

JUSTICE FOR CHILDREN TRUST

**BIRTH REGISTRATION OF
CHILDREN IN ZIMBABWE**

OCTOBER 2007

Table of contents

	Page
ACRONYMS.....	5
STATUTES AND INSTRUMENTS REFERRED TO	6
LIST OF CASES.....	7
ACKNOWLEDGEMENTS.....	8
MAP OF ZIMBABWE.....	9
LOCATION MAP: HURUNGWE DISTRICT.....	10
LOCATION MAP: BINDURA DISTRICT.....	11
1.0 EXECUTIVE SUMMARY.....	12
CHAPTER ONE: INTRODUCTION TO THE STUDY.....	16
1.1 Introduction.....	16
1.2 Goal of the Research.....	16
1.3 Specific Research Objectives.....	16
1.4 Situation Analysis and Background to Study.....	16
CHAPTER TWO: LEGAL FRAMEWORKS OF BIRTH REGISTRATION.....	19
2.0 Introduction.....	19
2.1 International Framework.....	19
2.2 Regional Framework.....	19
2.3 National Framework.....	20
2.3.1 Constitution of Zimbabwe.....	20
2.3.2 Births and Deaths Registration Act	21
2.3.3 Citizenship of Zimbabwe Act	23
2.3.4 Marriages Act.....	24
2.3.5 Guardianship of Minors Act.....	24
2.3.6 Children's Act	24
2.3.7 Administration of Deceased Estates Act.....	25
2.4 Case Law.....	26
CHAPTER THREE: RESEARCH METHODOLOGY	28

3.0 Introduction.....	28
3.1 Research Methods.....	28
3.2 Research Scope.....	28
3.3 Research Sample.....	28
3.3.1 Hurungwe District.....	28
3.3.2 Bindura District.....	30
3.4 Research Guide.....	31
3.5 Key informant interviews.....	31
3.6 Focus group discussions.....	31
3.7 Research limitations.....	32
3.8 Report format.....	32
 CHAPTER FOUR: RESEARCH FINDINGS.....	 34
4.0 Introduction.....	34
4.1 Attitudes and reasons for non-registration.....	34
4.2 Access to registration centres.....	35
4.3 Legal framework.....	35
4.4 Socio-economic factors affecting birth registration.....	36
4.5 Social and cultural factors affecting birth registration.....	36
4.6 Gender considerations affecting or influencing registration.....	37
4.7 Constraining systems and procedures in Birth Registration.....	37
4.8 Decentralization of the Registrar General's Office.....	38
4.9 Efficiency and corruption in RG's offices.....	38
4.10 Mobile registration.....	39
4.11 Attitude and behaviour of officials in the RG's offices	39
4.12 Requirements for Birth Registration.....	40
4.13 Accessibility of information on Birth Registration.....	41
4.14 Government and civil society relations and Birth Registration.....	41
4.15 Birth Registration campaigns.....	41
4.16 Single parents and orphans in Birth Registration processes.....	42
4.17 Access to education and social services for unregistered children.....	42
4.18 Non-Zimbabwean, refugee and non-resident children.....	42
4.19 Socio-economic coping strategies of unregistered children.....	43
4.20 Support of other agencies towards unregistered children.....	43
4.21 Focus of future advocacy campaigns... ..	43
 CHAPTER FIVE: RECOMMENDATIONS AND CONCLUSIONS	 44
5.0 Introduction.....	44
5.1 Capacity building and development.....	44
5.2 Inter-Agency /Inter-ministerial support and coordination.....	44
5.3 Legal Issues and Framework.....	44
5.4 Administration.....	45

5.5 Conclusions.....	46
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Appendices

Appendix 1: JCT Case Files.....	48
Appendix 2: Selected Case studies.....	50
Appendix 3: Key Informant List.....	52
Appendix 4: Composition of focus group discussions.....	53
Appendix 5: Research Guide Questions.....	54
Appendix 6: Research Questionnaire.....	55

