the child's name).</p>	<p>Cook Islands, Births and Deaths Registration Act 1973 17. Registration of name after registration of birth (1) If any child or birth has been registered under this Act without a first or Christian name has any such name given to it after the registration, or if any additional first name or Christian name is given to a child to whom a first name or Christian name was given at the time when its birth was registered, or if another name is given to any child in place of the registered name, the parents of the child, at any time within two years after the date of the original registration of the birth, may in writing request the Registrar to register the name so given and the Registrar shall register the name accordingly... (2) A memorial of any alteration or addition to the register under this section shall be entered on the appropriate birth registration entry and signed by the Registrar. (3) Except upon the authority of the Registrar-General, not more than one alteration or addition to the register in respect of the name of any child shall be made under this section.</p> <p>Kiribati, Births, Deaths, and Marriages Registration (Amendment) Act 2007 22. Change of name (1) Where the birth of any child has been registered before the child has received a name the registrar may upon the application of the parent or guardian of the child within one year of the date of the registration, and on payment of the prescribed fee and on receipt of such evidence as the registrar may require without any erasure of the original entry, enter in the register the name given to the child.</p> <p>Vanuatu, Civil Status (Registration) (Amendment) Act, 2018 14. Amending entries in respect of children's names (1) This section applies where the birth of a child has been declared before that child has received a name. (2) The Registrar-General may, on the application of the parents or guardians of the child and after such enquiry as may be necessary, enter the name given to the child in the register of births and acknowledgements, without cancelling the original entry.</p> <p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Amendment Act, 1995 (as amended through 2008) 5A. Preliminary notice of birth (1) A preliminary notice must be given in accordance with this section for each birth in New Zealand. (2) If a birth takes place during or immediately before the mother's admission to hospital, the occupier of the hospital must give the preliminary notice. (3) If a birth does not take place during or immediately before the mother's admission to hospital, the preliminary notice must be given by: (a) a doctor, if he or she is present at the birth; or (b) a midwife, if he or she is present at the birth but a doctor is not present; or (c) the occupier of premises where the birth takes place or where the mother is admitted immediately after the birth, if neither a doctor nor a midwife is present. (4) A preliminary notice is given by completing, signing, and giving the standard form preliminary notice to a Registrar within 5 working days after the birth.</p> <p>New Zealand, Births, Deaths, and Marriages Registration (Prescribed Information and Forms) Regulations 1995 3. Preliminary notices of birth There is hereby prescribed for the purposes of preliminary notices of birth under section 4 of the Act the following information: (a) The date and place of the birth: (b) The sex, birth weight, and length of gestation of the child:</p>
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				<p>(c) Whether the child was stillborn: (d) The full name, usual residential address, and postal address of the mother.</p>
	ii. Legislation allows for naming customs of different population groups	5	Legislation should also take into account local naming customs. For example, the New Zealand allows for the use of only one name, instead of a surname and given name, if the religious or philosophical beliefs, or cultural traditions of the parent/guardian so require.	<p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Amendment Act, 1995 (as amended through 2008) 19. Names to be specified when birth notified (1) The person or persons who notify a Registrar of the birth of a child under section 9 or 10 must also specify for the child:</p> <ul style="list-style-type: none"> (a) 1 name designated to be treated as the child’s surname and 1 or more other names; or (b) if the religious or philosophical beliefs, or cultural traditions, of a parent (whether living or dead) or living guardian of the child require the child to bear only 1 name, 1 name.
(15) Name changes	i. There is a clear procedure for name changes that includes maintaining a record of the original registration.		Legislation should allow for name changes, for children and adults, provided there are not an excessive number of name changes and the name change is not for fraudulent purposes. As this is a change to the legal record, there should be a clear process to ensure that name changes do not result in duplicate records or identities.	<p>Nauru, Births Deaths and Marriages Registration 2017 25. Change of name to be included with birth information Where there is a change of name of a person whose birth is registered under this Act or a former Act, the Registrar shall:</p> <ul style="list-style-type: none"> (a) register the change of name; and (b) retain all other information about the birth of that person provided at the initial registration of birth. <p>Samoa, Births, Deaths and Marriages Registration Act, 2002 33. Change of name to be included with birth information Where the name of a person whose birth is registered under this Act or a former Act is changed under this Part, the Registrar must record the change of name in the Register as part of the information in respect of the birth of that person.</p> <p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Amendment Act, 2008 62. Recording new names in relation to marriages (1) Subsection (2) applies if, during the course of a marriage, a party to the marriage changes his or her name and the change is recorded in the person’s birth information or name change information. (2) The person who has changed his or her name (or if the person has died, the other party to the marriage) may request the Registrar-General to include the new name or change of name in his or her marriage information.</p> <p>New South Wales, Australia Births, Deaths and Marriages Registration Act 1995 29B. Restrictions on number of changes of name that may be registered The Registrar is not to register a change of name of a person on application made under this Act if the Registrar is aware that:</p> <ul style="list-style-type: none"> (a) a change of the person’s name has been registered (whether in this State or in another State) within the period of 12 months immediately preceding the date of the application, or (b) 3 or more changes of the person’s name have been registered (whether in this State or in another State). <p>30. Registration of change of name (1) Before registering a change of name under this Part, the Registrar may require the applicant to provide evidence to establish to the Registrar’s satisfaction:</p> <ul style="list-style-type: none"> (a) the identity and age of the person whose name is to be changed, and (b) that the change of name is not sought for a fraudulent or other improper purpose, and (c) if the person whose name is to be changed is a child—that the child consents to the change of name or is unable to understand the meaning and implications of the change of name, and

				(d) the reasons for making the application for registration of the change of name if the registration of the change would require the Registrar to exercise his or her discretion under section 29C.
(16) Adoption	i. There are clear procedures for recording adoptions that include linking this change to the original birth registration record.	5	An adoption is a change to the legal identity of the child, and as such should be linked to the official record of birth (although access to view the original record may be restricted). Having clear legal procedures for adoption is essential to minimise the risk of “unofficial” adoptions whereby incorrect information is given at the time of initial registration.	Tonga , Births, Deaths and Marriages Registration Act, 1926 (as amended through 2012) 10. Adoption (1) When an adoption order is made the original entry in the Birth Register will not be altered in any way except by adding in red the letters 'AD' and the number of the adoption order. (2) When a birth certificate is required it will be issued in the "adopted" form. A certificate in the original form will not be issued without the written authority of the Registrar-General. (3) Certificates in the "adopted" form will only be issued out of the Central Registry. (4) Information contained in adoption files will not be given to any person except on the written authority of the Registrar-General. (5) Adoption files will be kept in a secure place under the personal control of the Registrar of the Supreme Court.
(17) Marriage and divorce	i. The law defines clear processes for registering marriage and divorce, including linkage of these records.	5	Registrars should register the dissolution of marriage upon receipt of a court decree ordering such dissolution and link it to the marriage registration record. In order to keep marriage registries up to date, courts should be required to send such decrees nullifying or dissolving a marriage, or send information pertaining to such decrees, to the Registrar in a timely manner, as shown in the Samoa example.	Vanuatu , Civil Status (Registration) Act 1970 (as amended through 2018) 23. Registration of marriages (1) A declaration of marriage shall be made within a period to be prescribed by the Minister by Order, to the Registrar or Sub-Registrar concerned who shall enter the particulars in his register of marriages in accordance with the form prescribed therefore by the Schedule. (2) Any marriage not declared within the prescribed time shall be made the subject of a late declaration under the provisions of Part 4. 24. Registration of dissolutions and nullifications of marriage Every lawful dissolution or nullification of marriage shall be declared within a period to be prescribed by the Minister by Order to the Registrar or Sub-Registrar concerned, who shall make an entry in the appropriate register. Every such entry shall state the measures taken for the care of any children born of such marriage. Samoa , Births, Deaths and Marriages Registration Act 2002 63. Marriages notified must be registered On being notified of a marriage under this Part, the Registrar-General must register the marriage by recording the information in the Register. 64. End of marriage must be recorded in Register (1) On the making by the Court of: (a) a decree absolute of dissolution of marriage; or (b) a decree of presumption of death and of dissolution of marriage; or (c) a decree of nullity of marriage, — in respect of any marriage solemnised in Samoa, the Registrar of the Court which made the decree must provide to the Registrar-General a certificate in respect of the decree in the form prescribed by the Regulations. (2) On receipt of a certificate under subsection (1), the Registrar-General must record in the Register as part of the information in respect of the marriage the information contained in the certificate.
	ii. There are clear provisions in the law to prevent under-age marriage and second marriage where a previous divorce has not been granted. These should allow for the recognition of customary			Nauru , Births, Deaths and Marriage Registration Act 2017 50. Marriageable age (1) The marriageable age of a person under the Act shall be at least 18 years. (2) No person shall solemnise a marriage of a person who has not attained the age of at least 18 years. Marshall Islands , Births, Deaths and Marriages Registration Act, 1988 (as amended through 2016) 428. Requisites of a marriage In order to contract a valid marriage it shall be necessary: ...

