

# MIDLANDS STATE UNIVERSITY



**FACULTY OF ARTS**

**DEPARTMENT OF DEVELOPMENT STUDIES**

**HOW MARRIAGES INFLUENCE EARLY CHILD BIRTH REGISTRATION AND  
AFFECT OPPORTUNITIES FOR CHILDREN: A CASE STUDY OF NKULUMANE**

**DISTRICT, BULAWAYO**

**BY**

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**This dissertation is submitted in partial fulfillment of the requirements of the Bachelor of  
Arts Honours Degree in Development Studies at Midlands State University.**

**May 2017**

**Approval Form**

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## **DECLARATION**

I, Blessing Usher Nyoni do hereby declare that the work contained in this dissertation is a product of my own original work with only the exceptions of quotations and references which had been attributed to their sources. I further declare that this work has never been previously submitted and is submitted in partial fulfillment of the Bachelor of Arts Honours Degree in Development studies at Midlands State University.

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**BLESSING USHER NYONIDATE**

## **ABSTRACT**

*This study is an investigation on how marriages can influence early child birth registration and hamper opportunities for children. The study looks at the 4 types of marriages in Zimbabwe and how they can work for and against early child birth registration. The four types of marriages are Civil marriage 5:11, Registered customary marriage 5:07, unregistered customary marriage and cohabitation. The study compares registered marriages versus the unregistered customary marriages on birth registration. The main mission of this dissertation is to analyse why people fail to comply to early child birth registration rules, to scrutinise why they fail to register children as per the Birth and Death registration rules and regulations. The project also seeks to view birth registration from a wide spectrum of analysis tracing the hindrances and obstacles that communities face in Nkulumane District of Bulawayo leading to failure to early child birth registration. The research takes a closer look on marriages and the most dominant marriage in society which is unregistered customary. The study also noted that the right of children are violated due to lack of birth certificates. It also toured the other contributory factors to lack of early child birth registration which were classified into economic, social, political, religious and individual reasons which contribute to lack of early child birth registration. A birth certificate is an important document that has got the capacity to promote poverty in the lives of children through denying them access to opportunities that needs the birth certificate. In the contemporary world characterised by migration absorption of states into the global world a birth certificate is now a basic document for children.*

## **DEDICATION**

*Dedicated to my mom :Tshelela Hungwe Ntombemhlophe ngiziqhenya ngawe...,to my grandmother ePhaphe,eNkomo.*

*My brother AbednicoMpofu..Shaba Ndethi it's a priviledge to have someone like you in my life,*

*To my fiance Lovemore thank you for investing your hope in me in the moments of hopeless reality .God bless you for your support and unconditional love for me.I love you so much....*

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*All things are possible to those who believe the sky is not even the limit you can go above it...*

## **ACCRONYMS**

ACCR-African Charter on Children's Rights

AU-African Union

BDRA –Birth and Death Registration Act

BC-Birth Certificate

BR-Birth Registration

CRC-Convention on the Rights of the Child

ECD-Early Childhood Development

I.D.- Identity Card

JCT-Justice for Children Trust

OVC-Orphans and Vulnerable Children

P.R.N-Provisional Restriction Notice

R.G- Registrar General

SADC-Southern African Development Committee

UNDHR-Universal Declaration of Human Rights

UNICEF-United Nations Children's Educational Fund

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## 1.1 Background of the Study

Birth registration in Zimbabwe started on 10 June 1891: per proclamation adopted in the Southern Rhodesia and was done in the main towns including; Bulawayo and Harare. This was for non- Africans only. There were no provisions for still birth registration until 01 April 1904. From 01 April 1904 births/ still births registration became compulsory for non-Africans ,that is the racially segregated white ,Indian and coloured populations. Magistrates were responsible for the registration until 30 November 1963 when registration of these vital events were handed-over to the then Districts Commissioners who were under the Ministry of Internal Affairs with the Registrar General as the Head of the Department.

From 30 November 1963, the promulgated Births and Deaths Registration Act (Chap. 30) provided for registration of births and still births of Africans. This was voluntary whilst those for non-Africans had been made compulsory by 01 April 1904. After the attainment of Independence in 1980 the function was being performed by the District Commissioner's successor, the District Administrator under the Ministry of Local government, Public works and National Housing on an agency basis until 1982, when the registrar General assumed direct control of the functions through his provincial and District Registrar.

Over the years the Government of Zimbabwe has also decentralized birth registration so as to reduce the distances walked by the people to access birth registration services. The registration centers now have sub offices which facilitate early child birth registration. The Government has also had Mobile Registration Exercises since 1981, this is done in the bid to ensure early child birth registration. The exercises are meant to encourage people to practice early child birth registration by bringing to their door steps the services.

In Bulawayo according to the UNICEF report (2015) the percentage of unregistered children below the age of 5 is 43.6%. Birth registration cannot be viewed outside the context of culture in Africa, most of what Africans do is heavily influenced by their culture. Mbiti (1969) notes that traditional concepts still form essential background of many African peoples, hence failing to

consider socio-cultural factors in birth registration of Africans is unfair and not sustainable, it's like asking people to temporarily forget their culture in favor of foreign alien cultures. SRSG (2012) argues that increasing the visibility of harmful practices and violence against children requires an efficient data collection system that begins with birth registration. Indeed, a universal system of birth registration is critical to prevent harmful practices and to effectively protect child victims. Harmful practices may be traditional or emerging, but generally have some cultural, social or religious underpinning. Common for most harmful practices is that they have devastating consequences on the child's life, development, health, education and protection. SRSG (ibid) further states that the protection of children from violence, including harmful practices, is enshrined in international human rights standards that are long adopted by the international community. But in strong contradiction to this ethical and legal imperative, harmful practices remain pervasive and socially condoned, and continue to seriously hamper the enjoyment of children's rights.

Customary law consists largely of unwritten rules that may be applied informally by traditional leaders or, in some cases, by courts within the formal judicial structure. Created to preserve indigenous customs and appease traditional leaders, these customary laws and practices have sometimes placed vulnerable groups, especially women and children at risk of harmful practices. Traditionally in Africa, children are viewed as a "gift" which must be cared for. Consequently, there are many positive practices that protect children. As noted by Save the Children organization, some examples include traditional naming ceremonies that take place shortly after a child is born, to mark a child's inclusion in the extended and protective family circle and the start of the family's obligations to care for and protect the child. Africans value to first practice their cultural ceremonies before a child is even registered a birth certificate.

According to UNICEF Report (2007), only half of children under five in developing countries are registered. Registration rates are particularly low in rural areas and amongst the poorest households, where services may not exist, and where families may be uninformed about the importance of this fundamental right, or be unable to afford associated costs. This situation paves the way to marginalization, discrimination and poverty, and enables incidents of violence against children to remain invisible and unaddressed. In Sub-Saharan Africa, birth registration rates in rural areas reach only 30 per cent of the child population.

According to the Birth and Death Registration Act 1986 (Chap 5:02) the mother is the first person who have the rights to register a child. A father or paternal relatives can not register the child in the absence of a mother. Only in special cases can paternal relatives register a child a birth certificates on conditions that they seek permission through writing an affidavit, and from the research clients have failed to succeed registering children in the absence of the mother. This has contributed to lack and failure of children to acquire birth certificates.

Globalization and migration are also posing to be a challenge in early child birth registration, women who are migrant workers tend to live with their children for long periods with out registering, this then becomes a crisis when the children are sent back to Zimbabwe to start primary education or Early childhood development, since children who are born out of the country have got different procedures of registration children are not registered on time due to reasons like financial challenges.

### **1.2 Statement of the problem**

Children who do not have birth certificates spend their lives in the informal sector of the world and do not have opportunities to excel in life compared to those who have birth certificates this then promotes the cycle of poverty in the lives of people. In the contemporary world a child who does not have birth certificate is a biological creature moving on planet earth with limited opportunities in life .It is the responsibility of parents to register children birth certificates failure of those main actors to comply with the BDRA 1986 gives rise to a chain of challenges to the future of children. Failure to address this problem of early child birth registration which is also being fueled by rapid movement of people might result in future generation's uprisings in need of identity documents. When parents and or guardians fail to subscribe to the rules and regulations that encourage early child birth registration children then suffer the consequences of the result of not being registered. Children's right to identity is then violated, when children do not have identity documents it then exposes them to a lot of vulnerability which goes hand in glove with lack of a birth certificate.

Without birth certificates children are denied their rights to travel, participate in sporting activities, do not access humanitarian aid and inheritance, for some, this could have grave consequences if the deceased person was their bread winner. The child may fail to gain access to basic things like food, education, medical aid, and all the other important things that the deceased may have taken care of when he or she was alive. Children who do not have birth certificates also graduate to be parents who do not have identity documents there by making a chain of unregistered citizens.

### **1.3 Aim of the research**

- ❖ To analyze the relationship between types of marriages in Zimbabwe and how they influence early child birth registration and opportunities for children.

### **1.4 Research objectives**

- ❖ To find out if early child birth registration is a function of marriage type?
- ❖ To develop a comprehensive understanding of early child birth registration at different levels on which to base a proposal for a multi-stakeholder approach towards a fully functional birth registration system in Zimbabwe that is compulsory, universal, permanent and continuous.
- ❖ The research seeks to investigate compliance issues and the influence of marriages towards birth registration, practices related to the issuance of birth certificates, the policy and legal environment for early child birth registration.
- ❖ To expose the challenges that are faced by unregistered children and how it affects the development of the nation.
- ❖ To assess the other factors besides marriage that leads to failure of early birth registration

### **1.5 Research Questions**

- ❖ In the area of study to what extent do marriages influence conformity to the early child birth registration laws?
- ❖ What are the other factors that militate against early child birth registration?
- ❖ What are the consequences of delaying to register a child?

- ❖ Why do people fail to subscribe to the Birth Registration Act of 1986 which states 42 days of birth registration from birth time?

## **1.6 Conceptual Frame work**

### **1.6.1 Birth Registration**

According to a UNICEF Report (2005) Birth registration refers to the continuous, permanent and universal recording with in the civil registry, of the occurrence and characteristics of births in accordance with the legal requirements of a country. Birth registration is the official recording of the birth of a child by some administrative level of the state and is coordinated by a particular branch of government. It is part of a system of civil registration, which is also referred to as the registration of vital events.

Plan International (2005) defines Civil registration as a system where the occurrence and characteristics of vital events pertaining to the population like births, deaths, marriages and divorces are recorded in a continuous, permanent and universal manner. An effective civil registration system is an indicator of early child birth registration; it records every birth and issues a birth certificate with out any obstacles. The purpose of civil registration is primarily for establishing the legal documents provided by the law. Birth registration is usually accompanied by the issuance of a document called a birth certificate.

An ideal or a fully functional birth registration system should have major qualities. It should be universal in the sense that the system should be designed to register every newborn child in the country. It should be compulsory to ensure that every child is registered. Children must be registered soon after birth if possible in health centers so that the complications that might transpire will not be accommodated if children are to leave health centers with birth certificates.

### **1.6.2 Birth Certificate**

According to a report by Plan International (2005) a birth certificate is a legal document issued to an individual by the state to prove that a birth has been recorded. Therefore, birth registration, and the issuing of a birth certificate are two distinct yet interlinked events, wherein birth

registration is a prerequisite for issuing a birth certificate in normal circumstances. A birth certificate is a paper that is issued by the registrar acknowledging the birth of a child, it contains the information on the birth certificate about the child may include; child's name, date of birth, place of birth, area of issuance, name of mother and father if available.

### **1.6.3 Legal Framework**

Legal framework refers constitutional rules and laws that govern birth registration. It also includes the institutional rules and regulations and behaviors towards the public on issuing the birth certificates. This also includes Acts and bills that are passed by the government which ought to be observed by the people upon birth registration. It also involves the International laws that guide the birth registration in the bid to easy access of birth registration. These may include the United Nations on the Children's Rights Convention Act o (UNCRC), The African Charter on Children's Rights (ACCR), Birth and Death Registration Act of 1986.

### **1.6.4 Early Child birth registration**

Early child birth registration refers to the immediate official recording of the birth of a child. According to UNICEF Article 7.1 of the Convention on the Rights of the Child it states that children must be registered soon 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. Early child birth registration in Zimbabwe is considered to be done within 42 or 6 weeks from. It is the ability to inform the government or registrar through birth registration that a child has been born within 42 days after birth. The UNICEF CRC encourages states to reform laws and practice early child birth registration so that developing countries counter the challenges of unregistered children.

### **1.6.5 Assess**

To assess is to measure the impact of marriages on early child birth registration and how it affects the development of the nation. To weigh weather raising awareness and encourage early child birth registration will help to register children and promote their right to identity as enshrined on the African Charter in Article 6.

## **1.7 Theoretical Framework**

According to Cagleton (2003) a theory is a reasonable systematic reflection on our guiding assumptions it remains inseparable forever. It is a logical explanation which explains a phenomenon or reality. The study is informed by the Basic Needs Approach, this approach states that development is progressively satisfying human basic needs. A need is tied to the concept of necessity that is what is necessary for one to lead a human life progressive towards development. Human needs can take a number of forms including security needs, welfare needs, educational needs, freedom needs and identity needs.