Bibliography.....	59
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LIST OF ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
BDRA	Birth and Death Registration Act
CPS	Child Protection Society
CRC	Convention for the Rights of the Child
DA	District Administrator
FOST	Farm Orphan Support Trust
ICCPR	International Convention on Civil and Political Rights
CRC	Convention on the Rights of Children
ID	Identity document
JCT	Justice for Children Trust
MOESC	Ministry of Education, Sport and Culture
MOHCW	Ministry of Health and Child Welfare
NAC	National AIDS Council
NGO	Non Government Organization
OVC	Orphaned and Vulnerable Children
RDC	Rural District Council
RG	Registrar General
SDC	School Development Committee
SOS	German funded NGO that supports children
STI	Sexually Transmitted Infections
ZWLA	Zimbabwe Women Lawyers Association
NASW	National Association of Social Workers
UDHR	Universal Declaration of Human Rights

STATUTES REFERRED TO IN THE STUDY

1. Births and Deaths Registration Act [5:02]
2. Citizenship of Zimbabwe Act [4:01]
3. Marriages Act [5:11]
4. Guardianship of Minors Act [5:08]
5. Children's Act [5:06]
6. Administration of Deceased Estates Act [6:01]

LIST OF CASES REFERRED TO

1. Douglas v Meyers 1991 (2) ZLR HC
2. Tiwandire v Chipanda HB – 12 -04
3. Favard v Favard 1951 SR 95
4. Dhanabakium v Subramanian and Another 1943 AD 160

ACKNOWLEDGEMENTS

This research was produced out of the efforts of many committed professionals.

The researcher sincerely thanks P. Nenjerama, the Programme Coordinator, C. Mutandwa, the Programme Manager, and Ms. Mutohori, the Programme Officer, for all the technical and professional support during the research process. Thanks too go to Ms. E. Mapuranga, who helped facilitate the fieldwork processes in Bindura, to ensure that the interviews and consultations were logistically possible.

I would like to acknowledge heartfelt gratitude to the research team, namely: Rodgers Matsikidze; Mavis Chigumira and Yeukai Nhenderere for tireless work and energy.

I also extend my profound appreciation to the Bindura and Hurungwe communities and other partners for their support and for taking their time to be part of the research. I would like to sincerely appreciate their contribution.

