

WHITE PAPER

Basic facts about Civil Registry I

The purpose of this note is to provide a better understanding of the specific features of the world of Civil Registry in comparison to that of identity, since, at first sight, the civil registry process is very similar to an identity process: it includes a first phase of registering the person which leads to the issuance of a document that is meant to be secured.

Therefore, there are five major differences ¹ :

1

Registration in the « Civil Registry » creates identity

The legal identity of a person is created at the end of the registration phase; all other processes of identity registration are based on this founding identity.

2

Registration in the « Civil Registry » is declarative

The main objective of the registration in the Civil Registry (CR) is to give an identity to a child. This registration is performed at the end of the declarative process by a person who was present at the delivery of the newborn. There are certain conventional processes for checking the authenticity of such declarations, but they can all be legally circumvented. **All in all, there should be no administrative constraint to prevent the declaration of a birth.**

The verification processes include:

The authorisation as Civil Registry Officer (CRO)² of staff having the legal capacity to collect such declaration. They are ultimately the main safeguard against unreliable statements.

Most of the time, the declarant must show a medical certificate for a birth³. However, it is possible to declare the birth of a child without such a certificate; the CRO is required to register a birth⁴ when he/she is strongly convinced that the birth has taken place, after having visited the place of delivery, if necessary. The indication of filiation is an item of information of secondary importance.

In the same vein, one should know that, in some countries, the recognition of paternity is also declarative and may lead to adversary procedure (with the mother or another candidate).⁵

¹ These differences have been determined by reference to French law, but most remarks apply to all national laws.

² In the African context, where it is attempted to extend as much as possible this level of trusted third party (village leader, teachers, health worker...) in order to allow a tight meshing of the territory, the safeguard can be weaker.

³ Obviously, this is not valid in most African countries.

⁴ Or a death, in the case of the death procedure.

⁵ We must bear in mind that the French Civil Code incorporates the entire evolution of a society of more than two centuries. This is a good illustration of the Darwinian theory that ontogeny recapitulates phylogeny.

3

Registration in the « Civil Registry » establishes no biometric relationship

The first trivial fact: we do not collect the fingerprints or iris pattern of newborns. Setting aside the idea that footprints or a DNA fragment can be obtained, we must admit that **the creation of an identity lacks an objective support**. It is the result of an "investigation": it is highly likely that a child is born, let's give him an identity!

4

Registration in the Civil Registry results into the delivery of a document, a certificate confirming the identity has been created, even if this document is given to third parties

The second trivial fact: the birth certificate is given to the parents, the child's guardians. There is no biometric relationship between the document/certificate created and the holder. Nothing prevents parents from assigning the document and the identity created to another child. **There are structural uncertainties in monitoring the identity during the individual's youth.**

5

The procedure is governed by the law

Given its importance, **the world of Civil Registry is organised, regulated by law (Civil Code)** and not by an Administrative Authority. Consequently, the adaptation of the regulatory framework is more cumbersome and complicated.

At this stage, we are particularly interested in the initial declaration of birth. As regards the declaration of death, it is quite similar. However, in some countries (like France), the legal framework for burials is a strong incentive to make the declaration of death.⁶


Marriages/divorces/adoptions are Civil Registry procedures that are beyond the declarative logic and are, ultimately, conventional administrative procedures. One can refuse to marry a person if one is not sure of their identity.

⁶ *It is possible to bury someone only in a burial plot or based on an administrative permit; in any case, only after submission of the declaration of death.*



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