

## **BIRTH REGISTRATION: THE INTERNATIONAL/REGIONAL LEGAL FRAMEWORK**

### **The African Charter on the Rights and Welfare of the Child, 1990**

#### **Article 6: Name and Nationality**

1. Every child shall have the right from his birth to a name.
2. Every child shall be registered immediately after birth.

### **Convention on the Rights of the Child, 1990**

#### **Article 7**

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

### **The International Covenant on Civil and Political Rights, 1966**

#### **Article 24**

1. Every child shall be registered immediately after birth and shall have a name
2. Every child has the right to acquire a nationality

### **International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families**

#### **Article 29**

Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality,



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<p><b>Algeria</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Ordinance No. 70–20 on Civil Registration</b></p> <p>Article61:Declarations of birth are made within five days of the delivery to the Registrar of Vital place, subject to the penalties provided for in Article442,3 of the Penal Code</p> <p style="text-align: center;"><b>Penal Code, 1966</b></p> <p>Article 442(3): Those who attended the birth of a child and do not make declaration of birth within the time frame fixed by law shall be punished by imprisonment of at least ten days two more months and a fine of 50to 500AD or one of these penalties</p>
<p><b>Angola</b></p>	<p><b>Mandatory with fee for children above 5 years</b></p> <p style="text-align: center;"><b>Concluding observation to 2<sup>nd</sup> to 4<sup>th</sup> periodic report on the Convention on the Rights of the Child: Angola, 2010</b></p> <p>The Committee notes with interest that legislation establishes free birth registration for children up to five years of age as well as free identification cards for children up to 11 years of age and that, children are admitted to school even if they do not have a birth certificate. However, the Committee remains concerned that there has been no substantial progress on birth registration since 2002 and that a lack of human and financial resources severely constrains the implementation of universal birth registration. The Committee is also concerned that no guarantees exist for registration of children above the</p>



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	age of five.
<b>Benin</b>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Family Code of Benin, 2004</b></p> <p>Article 60: All births must be declared to the nearest center of civil status within ten days, without counting the date of delivery.</p> <p>Article 61: The certificate indicates the date or the place of birth, the sex of the child, the names given to him, the family name, age , profession and domicile of the father and the mother and, if found necessary, that of the declaring person.</p> <p style="text-align: center;"><b>Concluding observations to the Convention on the Rights of the Child : Benin, 2006</b></p> <p>While noting the measures undertaken to implement the Committee’s previous recommendation, including the establishment of Registry Offices at District (<i>arrondissement</i>) level and the conduct of awareness raising campaigns, the Committee is concerned that many children are still not registered at birth, in particular children living in remote rural communities and children from disadvantaged families.</p>
<b>Botswana</b>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Children’s Act, 2009</b></p> <p><b>Section 12.</b> (1) Every child has a right to a nationality from birth.</p> <p>(2) In order to ensure the enjoyment of nationality, the parent or other person specified in the Births and Deaths</p>

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	<p>Registration Act shall give notice of the child's birth to the Registrar of Births in such manner as is prescribed under that Act.</p> <p>(3) A birth certificate issued by the Registrar of Births under that Act shall be proof of the nationality of the child.</p> <p>(4) The birth certificate shall indicate the name, citizenship and address of the biological mother and the biological father of the child whether the child is born in or out of wedlock.</p> <p>(5) Any person who unreasonably withholds information for the purposes of subsection (4) shall be guilty of an offence and shall be liable to a fine of not less than P2 000 but not more than P5 000, or to imprisonment for a term of not less than three months but not more than six years, or both.”</p>
<p><b>Burkina Faso</b></p>	<p><b>Mandatory (with fee)</b></p> <p style="text-align: center;"><b>Persons and family code of Burkina Faso, 1989</b></p> <p><b>Chapter 4: Specific rules regarding the various civil status acts</b></p> <p><b>Section 1: Birth Certificates</b></p> <p>Article 106: All births on the Burkinabe territory should be declared to the office of civil status of the birth place. This declaration should be made within two months, to be counted from the date of birth.</p> <p>Article 109: The certificate shall be issued on the spot: It shall indicate the year, the month, the date, the hour and the place of birth, the sex, the name of the child and the family names given together with the names, age, professions and domicile</p>

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	<p>of the father and mother, and, if appropriate that if the declaring person.</p> <p>Article 110: Everyone who has found a new born child must declare to the office of civil status at the place where the child is discovered, to communicate the circumstances and to indicate the age, the sex and all specific information that contributes in the identification of the child.</p> <p style="text-align: center;"><b>3<sup>rd</sup> and 4<sup>th</sup> periodic report on the Convention on the Rights of the Child: Burkina Faso, 2008</b></p> <p>Burkina Faso made a special effort to raise the rate of declaration of newborns. <i>Inter alia</i>, the following steps were taken:</p> <ul style="list-style-type: none"> <li>- Creation in 2003 and formal establishment in 2005 (by decision No. 2005/009 of 18 April 2005) of a national steering committee for the registration of births;</li> <li>- Adoption and implementation of annual action plans for birth registration;</li> <li>- Decreasing birth certificate fees from CFAF 1,500 to CFAF 600;</li> </ul>
<p><b>Burundi</b></p>	<p style="text-align: center;"><b>Mandatory Code of Persons and Family, 1993</b></p> <p>Article 24: The Minister for Interior in his duties creates the offices of civil status, sets the spring means officers and assistant officers of civil status.</p> <p>Article 37: The birth certificate must be made within fifteen days from birth at the Registrar of Vital Statistics in whose jurisdiction the mother's home is found. This report is required even for children died before a fortnight.</p> <p>Article 38: The obligation to declare the birth responsibility:</p> <p>a) the father of the child;</p>



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	<p>b) in the absence of the father, the mother;</p> <p>c) if the father and mother, anyone who attended the birth.</p> <p>Article 39: The birth certificate states the date and place where the child was born, gender, name, if any, the names that were given to him, and if it is a legitimate child, the names and home parents.</p>
<p><b>Cameroon</b></p>	<p><b>Mandatory</b></p> <p><b>Law on the organization of civil status and various provisions on the status of individuals, 1981</b></p> <p>Article 30.-The birth must be registered with the registrar of the birth place officer within 30 days after delivery.</p> <p>Article 31.-When the child is born in a hospital, the head of the institution or if the doctor or anyone who assisted the woman shall declare the birth of the child within 15 days.</p> <p>If the birth was not reported on time by the persons referred to in paragraph 1 above, the parents of the child have an additional 15 days to make a declaration to the registrar of place of birth.</p> <p><b>Concluding observations to the Convention on the Rights of the Child: Cameroon, 2010</b></p> <p>“The Committee notes the ongoing review process of birth registration and welcomes efforts made to ensure registration of disadvantaged Bororo, Baka, Bakola and Mafa children. However, the Committee is concerned that despite these measures the level of birth registration remains low and seriously affects the rights of children to identity and access to basic services. The Committee also notes with concern the significant disparities between urban and rural areas in birth registration”.</p>