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Figure 1: Map of Zimbabwe

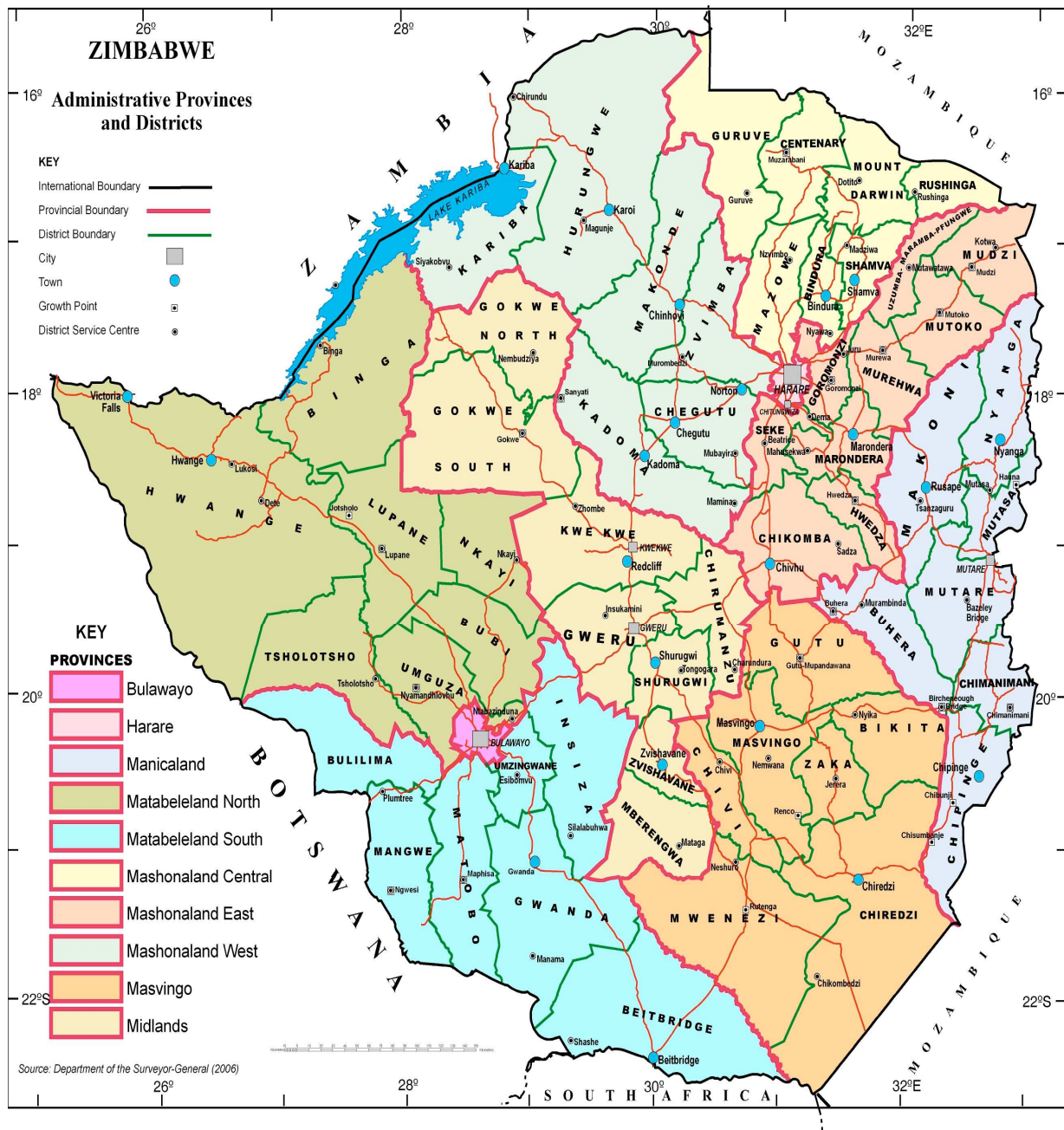