	marriages as appropriate locally.			<p>(c) that the marriage between the two parties is not within the prohibited degrees of marriage by law or custom; and</p> <p>(d) that where either of the parties were married earlier, the former spouse of that party has died, or the prior marriage of that party was annulled or dissolved by a court of competent jurisdiction.</p> <p>434. Customary marriages The provisions of this Part shall not apply to marriages contracted between citizens in accordance with recognized customary practice. And a marriage contracted between citizens in accordance with recognized customs, shall be valid.</p>
(18) Medical certification of cause of death	i. Legislation states whether a medical certificate of cause of death is necessary in order to register a death.	2	<p>Countries should strive to have a medically certified cause of death for all deaths. However, this may not be possible in all countries, particularly where access to doctors may be limited. Where it is not possible to obtain a medical certificate of cause of death (MCCD), this should not block registration of the death.</p>	<p>Vanuatu, Civil Status (Registration) Act 1970 (as amended through 2018) 27. Death certificate to accompany declaration of death or foetal death In the case of every death or foetal death where the deceased or the mother was attended by a medical officer, the declaration to the Registrar or Sub-Registrar shall be accompanied by a certificate as to the cause of death signed by such medical officer. In any other case of death or foetal death, the Registrar or Sub-Registrar may, if he thinks fit, require the production of a certificate as to the cause of death signed by a medical officer.</p> <p>Australia (QLD), Births, Deaths and Marriages Registration Act, 2003 30. Cause of death certificate (1) This section applies if:</p> <p>(a) a doctor —</p> <p>(i) for a stillborn child — (A) was present at the stillbirth; or (B) examined the stillborn child's body; or (ii) for any other deceased person — (A) attended the deceased person when the person was alive; or (B) examined the deceased person's body; or (C) has considered information about the deceased person's medical history and the circumstances of the deceased person's death; and</p> <p>(b) the doctor is able to form an opinion as to the probable cause of death.</p> <p>(2) Subject to the Coroners Act 2003, section 26(5),12 the doctor must:</p> <p>(a) complete a certificate, in the approved form, ("cause of death certificate") for the deceased person; and</p> <p>(b) give the original certificate to the person who is arranging for the disposal of the deceased person's body or to the registrar; and</p> <p>(c) give a copy of the certificate to the person who is arranging for the disposal of the deceased person's body.</p>
	ii. The law clearly specifies who can medically certify the cause of death.	2, 3	<p>Assigning a cause of death is a specialised skill and the WHO recommends that this be done only by a registered medical practitioner (or through the coroner's office). Some PICTs however do allow nurse practitioners with advanced training in diagnosis of illness to also undertake this function.</p> <p>Legislation or regulations should require the use of the WHO international form of medical certificate of cause of death (MCCD) for recording cause of death information. The use of this standardised form of reporting allows for country comparison and benchmarking when looking at cause of death data, and will assist countries to systematically track progress and meet international reporting requirements.</p>	<p>Kiribati, Births, Deaths and Marriages Registration (Amendment) Act, 2007 30. Certificate of cause of death (1) In the case of the death of any person who has been cause of death attended during his last illness by a medical practitioner, that practitioner shall sign a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death and shall forthwith deliver that certificate to the registrar.</p> <p>CNMI, Vital Statistics Act 2006 Section 15. Death Registration</p> <p>(c) The medical certification shall be completed within 48 hours after receipt of the death certificate by the physician in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by the Attorney General's Office. In the absence or inability of said physician or with his or her approval, the certificate may be completed by his or her associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, and death is due to natural causes. The person completing the cause of death shall attest to its accuracy either by signature or by an approved electronic process.</p>

	iii. The law requires the head of the health facility or the medical practitioner who certified cause of death to submit the MCCD to the registration authority.		Deaths that are known to the government through the health service should not be “lost” to the system by relying solely on the family to transfer this data between departments.	<p>Samoa, Births, Deaths and Marriages Registration 2002 47. Registrar-General must be advised of cause of death (1) If there is a death in Samoa and:</p> <ul style="list-style-type: none"> (a) the death occurred in a health care facility; or (b) the human remains are brought to a health care facility; or (c) a doctor working in or employed by a health care facility — <ul style="list-style-type: none"> (i) attended the death; or (ii) recently attended the deceased before death; or (iii) examined the human remains, — <p>the Director General of Health, or, if the health care facility is privately owned, the Chief Executive or doctor-in-charge of the health care facility, subject to section 48, must provide the Registrar-General with a medical certificate certifying the cause of death in a form and manner as the Registrar-General in writing requires.</p>
	iv. The law supports verbal autopsy where an MCCD is not available.	5	Verbal autopsy is a structured interview of the decedent’s family members or other caregivers who can provide enough information to determine the probable COD. If VA is used where it is not possible to obtain an MCCD, the legal framework should support the use of VA for statistical purposes only. VA results should not be entered into the register as an official cause of death unless reviewed by a physician who then issues an MCCD based on the findings.	
(19) Registration of death	i. Details how to register deaths.	4	<p>The key requirements of the registration process should be outlined, while allowing for detailed processes to be included in regulations. This allows for processes to be changed as needed.</p> <p>Samoa authorizes the Registrar General to mandate the form and manner in which a death is registered. This allows the process to be more easily changed, as needed.</p>	<p>Samoa, Births, Deaths and Marriages Registration 2002 39. Deaths in Samoa must be notified (1) A death in Samoa not registered under a former Act or other law must be notified under this Part. (2) A death is notified under this Part when a person required or authorised by this Part to notify the Registrar General :</p> <ul style="list-style-type: none"> (a) completes and signs a COB death registration COB form and gives, sends, or posts it to the Registrar General; or (b) records and provides to the Registrar General the information required by a COB death registration form in a form and manner and subject to such conditions as the Registrar General in writing approves.
	ii. Describes what to do if a MCCD is not available, including other evidence required.	4	Ideally, all deaths will have a MCCD. However, if it is not possible to obtain an MCCD, for example, if the deceased did not die in a medical facility and was not under the care of a physician, the lack of MCCD should not prevent registration of death. In these circumstances, evidence of the facts surrounding the death (such as an affidavit of a witness) may be required. Some countries permit the use of Verbal Autopsy where there is no MCCD (see Section 16(iv)). As this is an evolving practice, most legislation does not address it.	<p>Australia (QLD), Births, Deaths and Marriages Registration Act, 2003 97. Notifying registrar when body is released and investigation ends (2) On completion of an investigation into a death, a coroner must give the registrar under the Births, Deaths and Marriages Registration Act 2003 a written notice, in the approved form, that states:</p> <ul style="list-style-type: none"> (a) who the deceased person was; and (b) when the person died; and (c) where the person died, and in particular whether the person died in Queensland; and (d) what caused the person to die; and (e) the date of the coroner’s findings; and (f) whether or not an inquest has been held into the death, and if an inquest has been held, the date and place of the inquest.