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Cape Verde	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Civil Registration Code, 1967</b></p> <p>(Time and place)</p> <p>Article 119: The birth occurred in Cape Verdean territory should be declared verbally, within thirty days thereafter, the conservatory or in the post-civil registration area.</p>
Central African Republic	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Initial state party report on the Convention on the Rights of the Child: Central African Republic, 1998</b></p> <p>Under Order No. 69/33 of 1 July 1969 on civil status in the Central African Republic in article 33, it is mandatory to declare births within the month following the birth; failure to do so means that the registrar can record the birth only on the basis of a decision by the court in the place of the child's birth.</p> <p>According to this Order, “The birth certificate is drawn up immediately and signed by the person declaring the birth as well as by the registrar” (art. 34), and article 35 indicates the information that must be entered on the birth certificate, namely, the day, hour and place of birth, as well as the profession and the normal domicile of the person making the declaration. This information must be supplemented by the name and first names of the registrar who completed the certificate.</p>



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Chad	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Second periodic report on the Convention on the Rights of the Child: Chad, 2007</b></p> <p>Births must be declared within a time limit of two months, by the mother or father, an ascendant or other close relative, or any person who was present at the birth, at the civil registry office in whose jurisdiction the birth took place (Ordinance No. 03, art. 9).</p> <p style="text-align: center;"><b>Concluding observations to the second periodic report on the Convention on the Rights of the Child: Chad, 2009</b></p> <p>The Committee welcomes progress made with regard to the birth registration of Chadian children. The Committee also notes the adoption in 2003 of a birth registration law providing for free birth registration. Nevertheless, the Committee remains concerned that the State party has the lowest birth registration rate in west and central Africa. The Committee is also concerned at the absence of supplies at registration centres, the lack of precise information on the children to be registered and the distance of state registration offices from population centres. The Committee expresses additional concern at problems regarding the birth registration of Sudanese and other children born in the State party despite their official right to be registered and to acquire the nationality.</p>
Comoros	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Civil Status Act, 1984</b></p> <p><b>Section 1 –The birth</b></p> <p>Article.31-. Births must be reported within fifteen days of delivery.</p>

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	<p>Article.32-. When the birth has not been declared within the statutory deadline of Article31 the officer of civil status may do tell its records pursuant to a judicial ruling is made by the trial court or the court of the Cadi place of birth.</p> <p>Article.33-The birth certificate states.:</p> <ul style="list-style-type: none"> <li>• the year, month, day, hour and place of birth, name, surname and sex the child,</li> <li>• the full name, date and place of birth, occupation and address of the parents and, if are those held by the declarant.</li> </ul> <p>Article 34-. Statements of birth must come from the father or mother of one of the ancestors or next of kin or any person present at the birth, midwife, doctor, or the person on whose premises occurred delivery.</p> <p style="text-align: center;"><b>Family Code, 2005</b></p> <p>Article 104: All births must be declared within the legally set deadline.</p>
<p><b>Congo Brazzaville</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Constitution of Congo Brazzaville, 1992</b></p> <p><b>Article 42 [Child Protection, Child Nationality]</b></p> <p>(2) Every child shall be declared to the Civil State after his birth within a time period fixed by law and have a name.</p> <p style="text-align: center;"><b>Child Protection Law, 2010</b></p> <p>Article 14: All birth of a child must be declared and registered at the civil status conforming to the legal provisions in force.</p>



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	<p>The declaration of birth at delivery, the requisition and judgment for the purpose of late declaration of birth and the original birth certificate is for free.</p> <p><b>Title VI Violations on the fundamental rights of a child and the punishments</b></p> <p>Article 91: all officials of civil status who have solicited, received, or ordered to receive sum of money, he knew not to be due, with a purpose of issuing the birth declaration of the child or for the birth certificate is guilty of extortion.</p> <p><b>Initial state party report on the Convention on the Rights of the Child: Congo-Brazzaville, 2006</b></p> <p>Article 170: The Congo has adopted legislation in this regard. Notification of births and deaths is compulsory and, under article 24 of the Family Code, “Births and deaths must be registered. Failure to register within the specified time and by the persons listed in articles 45, 60 and 63 shall be punishable by a fine of between 2,500 and 10,000 CFA francs.”</p> <p><b>Concluding observations to the Convention on the Rights of the Child: Congo Brazzaville,2006</b></p> <p>While welcoming the law in which birth registration has become compulsory, the Committee expresses concern at the fact that a large number of children have still not been registered. The Committee is also concerned at registration fees and penalties attached to late birth registration, which may hinder the process. The Committee is also concerned at the lack of civil registry offices in remote areas and the insufficient awareness of the importance of registration.</p>



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Cote d'Ivoire	<p><b>Mandatory</b></p> <p><b>Initial state party report on the Convention on the Rights of the Child, Cote d'Ivoire , 1999</b></p> <p>Under the terms of Act No. 64- 374 of 7 October 1964, as amended by Act No 83-799 of 2 August 1983 on civil status, every birth must be registered within 15 days.</p>
Democratic Republic of Congo	<p><b>Mandatory</b></p> <p><b>Child Protection Code, 2009</b></p> <p><b>Article 16:</b> Every child has the right to be registered with the Civil Registry in ninety days after birth, according to law. Registration is done free.</p> <p><b>Family Code, 1967</b></p> <p>Article 82: All births, all marriages, all deaths are recorded as acts in a separate register of civil status, qualified register of birth, marriage, death.</p> <p>Article 116: All births occurring in the territory of the Republic must be reported to the registrar of the state residence of the father or mother within 30 days after birth.</p>