The study is informed by the Basic human needs Approach, which states that for development to take place human basic needs must be met. The theory is related to the study since a birth certificate is a crucial document that every citizen of a nation must possess. For human basic needs to be satisfied by the government there is need for the government to be aware of the population through the statistics obtained from early child birth registration. For human beings to also be able to meet their own needs they need to have basic documents like birth certificates for employment among other uses.

The study is also driven by the right based theory, which advocates for the rights of the people to be prioritized and met. According to the African Charter Article 6 children have got the right to Identity to have a name and a surname. The study is also informed by this right. Children have the right to a name and surname, the rights of the children must be prioritized and upheld for development to be sustainable. Failure for citizens and governments to uphold the right to identity for children may be disastrous for future generations since chains of unregistered children will have to be cooperated on the informal sector of the economy, which has negative impacts on economic development of a nation.

## **1.8 Significance of the study**

The significance of the study is of vital importance to the stakeholders of birth registration. Its significance can be jotted on the following categories depending on the set up:-

To the Government and NGOs, it will help to identify the gaps of advocacy and help to raise awareness on the importance of dishing out information to the community members. The study

will also help to build facts on the level of knowledge that communities have on early child birth registration.

To the communities the study will help to raise awareness on the importance of early child birth registration .It will also help through the interviews and community dialogues to understand the side of the parents why they fail to register children and take forward into consideration their cahiers through recommendations to the relevant stake holders.

Researchers will benefit in the sense that, they can build on this research to produce more refined work on the same topic or any other relevant topic concerning early child birth registration. It will also be an eye opener on gaps existing in the current research work on birth registration. They can also refer to the study for needed information on the causes of lack of early child birth registration.

MSU Repository, the institutional repository will have the scope and depth of its information resources widened or increased through the submission of a copy of this research.

To the student, the study is of great significance since it is being submitted in fulfillment of my degree in Development Studies, the research will help the student to gain experience within the research area of the field work of the student, as a field and research officer the study will help the student to have more experience and knowledge through interaction with clients during the research which is good for the exposure of the student both academically and professionally.

To regional groups like SADC, AU and UN the study will also help to avail that birth registration goes beyond paper work implemented through Acts and Articles there is need for such organizations to ensure enforcement of the African Charter and the United Nations Children's Rights Convention.

### **1.9 Research Methodology**

A plan for collecting, measuring and analyzing data is a research design (Gray, 2009; Shepard, 2002). Shepard (2002:38) proposes a number of quantitative and qualitative methods that can be used in social researches and from the gamut this study employs a combination of qualitative and quantitative methods.The study is an explorative research hence the student employed both qualitative and quantitave research methods so that it will also manage to cover the grey areas of

the study. The area of study had not been explored by academic scholars hence authors will come to buttress what the study have done. Therefore, this research integrated two methods of qualitative and quantitative approach often defined as a triangulation or mixed methodology. Such a technique was drawn from the world of surveying where measurement of the study is taken from three or more different points in order to identify a particular area with accuracy and validity

The study used quantitative research because it has many variables which influence the study. Hypothesis was used during the study to build the relationship between birth registration and marriages. These 2 influence each other on early child birth registration. The hypothesis is statement of relationship between variables; “Birth registration is a function of marriages”

Ha = There is a relationship between marriage type and early birth registration

Ho = There is no relationship between marriage type and early birth registration

The student used quantitative research to highlight that there is a relationship between the marriages and birth registration. In this research, qualitative techniques were used to collect data from school heads of schools through the use of interview guides. From the qualitative methods, in-depth interview guides were employed to gather data from health workers and parents. The underlying reason was the fact that the research was more exploratory in nature so that it would enhance in-depth discovery of people’s feelings and perception with regards to early child birth registration. Further rationale behind this was that the topic under investigation cannot be solely explained by one method. Some of questions needed numerical response on number of children registered within 42 days after birth; number of children who are enrolled but still not registered.

Through using the qualitative research methods the researcher was able to gather information through interviews and community dialogues. Qualitative research helps to produce findings that are determined. The study used qualitative method to interact directly with respondents who have unregistered children which then helped to access primary information sources that are very reliable since they will be giving out first hand information. Qualitative research seeks to understand the problem or topic from the perspectives of the local people who are directly affected by the crisis. It is very effective when it comes to issues of obtaining cultural specific information about the values, opinions and hindrances to early child birth registration. In this

context the study targeted both men and women in all types of marriages in communities since they are the important variables to the study and are directly involved in the birth registration of a child.

### **1.9.1 Literature review**

Unity Dow(1998) notes that a birth certificate is a ticket to citizenship. Without one, an individual does not officially exist and therefore lacks legal access to the privileges and protections of a nation. Civil registration is a basic tool by which an efficient government counts its citizens and plans the schools, health centres and other services they need. UNICEF (2007) states that every year, about 40 million babies—one third of all births—goes unregistered around the world. These children are denied their birth right by their very invisibility. Unity (1998) highlights that lacking birth certificates, they spend their lives on the edges of the ‘official’ world, skirting or falling over obstacles that never arise in the paths of those who had the good fortune to be registered when they were born. Birth certificates are the only primary proof of age. The basic criteria of selecting beneficiaries of educational and development assistance initiatives meant for orphans and vulnerable children is the birth certificate. Children who do not have birth certificates also find it extremely difficult to get an education because at various stages a birth certificate is a core requirement. For instance for a child to participate in any sporting, musical project or educational tour they have to have a birth certificate. And every child, when enrolling for grade one, needs to present a birth certificate, and to sit for any national examination a copy of a birth certificate is required by the Zimbabwe Schools Examinations Council (ZIMSEC), so as to ascertain the child’s birth registration number and details of birth to avoid impersonation of individuals.

According to UNICEF (2013) only 49% of Zimbabwean children below five years of age are registered. The 51% unregistered children face a lot of challenges to get birth certificates especially if they go beyond 1 year from the date of birth as responsible people to register or witness to their birth will either have migrated due to economic challenges or would have died due to causes like HIV/AIDS among other causes. Those who go up to school going age without birth certificates face a lot of challenges and some are not even admitted in schools.

According to the Plan International Report (2005) it states that every child should be registered at birth. It is estimated that, each year, the births of over 48 million children are not registered. Although the vast majority of unregistered children live in developing countries, the issue of unregistered children is a global problem. According to the Birth and Death registration Act of 1986 every child must be registered within 6 weeks of birth which is equivalent to 42 days. There are 2 types of birth registration which are current birth registration and Late birth registration (Mudede 2005), current birth registration refers to birth registration done within 42 days after birth while late birth registration refers to registration effected after 42 days of birth up to any age of the child. Birth registration in Zimbabwe is free of charge as long the individual to be registered is below the age of 5. Upon the attainment of independence in Zimbabwe the government of Zimbabwe has loosened the rules for birth registration so that almost all Zimbabweans have access to a birth certificate. According to (BDRA, 1986)The ACT states that every parent must register the birth of a child within six weeks of the birth of the child Unity Dow, in “Progress of Nations” (UNICEF, 1998) wrote: “A birth certificate is a child’s proof of identity and represents acknowledgement of his or her significance to the country”. A birth certificate is a crucial document in a child’s life.

### **1.9.2 Sampling and Sampling procedures**

A sample is a subset (or subgroup) of one’s population (Lester, 1996). In this study the researcher used simple random selection, systematic random sampling and convenient as well as judgmental sampling. The researcher selected a sample that she thinks will be suitable and representative on behalf of the population. This has been done due to the fact that not all clients will open up especially the government officials since they consider the offices and issues related to birth registration as a security department which information can not be dished out for research officers. Hence the student used random so that the study will not be biased but will be able to access and accommodate information from all the facets of the problem being researched. Picking random of participants in the study helped the researcher to save time and resources rather than engaging the entire area of the study. Besides random selection of the participants on the study the researcher also have targeted individuals who can not be done away with since they are the very first people to welcome babies in their centers, Health official and expecting mothers

will be one of the targeted people by the study who will be interviewed oral and through questionnaires.

### **1.9.3 Research instruments**

This research made use of both primary and secondary sources of data. The primary sources included interviews, community dialogues, questionnaires and focus group discussions. These instruments are crucial for data gathering and can effectively tackle in the research problems. To complement the primary data sources the researcher also made use of the secondary data sources which include the information already available on the research problems. The primary and secondary data sources helped to investigate the causes of lack of early child birth registration in Nkulumane district of Bulawayo Province. From quantitative perspective, researcher used questionnaires to gather data from school administration on number of children registered within 42 days, types of marriages that parents are in, financial issues and other statistical data. In-depth interview guides were used to collect qualitative data from the respondents. Gray (2009:257) raises that both quantitative and qualitative methods are combined in research to form a coherent picture about the study, and this enable the facilitating the verification of the data. In this view, the use of these tools in collecting data made the research to drive a common trend from both institutions (schools, health centers and registration offices) and community on how marriages influence birth-registration.

### **1.9.4 Limitations of the study**

- ❖ Time is a limiting factor in the study since it will be done within a short space of time.
- ❖ Failure to get first hand information from the registration officers on the statistics of children registered within 42 days will have negative impacts on the study.
- ❖ Sensitive issues from clients may results on biased information from respondents.
- ❖ A lot of children who are not registered are in custody of relatives hence the research officer may find 2<sup>nd</sup> hand informant instead of mothers.

As a mitigation of these limiting factors, the following measures have been implemented

- ❖ To utilize every second available so as to save time and make the most out of the available deadline.

- ❖ To use fake names and assure the respondents confidentiality of the information they will share.
- ❖ To utilize the success cases from Trinity Project so that the respondents will be the mothers who are available during the time of study.

### **1.10 Delimitation of the study**

The study focuses on issues regarding lack of early child birth registration which is related to the work station of the student hence exposure and relations of the student to the field of birth registration will assist in attaining information from the respondents.

### **1.11 Ethical considerations**

Research ethics are set of principles that guide a researcher on how research organizations or individual should conduct themselves in dealing with research participants, other researchers and colleagues, the users of their research and society in general. Therefore, ethics in research play critical roles which include: order to respect and cause no harm to participants; professional discipline; sign of respect to other researchers and ensures the acceptability and compatibility of research to participating community (Shepard, 2002). In this study, the researcher ensured that data collected from the respondents was treated with utmost attention by holding the principles confidentiality through maintaining privacy and anonymity by excluding names in data collection tools such like questionnaires. The researcher made an effort to address the consent from respondents before their participation through informing them the purpose of the study. On such note, research letter from school supervisor and District Education officer of Nkulumane District warranting the collection of data in schools was presented to the respondents before commencement of interviews and questionnaire administration. The researcher also ensured that the data collected was solely used for the academic purposes to avoid prejudicing the originator of the data. The data gathered herein in this study was used to substantiate the researcher's discussions.

The student adhered to principles and regulations that are mandatory in research and the informants or respondents will not be exposed to any danger or harm during the course of this study. The sample population was not forced to respond and findings were not fabricated to suit

the researcher's objectives and per rules and regulations of the research, this work is far away from plagiarism and the researcher desisted from it. The researcher also used pseudo names to protect some of the respondents who partook in this study. The study is about children but the researcher did not interact directly with children as part of the ethical considerations about children. Ramos (2013) observes that any research embedded in qualitative approach demands deeper ethical application because involved in this are concepts of relationships and power networks between researcher and participants. Since children and their families participated in qualitative interviews, the researcher ensured that self acknowledgement, sense of purpose, self awareness and seeking of ongoing permission was maintained throughout interview relationship. In this study, ethics were also extended to data publication, where the researcher ensured that the outcomes are treated with honest, objectivity, integrity, carefulness, competence, responsibility and legality. This emanates from Babbie (2011)'s emphasis that the researcher must treat research outcomes with great responsibility and openness. As such, the successful collection of data from the respondents was done in such a way that the respondents were not offended during the data collection process.

## **Chapter 1: Early birth-registration and legal framework on B.R.**

### **2.1 What is early child birth registration?**

Early child birth registration refers to the immediate civil registration of the birth of a child. It is the formal civil registration of a child who has been born in a country. The BDRA (1986) states that a child must be registered with 42 days after birth, however on the ground the case is not the same children go up to as far as Primary and Secondary education with out a birth certificate. This then tends to contain the potential of children in various activities that an individual with a birth certificate can engage in. Early child birth registration refers to complying with the BDRA which state that children must be registered within 6 weeks from birth. This gives a guarantee that 99% of mothers will still be available during that short space of time because it is soon after giving birth, this then result in the reduction of unregistered children.

According to UNCRC (2007) Article 7 states that “the child shall be registered immediately after birth and shall have the right from birth to a name, the right to a nationality”. Immediate birth registration is very necessary especially in this global era where people migrate everyday and there has been a fusion of different nations as a result of trade among other causes. Early child birth registration gives a room for survival of children even in the absence of their parent s their lives can still progress in the right direction. A birth certificate is the first formal document that an individual acquires that will remain valid and relevant till the individual dies, even at 70 a child will still use the birth certificate.