		If a death was referred to the coroner, cause of death information should be sent to the Registrar upon completion of the inquiry.	
iii. Includes provisions for registering the death of persons presumed dead (persons missing for a statutorily prescribed number of years or missing after a natural disaster or emergency)	5	Many countries have a process by which a court may declare a person dead after they have been missing for a prescribed period of time. Where a body is missing or there are no human remains due to a natural disaster or emergency, laws should allow for a finding of fact of death without the waiting period required for other missing persons, with appropriate documentation. In such cases of missing persons who are presumed dead, the court should be required to notify the registrar of the declaration of death.	<p>Marshall Islands, Births, Deaths and Marriages Registration Act 1988 (as amended through 2016)</p> <p>§427A. Missing Persons to be Presumed Dead After Five years A person who is missing for a continuous period of five years, during which, after diligent search, he or she has not been seen or heard of or from, and whose absence is not satisfactorily explained, may be presumed, to have died five years after the date such unexplained absence commenced.</p> <p>§427B. Missing Persons Exposed to a Specific Peril of Death or Catastrophic Accident (1) A person who, after being exposed to a specific peril of death or catastrophic accident, is subsequently missing, and has not been seen or found after a diligence search, may, at any time after the exposure to such specific peril of death or catastrophic accident, be presumed to have died on the date of, or any time after, exposure to such specific peril of death or catastrophic accident. (2) “specific peril of death” or “catastrophic accident” refer generically to circumstances that expose a person to imminent danger, and includes: (a) terrorist activities; (b) any criminal activities; (c) accidents involving aircrafts; (d) accidents involving ships, sailboats and other types of watercrafts at sea; (e) danger posed by typhoons, hurricanes, tsunamis or any other form of natural phenomena; (f) fire; (g) any other circumstances that the Court, in its discretion, may characterize as constituting a “specific peril of death” or a “catastrophic accident”, based on the evidence before it.</p> <p>§427C. Authority to Issue Declaration of presumption of Death (1) The authority to issue a declaration that the presumption of the death of a person missing under the circumstances set forth in Sections 427(A) and 427(B) herein above is established, is hereby vested in the competence of the High Court. (2) Accordingly, the Registrar shall not register the death of a person whose death is presumed under Sections 427(A) or 427(B) herein-above, except upon the Order of the High Court.</p> <p>§427D. Petition for Declaration of Death (1) Where a person is missing in the circumstances set forth under Section 427(A) above, any interested person may petition the High Court, at any time after the expiration of the fifth year of the said person’s absence, for an Order declaring that the missing person is presumed dead, for all purposes under the law. (2) Where a person missing in the circumstances set forth under Section 427(B) above, any interested person may petition the High Court, at any time after the exposure of the missing person to the specific peril of death or catastrophic accident, for an Order declaring that the missing person is presumed to have died on the date of, or after, exposure to such specific peril of death or catastrophic accident.</p> <p>§427E. Hearing and Order (1) The burden of proof shall lie with the interested person, who shall set forth all the facts that are necessary to establish the presumption that the missing person is dead. (2) The High Court shall, upon the hearing of the petition, and if satisfied that the presumption has been established on the balance of probabilities: (a) issue an Order declaring that the missing person is for all purposes under the law, presumed dead; and (b) direct the Registrar to so register the death of the said person, and to issue a certificate attesting to that fact, under his hand, to the interested person.</p> <p>(3) The High Court may, in its Order, make a determination, based on the evidence, as to the date of death.</p>

	iv. Describes the need for verification of all evidence, including names.	4	<p>Death registration closes a legal identity. Therefore it is important that the name of the deceased as well as other information and evidence provided be accurate. The registrar should confirm that there have been no recording or transcription errors prior to the registration being finalised.</p> <p>The PNG example gives the registrar broad powers to make inquiries to verify information. Specific steps that registrars should take to verify and ensure accurate information should be set out in SOPs issued by the RG, rather than law, to allow for changes to procedure.</p>	<p>PNG, Civil Registration Act 1963 (as amended through 2016)</p> <p>7. Powers of Registrar</p> <p>(1) The Registrar may:</p> <ul style="list-style-type: none"> (a) make such inquiries as he thinks proper to inform himself correctly on any matter registered or entered, or required to be registered or entered, in a register;
	v. Provides direction on what to do with the registration record, including storage and forwarding of registration records from the local registrar to central registrar.	4	<p>Details procedures should be set out in regulations or SOPs to allow for greater flexibility in the system while ensuring clear flows of information.</p> <p>The Cook Islands provides an example of legislation outlining what needs to be done and when, but which allows the details of how the data is transmitted to be further outlined in separate regulations, thus remaining flexible to changing circumstances.</p> <p>The Samoa example requires that information be kept secure. This could also be addressed in general data protection and privacy provisions (See sections 28 and 29 below).</p>	<p>Cook Islands, Births and Deaths Registration Act, 1973</p> <p>8. Quarterly returns</p> <p>(1) Every Registrar shall, within the first ten days of each of the months of January, April, July, October in each year, transmit to the Registrar-General the duplicates, certified under his hand as such, of all entries of births and deaths made in the register books in his office during the three months then last past, or a certificate under his hand that there have been no such entries, as the case may be.</p> <p>Samoa, Births, Deaths and Marriages Registration Act, 2002</p> <p>44. Death information must be kept secure</p> <p>(1) A person having lawful custody of a death register book or information otherwise preserved or duplicated under this Part must:</p> <ul style="list-style-type: none"> (a) Take reasonable precautions to ensure the book and the information are kept secure and maintained in good condition; and (b) Immediately provide the book or the information to the Registrar when the Registrar in writing so requires. <p>(2) A person who, without reasonable excuse, fails to comply with section 43 or this section commits an offence and on conviction is liable to a fine not exceeding 10 penalty units.</p>
(20) Unnatural death	i. There are clear requirements as to who should report a suspected unnatural death for further investigation, to whom, and the procedures for doing so.		<p>An unnatural death should be reported to the health authority or police, who should turn the case over to the coroner for investigation into cause and manner of death. Many PICTs rely on the family to notify police in the event that they feel the death was unnatural. The net result of this policy is that anecdotally, it has been suggested that many unnatural deaths have gone un-reported and are not formally documented or reviewed.</p>	<p>Samoa, Births, Deaths and Marriages Registration Act, 2002</p> <p>48. Death must be reported to Coroner in certain circumstances</p> <p>(1) A person required by section 47 to provide a medical certificate who:</p> <ul style="list-style-type: none"> (a) forms the opinion that in all the circumstances the cause of death requires further investigation; or (b) has reasonable cause to suspect that the death was — <ul style="list-style-type: none"> (i) the result of violence or otherwise was unnatural; or (ii) sudden and of unknown cause, — subject to subsection (2), immediately must report the death to the Coroner setting out the circumstances of the death and the reasons why they are of that opinion or have that suspicion, and provide to the Registrar a copy of the report. <p>(2) When a death has been reported to the Coroner, a person required by section 47 to provide the Registrar with a medical certificate must do so only if the Coroner determines not to hold an inquest into the death.</p> <p>Nauru, Births, Deaths and Marriages Registration Act 2017</p> <p>41. Duty of health practitioner in case of suspicious death</p> <p>(1) Where the health practitioner is of the opinion that a person has died under suspicious circumstances, he or she shall report the death to the Nauru Police Force.</p>

