

CIVIL STATUS REGISTRATION

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EU JULE
TOWARDS JUSTICE
FOR ALL

CIVIL STATUS REGISTRATION? A civil status registration system records statistics on vital events in the life of a person such as birth, marriage, death, etc. Registration and issuance of valid certificates following these events is the prerequisite for exercising rights and ensuring access to essential public services like healthcare, education, and social protection.

In Viet Nam, civil status registration is regulated by the 2014 Law on Civil Status, implementing Decree No. 123/2015/NĐ-CP and Joint Circular No. 02/2016/TTLT-BNG-BT of the Ministry of Foreign Affairs and Ministry of Justice guiding the registration and management of civil status by overseas Vietnamese diplomatic missions and consular offices. The Department of Civil Status, Nationality and Authentication of the Ministry of Justice is the state management agency for civil status registration.



SURVEY

- Purposes: (1) identify issues and causes that pose as barriers to civil status registration of vulnerable groups, with a focus on ethnic minorities residing in mountainous and remote areas, and (2) propose solutions to improve the effectiveness and efficiency of civil status registration, thereby ensuring the rights of vulnerable groups.
- Timeframe and location: Ha Giang, Thanh Hoa, Dak Lak (December 2019).
- Sample size: 313 respondents in total, including 99 commune and district level government officials and 214 persons from vulnerable groups (58.4% women, 21% elders, 93% ethnic minorities).

ISSUE? A significant rate of overdue civil status registration (or no registration), especially among the ethnic population. Over 70% of surveyed government officials at the commune level claimed that overdue birth and death registration and unregistered marriage are common in their localities. This lack of civil status registration and related documentation seriously undermines human rights and access to public services, particularly for vulnerable groups.

78.6%

judicial – civil status officials reported that overdue birth registration is common among ethnic minorities

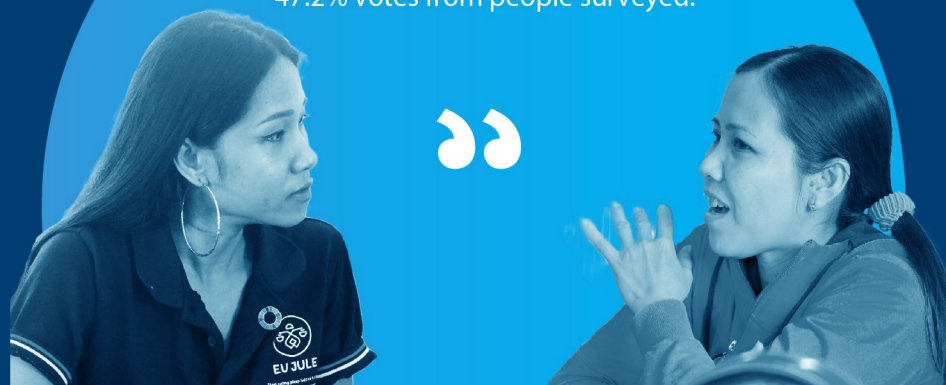
73%

people surveyed think death registration is not necessary

37%

voted for “It does not matter whether the marriage is registered or not”

Most selected cause: difficulties to travel prevents registration, with 47.2% votes from people surveyed.





CAUSES

- **Current regulations are not inclusive** of vulnerable groups in mountainous, remote areas. An example is the naming practices of many ethnic groups being in conflict with the current provisions in the Law on Civil Status and the Civil Code. The current law requires that a person's name must consist of a last name following either that of their mother or father. However, certain minorities, such as the Xo Dang people, do not have last names, which prevents their birth registration.
- **Ineffective legal dissemination** of the law on civil status registration to target groups. Dissemination is mostly carried out in the official language of Viet Nam (Kinh language) which is a barrier to the majority of ethnic minorities who do not speak it. As a result, many of them have limited awareness of their rights and the necessity of civil registration. In fact, 73% of surveyed respondents from vulnerable groups believe that death registration is unnecessary. Nearly 44% hold the same belief for birth registration. Up to 42.4% are not aware of civil registration procedures, such as the time limit allowed for birth registration.
- **Lack of personnel** to effectively and efficiently carry out civil status registration. Only one official is in charge of civil status registration in each commune despite the overwhelming workload. More than half of the officials surveyed said that they were overloaded. Mobile civil status registration, a mechanism proven effective for remote areas, is rarely carried out also due to the lack of personnel, according to the assessment of 25% of surveyed respondents who are commune-level government officials.
- **Insufficient budget** to effectively conduct civil status registration and legal dissemination in mountainous and remote areas. Due to difficult geographical conditions and limited socio-economic development, these areas have poor road and telecommunication infrastructure. The allocation of budget is not enough to cover travel and equipment costs. Up to 42.9% of civil status officials reported that they do not have sufficient equipment and often have to share outdated computers and printers.



RECOMMENDATIONS

- **AMEND** related laws and policies to be more inclusive of the customs of ethnic minorities. This includes providing guidance on the diverse naming practices in the Law on Civil Status and the Civil Code in order to avoid failure in birth registration.
- **STRENGTHEN** legal dissemination on civil status registration that ensure the inclusion of the ethnic, geographical and language diversity of each area. Aside from the Law on civil status, promote the dissemination of related laws such as the Marriage and Family Law to help prevent underage marriages. Provide practical training on working with vulnerable groups and ethnic languages for civil status officials and legal disseminators.
- **PILOT** mobile electronic civil status registration. Provide officials with good computers and strong internet connection so they can go directly to each commune to set up registration stations where citizens can register online and receive results on the spot. Adequate notification and appropriate guidance must be provided in advance of the events.
- **STRENGTHEN** joint-sector coordination in civil status registration, legal dissemination and especially in collecting data for the national database on population. A common national database would enable sharing and comparing data among sectors (health, education, labour, etc. with the justice sector) and avoid unnecessary administrative procedures.
- **INCREASE** funding, promote investment and mobilize support to ensure effective civil status registration in mountainous and remote areas. These efforts would help provide sufficient facilities and telecommunication infrastructure. In addition, a separate budget dedicated exclusively to mobile civil status registration in remote areas with a high rate of overdue registration should be set up.