### **2.2.0 Merits of early child birth registration**

#### **2.2.1: It is free of charge**

For every child that is registered within 42 days the government does not charge any fee, the copy is given with out any fine being charged, early child birth registration reduces cost that are needed when people delay to register children. It helps ensure that citizens of Zimbabwe access the birth certificate free of charge hence no excuse of finances will be involved for children born in Zimbabwe if parents and or communities adhere to the law. Accessing a birth certificate free of charge helps to promote children’s rights since financial obligations will not be a barrier to acquiring a birth certificate.

### **2.2.2 Accessible**

In many cases early child birth registration ensures that people register children before migrating the birth place of the child, a birth certificate must be registered in the area where the child was born, hence in many cases a birth that is registered within 42 days have got high chances that the mother will still be in the right environment where the birth must be registered which then reduces the cost of travelling which study respondents with out birth certificates stated as another cause of lack of birth certificates. Registering a child within 42 days is reliable and guarantees the reduction of the burden that goes along with late birth registration.

### **2.2.3 Co-operation of family parties involved in birth registration**

Birth registration is better conducted during the early stages of the birth of the child because parents or family members will still be celebrating the new life hence chances of conflict emanating from family differences can be overcome through early child birth registration, in cases where mother are not legally married or cohabitating it is better to register a child while still in good relations with the husband and in-laws. Early child birth registration can help to eliminate the involvement of children in family disputes that explodes with time. From the interviews conducted in Nkulumane the research officer noted that majority of people who do not register children early are also in unregistered marriages hence early child birth registration can help to reduce the number of unregistered children through ensuring that they are registered soon after birth before conflicts in families emanate especially for the parents in unregistered marriages.

### **2.2.4 Reduces expenses of money for children born out of hospitals**

For children that are born out of health centers it will be easy for them to be registered since soon after birth the midwife will still be available unlike in delayed registration where by it gets to the point of moving from station A to point B which will then distance the mother from the mid wife who is suppose to witness the birth of the child upon registration of a birth certificate. The distance of the mother from the midwife later on graduates to become a barrier for birth registration for children born out of hospitals hence early child birth registration has got the advantage in the sense that the child would have been registered incase anything happens to the midwife or the parents.

Early child birth registration helps to prove honesty and reliability of the claiming party that the child was born at home unlike parents who delay registering a child who was born at home to an extent that health cards for immunization are lost, delaying to register a child born at home till health cards have been lost tends to result in conflict between communities and registration officers, since the parents will only be having a verbal witness to prove that the child was born at home registrars tend to not believe parents and or communities since at times children who come from outside the country will then claim to have been born at home with the fear to pay external birth registration fees hence the earlier children born at home are registered the better for both parties involved in the registration of children.

### **2.2.5 Education attainment/ Enrollment at school**

According to the African Charter Article 11, children have got a right to free basic education; however children who have got birth-certificates are the only ones who can access that right and privilege. Children who were registered soon after birth will not have many challenges in accessing education unlike those who are delayed to be registered. From the research in primary schools in Nkulumane districts the headmasters confirmed that all the pupils who enroll for ECD (Early Childhood Development; it also includes Pre schools and Nursery day care) must have birth certificates those who do not have are denied vacancy which highlights the importance of early child birth registration since children's enrolment at school now depends on birth certificates. The children who reach the age of 5 without birth certificates are at high risk of delaying to enroll at school as a result of lack of a birth certificate hence there is need for the future of children to be planned ahead through early child birth registration. Children who have birth certificates can have access to financial assistance for school fees; they can get any humanity help that is available to their rescue while those who do not have are likely not to access even the BEAM scheme from the government.

### **2.2.6 Helps the government to provide sufficient Health facilities**

Early child birth registration helps to provide vital information which is essential for the government planning and service delivery for the benefit of children. Children have got a right to health as articulated in the African Charter Article 11, of this which can be achieved through early child birth registration, the article states that Member states must put in measures to reduce

child mortality and special attention must be given to child malnutrition and immunization. Population statistics from Civil registration authorities helps to expedite the infants statistics collected from hospitals and clinics which then determine the quantities and amounts needed for vaccinations and immunizations for children below the age of 5. Delaying to register children reverses the developmental plans of the government since estimation will have to be used so that they do not spend either much or less on the medicines needed for the immunization of children. Early child birth registration is very crucial for alerting the government on the population trends of the children who are below the age of 5 for better service delivery in the present day and in future.

### **2.2.7 Avoid errors in spellings and multi-names**

Early child birth registration helps to avoid complications of name and surname through ensuring that a child grows up knowing her name and surname from birth and written in health cards. A birth certificate can be used to prove the correct spellings and Names of an individual this help to avoid different names and or spellings appearing in educational certificates and health cards versus the identity documents, from the research a client in Nkulumane District was interviewed who registered for a birth certificate after completing Primary and Secondary education, the client had also got 2 children when she registered for the birth certificate and National identity card. The error that happened was that the client reconciled with parents who had left her in custody of the paternal aunty, however the health cards of the clients, birth record and surname of the father of the client that the parents availed upon reconciliation with the client were not the same with the surname and date of birth that the client had been using all along. The client had used a different name in the maternity register at Mpilo and she couldn't collect the birth records with the new identity documents since they were now different while at the same time there is need for her to register her own children who are now involved in the mix-up since the mother's identity card has to tally with the name at the hospital registers.

### **2.2.8 Recreational and leisure**

It is very important for a child to have a birth certificate at a young age so as to enjoy fully the rights to recreational and leisure as stated in the African Charter on Article 12. Children who have birth certificates are allowed to participate in school educational trips and can also travel to

explore the world. Children's talents can be identified at very young age if they have birth certificate this helps to enhance the element of the importance of a birth certificate in a child's life, children who have birth certificates can participate and compete with others birth certificate has to be produced in such events. Early child birth registration gives a child the wings to fly through exposure that comes with having a birth certificate.

### **2.2.9 Early child birth registration reduces vulnerability of children**

Children with birth certificates can claim inheritance of their parents incase family members interfere with property grabbing intentions. Incase death takes away the parents of children who have not been registered within 42 days, the level of vulnerability of children with birth certificates is different from children who are not registered. Children who are registered if they parents passes away they can get any humanity assistance because they already possess birth certificates while those who do not have are vulnerable since they can be denied assistance by relatives who will be targeting to grab the property of the late parents. Children who do not have birth certificates have got high chances of losing their parental inheritance to greed family members.

### **2.2.10 Attain a guardianship certificate in the event of the death of parents**

Children who are registered birth certificates soon after birth can attain help in the event of death of their parents their custodian rights can be secured legally through the assistance of the court because they will be having birth certificates, unlike children who are not registered early till the parents are deceased their procedure for custody might take long periods. In many cases children who are left by parents without birth certificate are tossed around by relatives and are most likely to be abused by the guardians since their custody is only decided by the family which may not be done in the best interest of the child but may save the interest of selfish family members, hence there is need for parents to register their children early to avoid such scenarios in case they die

### **2.2.11 Register for passport**

Early child birth registration is important every child who crosses the boarder must have a birth-certificate and a passport. Children who have migrant mothers who did not register immediately after birth face a lot of challenges and abuse when they travel using 'Omalayitsha' this exposes

the children to hostile environments where by some have witnessed adults being raped in front of them some killed. Children who do not have birth certificates automatically do not have passports hence this exposes them to hostile environments during holidays when they visit their parents in other countries.

### **2.2.12 Travelling and educational trips**

In schools children who do not have birth certificates are not allowed to travel on school educational trips. This makes children who do not have birth certificates to feel as if they are being discriminated due to their lack of birth registration it also tends to affect their performance at school. Early child birth registration helps to equip the child with weapons for success in future through giving the child enough opportunities like the other peers.

## **2.3 Legal Framework on Birth Registration**

### **2.3.0 Introduction**

There are laws that govern birth registration at international, regional and national levels. At international and regional level there are instruments known as Conventions, Declarations, Recommendations and Treaties which enshrine agreed standards with regard to birth registration. Member states are bound by these instruments if they sign and ratify them. Zimbabwe is a signatory to the African Charter and the UN CRC. At National level there are Acts, constitutional laws and statutes that guide the birth registration practice. The legal framework has got power vested in it which can either be a catalyst or an obstacle for early child birth registration.

### **2.3.1 The International Law Relating to Birth Registration**

The international community first recognized birth registration as human right in 1948 with the Universal Declaration of Human Rights (UDHR) in Articles 6 & 15. Article 6 of the UDHR provides that, “Everyone has the right to recognition everywhere as a person before the law.” Article 15(a) provides that everyone has the right to a nationality. The above declaration was followed by International Convention on Civil and Political Rights (ICCPR) which came into force in 1976 and in Article 24 provides that, 24 (2) “Every child shall be registered immediately after birth and shall have a name”, and that “every child has the right to acquire a nationality” 24

(3) “Everyone has the right to acquire a nationality”. The Convention for the Rights of the Child (CRC) came into effect in 1990 and Zimbabwe ratified it in 1992. In Article 7 and 8 of this convention it is provided as follows: (7) “The child shall be registered immediately after birth and shall have the right from birth to name and the right to acquire nationality”

(8) “State parties undertake to respect the right of the child to preserve his or her identity including nationality, name and family relations as recognized by law without unlawful interference where a child is deprived of some or all of the elements of his or her identity.

### **2.3.2 Regional Framework**

The 26th Session of the Assembly of Heads of State and Government of the OAU adopted the African Charter in July 1990. Thereupon they committed themselves to upholding the rights, duties and obligations pertinent to the survival and protection of children. Children’s rights are articulated in the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Zimbabwe is a signatory to this Charter. These rights protect children from problems that militate against their proper growth and development. The African Charter on the Rights and Welfare of Children emphasizes the right for children to be registered at birth as provided in Article 6 as follows: 6 (1) “Every child shall have the right from birth to a name.” 6 (2) “Every child shall be registered immediately after birth.” 6 (3) “Every child has the right to acquire a nationality.” 6(4) “State parties to the present charter shall undertake to ensure that their constitutional legislations recognize the principles according to which a child shall acquire the nationality of the state in the territory of which he has been born if, at the time of the child’s birth, he is not granted nationality by any other state in accordance with the laws”.

The above instruments need to be domesticated for them to be part and parcel of the Zimbabwean legal system through a process provided in section 111B of the Zimbabwe Constitution. This section provides that all instruments signed and ratified by Zimbabwe should be introduced in parliament and be passed by it like any other local laws. From 1980 onwards Zimbabwe, despite having ratified the above international and regional instruments, none of the instruments has been wholesomely domesticated. Since 1986 there have not been any changes

with regards the BDRA. This leaves Zimbabwe lagging behind the international standards in birth registration which it has signed and ratified.

### **2.3.3 National Legal Framework**

#### **2.3.3 (i) Statute Law**

Zimbabwe ratified a number of international instruments that concern child registration but many of the instruments have not been domesticated into national laws. However, the following domestic laws have a bearing on and are pertinent in governing birth registration issues in Zimbabwe:

#### **2.3.3 (ii) The Constitution of Zimbabwe on BR**

The Constitution of Zimbabwe is the supreme law of the land, under which all other national laws are enacted. The Constitution sets out requirements which one needs to meet to be considered as a citizen of Zimbabwe. Section 35, 36, 37 and 38 of the Constitution of Zimbabwe provides for how one becomes a citizen of Zimbabwe. One can be a citizen of Zimbabwe by birth, by registration or by descent. Non-Zimbabweans need to meet requirements in the Citizenship of Zimbabwe Act [4:01] to be citizens. The Constitution provides that a person born outside Zimbabwe on or after the appointed date shall be a citizen of Zimbabwe by birth if his father at the time of his birth or in the case of an illegitimate child, his mother is at the time of his birth a citizen of Zimbabwe and resident outside Zimbabwe by reason of the service of his father or mother as the case may be under the Government of Zimbabwe. Again one can be a citizen of Zimbabwe if subsequent to his birth, his father or mother, as the case may be, is accepted for permanent residence in Zimbabwe under any law in force in Zimbabwe, he shall be a citizen of Zimbabwe by birth, or at the time of his birth, his father or in the case of an illegitimate child his mother is a citizen of Zimbabwe and ordinarily resident in Zimbabwe. However, the Constitution is silent on a child's right to a name and identity. The Constitution does not unequivocally provide the rights of children.

### **2.3.3 (iii) Birth and Death Registration Act [5:02]**

The Birth and Death Registration Act (BDRA) outlines the national laws with respect to birth, death and stillborn registration in Zimbabwe. The BDRA also establishes the registration centers and provides for the duties of the Registrar which are curtailed below:-

- Section 3 of BDRA establishes the office of the registrar general as the office responsible for the central registration of all notices of births, stillbirths and deaths. The section also provides for the establishment of Registrars and Deputy Registrars for each district in the country responsible for registering births, still births and deaths that occur in their districts.
- Section 4 mandates Registrars to keep and maintain registers of notices given to them and such registers should be forwarded to the RG who in terms of section 5 is mandated to keep and maintain such registers.
- Section 6 provides that the RG may issue a certified copy of any entry.
- Subsection 5 of Section 6 relates to the registration of names of adopted children. For a child adopted in terms of the Children's Act, [Chapter 5:06], a certified copy can be issued, indicating the new name or names of the child and not the name which the child was registered by before the adoption.
- Section 10 of the BDRA stipulates that it is compulsory to register any death or birth occurring in Zimbabwe for any person.
- Section 11 (1) gives responsibility and duty on persons to give notice of the birth or still birth of a child. In cases where the parents of child are alive, the responsibility falls upon them.