				<p>(2) A health practitioner under subsection (1) who reports a death to the Nauru Police Force, shall not without the direction of the Nauru Police Force issue a notification of death.</p> <p>(3) A health practitioner shall not issue a notification of a stillbirth without reporting the matter to the Nauru Police Force where he or she has any reason or cause to believe of any suspicious circumstances of a stillbirth or infanticide.</p>
	ii. There is a clear process for outcomes from police, coronial or court investigations of death to be provided to the registry to update death registers appropriately.		In the case of a coronial, police or other medico-legal death investigation, there should be procedures for informing the Registrar of the cause and manner of death once the findings are complete.	<p>Nauru, Births, Deaths and Marriages Registration Act 2017 42. Resident Magistrate to notify Registrar</p> <p>(1) Where a Resident Magistrate is notified of a death under the Inquest Act 1977, the Resident Magistrate shall:</p> <ul style="list-style-type: none"> (a) notify the Registrar; and (b) if the Resident Magistrate has certified that an inquest into the death is unnecessary, — provide to the Registrar such information as the Registrar requires for the purpose of registering the death. <p>(2) Where a Resident Magistrate has certified that an inquest into a death is necessary, the Registrar shall not register the death until the inquest has been held.</p> <p>(3) After an inquest into a death has been held, the Resident Magistrate shall notify the Registrar of his or her findings and provide to the Registrar such information as the Registrar requires for the purpose of registering the death or under the Inquests Act 1977.</p>
(21) Births and deaths that occur out of country	i. If allowed, circumstances in which an out-of- country birth or death can be formally registered are clearly described.	3	Out-of-country events may be critical for statistical purposes – especially where there are programs for overseas medical referral and a substantial number of births and deaths occur outside the country. The registration procedure must preclude the risk of creation of two separate identities for the one person.	<p>Nauru, Births, Deaths and Marriages Registration Act 2017 19. Child born outside the Republic</p> <p>(1) Where a Nauruan is born outside the Republic, whether or not the birth is registered in the foreign country of birth in accordance with the laws of the foreign country, the birth shall be registered in the Republic.</p> <p>(2) The particulars required for the registration of the birth under subsection (1) shall correspond with section 14.</p> <p>Kiribati, Births, Deaths and Marriages Registration (Amendment) Act, 2007 32A. Registration of deaths occurring outside Kiribati</p> <p>(1) Where a person of I-Kiribati descent has died outside Kiribati the Registrar-General may, on an application made under this section and on payment of the prescribed fee, enter the particulars of the death in the register of deaths as if the death had occurred in Kiribati.</p> <p>(2) An application under this section may be made by the father, mother, brother, sister, spouse or child of the deceased.</p> <p>(3) No application under this section shall be considered except on provision to the satisfaction of the Registrar-General of the death certificate (or a duly certified copy thereof) from the country in which the person died certifying that the death has been registered in accordance with the laws of that country.</p> <p>(4) All documents lodged with the Registrar-General under this section shall be filed separately and maintained and preserved as a supplement to the register to which it relates.</p>
(22) Foetal Death	i. Describes which foetal deaths to report and how to report.	4	Foetal deaths should be reported and recorded for statistical purposes and should not be included in the live birth register because a foetal death does not establish legal identity. As of 2016, WHO recommends reporting of late foetal deaths (also called third-trimester stillbirths) at greater than 1000 grams birth weight, and/or greater than 28 completed weeks of gestation, and/or greater than 35 centimetres body length. Previous standards recommended reporting foetal deaths at greater than 500 grams birth weight and/or	<p>CNMI, Vital Statistics Act 2006 Section 17. Reports of Foetal Death</p> <p>Each foetal death of 350 grams or more, or if weight is unknown, of 20 completed weeks gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, which occurs in the CNMI (Saipan, Rota, Tinian or Northern Islands) shall be reported within 5 days after delivery to the Health and Vital Statistics Office or as otherwise directed by the Registrar. All induced terminations of pregnancy shall not be reported as foetal deaths and shall be reported by the attending physician to the Registrar for statistical purposes and to the Department of Public Safety.</p> <ul style="list-style-type: none"> (a) When a foetus is delivered in an institution, the person in charge of the institution or his or her designated representative shall prepare and file the report. (b) When a foetus is delivered outside an institution, the physician in attendance at or immediately after delivery shall prepare and file the report.

			greater than 22 completed weeks of gestation and/or greater than 25 centimetres body length. As with other deaths, a foetal death should have a medically certified cause of death reported on the international MCCD form.	<p>(c) When a foetal death required to be reported by this section occurs without medical attendance at or immediately after the delivery, or when an inquiry is required by the Attorney General's Office, the attending physician, pathologist or medical examiner shall investigate the cause of the foetal death and shall prepare and file the report within 5 days.</p> <p>(d) When a foetal death occurs in a moving conveyance and the foetus is first removed from the conveyance in the CNMI (Saipan, Rota, Tinian or Northern Islands) or when a foetus is found in the CNMI and the place of foetal death is unknown, the foetal death shall be reported in the CNMI (Saipan, Rota, Tinian or Northern Islands). The place where the foetus was first removed from the conveyance or the foetus was found shall be considered the place of foetal death.</p>
(23) Burial or cremation permit	i. The law states what legal requirements should be fulfilled before burial/cremation can occur.	3, 4	<p>The law should require death registration before disposal of a dead body. The law should define the responsibilities of funeral home directors and/or heads of cemeteries and cremation facilities in ensuring that deaths are registered before a body is buried, cremated or otherwise disposed of.</p> <p>The Cook's Island requires the funeral director to obtain a copy of the medical certificate of cause of death or a coroner's order. However, in countries where many deaths occur outside health facilities, where an obtaining an MCCD may not be possible, proof of registration of death (rather than MCCD) should be accepted.</p>	<p>Guam, GAR Title 28, Chapter 2, Vital Statistics 1972 §2115. Burial-Transit Permits Under no circumstances may a burial-transit permit be issued unless a certificate of death or foetal death has been filed properly with the Office of Vital Statistics... When the death or foetal death occurs outside Guam and the body is accompanied by a permit for burial, removal or other disposition issued in accordance with the law and regulations in force where the death or foetal death occurred, the permit shall authorize the transportation of the body into Guam, but before the burial, cremation or other disposal of the body within Guam, the permit shall be endorsed by the Office of Vital Statistics, Department of Public Health and Social Services who shall keep a record thereof... A hospital, by written authorization of the parents, may dispose of a dead foetus of any period of gestation. In all cases where the foetus has reached a gestation period of sixteen (16) completed weeks, a burial-transit permit must also be obtained for the disposition of the foetus. Under no circumstances may a body or foetus of sixteen (16) or more completed weeks of gestation be finally disposed of or removed from Guam prior to obtaining a burial-transit permit. When a body or foetus is removed from Guam, the burial-transit permit shall accompany the body: Cook Islands, Births and Deaths Registration Act, 1973 30. No burial without medical certificate or Coroner's order (1) No person shall bury or permit to be buried the body of any deceased person, or for burial outside the Cook Islands unless and until the funeral director or the person in charge of the removal, as the case may be, has obtained in respect of that deceased person either: (a) a certificate of causes of death, signed by a medical officer, in the form referred to in subsection (1) of section 28 of this Act; or (b) a Coroner's order to bury the body. (2) Every person who fails to comply with any provision of this section commits an offence and shall be liable on conviction to a fine not exceeding one hundred dollars.</p>
(24) Correction and Amendment of registration records	i. Provides procedures for correction and/or amendment of civil registration records. Describes which type of errors registrars can correct and those that can only be corrected or amended following a court ruling.	4, 5	The local registrar 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 registrar. This relieves the applicant of having to spend time and money applying to the courts, and relieves the court of additional workload. For corrections or amendments that involve changed circumstances or involve the	<p>American Samoa, Title 13, Chapter 5, Vital Statistics, 1962 (as amended through 1990) 13.0530 Amendment of incorrect birth, death, or marriage record</p> <p>(a) whenever the facts are not correctly stated in any certificate of birth, death, or marriage already registered, the person asserting the error may make an affidavit under oath stating the changes necessary to make the record correct, supported by the affidavit of one other person having knowledge of the facts, and file it with the Registrar.</p> <p>(b) the Registrar of Vital Statistics shall review the affidavits and documents and may require further supporting evidence when he believes that it is necessary. If the Registrar is satisfied that the correction is properly supported, he shall accept the amendment.</p>