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<p><b>Djibouti</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Penal Code, 2002</b></p> <p>Article. R2: A penalty of 10 000 Famen for any person to: Mandatory reporting of births and deaths 9 ° - Failure to report a birth or a death in the civil limits prescribed by the Civil Code.</p>
<p><b>Egypt</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Child Law, 2008</b></p> <p><b>Article 5:</b> Each child shall have the right from birth to a name with which to be characterized. The name shall be registered immediately after birth in the births' registers according to the provisions of this Law. The name shall not connote any degradation or humiliation to the dignity of the child. Nor shall it be incompatible with religious beliefs.</p> <p><b>Article 14:</b> Reporting the birth of a child must take place within fifteen (15) days from the date of birth, on the form provided for such purpose, to the health office located in the area where the birth has taken place, if such office exists there, or to the health department in the districts with no health offices, or to the <i>Umda</i> (chief magistrate or the mayor of the village) in other sectors, as indicated in the By-laws. The <i>Umda</i> shall forward the birth report to the health office or to the health department within seven (7) days from the date of reporting the birth. The health office or the health department shall forward the birth report to the concerned civil registry office within three (3) days from the date it has been informed, for recording it in the births registry.</p> <p><b>Article 15:</b> The persons responsible for reporting the birth shall be the following: 1 - The father of the child, if present. 2 -</p>

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	<p>The mother of the child, provided that the marital relationship is confirmed as stipulated in the By-laws .</p> <p>The directors of hospitals and corrective facilities as well as health quarantine houses and other places where births occur.</p> <p>4 - The <i>Umdaor</i> the sheikh. Reporting the birth may also be accepted from adult relatives and in-laws up to the second degree, as stipulated in the By-laws.</p> <p>Those responsible – according to the foregoing order – with reporting the birth shall held accountable in case of failing to report the birth. Reporting the birth of a child shall not be accepted from anyone other than the foregoing persons.</p> <p>Physicians and those licensed to exercise the obstetrical profession shall give a certificate for birth cases they performed thereby confirming the event, the date of birth, the name of the newborn’s mother and his sex. Health unit physicians and health inspectors shall issue certificates including the same foregoing data and contents. This birth certificate shall be issued after performing the medical examination relevant thereto, if asked to do so in other cases of births.</p> <p>Without prejudice to the provisions of Articles 4, 21, and 22 of the present Law, the mother shall be have the right to report the birth of her newborn, register him at the birth registry, and apply for a birth certificate in which her name as mother is recorded. This birth certificate is to be used only as a proof of the birth and for no other purposes.</p> <p><b>Article 2:</b> The age of the child shall be verified by means of a birth certificate, an identification card, or any other official document.</p>



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<p><b>Equatorial Guinea</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Civil Code, 1889</b></p> <p><b>Article 328:</b> new born must be presented to the official registrar for the registration of births, sufficing the statement of the person who is required to make it. This shall cover all circumstances required by law, and shall be signed by the author, or by two witnesses at his request, if not sign.</p> <p><b>Initial state party report on the Convention on the Rights of the Child: Equatorial Guinea, 2003, pp.14-15</b></p> <p>Act No. 8/1990, which deals with nationality, guarantees this right to children born in the territory of Equatorial Guinea, except in the case of children of foreigners who are in the country in the service of their Government.</p> <p>The most relevant aspects of the Act included inter alia the registration of births, the training of Civil Registry personnel, and the conduct of a country-wide awareness campaign to promote the registration of children; this has helped to increase the rate of registration of new births.</p> <p>In 1996, Presidential Decree No. 7/1996 established the Central Civil Registry, in the Ministry of Justice and Worship, as the agency for collating the registrations effected in all the country's registry offices.</p>
<p><b>Eritrea</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Second and third periodic report on the Convention on the Rights of the Child: Eritrea, 2007</b></p> <p>In Eritrea, a child shall be registered by any of the religious institutions (the Muslim, Orthodox, Catholic and Evangelical</p>

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	<p>Churches), before the child is two months old.</p> <p>In 2005, the Ministry of Health (MoH) in collaboration with the administration of the six regions as well as UNICEF and UNFPA initiated a project to strengthen the ongoing birth registration that is being carried out by all health-care institutions.</p> <p>The Civil Status Office (CSO) of Eritrea in collaboration with the six regions of Eritrea has introduced birth registration mechanisms by utilizing the existing administrative structures. The CSO is also taking the necessary measures to coordinate the efforts that have been taken by the religious institutions and the MoH.</p>
Ethiopia	<p><b>Mandatory</b></p> <p><b>Proclamation on the registration of Vital Events and national Identification Card 760/2012</b></p> <p><b>Articles 24-29:</b>birth registration</p> <p><b>Article 26</b></p> <p>1/ The birth of a child shall be declared by the father or mother of the child, in their default, by the guardian of the child or, in default of guardian by the person who has taken care of the child</p> <p>2/ where the child is abandoned or his parents unknown, any person who knows such condition shall have the duty to report same to the nearest police or other relevant government organ</p> <p><b>Article 29:</b> birth in a health institution</p>

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	<p>Where birth takes place in a health institution, the head of the institution shall forthwith prepare a certificate containing the relevant particulars specified under sub article 1 and 2 of Article 24 of this Proclamation and give such certificate to the person having the duty to declare the birth in accordance with Article 26 o this Proclamation</p> <p style="text-align: center;"><b>Criminal Code, 2004</b></p> <p><b>Article 656.-</b> Omission to Register the Birth of an Infant or to Report its Abandonment.</p> <p>(1) Whoever fails to declare the birth of an infant, as prescribed by law, to the officer of civil status, is punishable with a fine not exceeding five hundred Birr, or simple imprisonment not exceeding one month.</p>
<p><b>Gabon</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Civil Code, 1989</b></p> <p><b>Chapter V</b></p> <p><b>Article 59:</b> the birth and death taking place on the Gabonese soil, whatever the nationality of the parties may be shall be declared to the civil status of Gabonese.</p> <p><b>Article 169:</b> The birth registration shall be made to the Registrar of civil status within three days of birth for children born in the towns and district capitals, and in the other, within the period of one month.</p> <p><b>Article 170:</b> In the absence of parents or their representative, the birth registration can be made by the doctor, the midwife who attended the birth. However, without the express mandate of the father or the mother as to stating the names, they cannot tell the officer of civil status as gender, date, time and place of birth of the child. And, to the extent possible, the</p>