### **2.4 Requirements for children born out side the country**

Original copies of the following documents: (ID, Passport and Birth certificate), both parents to provide their Zimbabwean National identity cards and birth certificates. Marriage certificate (if not married both parents must acknowledge paternity)foreign birth certificate /birth confirmation record or health card.\$50 USD is payable upon the submission of the forms. When a child has no foreign passport a Provisional Restriction Notice Form (PRN) should be collected at the point of entry into the country.If a child does not have a foreign passport she is regarded as a boarder

jumper a fine must be paid for boarder jumping before applying for the birth certificate. The fine is not fixed it varies depending on the age of the child to be registered.

## **2.8 An analysis of the Legal frame work and its impact on early child birth registration**

### **2.8.1 The International and Regional Legal Frame work**

At international and regional level there are instruments known as Conventions, Declarations, Recommendations and Treaties which enshrine agreed standards with regard to birth registration. The legal frame work on birth registration from the international view is of good value and appearance however it lacks enforcement on the ground. The UN CRC emphasizes that children must be registered soon after birth and must have a nationality however this is good in the conventions that are signed but not on the ground in the member states. The fact that it is an international law it lacks the absence of enforcement. Member states sign these conventions voluntarily and they can not be forced to comply and enforce them in their respective nations, this is a true story in Zimbabwe. With out ignoring the efforts that Intergovernmental organizations like UNICEF put into member states however they do not enforce policy change. Laws and Acts continue to exist in states which make birth registration not easy as stated by UNICEEF in the UN CRC.

The legal instruments need to be domesticated for them to be part and parcel of the Zimbabwean legal system through a process provided in section 111B of the Zimbabwe Constitution. This section provides that all instruments signed and ratified by Zimbabwe should be introduced in parliament and be passed by it like any other local laws. From 1980 onwards Zimbabwe, despite having ratified the above international and regional instruments, none of the instruments has been wholesomely domesticated. Since 1986 there have not been any changes with regards the BDRA. This leaves Zimbabwe lagging behind the international standards in birth registration which it has signed and ratified. Member states sign the international conventions in the International system but then they do not localize them so that they implement the international laws in the local legal systems this then becomes a challenge in early child birth registration.

The UN CRC Article 7 states that a child must be registered immediately after birth, however the regional and national laws come to state different time frame which prolongs the birth registration process hence there is need for the international and regional laws to collaborate

together so as to bring effective results in birth registration. The African charter is a regional law but it does not state how early and late can a child be registered for a birth certificate.

### **2.8.2 National Legal frame work**

The national legal frame work states in the BDRA section 11 states that birth registration has to be done within 42 days of birth; the Act does not make it a right for a child to be registered at birth. It only states that the child must be registered but does not stipulate the right of the child to have the birth certificate. Not much of emphasis is done on ensuring that the children are registered within the 42 days. The information on the importance of early child birth registration is not adequately made available to communities. 75% of respondents in a community dialogue expressed that they were not even aware that there is a time frame for birth registration of children. The birth registration has not been granted as a right to children hence parents still think they will not be in any hurry to register their children.

Failure to register a child has not been regarded as a crime in the past and present day, the fact that the Act and or the government has not legislated any law punishing those who fail to register children within 42 days has led to the lack of early child birth registration since people relax and get away with breaking the International and local law which encourages early birth registration. If birth registration is to be identified among the rights of children then the level and rate of people who register children within 42 days will increase. Those who fail to comply with it must be viewed as perpetrators of child abuse because they will be messing around the future opportunities and privileges that a child with a birth certificate might get.

Provisions in the Act are not complimented by effective implementation mechanisms, the BDRA 1986 has got a lot of options for children to register, it gives streams of hopes even in the absence of maternal relatives children can still be registered, however from this research the tide is different the Act as good as its non existence. The Registrars turns down the people who come to negotiate for birth registration in the absence of maternal relatives. Without maternal relatives no birth registration is conducted.

The rules are institutionalized and they do not bend regardless of the situation brought forward, self registration is available in the BDRA but a very long and prolonged process. The requirements for a guardian, a parent or a witness does not take into consideration the socio-

economic realities on the ground, such as that some children are double orphans and that they may not have guardians. More so, few people who are non-relatives would want to be burdened with registering such children. The midwives and other family relatives may not want to assist or participate in the registration of children due to their own selfish reasons.

- The Act fails to provide free registration of children born out of Zimbabwe it does not take into account the current migration trends caused by the economic melt down rather it imposes a high fee for such children leading to prolonged birth registration as a result of finance causes.
- The requirement of having a birth record is difficult for most parents and a hindrance for a lot of rural folk so this requirement should be revisited.
- It is recommended that birth certificates be issued at places of birth i.e. hospitals or major clinics. Birth registration legislation and related acquisition laws need to be more sensitive and responsive to community realities.
- The Ministry of Health should be responsible for birth registration of minors, whilst the Ministry of Home Affairs could be responsible for persons beyond 18 years of age as this would ensure greater numbers of children getting registered at birth, except for those delivered in homes.
- The clause on compulsory registration of children needs to be supported by enabling instruments that can help to enforce it.
- Amend BDRA to allow children in loco-parentis legal authority to register siblings (with testified support of their local leadership), allow children to witness for one another in desperate issues.

## **2.9 Chapter summary**

The chapter explored the importance of early child birth registration and its merits. Early child birth registration is very essential it helps to promote the children's rights. The children who are not registered do not enjoy the privileges that go along with early child birth registration. Early child birth registration is very necessary as it helps to unlock opportunities for children at an early stage; children are also able to access legal services in the juvenile courts, access to humanity assistance, educational benefits in schools. Early child birth registration helps the

government to plan for the future generations and provide sufficient services for the needs of the children. The chapter also summarizes the legal frame work surrounding the birth registration. The legal frame work helps to understand the causes of early child birth registration and the short comings of the law from the research findings.

## **Chapter 2: Early child birth-registration in Nkulumane district**

### **3.0 In the area of study to what extent are people conforming to the early child birth registration Law.**

The chapter explores and analyzes the research findings from the area of study, the chapter seeks to exploit the available research findings and process it into information. The chapter will use

bar, graphs, pie charts to demonstrate the research findings. In the area of study people do not conform to the Birth registration Act due to a number of reasons. The chapter will explore the hypothesis whether there is a relationship between early child birth registration and marriages.

### 3.1 The relationship between early child birth registration and Marriages

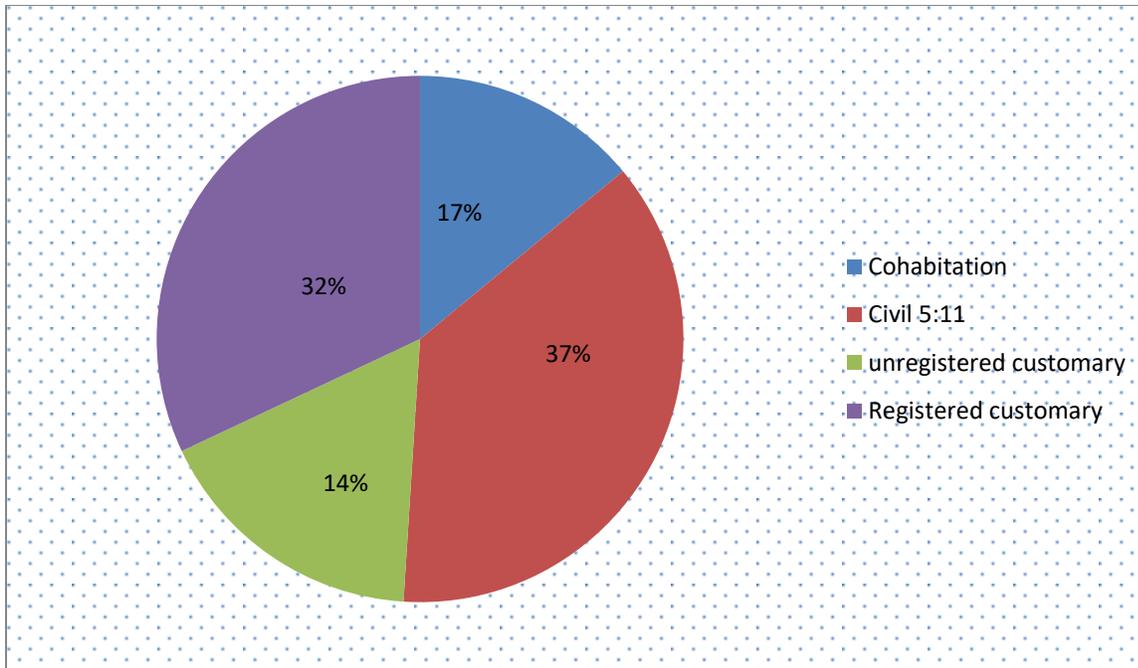
The research findings demonstrated that there is a positive relationship between early child birth registration and marriages. From the community members a total number of 100 people were the targeted population of respondents. These respondents came from different types of marriages so as to have efficiency in the research outcomes. The number of respondents from the unregistered marriages was higher than those of registered marriages this was caused by the fact that majority of people are in customary and cohabitation marriages in Zimbabwe which then highly influences early child birth registration.

**Table 1.1 Marital statuses of respondents**

	Cohabitation	Unregistered customary	Registered customary	Civil Marriage 5:11
Men	15	18	5	9
Women	20	20	7	10
Total	35	38	12	15
Total				100

The study showed that regardless of women having information and knowledge on early child BR children in the area of study are affected by lack of birth certificates because birth-registration remains locked with in the marriage that parents are in. From the research people demonstrated knowledge on the importance of a birth certificate. The value that parents will give to birth registration is also influenced by the type of marriage that the parents are involved in. Majority of parents who are in unregistered marriages demonstrated that they do not have full capacity to register their children soon after birth some of the reasons being depicted form the marriages they are in.

### 3.2 Awareness levels disaggregated as per marriages of respondents



The above statistics is from the research findings

- Cohabitation refers to any marriage whereby a male and a female stay together without the consent of their parents or elders.
- Civil 5:11 refers to the Christian marriage that binds sexual agreement of two people with a marriage certificate there are only two partners.
- Registered customary marriage also known as Chapter 5:07 is a traditional marriage with a marriage certificate in this case a man can have as many women as he can but all the wives will be having marriage certificates.
- Unregistered customary marriage is where by a man and woman marries traditional through payment of lobola but do not register the marriage to have a certificate.

### 3.3 Research finding on knowledge awareness in early child birth registration

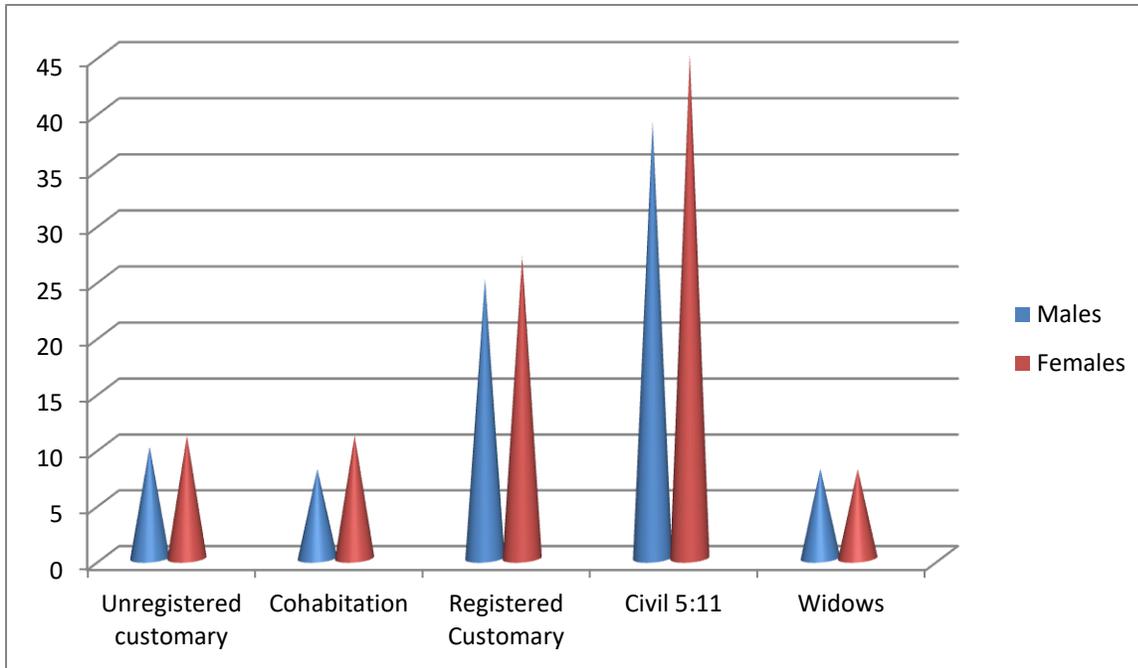
32% of couples who are in Registered customary marriage are aware of the birth registration Act of 1986; the other remaining ,68% demonstrated that they are not even aware of the legal frame work that surrounds birth registration. Lack of information dissemination and advertising the registration services leads to ignorance of communities.