			rights of others (e.g., a spouse or a child), a registrant generally must apply directly to the courts. These types of amendments usually include adoption, contested paternity, and divorce (and sometimes name change). The court should forward a copy of the court decree regarding these circumstances to the Registrar so that the event may be registered (see Sections 11, 14 and 15 regarding Paternity, Adoption and Divorce).	<p>(c) when the amendment is accepted, it shall be filed with and become a part of the pertinent record, but the original record shall not be altered. Certified copies of certificates may be made showing the correct information, but must show that it is an amended birth certificate.</p> <p>Marshall Islands, Births, Deaths and Marriages Registration Act 1988 (as amended, 2016) §437. Correction of errors in the registers (1) No alternation shall be made in any register of births or deaths except as authorized by this or any other Chapter. (2) A clerical error, other than an error of fact or substance, in any register may, subject to any direction of the Registrar-General, be corrected by the Registrar having custody of the register free of charge.</p> <p>Australia (VIC), Births, Deaths and Marriages Registration Act 1996 (as amended through 2014) 43. Correction and amendment of Register (1) The Registrar may correct the Register: (a) to reflect a finding made on inquiry under Division 2; or (b) to bring an entry about a particular registrable event into conformity with the most reliable information available to the Registrar of the registrable event.</p> <p>(2) The Registrar must, if required by a court, correct the Register. (3) The Registrar corrects the Register by adding or cancelling an entry in the Register or by adding, altering or deleting particulars contained in an entry.</p>
(25) Appeal of Registrar decisions	i. Provides the right to appeal a registrar's decision and clear process by which to appeal, including time frames.		In many countries and jurisdictions, before appealing to the courts, an individual must appeal a local civil registrar's decision to a higher administrative level, up to Registrar-General level. This is referred to as "exhaustion of remedies" and serves two purposes. First, it allows the registration authorities the opportunity to correct the mistake without burdening the courts. Second, it creates a record of the administrative decision for the court to review. After appealing through administrative channels, an individual should be able to appeal to the courts if they feel they have not been able to obtain a satisfactory resolution of their issue.	<p>Tonga, Births, Deaths and Marriages Registration Act, 1926 (as amended through 2012) 24. Right of appeal A person in respect of whom a legal determination has been made by the Registrar-General may, within 21 days of the determination, seek leave to appeal to the Supreme Court.</p> <p>Samoa, Births, Deaths and Marriages Registration Act 2002 73. Court may order that event be registered (1) If, on application by the Registrar-General or any other person or on its own initiative, the Court is satisfied on any of the following: (a) an event required to be registered under this Act is not registered; (b) an event not required to be registered under this Act should be registered; (c) information recorded in the Register about an event is incomplete, incorrect, or misleading; (d) information should be recorded in the Register as part of the information in respect of an event previously registered, — the Court may order that the event be registered under this Act or make any orders as are necessary to complete, correct, clarify or delete an entry in the Register.</p> <p>(2) On the making of an order under subsection (1), the Registrar of the Court which made the order must provide a sealed copy of the order to the Registrar-General. (3) On receipt of a sealed copy of an order under subsection (1), the Registrar-General must: (a) register the event by recording in the Register the information contained in the order; or (b) amend, delete, or record information in the Register in accordance with the order.</p>
(26) Statistical reports	i. Responsibility for compilation, analysis and publication of vital statistics is clearly defined.	3	Depending on the structure of the CRVS system as a whole, the responsibility for compilation, analysis and publication of vital statistics may fall to the civil registration authority (as in the CNMI example), the national statistics office (as in the American Samoa example), the health	<p>CNMI, Vital Statistics Act 2006 Section 7. Duties of the Registrar or Person in Charge (a) The Registrar shall: ... (6) Prepare and publish reports of vital statistics for the CNMI, and such other reports as may be required by the State Agency.</p> <p>American Samoa, Statistics Act 2003</p>

			<p>authority (as in the Palau example), or may be a shared responsibility. The provisions that set out these obligations may be found in the law establishing an office of statistics (as with the American Samoa example) or may be found in the civil registration law (as in the CNMI and Palau examples), or in both.</p> <p>Specific methods used to verify or de-duplicate data, and types and format of publication and dissemination are best left to regulations or SOPs issued by the agency responsible for statistics to allow countries to keep up with best practice in data analysis and use.</p>	<p>13.2103 Creation of a Statistics Division</p> <ul style="list-style-type: none"> (a) There is created, within the Department of Commerce, a Statistics Division to be headed by a Chief of Statistics. (b) The Statistics Division is authorized to collect, tabulate, compile, analyze, publish and report all official statistics covering social, economic and demographic fields as required for the purpose of making policy decisions; and to carry out the purposes of this Act; and to conduct pertinent censuses and surveys <p>Palau, PNC Title 34, Division 5, Vital Statistics, 1966</p> <p>§ 4001. Records; responsibilities of Bureau of Public Health</p> <p>The Bureau of Public Health shall be responsible for:</p> <ul style="list-style-type: none"> (d) compiling, analyzing and publishing vital statistics concerning births, deaths, and such other subjects related to the general welfare of the inhabitants of the Republic.
<p>ii. Clearly outlines responsibility for sharing registration reports/data with the statistics compiling agency(s) and other agencies, as appropriate.</p>	<p>4, 5</p>		<p>The civil registration agency must submit information collected during registration to the national statistics authority in order for the statistics authority to compile and publish vital statistics based on civil registration records. Sharing of data should be regular and timely. This requirement may be contained in the civil registration law (as in the CNMI example), or the statistics law may give the statistics agency authority to request specific information (as in the Cook Islands example).</p> <p>The civil registration or statistics authority may also be required to share registration data with other government agencies, such as the health agency (as in the CNMI example), the labour department (New Zealand example), or with non-governmental entities (New Zealand example).</p>	<p>CNMI, Vital Statistics Act 2006</p> <p>Section 7. Duties of the Registrar or Person in Charge</p> <ul style="list-style-type: none"> (a) The Registrar shall: ... <ul style="list-style-type: none"> (7) Provide to local health agencies copies of or data derived from certificates and reports required under this Act, as he or she shall determine are necessary for local health planning and program activities. The Registrar shall establish a schedule with each local health agency for transmittal of the copies or data. The copies or data shall remain the property of the Health and Vital Statistics Office, and the uses which may be made of them shall be governed by the Registrar. <p>Section 22. Disclosure of Information from Vital Records or Vital Reports</p> <ul style="list-style-type: none"> (e) The Federal agency responsible for national vital statistics may be furnished such copies of records, reports, or data from the system of vital statistics as it may require for national statistics. To furnish such records, reports, or data the Registrar shall enter into an agreement with the Federal agency indicating the statistical or research purposes for which the records, reports, or data may be used. Such agreement will also set forth the support to be provided by the Federal agency for the collection, processing, and transmission of such records, reports, or data. Upon written request of the Federal agency, the Registrar may approve, in writing, additional statistical or research uses of the records, reports, or data supplied under the agreement. <p>Cook Islands, Statistics Act 2015</p> <p>21. Use of administrative records of departments for statistical purposes</p> <ul style="list-style-type: none"> (1) On request of the Government Statistician, a department must provide the Government Statistician with any administrative records that he or she reasonably requires for statistical purposes only. (2) At the time of providing the records, the department may set the conditions regarding storage of, access to, destruction of, and return of the records. <p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Amendment Act, 2008</p> <p>78F. Disclosure of death information to nongovernment organisations for certain purposes</p> <ul style="list-style-type: none"> (1) The Registrar-General may disclose death information to an appropriate nongovernment organisation, private sector agency, or person (the other party) for the purpose of removing or suppressing the names of deceased persons from a database held by the other party. <p>Schedule 1A. Disclosure of Information to Specified Agencies</p> <p>[Schedule 1A sets out a list of 11 government agencies with which the Civil Registrar shares civil registration information.]</p>