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	<p>name of the mother.</p> <p>The leaders of rural communities ensure that the births in their constituencies should be reported to state nearest civilian center, within the time prescribed by this Code.</p>
<b>Gambia</b>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Children’s Act, 2005</b></p> <p><b>Section 7(2):</b> The birth of every child shall be registered in accordance with the provisions of the relevant law</p> <p style="text-align: center;"><b>Initial state party report on the Convention on the Rights of the Child: Gambia, 1999,p.23</b></p> <p>The Births, Deaths and Marriages Registration Act, Cap 41:01 Laws of the Gambia, also make provision for the registration of births and deaths. Even if this is available, it is not frequently used, especially in rural areas. There is, however, a growing awareness of the importance of registration of births especially for purposes of school enrolment, national identification, health and banking services, acquisition of passports and so on.</p>
<b>Ghana</b>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Registration of Births and Deaths Registration Act, 1965</b></p> <p><b>Section 8-Registration of Births.</b></p> <p>(1) The birth of every child in any district to which this Act applies shall be registered by the Registrar in the district in which the child was born.</p>



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	<p>(2) Where a living new-born child is found deserted 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.</p> <p>(3) It shall, subject to subsection (2) of section 36 of this Act, be the duty of each of the following persons—</p> <p>(a) the father and the mother of the child;</p> <p>(b) in the case of the death or incapacity of the father and mother—</p> <p>(i) the occupier of the premises in which the child is born, if he has knowledge of the birth;</p> <p>(ii) a person present at the birth,</p> <p>(iii) a person having charge of the child, to furnish the prescribed particulars for registration.</p> <p>(4) The birth shall be registered within twenty-one days of the date of birth and registration outside of this period shall only be made on payment of the prescribed fee.</p>
<p><b>Guinea</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Child Code, 2008</b></p> <p><b>Article 1:</b> All children should be registered immediately after birth.</p> <p style="text-align: center;"><b>Civil Code, 1889</b></p> <p><b>Article 113:</b> the declaring produces the certificate of the civil status or the court ruling together, if appropriate, the birth certificate of the minors in the name of whom the declaration is made.</p>



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Guinea-Bissau	<p><b>Mandatory</b></p> <p><b>Combined 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> periodic report on the Convention on the Rights of the child: Guinea-Bissau, 2009</b></p> <p>Decree No. 09/04 of 9 December issued by His Excellency, the Minister of Justice which determines that —The acts of certifying/registering the birth of a child between 0 and 3 years of age are free of charge;</p> <p>Decree No. 06/06 of 7 August extends the period within which a child’s birth registration/certification is free of charge to 5 years of age, invoking that this measure is aimed at providing the right to a name and identity as expected in the CDC.</p>
Kenya	<p><b>Mandatory</b></p> <p><b>Birth and Deaths Registration Act, 1972</b></p> <p><b>Article 11:</b> Upon the birth of any child the registration of whose birth is compulsory, it shall be the duty of the father and mother of the child, and, in default of the father and mother, of the occupier of the house in which to his knowledge the child is born, and of every person present at the birth, and of the person having charge of the child, to give notice of the birth, within such time as may be from time to time prescribed, to the registrar of the registration area in which the birth occurs. Provided that, in the case of births in prisons, hospitals, orphanages, barracks or quarantine stations, the duty to give such notice shall lie on the officer in charge of the establishment in which the birth took place.</p>
Lesotho	<p><b>Birth Registration is a right of the child</b></p> <p><b>Children's Protection and Welfare Act, 2011</b></p>

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	<p><b>Section 8:</b> A child has a right to be registered within three months of birth whether a child is born alive or still born.</p> <p><b>Section 9:</b> Right of orphaned and vulnerable children to registration (1) Orphaned and vulnerable children shall have a right to registration. (2) The Department responsible for registration of births and deaths shall maintain and administer a systematic and comprehensive data in relation to all groups of orphaned and vulnerable children.</p>
<p><b>Liberia</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Children’s Law, 2011</b></p> <p><b>Section 51.21(2):</b> The birth of each child born alive in the Republic shall be registered within fourteen days after the date of birth by filing with the Registrar of the district in which the birth occurred a report of such birth.</p> <p style="text-align: center;"><b>Initial state party report on the Convention on the Rights of the Child: Liberia, 2002</b></p> <p>The Public Health law requires that all births be recorded at the time of birth, and that such registrations be done within 14 days of birth.</p>
<p><b>Libya</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Second state party report on the Convention on the Rights of the Child:Libya, 2000</b></p> <p>Civil Status Act No. 36of 1968 Articles 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 29: emphasize that births having occurred inside the Libyan Arab Jamahiriya or abroad must be notified within a maximum of 10 days of the date of birth.</p>



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<p><b>Madagascar</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Law No. 61-025 of 9 October 1961</b></p> <p><b>Article 24:</b>-The birth registration must be made within twelve days after the birth.</p> <p><b>Article 25:</b>-The birth certificate must state the date, time and place of birth, sex of the child and the full names given to him, the full name, age, place of birth, profession and habitual residence of parents and, where appropriate, the full name, occupation and habitual residence of the registrant.</p> <p><b>Article.26:</b> The declaration of birth must come from the father or mother of one of the parents or next of kin or any person present at birth or when the mother is given birth outside the home of the person with whom it is given birth. Regarding deliveries attended by doctors and midwives, they are required, within the time set out in Article24, to require the registrar at the place of delivery to issue a certificate stating that the child's birth occurred in such a day as the determined location.</p> <p><b>Article .28:</b> -Anyone who has found a newborn child is required to do declaration to the officer of civil status of the place of discovery in the deadline set in Article 24.</p>
<p><b>Malawi</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Constitution, 1995</b></p> <p><b>Article 146(2) functions of local government authorities :</b>include the registration of birth and deaths</p>

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	<p><b>The Births and Deaths Registration Act, 1904</b><b>Duty to register births:</b> In the case of every child born alive after the commencement of this Act, the registration of whose birth is compulsory, it shall be the duty of the father and the mother, and in default of the father and the mother, of the occupier of the house in which to his knowledge such child is born, and of each person present at the birth, and of the person having charge of such child, to register the birth within three months of the birth. Such registration shall be effected by completing a birth report in respect of such birth and by certifying its correctness by signing or, if unable to sign, by affixing the mark of the person effecting registration to the birth report and delivering it to the Registration Officer of the district where the birth occurred.</p> <p><b>[Chap2401]Chapter 24:01 Births and Deaths Registration</b></p> <p><b>[Ch2401s3]3. Register to be kept in every district</b></p> <p>The Registration Officer of each district shall keep a register, and shall enter therein every birth of a child born alive within his district after the commencement of this Act, whereof the prescribed particulars are reported to him.</p> <p><b>[Ch2401s5]5. Duty to register births</b></p> <p>In the case of every child born alive after the commencement of this Act, the registration of whose birth is compulsory, it shall be the duty of the father and the mother, and in default of the father and the mother, of the occupier of the house in which to his knowledge such child is born, and of each person present at the birth, and of the person having charge of such child, to register the birth within three months of the birth. Such registration shall be effected by completing a birth report in respect of such birth and by certifying its correctness by signing or, if unable to sign, by affixing the mark of the person effecting registration to the birth report and delivering it to the Registration Officer of the district where the birth occurred.</p>