In the unregistered customary marriage the respondents who demonstrated knowledge on the time frame of early child birth registration were few majority of them were females. This brings to light that males from the area of study are not informed on the time frame of early child birth registration. Lack of information has affected birth registration of children since man tends to value their jobs and do not spare time to register children soon after birth they tend to relax and start to act when birth certificates are needed at school. The other respondent stated that “ I will not register the child alone while i am married I’m waiting for the father what ever time he will come that is when we will register the child”.

Cohabitation marriage is the most with less informed parties in the marriage. Lack of co-operation from parties who are in the cohabitation marriage was noted during the study since women voiced concerns that they will not be registering children because there will be waiting for the husbands to spare time for them to go and register the children together. This then hinders early child birth registration since males do not prioritise birth registration when conflicts arise in the parties they end up separating with out the children being registered, women expressed that as part of emotional pain and frustrations they tend to use children to fight their marital failure battles, they can not by any means register in the absence of the husband even when empowered enough to use their own surnames in absence of the father. There is need for more awareness campaigns so that people are informed so as to have literate citizens on the rights of children.

In the civil marriage women demonstrated positive awareness on the importance of early child birth registration. Lack of failure to comply to the BDRA of 1986 only attract a fine of \$2 hence people can break the law on BR as they please no one will hold them accountable for that as long they will do the process someday this helps to explain that regardless of the % number of women who are informed the number of unregistered children still continue to increase. During the research women gave excuses of not being able to register children due to other commitments and hindrances which rise soon after giving birth.

### **3.4 Levels of compliance to the BDRA against types of marriages**



### 3.5.0 Unregistered Customary marriage

The respondents who are in customary marriages claimed not to be aware of the early child birth registration time frame. Most of the people who are in this type of marriage are not able to register children in the absence of the other partner hence there is less research that they do since they tend to wait on the other partners to come back regardless of where they will be and time frame does not matter to the partners as long the child will get to use the surname of the father. From the interviews conducted females tend to be aware of the registration process but they will be waiting for the presence of other partners either male or female. 10% males and 15% females are aware of the legal time frame for early child birth registration. In unregistered customary marriages 75% of the women do not stay with their husbands due to employment among other reasons.

### 3.5.1 Cohabitation

8% of males and 23% are aware of the legal framework for early child birth registration. This might be because this marriage is not registered and only a quarter of these parents prioritise birth registration. Upon birth of the child most of the couples in this marriage do not get to see

the sunshine of celebrating the birth of their children since they would have parted either during pregnancy or soon after giving birth. As a result of differences of people in this marriage conflicts arise and children suffer the consequences while in some cases children are involved in the disputes and used to serve each partner's selfish interest. Lack of a marriage certificate is a hindrance to early child birth registration since from the study it was observed that clients on birth registration will always find a scape goat, a respondent who is a teacher by profession was quoted in the following words ...

*“My daughter is now in grade 6 she still does not have a birth certificate I have all my details but I will not register the child alone because the father is married to another woman and refuses to come I want the police to help me by arresting him so that he will come he lives in Serlbourne Park...”*

Regardless of the government empowering women to be able to register their children in the absence of men, some women still refuse to use the privilege but they prefer to fight with their husbands in the bid to cooperate in registering the children.

### **3.5.2 Registered Customary marriage Chapter (5:07)**

Awareness in this marriage is better than in the previously discussed. There is need for awareness to be raised as to when must be the child registered. In this marriage respondents who are in it claimed to be aware of the 6. The researcher observed that people who are in registered marriages although they might not be complying exactly with the 42 days but their children are registered as early as 18 months and below the ages of 5. This showed one that people who are in registered marriages prioritise a certificate which is a good example of behavior change in communities.

### **3.5.4 Civil marriage Chapter (5:11)**

$\frac{3}{4}$  of respondents from this type of marriage registered their children while they were still toddlers; the respondents were claiming to have registered their children as early as soon after birth in hospital that have registry offices with in them. The other female respondent is quoted in the following words “...My husband is the one that registered our children I am always busy at work and I do not get time off so he took our marriage certificate and my ID card he registered

*our 2 children...’*. Early child birth registration is hindered by lack of awareness if it is raised it will result in behavioral change and man taking up more responsibility too in ensuring early child birth registration.

Lack of early child birth registration is influenced by the marriages that the parents of children are in. As the research high lighted above birth registration is a function of marriages hence in schools the research also found that the unregistered children come from families where the parents are not in a registered marriage.

Parents in the area of study delay to register children and some of the children end up enrolling in schools without birth certificates. This has caused life of children miserable since they enrolment depend on the mercies of the school heads whether they allow the child to be attending classes but does not participate in any extra-curricular activities.

The children in schools majority of them who do not have birth certificates are not in custody of their parents but either paternal relatives or distant relatives who have not been allowed to register the child. The schools in the district confirmed to have been continuing to enroll children with out birth certificates since they do not want to violate the right to education of children.

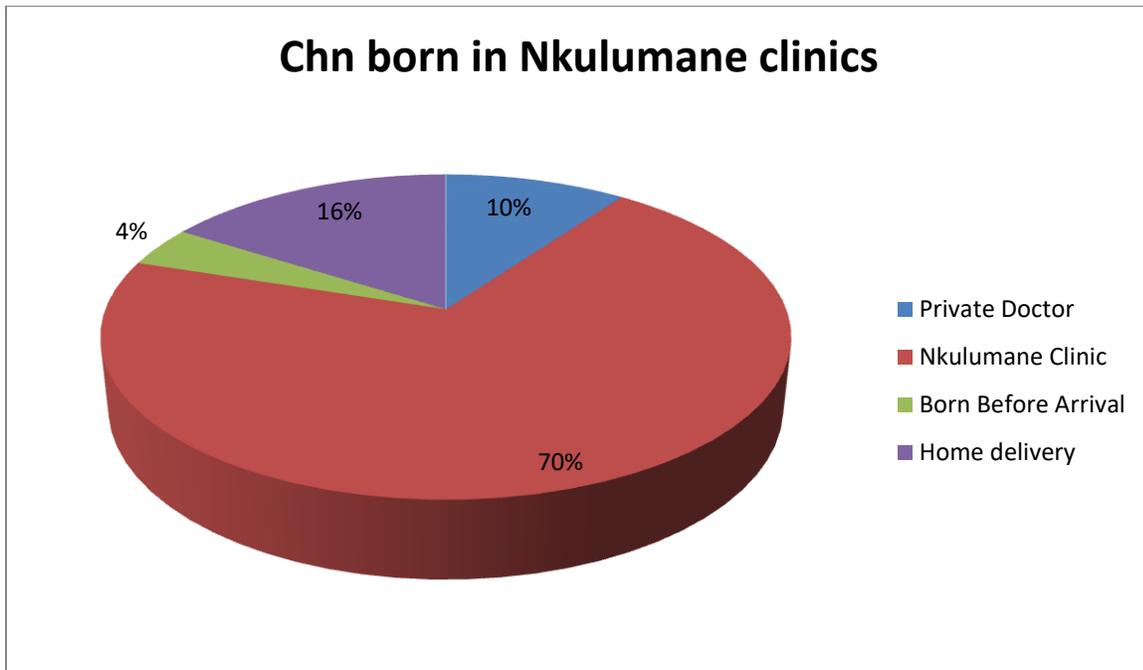
The area of study has got a lot of people who are in unregistered marriages hence it was observed by one that there is need to be informed on the importance of parents to register their marriages which will then influence early child birth registration so that all children have got birth certificates upon enrolling at schools. Unregistered children already in schools are not able to access their fundamental right of a birth certificate since they have not been registered some are now in secondary schools. A concerned respondent who is a grandmother said *“My grand daughter has no birth certificate her mother went to Karoi and never came back, the City Council was paying for her fees but they have given me warning of dropping her next term if she still does not have a birth certificate.”*

The research respondents also highlighted that parents who are not in registered marriages also give birth in clinics and at home, the places of delivery used by parents work hand in hand with types of marriages to influence for or against early child birth registration .It was observed that people who are in unregistered marriages also deliver in their homes and others in clinics though the places of delivery comes to affect the type of marriages on birth registration in most cases

when the child is born at home and the parents are not in registered marriages the father may not be around for birth registration to be immediately done. For clinic deliveries birth records tends to expire when women are still waiting for the husbands to spare time for birth registration while those who are in registered marriages can replace the absent partner with marriage certificates.

### 3.6 % of Children born and their places of birth

The statistics below is from the research findings



The number of children born against the number of children registered per 3 months is very weak; the number of children born tends to out weigh the number of children registered. This then helps to explain that people in the area of study do not conform to the birth registration Act. The underlining causes may vary but awareness needs to be raised on the importance of early child birth registration.

Children who are born at home contribute a lot towards the percentage of unregistered children. The respondents who gave birth at home claim to have not registered their children due to the midwife who do no spare time to go and witness. The children born at home are not registered early which then cultivate a lot of reason to precipitate delays in birth registration.

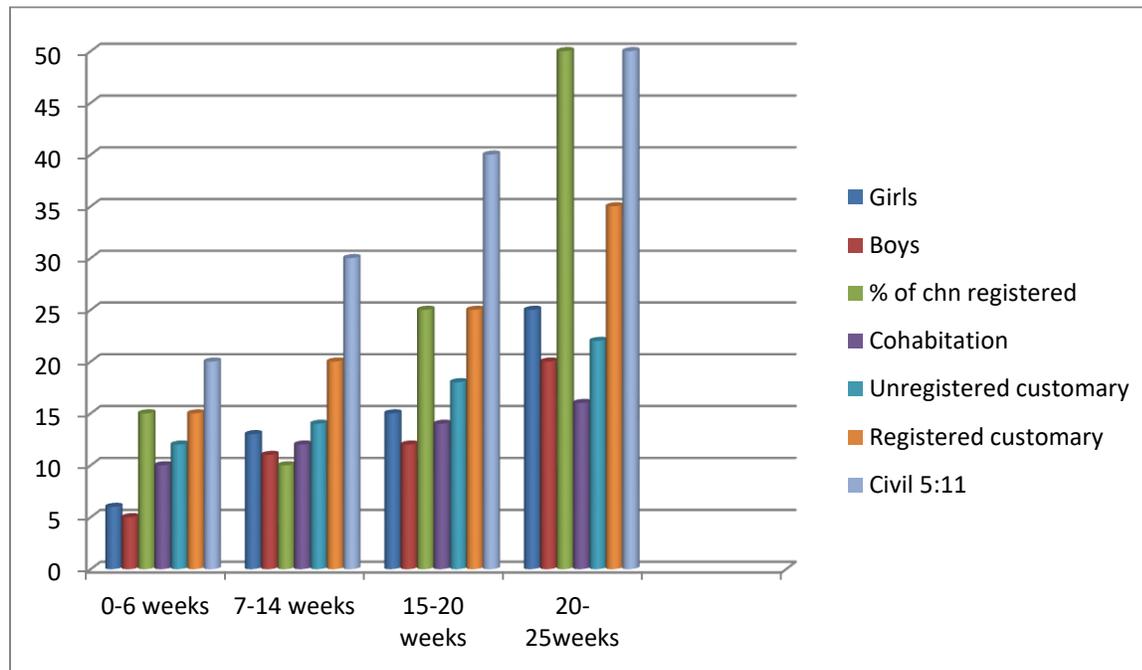
### **3.7 Number of registered children against the number of children born**

Unicef report (2015) states that in Zimbabwe only 48% of children below the age of 5 have got birth certificates. The study showed that from the total percentage of children born only 25% of them are registered within the 42 days after birth. The percentage of children registered is always very low compared to children complying with the birth registration. In Nkulumane district there is Nketa Registry office that is located in the Nketa Housing Office. The sub office is close and accessible in terms of distance which then minimizes the excuse of residents having to travel long distances.

75% of the unregistered children within 42 days after birth have got challenges that rise from it. People in the area of study do not comply with the registration Act they do not register their children as per the Act. Birth registration seems to increase as the children grow up. When a child grows up the demands and needs of having a birth certificate begin to be high, this then becomes the catalyst for registration of children at 4 and 5 years of age.

The research findings highlight that civil registration has not received the desired attention that upholds the children's right to identity. Birth registration is a function of marriages, without successful marriages the birth registration of children also suffers. The research observed that children are victims of the marriages that their parents are in. The privileged children were observed to be those who are born in registered marriages however the children who are born in unregistered marriages are used as scapegoats by parents when they are having differences especially in cohabitation.