(27) Funding arrangements	i. Legislation includes provisions for ensuring sustainable funding of the national CRVS system through the national budget.	3, 4, 5	A core principle of CRVS is that it must be continuous. In order to ensure this, registries must have sufficient, sustainable resourcing to be able to function without potential interruption due to short falls or other problems.	<p>CNMI, Vital Statistics Act 2006</p> <p>4. (extract) The Health and Vital Statistics Office shall be provided with sufficient staff, suitable offices, and other resources for the proper administration of the system of vital statistics and for the preservation and security of its official records.</p>
(28) Penalties and offences	i. There is a clear procedure to follow up deliberate misconduct or fraudulent registrations by authorised officers, including responsibility for investigation, penalties, and review of affected data.		While it is hoped that all authorised officers who have been delegated authority will act with integrity, there is a need to ensure clear penalties for breaches of statutory duties and ethical violations, including procedures for removing someone from office if appropriate. Offences and penalties for registrars may be set out in the civil registration law. However, if civil registrars are civil servants, penalties and procedures for suspension or removal may be contained in the civil service law or regulations. Note that while the Kiribati law clearly sets out offenses relating to registrars, the penalty is low due to the age of the law.	<p>Kiribati, Births, Deaths, Marriages Registration Ordinance (1968) (as amended through 2007)</p> <p>41. Offences relating to registrars If any person commits any of the following offences, that is to say:</p> <ul style="list-style-type: none"> (a) if, being a registrar, he refuses, or without reasonable cause omits, to register any birth or death or particulars concerning which information has been tendered to him by a qualified informant and which he is required by or under this Ordinance to register; or (b) if, being a registrar, he fails or neglects to maintain any register in the manner prescribed in this Ordinance; (c) if, being a person having the custody of any register of births or register of deaths, he carelessly loses or injures the register or carelessly allows the register to be injured; or (d) being a deputy registrar appointed under section 44 without reasonable cause, he — <ul style="list-style-type: none"> (i) refuses to receive information concerning any birth, death or marriage tendered to him by any qualified informant, or (ii) having so received such information as aforesaid, omits to record or transmit it to the registrar of the district in the form and manner provided by this Ordinance; he shall be liable to a fine of \$50. <p>Samoa, Births, Deaths and Marriages Registration Act, 2002</p> <p>45. Offence to alter death information (1) A person who without the written authority of the Registrar alters an entry in a death register book or alters information otherwise preserved or duplicated under this Part commits an offence and on conviction is liable to a fine not exceeding 10 penalty units. (2) A person having lawful custody of a death register book or information otherwise preserved or duplicated under this Part who permits another person to unlawfully alter an entry in the book or to unlawfully alter the information commits an offence and on conviction is liable to a fine not exceeding 10 penalty units.</p>
	ii. There is a recognised procedure to follow up deliberate misconduct or fraudulent activity by a member of the public.		The legislation should guard against any fraudulent activity by any member of the public that is likely to compromise the validity or trueness of the civil register.	<p>Marshall Islands, Births, Deaths, and Marriages Registration Act, 1988 (as amended through 2016)</p> <p>§442. False information, etc. (1) If any person who:</p> <ul style="list-style-type: none"> (a) wilfully gives any false answer to any question put to him by any Registrar or wilfully gives any false information to the Registrar; (b) wilfully makes any false certificate or declaration under or for the purpose of this Chapter or knowing or having reason to believe such certificate or declaration to be false, uses the same as genuine; (c) wilfully makes, gives or uses any false statement or declaration as to the birth or death of a child or a person; or (d) makes any false statement with intent to have the same inserted in any register of births or deaths, shall be guilty of an offense and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both.

<p>(29) Access to registry information/ personal privacy</p>	<p>i. The law has clear provisions as to who can obtain certified extracts or copies of birth or death certificates. Details may be set out in regulations or SOPs.</p>	<p>5</p>	<p>Certificates may contain sensitive information that should only be available to persons with a legitimate interest, such as the immediate family, spouses, heirs, and legal representatives. Government officials may also be able to access and/or request copies of certificates for administrative and judicial purposes.</p>	<p>Vanuatu, Civil Status (Registration) 1970 (as amended through 2018) 17. True copies of entries may be obtained from Registrars or Registrar-General (1) Any person may obtain from the Registrar of a district or the Registrar-General a true copy of the entries concerning himself in any register. Such copies shall be issued in the same form as the registered entries and shall bear the seal and signature of the Registrar or the Registrar-General and the date of issue. Marginal notes shall be included. (2) Administrative and judicial authorities may obtain issue of the same documents. (3) Extracts from any entry may also be issued at the request of any person concerned, by the Registrar of a district or the Registrar-General. Samoa, Births Deaths and Marriage Registration Act 2002 77. Certificates in respect of information recorded in Register (1) Subject to this Act, a person may apply to the Registrar-General for a certificate in respect of information recorded in the Register or otherwise held by the Registrar-General. (2) An application under subsection (1) must be pursuant to the following: (a) be in a form and manner the Registrar-General in writing approves; (b) specify the information that is the subject of the application; (b) state the reasons for the applicant's interest in the information; (c) include any other information the Registrar-General requires; (d) be accompanied by the prescribed fee. (3) In considering an application under subsection (1), the Registrar-General must have regard to the following: (a) the relationship between the applicant and the person to whom the information relates; (b) the age of the information; (c) the content of the information; (d) whether providing the certificate will result in an unjustified intrusion into the privacy of someone other than the applicant; (e) whether providing the certificate will contravene or frustrate the purposes of any other enactment; (f) any other matters which in the Registrar-General's opinion are relevant to the application. (4) If the Registrar-General is satisfied that it is appropriate to do so, the Registrar-General may issue a certificate under section 78.</p>
	<p>ii. Describes the process for creating certified copies of the registration record, including security features.</p>	<p>4, 5</p>	<p>Certified copies (paper or electronic) should contain security features that prevent the document from being altered, counterfeited or duplicated.</p>	<p>CNMI, Vital Statistics Act 2006 Section 23. Copies from the System of Vital Statistics In accordance with Section 24 of this Act and the regulations adopted pursuant thereto: (a) The Registrar shall, upon receipt of an application, issue a certified copy of a vital record in his or her custody or a part thereof to the registrant, his or her spouse, children, parents, or guardian, or their respective authorized representative. Others may be authorized to obtain certified copies when they demonstrate that the record is needed for the determination or protection of his or her personal or property right. The State Agency may adopt regulations to further define those who may obtain copies of vital records filed under this Act. (b) All forms and procedures used in the issuance of certified copies of vital records in the CNMI shall be uniform and provided or approved by the Registrar. All certified copies issued shall have security features that deter the document from being altered, counterfeited, duplicated, or simulated without ready detection.</p>
	<p>iii. Legislation authorizes the sharing of certain information</p>		<p>Sharing data across jurisdictions is crucial to ensuring that civil register and identity records</p>	<p>Tokelau, Births and Deaths Registration Regulations, 1969 5. All births and deaths to be registered also with the Registrar at Apia</p>

<p>with relevant overseas registries.</p>			<p>are updated with the correct civil status of each individual. This is particularly crucial for births, deaths and name changes occurring overseas.</p>	<p>(1) All births and deaths occurring in Tokelau shall, in addition to being registered as required by regulation 4 hereof, be registered with the Registrar at Apia also.</p> <p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Amendment Act, 2008 78D. Registrar-General may share name change information and death information with foreign registration authorities (1) The Registrar-General may supply to a foreign registration authority name change information or death information, or both, relating to a person whose birth is registered in the State in which the foreign registration authority has jurisdiction.</p> <p>CNMI, Vital Statistics Act 2006 Section 22. Disclosure of Information from Vital Records or Vital Reports</p> <p>(g) The Registrar may, by agreement, transmit copies of records and other reports required by this Act to offices of vital statistics outside the CNMI when such records or other reports relate to residents of those jurisdictions or persons born in those jurisdictions. The agreement shall specify the statistical and administrative purposes for which the records may be used and the agreement shall further provide instructions for the proper retention and disposition of such copies. Copies received by the Health and Vital Statistics Office from offices of vital statistics in other States shall be handled in the same manner as prescribed in this section.</p>
<p>iv. Access to the register is done in a manner that protects personal data from inappropriate use. These provisions should be extended to all authorised data users (both within and external to the registry).</p>	<p>3, 5</p>		<p>Access the register and source documents should be restricted to authorized personnel and to those with a legitimate interest (as approved by the RG).</p> <p>To ensure that only authorized personnel access the register, some countries have a system to monitor and track system users who access records. These systems are designed in such a manner as to automatically and continuously keep a log of personnel that access records. In New Zealand, the RG is required to keep an access register documenting all external requests for searches of the register or source documents.</p> <p>After a specified number of years, certain information may become part of the public record and be available to anyone, as in the CNMI example.</p>	<p>Fiji, Births, Deaths and Marriages Registration Act, 1975 25. Searches only by Registrar or divisional registrars and those authorised No person except the Registrar or a divisional registrar and officers specially authorised by the Registrar or a divisional registrar, as the case may be, shall search in indexes, registers or register books kept by the Registrar or a divisional registrar.</p> <p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Amendment Act, 2008 74. Access to birth information, death information, marriage information, civil union information, or name change information (1) Any person may request a Registrar to:</p> <p>(a) cause a search of information to be made; or (b) permit the inspection of a source document; or (c) provide a print-out or certificate of the information requested or a copy of a source document.</p> <p>(2) A Registrar may comply with a request under subsection (1) only if:</p> <p>(a) the request is in respect of a named person; and (b) the request is for a source document relating to the named person's birth, death, marriage, civil union, or name change; or information relating to the registration of the named person's birth, death, marriage, civil union, or name change; and (c) the request is made in a manner approved by the Registrar-General; and (d) the prescribed fee is paid; and (e) the requirement in subsection (3) is met; and (f) in the case of a request for a source document, the Registrar is satisfied that the person making the request is authorised under section 75 to access the source document.</p> <p>75D Registrar-General must keep access register (1) The Registrar-General must ensure that an access register is kept for the purposes of this Act. (2) The access register must:</p>