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	<p>1 of 1969 Delivery of the birth report to a person for the time being employed in collecting the revenue of the local authority for the area in which the birth occurred shall be deemed to constitute delivery of such report to the Registration Officer of the district in which such area is situated.</p>
<p><b>Mali</b></p>	<p><b>Birth registration is a right of the child</b></p> <p style="text-align: center;"><b>Code of Child Protection, 2002</b></p> <p><b>Article 4:</b>Every child is entitled to an identity at birth and birth registration. The identity consists, first name, family name, of the date of birth and nationality.</p> <p style="text-align: center;"><b>Law on Civil Registration, 2006</b></p> <p><b>Article 1:</b>Declarations of birth and death are received free of charge in the reporting centers</p>
<p><b>Mauritania</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Ordinance on the Judicial Protection of the Child, 2005</b></p> <p><b>Article 1:</b>For the purposes of this Ordinance, every human being below the age of eighteen is a child shall be registered immediately after birth. Persons under the reporting obligation of a newborn who did not report the birth within the statutory period of twenty days are liable imprisonment or a fine of 40,000 ouguiyas or one of two penalties</p>

COUNTRY	THE RIGHT TO BIRTH REGISTRATION UNDER THE LAWS OF AFRICAN COUNTRIES
Mauritius	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Civil Status Act 1981</b></p> <p><b>Article 12(1):</b>a declaration of birth shall be made-</p> <p>(a) before an officer of the district in which the birth took place or in which the parents resided at the time of the birth;</p> <p>(b) within 45 days of the birth, and shall be registered in the appropriate register</p> <p><b>Article 13:Contents of entry</b>(1) In the entry registering a birth, the officer shall record-</p> <p>(a) the date, time and place of the birth; (b) the sex and the names of the child; (c) the names and address of the informant;</p> <p>(d) subject to subsection (2), the names, profession and address of each parent and of each witness; (e) any other particulars the officer may require.</p> <p><b>Article 14:Responsibility for declaration of birth:</b>(1) The father or mother of the child shall declare the birth of a child, or, where the child is born in a prison, asylum, orphanage, or other institution or quarantine area or station, the person in charge of that place shall declare the birth.</p> <p>(2) Every person in attendance upon the mother at the time of, or within 6 hours after, the birth of a child may also declare the birth. (3) Where the birth of a child more than 45 days old has not been registered, the Permanent Secretary of the Ministry of Women's Rights, Child Development and Family Welfare may cause the birth to be registered under section 12(2) or (3)</p>



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Morocco	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Family Law (Moudawana), 2004</b></p> <p><b>Section 2: Of Children</b></p> <p><b>Article 54</b> Children have the right to the following care from their parents:</p> <p>(2) Ensuring respect of their identity and its preservation, particularly their name, nationality and registration in the civil status record,</p> <p style="text-align: center;"><b>Second periodic report on the Convention on the Rights of the Child: Morocco,2000</b></p> <p><b>Law of 8 March 1950:</b> provide for the registration of a child within 30 days of the date of birth, as prescribed by the Law of 8 March 1950. That law, which is over 50 years old, has never been published, but the requirement for registration of births and deaths has been reiterated in Royal Decree No. 2.63.2369 of 4 December 1963.</p> <p style="text-align: center;"><b>The Criminal Code, 1962</b></p> <p><b>Article. 468:</b> the father or in his absence, doctors, surgeons, health officers, midwives, moualidat, qablator others present at the birth or, in case of delivery outside the home of the mother, persons with whom the child was delivered shall be punished by imprisonment of one to two months and a fine of 120 to 200dirham if they have not required a birth certificate within the time allowed by law.</p>

COUNTRY	THE RIGHT TO BIRTH REGISTRATION UNDER THE LAWS OF AFRICAN COUNTRIES
<p><b>Mozambique</b></p>	<p><b>Birth registration is a right of the child</b></p> <p style="text-align: center;"><b>Child law, 2008</b></p> <p><b>Article 16:</b> Health care, public facilities and private care of pregnant women are required to:</p> <p>(f) provide birth certificates,</p> <p><b>Article 26:</b> (Right to family and name)</p> <p>3. To ensure the rights established in the preceding paragraph, the child shall be registered immediately after birth.</p> <p style="text-align: center;"><b>Family Law, 2004</b></p> <p><b>Article. 205(1)</b> Right to be registered and to use a name</p> <p>1.Children have the right to be registered immediately after birth.</p> <p>2. Have the right to have a name and use the family surname of the parents.</p>
<p><b>Namibia</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Births, Marriages and Deaths Registration Act, 1963</b></p> <p><b>Section 7:</b>Registration of birth or death after one year</p> <p>No birth or death shall be registered after the expiry of one year from the date of such birth or death except upon the written authority of the Secretary and the payment of the prescribed fee (if any).</p>

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<p><b>Niger</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Penal Code, 2004</b></p> <p><b>Section II.- Lack of birth registration or delivery of a newborn.</b></p> <p><b>Article. 251:</b> Anyone who attended a birth and fails to make a statement required by law to declare that to the competent authority within the statutory period shall be punished by imprisonment of two to six months and a fine of 10,000 to 100,000 francs or one of these penalties.</p> <p style="text-align: center;"><b>Concluding observations to the 2nd periodic report on the Convention on the Rights of the Child: Niger, 2010</b></p> <p>The Committee notes with satisfaction the adoption in 2007 of a new law on birth registration and a National Registry Policy, the appointment and training of regional and local registration officers, as well as the registration campaigns conducted to reach children who were not registered at birth. The Committee is concerned, however, at the decreasing percentage of children registered at birth due, notably, to the low performance of civil registration services, the lack of registration centres in rural areas, and the delayed remuneration of registration officers. While noting with appreciation the State party's indication that <i>Mahamide</i> people living in Niger have the same rights and duties as other Niger nationals, the Committee remains concerned at the lack of registration of <i>Mahamide</i> children which exposes them and their families to the risk of becoming stateless.</p>
<p><b>Nigeria</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Childs Right Act, 2003</b></p>