Figure 2: Hurungwe District Location Map

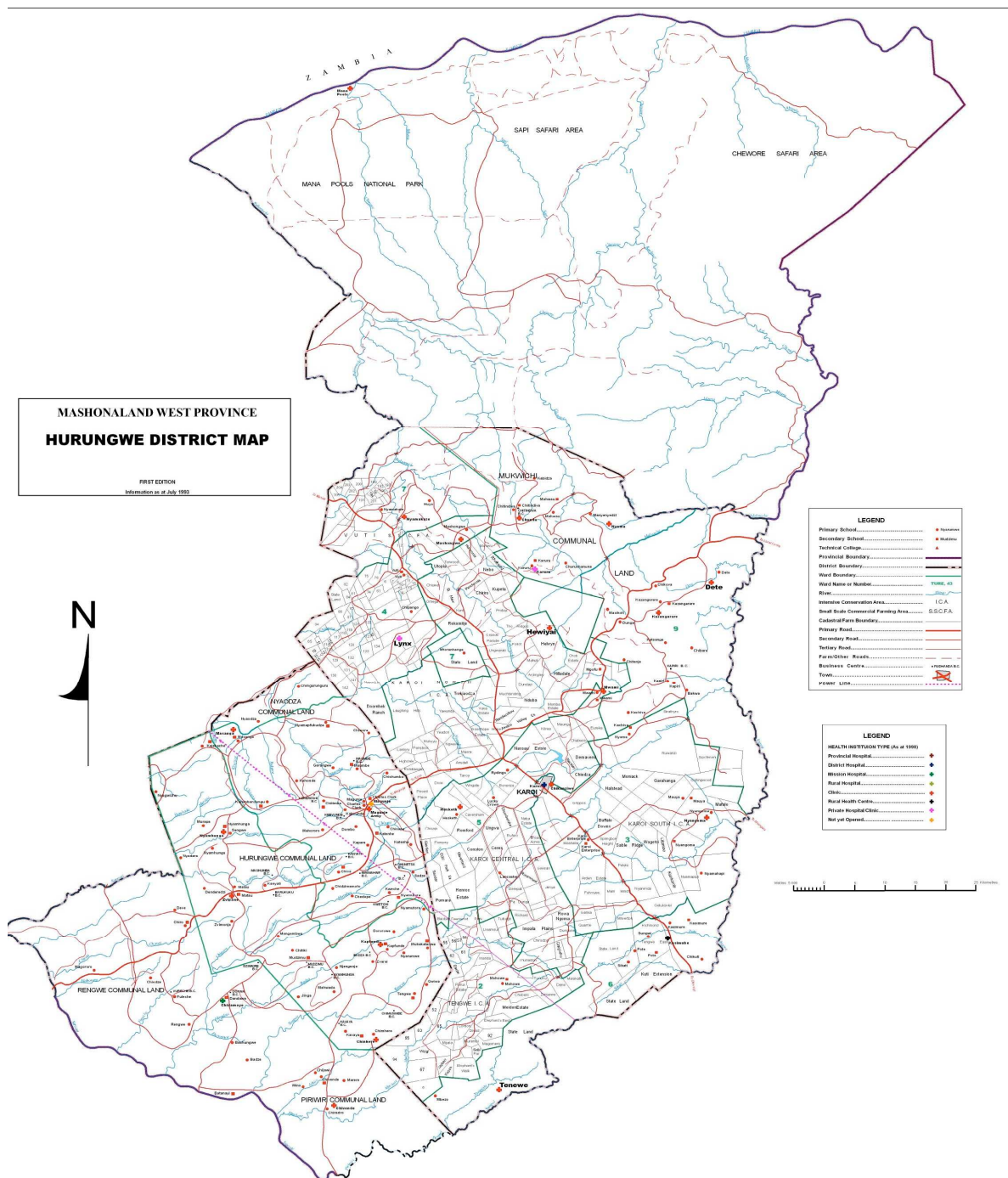
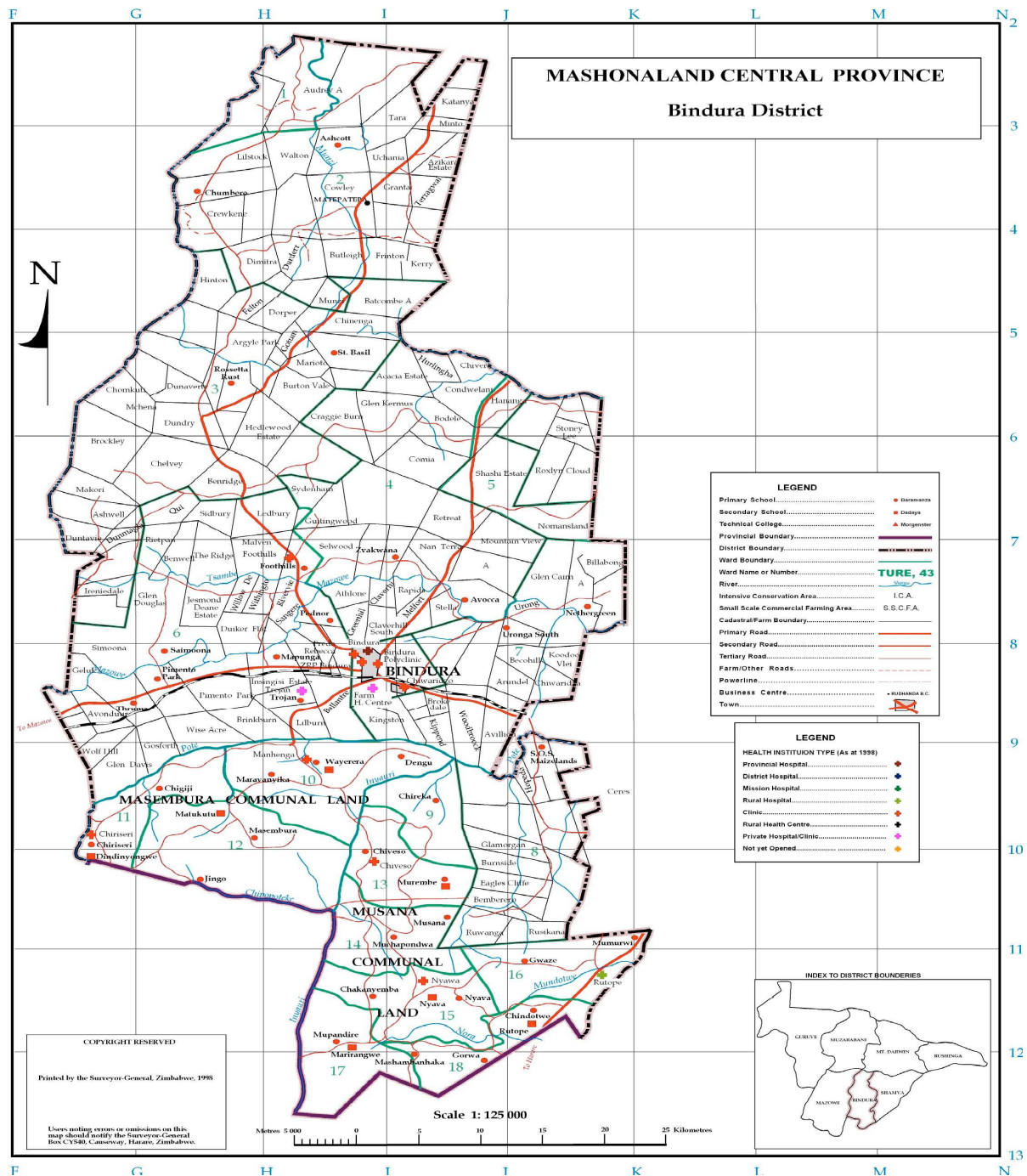