				<ul style="list-style-type: none"> (a) record, as a separate entry, every request under section 74 for access to information or source documents relating to the registration of a person’s birth, marriage, civil union, or name change; and (b) set out the following information under each entry: <ul style="list-style-type: none"> (i) the name of the person who made the request; and (ii) the date on which the request was made; and (iii) whether or not the Registrar complied with the request. <p>CNMI, Vital Statistics Act 2006 Section 22. Disclosure of Information from Vital Records or Vital Reports In accordance with Section 25 of this Act and the regulations adopted pursuant thereto:</p> <ul style="list-style-type: none"> (a) to protect the integrity of vital records or vital reports, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital statistics, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital records or in vital reports or to copy or issue a copy of all or part of any such record or report unless authorized by this Act or by regulation or by order of the CNMI Superior Court. Regulations adopted under this section shall provide for adequate standards of security and confidentiality of vital records. (b) when 100 years have elapsed after the date of birth, or 50 years have elapsed after the date of death, the records of these events in the custody of the Registrar shall become available to the public to the extent it is consistent with the Federal and CNMI privacy acts, and in accordance with regulations which shall provide for the continued safekeeping of the records.
v. Sharing of registration information or data with statistics agencies or researchers is done in a manner that protects personal privacy.	5	Information in the registry provides a valuable resource for statistical, government and research purposes, but contains sensitive personal information. The law must provide a framework to allow legitimate use of the data for the benefit of the country, while protecting personal privacy. To that end, civil registration records shared with the national statistics authority and researchers are usually anonymized and information sharing is subject to confidentiality agreements.	<p>CNMI, Vital Statistics Act 2006 Section 22. Disclosure of Information from Vital Records or Vital Reports In accordance with Section 25 of this Act and the regulations adopted pursuant thereto:</p> <ul style="list-style-type: none"> (b) disclosure of information which may identify any person named in any vital record or report may be made only pursuant to regulations which require submission of written requests for information by researchers and execution of research agreements that protect the confidentiality of the information provided. Such agreements shall prohibit the release by the researcher of any information that might identify any person other than releases that may be provided for in the agreement. For purposes of this Act, research means a systematic investigation designed primarily to develop or contribute to generalizable knowledge. <p>(1) Nothing in this Act prohibits the release of information or data which would not identify any person named in a vital record or report.</p> <p>Australia (QLD), Births, Deaths and Marriages Registration Act, 2003 46. Protection of privacy (1) This section applies if the registrar gives an entity, or allows an entity to obtain, information contained in a register. (2) The registrar must, as far as practicable, protect the persons to whom the information relates from unjustified intrusion on their privacy. (3) For this purpose, the registrar may impose conditions when giving someone information, or access to information, contained in a register.</p>	
vi. There is a clear process for reviewing and determining access to data for legitimate research purposes of benefit to the country.		Information in the registry provides a valuable resource for statistical, government and research purposes, but contains sensitive personal information. The law must provide a framework to allow legitimate use of the data for the benefit of the country, while protecting personal privacy. (See (v) above).	<p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Amendment Act, 2008 75 G. Searches for purposes of gathering statistics, or for health, historical, or demographic research (1) Despite sections 74., 75A. (2)(b), 75B. (2), and 75D. (2), the Registrar-General may direct a Registrar to cause a search to be made or to provide information if the request for the information is made by a person acting on behalf of a government agency or a body or person for the purpose of:</p> <ul style="list-style-type: none"> (a) the gathering of statistics or historical or demographic research, and — <ul style="list-style-type: none"> (i) information relating to particular individuals is not sought and will not be retained; or 	

				<ul style="list-style-type: none"> (ii) if information relating to particular individuals is sought, the information — <ul style="list-style-type: none"> (A) relates to persons who are dead or were born at least 120 years ago; and (B) the Registrar-General is satisfied that, in causing the search to be made, or providing the information, the public benefit outweighs the effect on individual privacy; or (b) health research, and — (c) information relating to particular individuals is not sought and will not be retained.
(30) Data protection and security	i. Responsibility for storage and archiving of registry data is clearly defined.	4, 5	<p>One of the principle functions of the registry is the protection and archiving of identity documents. Civil registration records are maintained permanently. However, source documents for those records may be destroyed after a regulated time period. The requirements for archiving may be contained in a civil registration law or in public records law, such as in the New Zealand example.</p>	<p>CNMI, Vital Statistics Act 2006 Section 21. Preservation of Vital Records To preserve vital records, the Registrar is authorized to prepare typewritten, photographic, electronic, or other reproductions of certificates or reports in the Health and Vital Statistics Office. Such reproductions when verified and approved by the Registrar shall be accepted as the original records, and the documents from which permanent reproductions have been made may be disposed of as provided by regulation.</p> <p>New Zealand, Public Records Act, 2005 17. Requirement to create and maintain records (1) Every public office and local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor. (2) Every public office must maintain in an accessible form, so as to be able to be used for subsequent reference, all public records that are in its control, until their disposal is authorised by or under this Act or required by or under another Act. (3) Every local authority must maintain in an accessible form, so as to be able to be used for subsequent reference, all protected records that are in its control, until their disposal is authorised by or under this Act.</p> <p>21. Mandatory transfer of public records (1) Every public office must transfer from its possession and control public records that have been in existence for 25 years: <ul style="list-style-type: none"> (a) to the possession of Archives New Zealand and the control of the Chief Archivist; or (b) to the possession of an approved repository and the control of the Chief Archivist. (2) Subsection (1) applies unless: <ul style="list-style-type: none"> (a) the public records are to be destroyed in accordance with the provisions of this Act or are required to be destroyed by or under another Act; ... </p>
	ii. The use of electronic systems/ data sharing is subject to provisions regarding data security.	4	<p>While there are many advantages to the use of IT in national registry systems, the use of electronic data transmission and storage open the potential for unauthorised data access unless appropriate controls are in place. Legislation should require security of storage and transmission of data. Procedures and technological means for securing electronic data may be set out in regulations, SOPs and/or guidelines. The CNMI example authorizes the issuance of such regulations.</p>	<p>Samoa, Births, Deaths and Marriages Registration Act, 2002 69. The Register of Births, Deaths, and Marriages (6) The Registrar must ensure that all information stored in an electronic or computerised form remains intact and preserved by means of an appropriate form of computer backup or other duplication.</p> <p>CNMI, Vital Statistics Act 2006, 22. Disclosure of Information from Vital Records or Vital Reports In accordance with Section 25 of this Act and the regulations adopted pursuant thereto: <ul style="list-style-type: none"> (a) To protect the integrity of vital records or vital reports, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital statistics, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital records or in vital reports or to copy or issue a copy of all or part of any such record or report unless authorized by this Act or by regulation or by order of the CNMI Superior Court. <i>Regulations adopted under this section shall provide for adequate standards of security and confidentiality of vital records.</i> </p>