### 3.8 Trends of time frame on birth registration against types of marriages in Nkulumane District



The above data is from the Research findings

Children are delayed to be registered as the above bar graph highlights. People have got a tendency of registering a child as the child grows up. The children who are born are not registered soon after birth this was said to be caused by lack of needs to utilize a birth certificate. Parents felt as if it is not necessary since the birth will only be kept at home.

Parents value a birth certificate when they want to utilize it, they do not see it as a right of a child that should be granted soon after birth. Children are not granted their right to identity soon after birth but are granted it as they grow up.

At the first few weeks after birth general across all marriages birth registration is very low, however as the child grows the difference in BR trends also differs in marriage being influenced by the type of marriages that the parents are in. The study observed that the parents tend to register a child as the need for a birth certificate rise. The children are registered as they grow up. The number of unregistered children also drops as the children grow and when they reach the age of 5. This is so because children enroll at school at this age hence demand for a birth certificate becomes obvious. The number of unregistered children against the number of children born is as

very huge gap since children are not registered some even enroll at schools with out birth certificates.

### **3.9 Number of children in Primary Schools of Nkulumane who do not have birth certificates**

**Table 1.2**

The statistics is from the research project

Name of school	Boys	Girls	Total
1. A	145	155	300
2. B	128	142	270
3. C	147	167	314
4. D	89	125	214
5. E	149	214	353
6. F	85	96	181
7. G	134	203	337
8. H	176	189	365
9. I	116	122	238
10. J	135	152	287
11. K	148	169	317
Total	1442	1734	3 176
Mean (average)	131	158	289

The statistics was collected from the legal advice forms through Legal advice clinics in schools. The schools in high density suburbs enroll children without birth certificates with the hope that the children will be registered whilst learning. During the research the children without birth certificates were noted to have been coming mostly from vulnerable families either the parents left the child in custody of relatives or the parents are failing to register a child due to socio cultural factors.

### 3.10 Number of unregistered children in Nkulumane Secondary Schools

**Table 1.3**

Name of school	Boys	Girls	Total
1. Orange	37	45	82
2. Green	22	34	56
3. Yellow	45	66	111
4. Red	38	53	91
Total	142	198	340
Mean (Average)	36	50	85

NB. The school names were confidential hence the student used pseudo names.

The research found out that the children who are not registered most of them will not have grown up with their parents and while those who are with them the parents will not be in registered marriages hence they do not get time due to jobs among other reasons to go and register children.

### 3.11 Chapter summary

The chapter explored the area of study research findings; the research found that BR is a function of marriages, the marriage type of parents' influences the registration period. Unregistered customary marriage is the most dominant marriage in the area of study as it proved that more parents are in it. The dominance of this type of marriage then raises the challenges of early child birth registration being hindered by the other factors which will be discussed in the next chapters. The unregistered marriages have got are traditional marriages of Zimbabwe the level of education in the marriages did not prove to be a variable as the marriages on awareness seemed to be all lagging behind on the issues of BR.

## **CHAPTER 3: Other factors that militate against early child birth registration in Nkulumane District**

### **4.1 Introduction**

The research also looked into the other factors that hinder early child birth registration. Marriage is not the only factor that contributes to lack of early child BR. The chapter explored the other contributory factors to lack of child birth registration which are economic, political, individual, and institutional among other reasons which will also be exhausted in this chapter.

### **4.2 Economic reasons**

#### **4.2.1 Lack of finances to pay hospital bills**

For children who are born in hospitals there are maternity user fees, these then tend to hinder early child birth registration since failure of mother to pay the fees they are not issued birth records after giving birth. This however causes delays in early child birth registration since they will not be given the birth record to register the child early. From the study mothers who have complication are then transferred to Mpilo and United Bulawayo hospitals where they then have user bills which can be far much than what they can afford. The maximum amount owed by one of the respondents in Mpilo Hospital is US\$1 890. Parents who fail to pay hospital bills do not have access to birth records. It is only 0.5% of people from the area of study who will be able to clear the hospital bills within 1 month so as to get a birth record. A lot of parents give up on registering their child since they will be having no hope of being able to raise such amount for hospital bills when they are struggling to put food on the table for their children.

#### **4.2.3 Migration**

When Parents fail to raise the money for paying hospital user fees within 42 days some parents then migrate leaving behind unregistered children. Their migration affects early child birth registration a lot since in some cases men would have migrated for economic reasons hence it is not easy for women to register children alone in the absence of their husbands mostly for those who are in unregistered marriages. Women will be in custody of in-laws hence they can not take a stance of registering a child on their own. Women will be afraid of persecution by in-laws if they register children on their own. Women also migrate in some cases leaving children in custody

of extended family members who by no means can have any legal proof to satisfy the registrar in order to allow the relatives to register children in absence of the mother.

As a result of the economic melt down of Zimbabwe there has been a rapid migration of women this then affect early child birth registration in the sense that women will give birth outside the boarders of Zimbabwe and majority of them will be illegal migrant hence they do not come back home in fear of travelling documents. Migrant women workers stay with their children for as far as 5 years with out registering them. When the children are of the school going age they are sent back home from South Africa and other neighboring countries to the family relatives mostly the elders who are grand parents of the children. Such children end up attending school with out any legal documents or registration.

#### **4.2.4 Poverty**

Families who live behind the poverty datum line are not able to meet the hospital expenses hence they continue to give birth in their home steads, however as much as they give birth in homes they are also not able to meet the transport expenses for going to the registration centers since most of the mid wives are elders who can no longer walk distances. While other will be poor families that after giving birth in a health center they will not be able to clear their bill or make payment arrangement so that they get the birth records for early child registration. When parents have migrated from the place of birth of the child they lack finances to go back to where the child was born.

### **4.3 Socio-cultural reasons**

#### **4.3.1 Lobola/ Roora (payment made by man to women's family)**

Scheidler (2010) argues that in most places where lobolais practiced there are high levels of poverty. In these cases, lobolais out of reach for a high percentage of the amount that the man can afford to raise and pay. This has created problems. Scheidler (2010) states that for those who are impatient and do not feel that they can wait; lobola creates a situation where the young man and the young woman simply move in together without marriage hoping to minimize expenses and save together to pay the lobola. With the lack of luck, if the woman dies before lobola is paid, the man will be denied access to her death certificate, as the law states that death is only

registered by a relative and if the deceased person was in an unregistered customary marriage the surviving spouse has to bring the deceased relative to confirm the marriage. The death certificate is crucial for birth registration of orphans. Without it they cannot be registered and for it to be there their father has to pay lobola. Lobola is seen as a means of confirming paternity and gives the man control over children. In African culture every man must pay lobola in order for him to be recognized as an in-law, failure to do so makes relations of in-laws sour towards one another. During the study women who were impregnated though not married to the man they claimed that their parents are against the idea of registering a child using her surname since the man had not paid lobola or damage.

In some cases women suffer maternal death while others die a period after, in case when the woman has died maternal relatives refuse to co-operate with paternal relatives refusing to recognize them as in-laws since they did not pay lobola this has become an obstacle to early child birth registration since the parties might never get along till children become adults without birth certificates, in unfortunate cases children will be in paternal relatives where they cannot be registered in absence of maternal. Maternal relatives of some children are withholding the death certificates of deceased parents of unregistered children; this then continues to hinder early child birth registration since some children will be denied their right till the responsible individuals who are supposed to stand in the gap of the deceased also migrate or die too.

#### **4.3.2 Fear of the unknown**

Women are afraid of using their own surnames to register children even when the government amended the Act to accommodate them. A study by JCT (2007) shows that some women are afraid of Ngozi (spiritual warfare) it pointed out that the fear of avenging spirit can cause lack of birth registration since some women will be afraid to use their own surnames to register the child. Hence even after losing contact with the father or separation they continue to wait for him to appear.

#### **4.3.3 Unregistered marriages**

The majority of parents in Zimbabwe are in unregistered marriages mostly are in unregistered customary marriage. BDRA (1986) of Zimbabwe states that in case parents are not legally

married the father should be present when registering the child so as to sign declaration of paternity forms. Regionally children born from unregistered marriages or out of wedlock face challenges in seeking to be registered. In a report by UNSD of SADC (2008) ; children born out of wedlock face challenges in being registered. Parents who are not in registered marriages might not find enough time to spare for birth registration; this has hindered early child birth registration since either of the partners might be busy with work. Some partners who are not registered have separated before registering the children this has prolonged the process more since partners might be having conflicts and not willing to meet with one another.

#### **4.3.4 Either of the parents remarries**

The study showed that when one of the parents remarries to a different partner who is not the mother of the child that particular person begins to be reluctant in birth registration of the child. When man remarries their current spouses are not in good books with the partner going to see the x-partner.

#### **4.3.5 Dumping of children in paternal relatives**

Male respondents and paternal relatives of children were complaining during the study that the government is only empowering women while neglecting man and the truths behind the 21<sup>st</sup> century woman who have guts to leave children in custody of paternal relatives and take years to reconcile while some have gone for decades up to the present day they have not returned. Women are taking advantages of having the sole rights of registering children hence they abuse that right and leave children in paternal relatives. Women are also contributing to delays in registration since they tend to be reluctant on registering children till disputes arise in their unregistered marriages. When disputes have risen children are used as the fire arms to fight the battles with in-laws and settle revenge.

#### **4.3.6 Family relations**

Orphans are not registered soon after birth because of family relations, after the death of either parent of the children the relationship of the deceased parents with other family relations plays a pivotal role in the early child birth registration of children. Maternal aunties at times refuse to co-

operate in the registration process. The relationship of families that are involved in birth registration contributes a lot towards the fulfillment of the right to identity.

#### **4.3.7 Withholding the death certificate**

As a result of family relations that might not be good upon the death of the parent, some children remain unregistered because relatives refuse to release the death certificates that are supposed to assist orphans in birth registration. Other birth certificates will be with held at the Registrar's office due to lack of unity of cohesion amongst family members. According to the interview with the Registrar (Name with held) the death certificates are with held at the registrar's office when family members involved in death certificate collection do not co-operate and come together at once but they will be giving different statements hence the death certificate will not be given to either of them.

#### **4.3.8 Unplanned pregnancies**

As a result of youth and teenage unplanned pregnancies conflicts arise between family and the involved parties' failure to solve these conflicts peaceful has affected early child birth registration. This has affected it in the sense that children are left with grandparents in the bid to go and look for employ. Young mothers tend to go for long periods without coming back home.

#### **4.3.9 Aims for property inheritance**

The respondents said family members may refuse to assist in the birth registration of children whose parents are deceased for property reasons. Family relatives refuse to stand in the gap of deceased parents so that the children will not be able to appeal for humanitarian assistance against property grabbing since the children will not be having birth certificates to claim a portion of inheritance.

### **4.4 Political Factors**

#### **4.4.1 Registration offices remain centralized**

As debated on the Parliament Portfolio of Home Affairs in 28 February 2017 at Harare by the Parliament members, the government offices in registration for children born out of the country

still remain centralized in Harare. For the children who are born outside the country it becomes another challenge for people across the nation to travel to Harare and the few selected Registrar's offices.

#### **4.4.2 Laws revolving around early child birth registration**

The legislature is not passing any new rules that suit the demands of the century on early child birth registration. Considering that the role of women in society has changed they are also migrant workers now hence they also leave behind unregistered children. The BDRA that is used dates back to 1986 and was drafted during the colonial government to the present it has not been amended. The legislature is not seeing it as illegal for its citizens to delay registering children hence until the issue is taken serious by the law makers the public will always be reluctant. The government is not doing much in exerting pressure on its citizens towards birth registration. The constitution only states in as a right but does not clarify to give it value as a basic right that children ought to be given in the community.

#### **4.4.3 Mobileregistration conducted timely**

From the research findings mobile registration was last conducted in 2014, the government only uses mobile registration as a campaigning tool, it is only conducted towards an election which is not enough for children to be registered, and there is need for mobile registration to be conducted at least once every 3 months. Mobile registration can help to enhance lack of registration if not within 42 days but at least less than 3 months.

#### **4.4.4The government ought to advertise its services**

This will help to raise awareness on the time frame that is expected by the government on early child birth registration. Knowledge is power and it is very essential in behavioral change; for the government to be able to achieve the 42 days time frame it ought to raise awareness on the public so that they know what is expected of them and play their part.

## **4.5 Religious factors**

### **4.5.1 Home delivery**

Religion is a very strong factor that influences whether a child will be registered for a birth certificate or not. Religion accounts for a number of delayed and unregistered births of children. The respondents who were interviewed from distinguished churches said they do not register children birth certificates and they do not use the health facilities of the nation. The fellow members of Johannes Masowe said their church does not allow them to register children, the church does not value birth registration and death registration this then hinders the right of children to identity since parents of some children died with out registering them living the children with out any health card since they do not attend baby clinic and school hence there will not be any confirmations needed to validate evidence of being born in Zimbabwe for meeting the registration requirements.