Figure 3: Bindura District Location Map



EXECUTIVE SUMMARY

The major findings were as follows:

- The major causes for non-registration included what respondents referred to as RGs office's requirements being too strict and rigid. The long investment in time through travelling and queues emerged as a major discouraging element to birth registration. However, when there is an urgent requirement for it, such as school examination, they desperately and earnestly seek birth registration.
- Parents do not enthusiastically seek the registration of the children soon after birth, but do so as the children mature or grow up and the birth certificate becomes a vital document in the children's lives. The RGs office in Bindura also noted that often there is an apparent lack of interests by parents or guardians to register minors.
- It was noted that crucial government offices (such as the RGs office) are situated in the provincial or district centres, which are, by and large, still very far away from the majority grassroots population
- In Bindura 79% of respondents stated that the legal requirements and framework governing birth registration were generally unknown, misunderstood and inadequate. In Hurungwe 95% of respondents said that they were ignorant of the laws and that the legal framework that governed birth registration was inadequate and often stated in ambiguous ways by officials in the RGs office.
- A major issue noted during the research related to the sponsorship of witnesses to the registration centres by way of paying for their bus fares, accommodation and food. The major socio-economic consideration and hindrance to birth registration of children was cited as the lack of finances to travel to registration centres.
- Some women were reluctant to do this in fear of possible cultural and traditional repercussions in future, such as *ngozi* (an avenging spirit). It emerged also that 41 (25%) of women respondents were afraid of the "unknown", if they registered children in their maiden names.
- Social issues that emerged during the research and which affected birth registration of children had to do with case where there were remarriages. After a remarriage a father sometimes denies paternity or responsibility of his children and becomes reluctant to play his role in registration the children.
- Some men argued that it must not be made to be so difficult for them to register children in their names in the absence of a joint request with the mother, for example, in cases when the mother is dead or has abandoned the child.
- It was alleged by some respondents that the bureaucracy at RG's offices contributed to 63% of those children that failed to get birth registration documents. Such bureaucracy included those people that came with what they think are the necessary documents and related requirements, only to be told that there is something else that is required for them to be registered.
- It was noted that urban centres are more predisposed to greater rates of registration than the countryside due to the fact that registration offices are located in such centres. Likewise children delivered in hospital have a greater chance of being registered as compared to those delivered in homes.