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	<p><b>Section 5(2):</b>the birth of every child shall be registered in accordance with the provisions of the birth, death etc(compulsory registration Act)1992</p> <p style="text-align: center;"><b>Births, deaths etc(compulsory registration Act), 1992</b></p> <p><b>Section 1. Compulsory registration of births, deaths, etc.</b></p> <p>Notwithstanding the provisions of any enactment relating to the registration of births and deaths, the registration of births and deaths shall as from the commencement of this Act, be compulsory in all cases and shall be effected as provided under the provisions of this Act.</p> <p><b>Section 8. Persons responsible for registering births</b></p> <p>It shall be the duty of the following persons to give information either orally or in writing concerning a birth, that is-</p> <p>(a) in respect of a birth in a house not being a place referred to in paragraphs (c) to (d) of this subsection-</p> <ul style="list-style-type: none"> <li>(i) the father and mother of the child; or</li> <li>(ii) the head of the house or the person recognized as the head of the household; or</li> <li>(iii) the occupier of the house in which the child was, to the knowledge of the occupier, born; or</li> <li>(iv) any person aged 18 years and above present at the birth or any person having charge of the child;</li> </ul> <p>(b) in respect of a birth in a hospital, health centre, maternity or nursing home or other like institution-</p> <ul style="list-style-type: none"> <li>(i) the medical officer in charge of such institution; or</li> </ul>

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	<p>(ii) any person authorized by him in that behalf;</p> <p>(c) in respect of a birth in a hostel, boarding house, lodging house, hotel, tavern, barracks or place of public resort, the person in charge thereof;</p> <p>(d) in respect of a new-born child found exposed or deserted in a public place-</p> <p>(i) the person finding the child; or</p> <p>(ii) the person in whose charge the child may be placed; or</p> <p>(iii) the nearest police officer.</p> <p><b>Section 9. Persons to give information concerning a birth</b></p> <p>It shall be the duty of-</p> <p>(a) the doctor, midwife or any other medical attendant, village maternity assistant, nurse, traditional birth attendant, other than a person in or attached to the institutions referred to in section 8 of this Act; or</p> <p>(b) the village head, tax collector, health inspector, forest ranger or any other local functionary as may be notified; or</p> <p>(c) every religious minister, imam or other persons officiating religious services connected with births, naming ceremonies including baptism; or</p> <p>(d) such other persons as may be notified of any birth; to give information concerning a birth to the registrar in the area in which the child was born.</p>

COUNTRY	THE RIGHT TO BIRTH REGISTRATION UNDER THE LAWS OF AFRICAN COUNTRIES
	<p><b>Section 10. Time limit for registration</b></p> <p>(1) It shall be the duty of any person required to give information concerning any birth, to give to the registrar before the expiration of a period of sixty days from the date of the birth, information of the particulars required to be registered concerning the birth:</p>
<p><b>Rwanda</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Law Related to the Rights and Protection of the Child, 2012</b></p> <p><b>Article 16: Registration of new born child</b> Any child born is registered in the civil status registry by his/her parents or his/her guardian in accordance with modalities and time limits specified by the law, and a certificate shall be issued. A child born out of wedlock is registered upon declaration by one of his or her parents. The one who is designated as being the father or the mother of the child is informed by the civil registrar before the registration of the child where he / she was not present at the time of declaration. When there is consent the child is immediately registered.</p> <p>Disputes concerning the identification of one of the child's parents shall be referred to courts.</p> <p style="text-align: center;"><b>Law governing registration of the population and issuance of the national identity card, 2008</b></p> <p><b>Chapter 2 : Registration of the Population</b></p> <p><b>Article 8:</b> Any person shall be ordered to register the birth of his or her child within a period not exceeding thirty (30) days from date of birth.</p>



COUNTRY	THE RIGHT TO BIRTH REGISTRATION UNDER THE LAWS OF AFRICAN COUNTRIES
	<p>Any person is obliged to register in the population register any child under his or her care, if the child is below sixteen (16) years of age and only when it is established that he/she has not been registered elsewhere.</p> <p>The guardians or persons who adopted the children shall make birth registration of the children under their care within a period not exceeding thirty (30) days from the day they acquired guardianship</p>
<p><b>Sao Tome &amp; Principe</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Family Code (Act No. 2/77), 1997</b></p> <p><b>Article 67:</b> If parents are in marriage or lawfully entered union the declaration of birth made in the registry office will have legal effects for both parents if the parents are not united by marriage bond, or united in fact the declaration for birth registration should be made by both parents jointly or in separation</p> <p style="text-align: center;"><b>Second periodic report on the Convention on the Rights of the Child, Sao Tome &amp; Principe, 2010</b></p> <p>Birth registration campaign efforts, offering free (against the usual rate of 13,000 STD, or 1.4 USD) registrations countrywide for children between 0 and 18 years of age.</p>
<p><b>Senegal</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Family Code, 1989</b></p> <p><b>Article 30: Universal character of the civil status</b></p>

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	<p>All births, all weddings, and all deaths shall be enrolled as an act.</p> <p><b>Article 51:</b> Any declaration of birth must be reported to the state registrar within one month franc. If the period expires on a holiday, the statement will be validly received on the next business day. Statements may emanate from the father or mother, parent or a close relative, the doctor, the midwife, the midwife or any other person present at birth or when the mother gave birth away from home, the person with whom she gave birth.</p> <p>In the absence of a declaration by the persons specified above, the village chief so redistrict representatives are required to do so in conditions and subject to the penalties provided for in Article33 of this Code Article 33: The village chiefs or district will be required to make statements of birth and deaths intheir are within a month to the officer of the vital statements. Any omission should result to a penalty of petty offenses from 2,000 to 5,000francs.</p>
Seychelles	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>The Civil Status Act, 1893</b></p> <p><b>Section 15(1):</b> Declarations of birth and death, and celebrations of marriage at any office shall be registered in printed books (hereafter called registers) kept accordingly to the forms given in Schedule A hereto.</p> <p><b>Section 30(1):</b> The declaration of the birth of any child shall be made within thirty days following the day of declaration of its birth before the officer of the district where the child birth took place. It shall not be necessary to present the child when the declaration is made. When the birth of the child is declared, and all acts of birth drawn up before the passing of this Act are hereby declared to be valid whether the child has been presented to the officer of the civil status or not.</p>