### **4.5.2 Chains of unregistered people**

Religious practices have continued to promote chains of unregistered people since from the great grandparents there will be identity documents. Failure of parents to produce their documents the children will also remain unregistered. The children are not registered since the mother does not have a birth certificate and the parents of the mother do not have any again hence in the religious churches you can find the whole entire clan not registered. The family will be in a triangle unregistered marriage and upon giving birth they do not go to health centers; children also do not go to school as well this then hinders early child birth registration. The children are not totally registered since the parents are upholding their religion more than the future of children in a dynamic world.

## **4.6 Institutional reasons**

### **4.6.1 BDRA requirements**

The demands of the Registrar General are rigid they do not bend to accommodate the vulnerable children this then tends to promote lack of early child birth registration since some requirements may not be possible to achieve. For example the BDRA chapter 5:02 requires that in every birth registration the maternal relatives must be present however for those who were cohabitating in

the city if the mother of the child dies from maternal death the two families may not co-operate and the man might not be able to register his children for a life time till he dies too.

#### **4.6.2 Attitude of registration officers**

The attitude of registration officers towards the public is not good this then discourages the public from going to access the services from such institutions. The officers address clients as if they are toddlers some clients complain that their papers did not meet the demand of the Act as they tried to explain themselves their papers went swinging in the air as a way of not tolerating their excuse and challenges. In Nkulumane the respondent commented that she was treated as if she is in a foreign police station arrested with drugs while she was there to register her child. This attitude then creates a huge gap between the community and the registration offices which then accounts for failure of people to register with in 42 days.

#### **4.6.3 Bureaucracy and delays in processing of documents**

The main offices of processing agents and vital documents like adult finger prints and identity documents is in Harare hence the papers take time to return from there this might delay birth registration of a child in cases whereby the mother has to register herself first. Children are delayed by the processing of their parents' documents as the research out come will highlight this in the data presentation to follow. The correction of wrong spelt names and change of surnames is done in Harare and it ranges between 6 months and 2 years.

#### **4.6.4 Lack of coalition efforts by government offices**

The Registrar and his officers do not value referral letters and cases referred by Social Services and other relevant stakeholders. The registration officers do not accommodate special cases that come through Social Services and NGOs. The government officers view birth registration in isolation of social factors that transpire in the communities. The Act accommodates the vulnerable children in theory but in practical they are denied their right. The government registrars also do not attend stakeholders meeting in birth registration that might contribute a lot towards bridging the gap of unregistered children with in 42 days. The government does not complement the efforts of the other stake holders that refer abnormal special cases

## **4.7.0 Individual factors**

### **4.7.1 Lack of information dissemination**

Access to information differs and lack of information leads to uninformed decisions in the communities. The research respondents demonstrated lack of knowledge on the legal time frame for birth registration. Majority of the people are not aware of the law and no legal action has been taken to raise awareness on the importance of early child birth registration within 42 days.

### **4.7.2 Lack of prioritization**

Parents do not prioritise birth registration hence those that are aware of the legal time frame still continue to violate the right of children to identity. Communities only prioritize the rights that they view to be basic and can easily reflect on the outward if not fulfilled which are shelter, food and clothing.

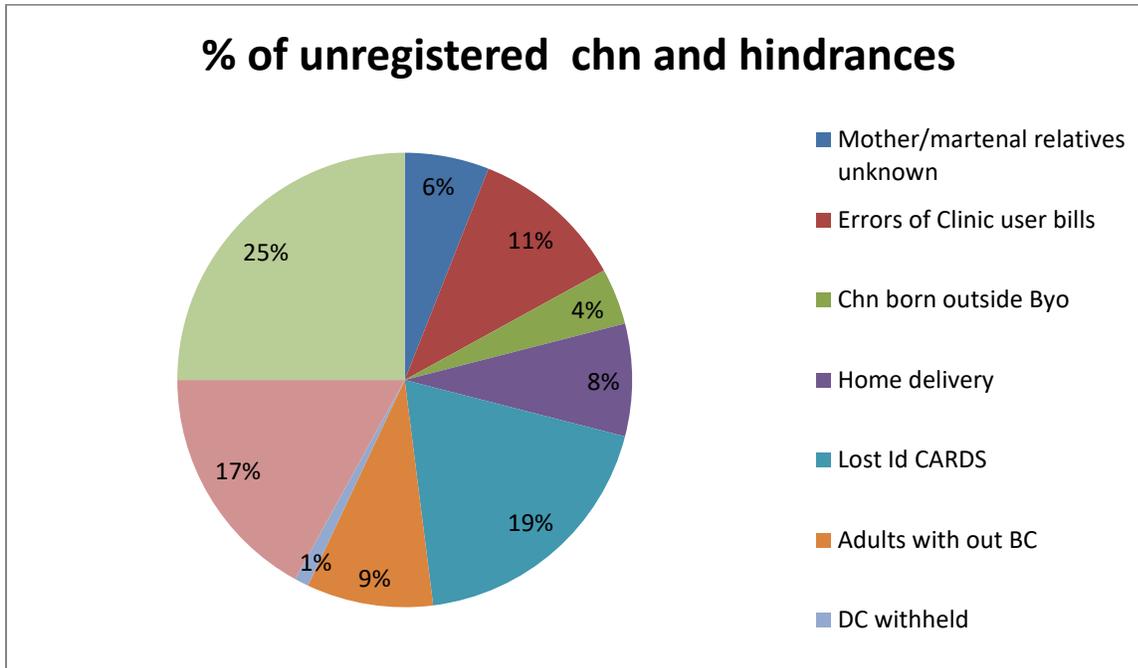
### **4.7.3 Lack of identity documents**

Adult or parents who do not have identity documents themselves can not afford to register children this then becomes a hindrance to early child birth registration even if children have ready documents for registration. For parents to be able to register children the BDRA requires them to be registered first.

### **4.7.4 Lack of technology**

In the current millennium technology plays a very pivotal role in complementing the efforts of human beings. Lack of birth registration machines that carry data base country wide so that people can register through the use of machines for easy access of documents and complying with the registration act time frame. Through the use of technology it will be easy for registration offices to share information country wide so that if migration or anything that disturbs child registration in terms of information can be accessed using information technology.

#### 4.8 The Pie Chart shows other factors that contribute to lack of birth registration



The above data is from the research findings of the project

According to the research findings marriage is a leading factor in causes of lack of birth registration since a child's access to a birth certificate soon after birth is dependent on the type of marriage that she/he was born from. The study observed that although these other factors hinder early child birth registration marriage is at the forefront of it all since it has the power to be a driver of birth registration soon after birth or in the absence of another partner being influenced by the marriage certificate availability. For maternal relatives to be known by the in-laws there is need of proper marriage steps which comes to have eliminated the challenge of unknown in-laws, errors of clinic user bills can be negotiated if the couple prioritizes birth registration but because the other partner will not be available on work reasons in most cases birth registration is hindered, adults with out birth certificates arte also examples of people who were born in unregistered marriages and inherited the crisis of birth registration which they also pass on to their children. The study through interviews with the R.G observed that death certificates which are with held will be associated with unregistered marriages or polygamy where by families will

not be in one code but divided claiming birth certificates for selfish reasons which then leads to it being withheld at registration offices.

#### **4.9 Chapter Summary**

As much as marriages play a pivotal role in influencing early child birth registration there are other factors which come to affect birth registration that are not influenced by marriages. There is no island reason but a chain of them that influence lack of early child birth registration although majority of couples in registered marriages seemed not to be affected by some of these factors. The other reasons for lack of early BR may be social, economical, political, religious and institutional factors. These were discussed in details in this chapter as to how do they affect the right to identity of children. Economic reasons may include lack of finances to settle hospital user bills, lack of money to travel to the area of birth if the child was born outside Bulawayo, political reasons may include lack of decentralization by the government, mobile registrations only conducted during or towards time of elections, individual reasons may include lack of prioritization of BC by parents, unregistered parents, religious reasons included home deliveries and reluctance to register as a result of religion that does not allow BC. Institutional reasons included the negative attitude of registration officers towards community and lack of coalition and complementarity on government and non-governmental organisations.

## **CHAPTER 4: Consequences of delaying child birth registration**

### **5.1 Chapter summary**

The chapter seeks to state the research findings consequences of not registering children soon after birth. A child who does not have a birth certificate will not get enough opportunities as compared to the same peers who would have been registered soon after birth. Children who do not have birth certificate spend the rest of their lives feasting on the spoils of successful people in the verges of life. The chapter looks at the effects of not being able to get a birth certificate and how it hampers opportunities for children.

Dow (1998) highlights that a birth certificate is a ticket to citizenship . Without one, an individual does not officially exist and therefore lacks legal access to the privileges and protections of a nation. A birth certificate is the first official document that an individual is awarded by the state in recognition of his/her birth. A study by Research& Advocacy Unit (2008) focused on the importance of identity documents in the lives of people. It states that identity documents are tags reflective of an individual's history and heritage. Without identity documents individuals fall into a bureaucratic limbo as procedures for telling who they are, where they are from, and to whom they are connected are lost. Unicef (2015) states that “apart from being the first legal acknowledgement of a child's existence, birth registration is central to ensuring that children are counted and have access to basic services such as health, social security and education”. Lack of early child birth registration is a violation of the right of children.

### **5.2 Consequences of delaying to register children**

Lack of early child birth registration simply means that children are denied their right to identity soon after birth as articulated in the UNCR Article 7 and as stated in the African Charter Article 6. When children are denied their right to identity this then avails them to exploitation and is vulnerable from the very moment they exist in societies but not official through registration.

Children who are not registered are not formally existing, this then means the children who are not registered will be grabbing opportunities that are not meant for them , for example a child who is not registered for birth certificate and accessing health services is poaching on resources that have been budgeted for children who are officially known.

### **5.3 Illegal migration of children**

Children who are not registered birth certificates who were born in SA are illegal migrants who visit the country during school holidays. This then exposes children to a lot of vulnerability as a result of lack of early child birth registration children do not have passports. Children are exposed to circumstances that are not fit for their age.

### **5.4 Do not participate in co-curricular activities**

Children who are not registered for birth certificates but enroll at school do not participate in sporting activities. This is because a birth certificate is the only first legal document for children that confirms their age and who they are. Children who are not registered are denied their life time opportunities of exploring their talents other than education.

### **5.5 High chances of losing the birth record and health cards**

The other demerit of not registering children soon after birth is that there are high chances of losing the birth records or health cards. From the research some respondents claimed that they lost their health cards hence the registrar is denying to register them with out seeing health cards hence delaying to register a child gives birth to a chain of challenges since some clients have died leaving behind unregistered children and no health cards which complicate the process more.

### **5.6 Property grabbing by relatives from orphans**

When children are delayed to be registered incases where parents die, the children are vulnerable since the relatives become reluctant on registering children so that the children will remain invisible in claiming the property. The children will not be able to go to courts and seek assistance in legal advisers since they will not be having birth certificates that bind their relationship with the deceased parents. Relatives make sure children grow up unregistered so that they will not be able to access their inheritance

### **5.7 Lack of early child birth registration promotes chains of unregistered people**

Failure to register children early leads to chains of unregistered citizens. People tend to be reluctant and assume it is okay for people not to be registered. Lack of early child birth registration provides ground for some children growing up becoming mothers with out birth

certificates. Mothers who are not registered also do not have birth certificates in turn do not register their children for long periods of time.

### **5.8 Leads to school drop out**

At Primary level children can enroll with out birth certificates but at high school and Tertiary education a birth certificate is a must failure to produce one is a hindrance to access education. There is need for children to be registered at a young age so that they grow up with the documents rather than dropping out. . In some cases children drop out before sitting for the grade 7 exams because the birth will be needed. Delaying to register a child a birth registration has got disastrous results on the education of children. UNICEF (2013) concludes that ‘children who are not [birth] registered are excluded from the benefits of citizenship.’ Children who are delayed to register for birth certificates drop out of school when they reach grade 7 still not registered. This is so because at Secondary school a birth certificate will be needed more than at Primary.

### **5.9 Can not access humanitarian aid/BEAM**

Children who are not registered can not access school fees aid or any other form of aid at school. For children to access aid there must be evidence of birth certificates copies. Lack of a birth certificate may be a hindrance to education for a double orphan in custody of a grandmother who can not afford to pay school fees for the child. Plan international (2005) argues that without a birth certificate a child may not be able to sit for school exams, receive immunizations or free health care or claim rights to inheritance or legal protection in courts of law. Proof of age is critical in successfully prosecuting perpetrators of crimes against children such as child trafficking, sexual offences, early recruitment into the armed forces, child marriage and child Labour.

### **5.10 Lack of employment**

Unicef (2013) states that ‘the impact of lack of a birth certificate on the individual is becoming ever more evident in the modern world...The impact of globalization, trade liberalization, economic shocks, war, natural disasters and climate change has led to an acceleration of cross-border population movements worldwide, including mixed migration. The situation of the

growing number of persons who have no documented identity or are stateless is serious. Internationally, greater attention to identity and security issues is reflected through initiatives...that seek to address illegal migration.’ Children who are not registered for birth-certificates till they become adults are not able to get better jobs. People who do not have birth certificates do not get formal jobs since not having a birth certificate as child means you will also not be able to access an identity card. Children who are delayed to be registered also end up facing other challenges which hinder their registration leading to poverty continuation.