(31) Civil registration as foundation for legal identity	i. Birth registration establishes legal identity and proof of birth registration (e.g., a birth certificate) is required in order to obtain a national ID.	5	Birth registration establishes legal identity and provides the entry into the identity management system. Prior to the age at which a person registers for a national ID, a birth certificate should be accepted as an identity document. Proof of birth registration should generally be required in order to register for a national identity card or other national ID credential, as this not only helps verify a person's identity but also encourages higher rates of birth registration. However, there may be exceptions to this requirement for immigrants, stateless persons, and other persons who do not hold birth registration documents. Documentation required for national ID registration is usually set out in legislation or regulations pertaining to national identity registration. The American Samoa example requires proof of date and place of birth in order to obtain a national ID card. Ideally, this is in the form of a birth certificate.	<p>Papua New Guinea, Civil Registration (Amendment) Act 2014 37C. Registration (5) A Birth Certificate is a legal document of identification for age groups between zero to seventeen (0-17) years old.</p> <p>American Samoa, ASC Title 13, Chapter 5 Vital Statistics 13.0517 Identification cards</p> <p>(a) The Registrar of Vital Statistics is authorized and directed to prepare application forms necessary to issue an identification card to any American Samoan who requests one. The forms shall contain information required by the Registrar and be accompanied by such affidavits and documentary evidence necessary to enable the Registrar to ascertain the accuracy of the information. At a minimum the forms shall contain inquiries with respect to:</p> <ul style="list-style-type: none"> (i) the date and place of birth; (ii) the name of the father and mother if known; (iii) the sex of the applicant; and (iv) such additional matters as may be prescribed.
	ii. Death registration provides the basis for retiring a legal identity.	5	Death registration is the basis for retiring a legal identity, which is done by matching birth and death records, as shown in the CNMI example. This helps ensure that a birth certificate of a deceased person may no longer be used. In addition, the civil registrar should notify the national ID agency (if they are different agencies) of death registrations, and the next of kin may be required to turn in the ID of the deceased, so that the national ID of the deceased may be deactivated.	<p>CNMI, Vital Statistics Act 2006 Section 26. Matching of Birth and Death Certificates To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the Registrar is hereby authorized to match birth and death certificates, in accordance with regulations which require proof beyond a reasonable doubt the fact of death, and to post the facts of death to the appropriate birth certificate. Copies issued from birth certificates marked deceased shall be similarly marked.</p> <p>Papua New Guinea, Civil Registration (Amendment) Act 2014 37C. Registration (12) Upon the death of a holder of an identity document, a relative, or the medical practitioner certifying the death shall surrender the identity document to the nearest National Civil Registry office.</p>
(32) Commencement, repeal and transitory provisions	i. Specifies the date at which the law will enter into effect.	1, 4	Legislation should state the date on which the law comes into effect. Because certain provisions of the law may take longer to implement than others, the law may state dates that specific provisions come into effect or may allow the RG or Minister to issue commencement orders stating the date a specific provision comes into effect.	<p>Fiji, Births, Deaths and Marriages Registration (Amendment) Decree, 2014 1. Short title and commencement This Decree may be cited as the Births, Deaths and Marriages Registration (Amendment) Decree 2014 and shall be deemed to have come into force on 15 January 2014.</p>
	ii. Lists the laws that are repealed by the new act and any savings and transitory provision.	1, 4	The adoption of a new law (as opposed to an amendment) usually entails the repeal of the previous law. However, registers and documents created under the previous law should remain valid.	<p>Samoa, Births Deaths and Marriages Registration Act, 2002 95. Repeal of the Births and Deaths Registration Ordinance 1961 (1) The Births and Deaths Registration Ordinance 1961 is repealed. (2) All entries, registers, notices, information, registration statements, certificates, certified copies of certificates and proceedings and generally all acts of authority which were made, or originated, under the Births and Deaths</p>

				<p>Registration Ordinance 1961 or any enactment repealed by that enactment, which subsist or are in force on the date this Act comes into force shall remain in force for all purposes, and where there is a corresponding provision in this Act, are deemed to have originated with that provision.</p> <p>96. The Register The registers maintained under the Births and Deaths Registration Ordinance 1961 and the Marriage Ordinance 1961 form part of the Register under this Act.</p> <p>Nauru, Births, Deaths and Marriages Registration Act 2017</p> <p>103. Repeal of Act The Births Deaths and Marriages Act 1957 is repealed by the provisions of this Act.</p> <p>104. Savings and transitional provisions Despite the repeal of the Births Deaths and Marriages Act 1957 or former legislation, all registrations and certificates under that Act or former legislation remain valid.</p>
(33) The use of IT	i. The act allows for the use of electronic systems, registration and documents, as appropriate.		<p>In order to allow systems to take advantage of technological advances, the law should allow for the use of electronic registration, requests for certificates and other e-transactions. Language that explicitly requires the use of paper-based systems should be avoided, and the law should allow the use of electronic signature or dispensing with the signature requirement, as in the New Zealand example.</p>	<p>New Zealand, Births, Deaths, Marriages, and Relationships Registration Amendment Act, 2008</p> <p>89A. Electronic transactions (1) Any transaction under this Act may be conducted by electronic means, subject to the approval of the Registrar-General and any conditions that the Registrar-General thinks fit. (2) If allowing a transaction to be conducted electronically, the Registrar-General may dispense with a requirement that a signature be provided. (3) In this section, transaction has the same meaning as in section 5 of the Electronic Transactions Act 2002.</p> <p>Samoa, Births, Deaths and Marriages Registration Act, 2002</p> <p>69. The Register of Births, Deaths, and Marriages (1) The Registrar must create and maintain the currency of a register to be known as the Register of Births, Deaths, and Marriages and which may comprise wholly or partly an electronic or computer system or such other form or forms as the Registrar from time to time considers appropriate for the purposes of this Act. (6) The Registrar must ensure that all information stored in an electronic or computerised form remains intact and preserved by means of an appropriate form of computer backup or other duplication.</p>

Sources

1. *Consultant report Ian McDonnell 2013*
2. *WHO CRVS Rapid Assessment*
3. *WHO CRVS Comprehensive Assessment*
4. *UQ CRVS Resource Kit*
5. *UN Handbook on Civil Registration and Vital Statistics Systems: Preparation of a Legal Framework*
6. *US Model State Vital Statistics Act and Regulations – 2011 Revision*
7. *Guide Pratique Internationale de l'état Civil* (<http://www.ciec1.org/GuidePratique/index.htm>)

4. Next steps and conclusions

Many Pacific Island countries and territories have begun to review their legislation over the last five years using the WHO Comprehensive Assessment Tool for civil registration and vital statistics. As a result of these assessments, several countries have determined that legislation improvement should be a core priority at the national level. Given the age of legislation of several countries in the region, and the number of issues and challenges identified, review of legislation is required in a number of PICTs to ensure responsive legal frameworks for CRVS.

This report has provided an overview of the key legal issues and challenges facing the Pacific region, as well as a framework of 'best practice' components and elements for effective legislation. Building from this best practice, countries who have identified the need for legislation review as a national priority as a result of their system assessment are encouraged to identify whether each of these elements are present in their own legislation, and work with their law reform commission or equivalent to consider how these could be best applied in the local context. As civil registration crosses many departmental roles, and legislative elements may occur across various different legal mechanisms including legislation on medical registration, public health, citizenship and immigration, personal privacy and data protection etc., it is imperative that this work is done in collaboration with all key stakeholders through the national CRVS committee.

At the inaugural Pacific Civil Registrars' Network (PCRN) meeting held in Fiji in June 2015 and other successive workshops held among civil registrars in the region, several emerging issues related to civil registration have been raised. These range from cases of identity fraud, to cross-border data sharing, to name changes and gender reassignment for transgender people; to the implications of doctors charging fees to complete a medical certificate of death among others. While it is not possible for any legislation to be able to predict the issues of the future, it does highlight the importance of having legislation that is flexible and able to adapt and respond to a changing environment. Ensuring there are established processes for the routine review and update of legislation will help to guarantee its effectiveness and applicability.

Table 4: Relevant Reference documents

Year	Title	Available at:
2004	Handbook on the Collection of Fertility and Mortality Data	http://unstats.un.org/unsd/demographic/standmeth/handbooks/Handbook_Fertility_Mortality.pdf
2011	US Model State Vital Statistics Act	http://www.naphsis.org/Documents/FinalMODELLAWSseptember72011.pdf
2012	Strengthening Civil Registration and Vital Statistics for Births, Deaths, and Causes of Death Resource Kit (Module 2)	https://apps.who.int/iris/handle/10665/78917
2012	BMC Public Health Mortality and Cause-of-death	http://bmcpublichealth.biomedcentral.com/articles/10.1186/1471-2458-12-436
2012	How to modernise a civil registration system: The case of Albania	https://www.ssb.no/a/english/publikasjoner/pdf/doc_201232_en/doc_201232_en.pdf