COUNTRY	THE RIGHT TO BIRTH REGISTRATION UNDER THE LAWS OF AFRICAN COUNTRIES
	<p>(2) If the birth has not been declared within the aforesaid period, the birth shall not be registered, except upon an order of a judge and on payment of a fine not exceeding one hundred rupees unless the lateness of the declaration be accounted for to the satisfaction of the judge. The judge shall be entitled to require such evidence as he may deem necessary to satisfy himself touching the exact date of the birth of the person whose birth is sought to be registered.</p> <p><b>Section 31:</b> The birth may be declared by the father and mother make together, or if the father is not known, the mother alone, by declaration. Any medical practitioner, midwife or other person having been present at the birth or by the owner or occupier of the premises on which the birth took place.</p>
Sierra Leone	<p style="text-align: center;"><b>Child Rights Act, 2007</b></p> <p><b>Part III – Child rights, parental and state responsibilities</b></p> <p><b>Section 26 (4) :</b>Each parent shall be responsible for the registration of the birth of their child and the names of both parents shall appear on the birth certificate except when the father of the child is unknown to the mother.</p> <p><b>Section 11.</b> Function of the National Commission for Children</p> <p>(1), it shall be the function of the Commission</p> <p>(c) to contribute to the process of the decentralization of authority to the districts and other local levels with regard the process of ensuring that every child is registered at birth, and has access to health-care and free basic education, including the provision of adequate school facilities, materials and trained teachers in the rural areas;</p>

COUNTRY	THE RIGHT TO BIRTH REGISTRATION UNDER THE LAWS OF AFRICAN COUNTRIES
	<p style="text-align: center;"><b>The Birth and Deaths Registration Act, 1983</b></p> <p><b>Part III Registration of Births and Deaths</b></p> <p><b>Section 7:</b>Persons required to register: It shall be the duty of the persons specified below, to give or cause to be given, either orally or in writing, according to the best of their knowledge and belief within thirty days of a birth and fourteen days of death information to the registrar of the several particulars required to be in the forms prescribed by the Minister under Section 20.</p>
Somalia	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Penal Code Legislative Decree No 5 of 1962</b></p> <p><b>Article 428(2):</b> whoever by concealing a newly born child prevents its name from being entered in the civil register shall be punished with a fine.</p>
South Africa	<p><b>Mandatory (with fee)</b></p> <p style="text-align: center;"><b>Birth and Death Registration Act, 1992</b></p> <p><b>Section 25 (9) Notice of birth:</b> in the case of any child born alive, any one of his parents or if neither of his parents is able to do so, the person having charge or a person requested to do so by the parents or the said person, shall within seven days after the birth give notice thereof in the prescribed manner to any person contemplated in section 4 .</p> <p><b>Section 8 Fees payable:</b> The Director General may with the concurrence of the Minister of State Expenditure determine</p>



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	the fees payable for any specified act performed in accordance with the provisions of this Act by the Director General or any person contemplated in section 4, and shall publish such fees in the Gazette.
South Sudan	<p><b>Birth registration is a right of the child</b></p> <p style="text-align: center;"><b>Child Act, 2008</b></p> <p><b>Article 11: Right to Birth Registration.</b></p> <p>(1) Every child has the right to free birth registration with the appropriate Government agency.</p> <p>(2) The Government at its appropriate level shall put in place a birth registration law throughout Southern Sudan.</p> <p><b>Article 39:Duties of Parents:</b></p> <p>(1) Parents have duties and responsibilities, whether imposed by law or customs to each of their children without discrimination which include the responsibility to—</p> <p>(a) register their children at birth;</p> <p style="text-align: center;"><b>The Transitional Constitution of the Republic of South Sudan, 2011</b></p> <p><b>Schedule B No 16:Powers of states include the</b> registration of marriage, divorce, inheritance, birth, death, adoption and affiliations;</p>

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Sudan	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>The Child Act,2010</b></p> <p><b>Article 5(2(i)):</b>a born child shall have the right to extract a birth certificate thereto, in the form prepared therefore, and deliver the same to his folks, without fees;</p> <p style="text-align: center;"><b>Second Periodic Report on the Convention on the Rights of the Child: Sudan, 1999</b></p> <p>Article 28 of the Civil Register Act of 2001 provides the legal guarantees for the immediate registration of a newly-born child. Article 29 makes it mandatory by law to report the birth and lists the individuals responsible for the reporting. Article 42 prescribes penalties for any violation of the above.</p>
Swaziland	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>The Births, Marriages and Deaths Registration Act, 1983</b></p> <p><b>Part III Registration of Births and Deaths</b></p> <p><b>Section 15 (1) Information as to births:</b> In the case of any children whether born alive or still-born the father of the child and, in the event of the death or absence or other inability of the father, any person present at the birth, or the occupier of the dwelling in which the child is born and, in the event of the death or absence or other inability of such occupier, the person having charge of such child, shall within sixty days after its birth give the prescribed notice thereof to a registration officer or a chief of the area or his <i>induna</i> or a registration information officer nominated or appointed for this purpose.</p>



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	<p><b>Sections 6 (3):</b> The Registrar shall keep registers in the prescribed form in which shall be recorded in alphabetical order</p> <p>(a) the birth or every child whether born alive or still-born;</p>
<p><b>Tanzania</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Law of the Child Act, 2009</b></p> <p><b>Article 6(3):</b> Each parent or guardian shall be responsible for the registration of the birth of his child to the Registrar-General.</p> <p style="text-align: center;"><b>The Births and Deaths Registration Act, 1920</b></p> <p><b>Section 11 Duty to register births:</b> In the case of every child born alive after the commencement of this Act, the registration of whose birth is compulsory, it shall be the duty of the father and mother, and, in default of the father and mother, of the occupier of the house in which to his knowledge such child is born, and of each person present at the birth, and of the person having charge of such child, to register the birth within three months of the birth.</p>
<p><b>Zanzibar</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Child Act, 2011</b></p> <p><b>Article 8(1) Right to birth registration:</b> Subject to the provisions of the Birth and Death Registration Act, No. 10 of 2006 every child shall be registered upon birth.</p>