### **5.11 Contradicting Population statistics**

An unregistered child makes it challenging for the government to have correct population statistics. This is in the sense that resource allocation will not be at par with resource consumption. At office level the government will be using the formal statistics to distribute resources and plan for the future while on the ground the number of people exceeds the number of allocated resources. This then make it difficult for the government to allocate resources evenly since in health centers children who will be taking vaccinations will be more than the number of children who are registered and have been used on planning.

### **5.12 Right to identity is violated**

It is the right of every child to have a birth certificate soon after birth; this right is then violated when children are not registered. It affects the children when they have needs that ought to be met by the government at regional and district level if they are not registered with civil registrations. Access to resources that are distributed by the government for children will be distributed using the official records of registered children hence unregistered children will be poaching in the resources of others.

## **Chapter 5: Conclusion**

### **6.1 Chapter summary**

The chapter summarizes key findings of the study. It also brings into light conclusions from the research findings which demonstrated that birth registration and marriage are dependent variables. Birth registration is a function of marriages; it is influenced by the compliance of parties in a marriage. The research observed that early child birth registration is not given full attention that is needed by parents.

### **6.2 Research findings on marriages and early birth registration**

Marriage is very influential on birth registration other factors they come in to affect birth registration but not as much as the marriage does. The prioritization of birth registration by parties in a marriage was found to be one of the key element factors that influence early child birth registration. The way children access rights such as birth registration, parental death certificates, inheritance, passport and ID depends on the nature of the marriage of his or her parents. If parents are customarily married, child rights are difficult to attain because none of the parents can act in the absence of the other e.g. for the mother to register birth of a child the father has to be there to sign paternity forms and if he is not there the child will not be registered. The wife cannot register death of her husband in the absence of his relatives. In such situations it is very easy for women and children to fall victim to property grabbing and abuse.

There are many births that are not registered because the parents are customarily married and because one or both of them are in South Africa and as such those staying with the child are not able to register them. There are also many births and deceased estates that are not registered because the death certificate of one of the spouses cannot be obtained. All this is caused by the fact that when collecting the burial order the informant said the deceased person was married and on collecting the death certificate the surviving spouse or her/his death certificate will be required. This will be despite the fact that they merely cohabitants.

Others fail to collect death certificates because they cannot locate relatives of the deceased person, despite having death certificates of the predeceasing spouse (the one who died first). This usually affects the innocent orphans who because of the disputes that come with death of their

parent(s) break up with either the paternal or maternal relatives. As a result many widow (er)s and orphans suffer because of societal injustices or mistakes of their parents. However this is avoidable if parents are married in terms of the civil Marriage Act chapter 5:11. In this marriage it is easy for children to be registered even in the absence of the other spouse, spousal and parental death registration is made easier as well as the marriage certificate is enough witness. The widow(er) or children can register and administer the deceased estate without having to consult relatives who have at times turned to be property grabbers and abusers. Zimbabwean law is based on evidence, if you allege you have to prove. If you say someone was married or that you are a relative of the deceased person you have to prove either by producing documentary evidence or be supported by the relatives of the person before you are issued with either a birth certificate or birth certificate.

### **6.3 The research findings can be summarized as follows:-**

#### **Summary findings**

- ❖ Majority of parents in general are not aware of the legal time frame expected by the government for children to be registered birth-certificates.
- ❖ Marriage influences early child birth registration and bears the key to either register the child early or later.
- ❖ Family conflicts in unregistered marriages hamper early child birth registration in families where the children are not registered and the marriage is also not registered children are denied their right to identity when parents settle their conflicts using children.
- ❖ Majority of unregistered children come from parents whose marriage is also not registered either unregistered customary or co-habitation.
- ❖ Children are not registered soon after birth which also has a bearing in violating the children's right to identity.
- ❖ Children who are denied the right to identity usually drop out of school at a latter stage.
- ❖ Communities lack knowledge on birth registration regardless of literacy levels and professions.

- ❖ Birth registration laws need to bend and accommodate vulnerable children who have already been affected by marriage break ups before registration takes place.
- ❖ Cohabitation and unregistered customary marriages account a lot on the number of unregistered children.
- ❖ People do not realize that they have an equal responsibility on birth registration of children as much as the government has and without them subscribing to those laws they are the ones who bear the burdens of having unregistered children in their homesteads.
- ❖ Government officials do not see people as equal partners in birth registration of children the parents are treated as mere recipients of the government services who just have to be told what to do with out their voices being heard.
- ❖ Many women in unregistered marriages they delay to register children while waiting for the absent man. During the research the respondents said that the surname is what links the child to with his ancestors hence if she/he is given false identity he is likely to have bad luck in life as a result of false identity.
- ❖ The research observed that the people point fingers at the registration officers for having strict rigid rules that do not bend to accommodate their desperate situations while the registration officers also blamed people for failing to subscribe to the birth registration rules.

#### **6.4 Theoretical framework**

In relation to the theories the study observed that the birth certificate is a crucial fundamental document in an individual's life. The necessity of a birth registration comes into light as the individual grow up, at an early stage one can not realize the essence of this document but as the year adds up the need for a national identity card and passport arise that is when the birth certificate comes to effect. The approach of Human Basic needs comes to argue that without human basic needs not met development can not be sustainable because human basic needs are a key factor to driving development. Identity documents are very essential since it helps the government to be able to allocate resources correctly based on the correct statistics of the population on the ground. The human basic needs approach argues that the basic human rights must be met which includes food, in most case humanitarian aid that comes to the communities is accessed by those who have identity documents. Families and or children who do not have

birth certificates are not able to access the aid. Human basic needs (food, shelter, health ,education..) for them to be daily met by citizens there is need for them to be employed and for one to be employed needs to have an identity card. The theory linked to the research helps to understand that children's lives can be secured with providing the fundamental identity document which is a birth certificate.

The study was also informed by the human right based approach which advocates for human rights to be upheld for development to take place. The approach argues that human rights respect leads to development. According to the African Charter article 6 children have got a right to identity. The right to identity ought to be granted to children so that the future generations will be able to meet their needs in the formal sector. The children whose right to identity is violated are not able to meet their demands in future their other rights also get compromised, for example the research respondent said that when my parents failed to register me for a birth certificate I was also not able to access education and when you not educated you can not get a job in the formal sector and working in the informal for many people it promotes poverty since you might be getting peanuts only. Lack of upholding the children's rights are also a hindrance to innovative and new ideas in the economy of the nation that came come as a result of children. Sports is now a career in the current century hence children's rights to identity need to be upheld so that the children who are talented in sports can excel in their field with out being hindered by lack of birth certificates.

The study observed that regardless of humanitarian organization that exist to help the vulnerable people to access identity documents people in the area of study still remain unregistered, this was said to be caused by the gap between the government offices and the communities. There is a gap between the government, NGOs and the community. The government does not have trust on the cases that will be of special attention referred by NGOs hence in the area of study people felt as if the humanitarian organizations are not helping them since regardless of he referral letters they get to take to the government offices for special cases they still not given birth certificates.

The study observed that there is need for government and organizations to work together in helping to raise awareness on the communities and encourage people to register their marriages

and register children birth certificates soon after birth. Awareness must be raised and parents must be forced to comply with birth registration laws through legal action and making birth registration accessible to the communities.

### **6.5.0 Recommendations**

From the research findings of this study the researcher recommends the following to the different stakeholders of birth registration:-

#### **6.5.1 To the area of study Nkulumane District**

- The researcher recommends that communities register children soon after birth especial those who are in unregistered marriages such that what ever happens between the 2 parties in a marriage will not affect the birth registration of children.
- Communities to upgrade their marriages and be in registered marriages that protects and upholds the rights of children and women.
- Take responsibility of their actions on birth registration and complement the government by subscribing to the rules and regulations of BDRA.
- To value and view birth registration as a fundamental right that children can not survive with out like food and shelter.

#### **6.5.2 To the Administration and Government officials**

- To bridge the gap of knowledge in communities through raising awareness on youths and parents on the importance of early child birth registration.
- To device new ways of birth registration that will ensure birth registration and makes it mandatory for children born in hospitals be discharged with birth certificates at hand.
- To have staff development meetings and fields visit such that they are also aware of the cases that transpire in communities which hinder early child birth registration.
- To network and build a trust with humanitarian organization so that the vulnerable also access the identity documents.
- Registrar's office's requirements/procedures are too strict and rigid and not orphan/user friendly they must accommodate referred cases must be given their special attention that they need.

- Government officials abuse people who will be trying to register. This de-motivates caregivers the officers must not harass people as the respondents spoke negative about the registration officers attitudes.
- The government has no means of educating people about laws that affect and protect them there is need for the people to be educated on the BDRA.
- The BDRA needs to increase the categories of people that can register the birth of children. These could be such community CPCs, headmasters and guardians.
- The centralization of services and the length of the process - correction of birth/death certificates and registration of children born in other countries are done in Harare and take between six months and two years to complete.
- The government must make birth registration and related acquisition laws need to be more sensitive and responsive to community realities.

### **6.5.3 to the NGOs**

- ✓ Raise awareness on the importance of early child birth registration.
- ✓ Organizations and stakeholders dealing with children and women right issue need to advocate for their right to identity to be respected and granted.
- ✓ Encourage communities to register children soon after birth.
- ✓ Mediate between the government and communities in the registration of children who have special cases
- ✓ Financial assist people in order to facilitate birth registration special those with hospital user bills.
- ✓ Act as a watch dog against the government and communities towards BDRA laws so that all people access the identity documents.
- ✓ Fund programs on awareness campaigns on birth registration.
- ✓ The NGOs must help to ensure that the laws of birth registration are user friendly to the communities for example the birth registration requirements of children born outside the country
- ✓ Children should be involved in the promotion of and dissemination of birth registration in both schools and communities.

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# Appendix 1

## Research questions for the Registrar General Nkulumane District



### MIDLANDS STATE UNIVERSITY

My name is Blessing Usher Nyoni; I am a 4<sup>th</sup> year student at Midlands State University. I am conducting a research on “How marriages affect early child birth registration and affect opportunities for children”. The research also explores importance of early child birth registration as per the BDR Act of 1986 which states that children must be registered within 42 days after birth. Bulawayo, Nkulumane district is my area of study. The Research is per requirements of my BA Honors Degree in Development Studies.

I assure my respondents confidentiality of the information I will get and it will only be used for academic reasons.

1. Statistics on the number of children who have been registered within 42 days after birth with effect from 2015-2017 March  
Boys .....  
Girls ..... Total %.....
2. % of children registered below 5 years of Age  
.....
3. Statistics of people registered above the age of 16

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4. How do the Government/the Registrar advertise its services to the community of Nkulumane District?

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5. What effort has the government made to encourage its citizens to be on registered marriages so as to curb the crisis of early child birth registration

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## Appendices 2

### Questioner for research community respondents

My name is Blessing U. Nyoni (R137056N). I am a 4<sup>th</sup> year student at Midlands State University doing a BA Honors Degree in Development Studies. I am carrying out a research on whether birth registration is a function of marriages and how it can affect early child birth registration.

Participation in this study is voluntary no one is forced to respond. The information collected will be confidential and will only be used for academic purposes.

Are you willing to be part of the study? Yes.....No.....

Yes: Continue

No: Discontinue

Age: Tick your age rank

Age rank	Tick here	Female	Male	Marital Status	Tick here
16-20				Civil Marriage 5:11	
21-25				Registered Customary 5:07	
26-30				Unregistered Customary	
31-35				Cohabitation	
36-40				Widowed	

Occupation.....

Level of education.....

**SECTION B**

- 1. Do you have children .....
- 2. How old was your child when you registered him or her?

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- 3. To what extent does your marriage influence conformity to the early child birth registration laws?

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- 4. What are the other factors that militate against early child birth registration in Nkulumane?

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- 5. What are the consequences of delaying to register a child?

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- 6. Why do people fail to subscribe to the Birth Registration Act of 1986 which states 42 days of birth registration from birth time?

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- 7. Are you aware of the legal period for birth registration of children?

.....

8. What are the benefits of registering a child within 42 days after birth?

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### **Appendix 3**

#### **Questioner for Community dialogues**

My name is Blessing U. Nyoni (R137056N). I am a 4<sup>th</sup> year student at Midlands State University doing a BA Honors Degree in Development Studies. I am carrying out a research on whether birth registration is a function of marriages and how it can affect early child birth registration.

Participation in this study is voluntary no one is forced to respond. The information collected will be confidential and will only be used for academic purposes.

Are you willing to be part of the study? Yes.....No.....

Yes: Continue

No: Discontinue

Discussion questions

When is it legal for a child to be registered ?

Why are people in Nkulumane not registering Children soon after birth?

When is the right time to a register a child a birth –certificate?

Are parents in unregistered marriages allowed to register children on their own in the absence of another parent explaining your answer?

Are there children facing birth registration problems because of the marriages of their parents?