- Birth registration offices are highly centralized, and communities with scarce resources endure financial hardships in accessing the sparse decentralized offices that issue birth certificates.
- In Bindura 241 (65%) adult respondents believe that the RGs office is generally inefficient. They stated that although the officials in that office “looked” busy all the time, they were actually inefficient. However, in Hurungwe 195 (52%) adult respondents indicated that they felt that the RG officials were doing their best whilst operating under very challenges circumstances and realities.
- 86% of adult respondents in Bindura District and 91% in Hurungwe District revealed that the mobile registrations conducted were very beneficial to those people in far away areas who could not travel to main registration centres. It came out that many people, especially in the farming areas and communal lands, obtained their registration documents during mobile registration exercises.
- A major process issue raised in the research was that some people, especially witnesses, failed to give what the RGs officials viewed as “correct or genuine responses”, thereby failing to get served.
- In Bindura 97% of respondents stated that the attitude and behaviour of officials in the RGs was despicable. It was said that they were rude and did not listen to people, often saying very harsh and uncaring words and comments to people who may have queued for hours or even days to get served.
- 54 adult respondents (28%) in Bindura noted that people failed to get registered because of not having the requisite documentation of birth notices as prescribed in the BDRA.
- The researchers noted that outside the RGs office in Bindura there was not even a single piece of paper that informed people about procedures they needed to follow for them to be registered.
- In both Bindura District 94% of respondents and 91% in Hurungwe Districts noted that the RGs office did not conduct awareness campaigns on birth registration.
- It was said that minor orphans faced the challenge of getting relatives who were prepared to help them get birth registration.
- It was noted that many children cannot sit for public examinations because generally, schools do not enroll children who do not have birth certificates. The research showed that some very talented unregistered children used their sibling’s birth certificates to be entered into school sporting activities and competitions.
- In Hurungwe District respondents said that they were not aware of any refugee children or population, although there were many non-Zimbabweans on the farms.
- Respondents revealed that the absence of birth registration documents or a birth certificate perpetuated a cycle of poverty, especially in the farms. 60 respondents or (84%) of those on the farms had no birth certificates.
- It was stated that in that regard, the advocacy campaigns needed to get the people to fully appreciate the centrality and critical importance of birth registration in their lives.

Major Recommendations

5.1 Capacity building and development

- There is an apparent need to increase staff in the RGs office.
- More mobile and other forms of community awareness and information dissemination are necessary.
- There is need to encourage and plan for more organized and systematic mobile registration campaigns (in terms of timing and regularity).
- Parliament should be lobbied to play a more dynamic role in advocating for child-friendly laws.
- There is need to provide greater funding to the RGs office.

5.2 Inter-agency/Inter-ministerial support

- In the interest of inter-ministerial cooperation and coordination, the RGs office should use the Department of Social Welfare for social investigation of disadvantaged children in need of birth registration documents.

5.3 Legal issues and framework

- The requirement of having a birth record 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.
- The right to a birth certificate should be included in the Zimbabwe constitution.
- Amend BDRA to allow children in *loco-parentis* legal authority to register siblings (with testified support of their local leadership)

5.4 Administration

- Enforce the mandatory birth registration of children (be they under guardianship or their parents);
- Establish a public relations agency or an enquiries office at registrar general's offices;
- Birth registration cases should be assessed on their peculiarities and individually;
- Traditional and local leaders could keep records of the children born in their areas for authentication purposes when they need registration documentation and verification ;
- Establish more mobile registration centres for peri-urban and rural areas;
- In the case of death the mother, the father should be empowered to register the child not the family of the mother because the father is the natural guardian;

- Headmasters should be capacitated to assist in investigating circumstances of children in need of birth registration.
- Birth registration centres should be significantly decentralized for greater accessibility by the majority population.
- There is need to campaign for minor/child-friendly birth registration strategies.
- Children could be used in the promotion and information dissemination on birth registration in both schools and the community through innovative campaigns such as development theatre/drama.
- Schools authorities must be encouraged and supported to endorse the critical relevance and importance of birth registration through urging parents who bring children for admission to get their children registered.
- Child friendly registration desks should be established;

CHAPTER ONE: INTRODUCTION TO THE STUDY

1.0 Introduction

The current study was commissioned by Justice for Children Trust (JCT). JCT is a locally registered trust headquartered in Harare. It was formed to offer free legal services to disadvantaged children in Zimbabwe. In its work with disadvantaged children, JCT works with children natural and legal guardians in the following areas:

- The provision of free legal services to minors in civil and criminal matters
- To educate society on children's laws
- To research , document and publish findings on children's legal issues
- To lobby and advocate for legal and policy reform on matters affecting children.¹

1.1 Goal of Research

The research aims to bring out the challenges around Birth Registration, document lessons learned and make pointers for future impactful interventions.