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<p><b>Togo</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>An Act of Civil registration, 1962</b></p> <p><b>Article 1:</b> It is compulsory to register births, marriages and deaths occurring in the territory of the Republic. <b>Article 12:</b> The statements of birth must be made no later than thirty days after the birth of the child by a parent of child or in default by the doctor, the midwife or any other person having attended at delivery.</p>
<p><b>Tunisia</b></p>	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Child Act, 1995</b></p> <p><b>Article 5:</b> Every child has the right to an identity at birth. The identity consists of first name, last name, date of birth and nationality.</p> <p style="text-align: center;"><b>An Act Regulating Civil registration, 1957</b></p> <p><b>Article 22:</b> The birth registrations shall be made within ten days of the delivery of the Registrar of Civil Status of the place. However, for births outside communal basis and in foreign countries, this period is extended to fifteen days.</p> <p><b>Article 25:</b> Anyone who has attended childbirth and fail to make the declaration required by section 22 of this Act shall be punished by imprisonment of six months and a fine of three thousand francs or one both penalties.</p> <p>The provisions of Article 53 of the Penal Code are applicable to offenses under the preceding paragraph.</p>



COUNTRY	THE RIGHT TO BIRTH REGISTRATION UNDER THE LAWS OF AFRICAN COUNTRIES
Uganda	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Constitution, 1995</b></p> <p><b>Article 18 Registration of births, marriages and deaths.</b></p> <p>The State shall register every birth, marriage and death occurring in Uganda.</p> <p style="text-align: center;"><b>Births and Deaths Registration Act, 1973</b></p> <p><b>Article 7 registration of births:</b> within three months of birth of a live child, the father or mother of the child shall register such particulars concerning the birth as may be prescribed with the registrar of the births and deaths registration district in which the child was born.</p> <p>If the mother and father of the child are dead or unable to register particulars concerning the birth, the occupier of the house in which the child was to the knowledge of the occupier, born or any person present at birth or any other person having charge of the child shall register particulars concerning the birth but the registration of the particulars by one of those persons shall relieve their duty to do so.</p> <p><b>Article 28 No fee for registration:</b> A person giving particulars of the birth of any child or death of any person under section 27 shall not be required to pay any fee for late registration.</p>



COUNTRY	THE RIGHT TO BIRTH REGISTRATION UNDER THE LAWS OF AFRICAN COUNTRIES
Zambia	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Births and Deaths Registration Act, 1973</b></p> <p><b>Section 5:</b> The birth of every child born and the death of every person dying in Zambia after the commencement of this Act shall be registered in accordance with the provisions of this Act.</p> <p><b>Section 14</b> (1) Responsibility for giving notice: In the case of every child, whether born alive or still-born, it shall be the duty of the father and the mother, and in default of the father or the mother the duty of-</p> <p>(a) the occupier of the house in which, to his knowledge, such child is born or the person in charge of any hospital or other institution in which such child is born; and</p> <p>(b) each person present at the birth; and</p> <p>(c) in the case of a child born alive, the person having charge of the child; to give notice in the prescribed form containing the prescribed particulars of the birth within one month thereof to the Registrar of the district in which such child is born.</p> <p style="text-align: center;"><b>Births and Deaths Registration (General) Rules, 1994</b></p> <p><b>Article 43. (1):</b> No fee is chargeable for the registration of a birth or death if notice is given in the prescribed form containing the prescribed particulars of the birth within one month thereof.</p> <p style="text-align: center;"><b>Draft Constitution, 2012</b></p> <p><b>Article 55(5):</b> Every child has a right - (a) to a name and a nationality from birth and to have the birth registered;</p>



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COUNTRY	THE RIGHT TO BIRTH REGISTRATION UNDER THE LAWS OF AFRICAN COUNTRIES
Zimbabwe	<p><b>Mandatory</b></p> <p style="text-align: center;"><b>Births and Deaths Registration Act, 1986</b></p> <p><b>Section 10 Compulsory registration of births, still-births and deaths</b></p> <p>Subject to this Act, notification and registration of the birth, still-birth or death of any person which occurs in Zimbabwe after the 20th June, 1986, shall be compulsory.</p> <p><b>Section 11 Responsibility for giving notice of the birth or still-birth of a child</b></p> <p>(1) Subject to section <i>twelve</i>, it shall be the duty of the father or the mother of a child and, in the case of the death or inability of the father and the mother, the duty of—</p> <p>(a) the occupier of the house in which the birth or still-birth occurred, where he had knowledge of such birth or still-birth; or</p> <p>(b) the person in charge of any hospital or other institution in which the birth or still-birth occurred; or</p> <p>(c) the headman appointed in terms of section 8 of the Chiefs and Headmen Act [<i>Chapter 29:01</i>] for the community in which the birth or still-birth occurred, where he had knowledge of such birth or still-birth; or</p> <p>(d) any person who has attained the age of eighteen years present at the birth or still-birth; or</p> <p>(e) in the case of a birth, any person who has attained the age of eighteen years having charge of the child; or</p> <p>(f) such other person as may be prescribed; to give notice of the birth or still-birth in the prescribed form to the registrar of</p>

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	<p>the district in which the birth or still-birth, as the case may be, occurred.</p> <p>(2) Notice in terms of subsection (1) shall be given—</p> <p>(a) in the case of a birth, within forty-two days from the date of the birth;</p> <p style="text-align: center;"><b>Constitution, 2013</b></p> <p><b>Section 4.38:</b> : every child that is to say every boy and girl below the age of 18 years has the right</p> <p><b>c.</b> in the case of a child who is</p> <ul style="list-style-type: none"> <li>i. born in Zimbabwe or</li> <li>ii. born outside Zimbabwe and is a citizen of Zimbabwe by descent</li> </ul> <p>to the prompt provision of a birth certificate.</p>



## References

ACPF (2012), Harmonisation of Children's Laws in West and Central Africa: County Briefs

ACPF (2012), Harmonisation of Children's Laws in Eastern and Southern Africa: Country Briefs

ACPF (2011), In the Best Interests of the Child: Harmonising Laws on Children in West and Central Africa available at <http://www.africanchildinfo.net>

ACPF (2008), In the Best Interests of the Child: Harmonising Laws on Children in Eastern and Southern Africa, available at <http://www.africanchildinfo.net>

ACPF (2010), Child Law Resources Volume I: International and Regional Laws on Children, [http://www.africanchildforum.org/site/index.php/resource-centre/child-law-resources-volume-i-international-and-regional-legal-instruments-on-children.html#.Uh2\\_-X89UW4](http://www.africanchildforum.org/site/index.php/resource-centre/child-law-resources-volume-i-international-and-regional-legal-instruments-on-children.html#.Uh2_-X89UW4)

ACPF (2012), Child Law Resources, Volume 2: Reporting Status of African States, available at <http://www.africanchildinfo.net/clr/vol2>