1.2 Research Objectives

The objectives of the research were:

- To present the gender and advocacy initiatives on Birth Registration in greater depth
- Document and provide insight into best practices
- Identify the causes of the problem of non-registration of births and communicate best way forward in terms of lobbying and advocating requisite changes
- Examine the obstacles to universal Birth Registration and the actions needed to achieve universal registration
- Examine the individuals, community institutions and other available resources that children use for survival

1.3 Situation Analysis and Background to the Study

Zimbabwe attained independence in 1980. Despite major socio-economic challenges that it faces, the country still has reasonable social services and infrastructure. Since independence Zimbabwe has recorded remarkable achievements such as the widespread franchise and considerable expenditure on social welfare. The country has one of the best social policy systems in Africa, with health care and education having been extended to the generality of people through the establishment of health facilities and the building of numerous primary and secondary schools nationwide. As a consequence, there has been a momentous increase in both the number of primary and secondary schools in national financial resource planning, achieving one of the highest literacy rates in Africa.

¹ Justice for Children Trust, 2007

The research intended to bring out the challenges in Birth Registration, document lessons learned and make pointers for future interventions. A participatory research approach was used in the research. The participatory method sought to elicit qualitative responses from the target respondents (the communities, stakeholders and significant others in the social environment).

Unregistered children face economic, social, poverty, social and health discrimination, poor social support, low quality education, social disconnection, abandonment, child abuse, torture, sexual abuse/exploitation, prostitution, child labour, drug abuse, HIV/AIDS and other related challenges.

Much research has been conducted on Birth Registration in Zimbabwe. According to the Legal Resources Foundation (2006), a birth certificate is a very important document which shows what all ones names are, where they were born, when they were born and who their parents are. It is required throughout the whole life when a child enrolls for school or when they apply for a national identity document (ID). The law states that every parent must register the birth of a child within six weeks of the birth of the child (BDRA, 1986). At the community level, lack of awareness on the benefits of Birth Registration results in Birth Registration being a low priority and very quickly superseded by more important priorities².

A research conducted in the farms of Makoni District by Netherlands Development Agency, SNV (1999)³ showed the following statistics:

- 76% of all children are not registered
- About 90% of these children's [parents are Zimbabwean citizens
- 34 % of adults did not have any documents

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". In a joint study conducted by the Zimbabwe Association of Social Workers (NASW) and the Zimbabwe Women's Lawyers Association (ZWLA) conducted a study in Bindura and Mt. Darwin in 1999, established some of the economic, cultural factors, which hinder the acquisition of civil identity documents. 78 % of respondents in the study linked the requirements of birth certificates to the need for a child to attend school and to write public examinations (ZWLA & NASW, 1999).

JCT implements and supports a number of interventions that are aimed at supporting children in their quest to obtain birth registration. Some of these interventions are:

- Legal AID Clinics
- Legal Education and Awareness programmes
- Advocacy and Lobbying

² Child Protection Society, 2003

³ Child Protection Society, 2001

Some research carried out on Birth Registration has brought out a number of issues relating to the challenges that people face when they seek registration. According to the Child Protection Society (2003), 30% of Zimbabwean children are unregistered. 50% of orphaned and vulnerable children are unregistered, while 95% of children in institutions are unregistered.

In a report on the All Stakeholders Workshop on Birth Registration in April 2007⁴, it was reported that in 1999, only 42% children were registered. In 2000, only 51% of children were registered.

Other agencies such as SOS and Legal Resources Foundation (LRF), have been working in collaboration with the Registrar-General's office to assist children with obtaining birth certificates. They also assist in tracking children's kin for purposes of obtaining birth certificates. They also have public awareness programmes to educate the community on the importance of birth certificates.

CPS has also spearheaded an advocacy project for the formulation of a child friendly birth registration policy which ensures that all children are registered immediately after birth. An awareness survey by PLAN International (2000) shows that between 11% and 55% of children in Chipinge, Mutare, Kwe Kwe, Mutasa, Epworth, Tsholotsho and Chiredzi had no birth certificates.

⁴ All Stakeholders Workshop on Birth Registration, 2007

CHAPTER TWO: LEGAL FRAMEWORKS ON BIRTH REGISTRATION

2.0 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. The international, regional and national legal frameworks regarding birth registration are briefly outlined below.

2.1 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.

2.2. 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 National Legal Framework

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:

2.3.1 The Constitution of Zimbabwe

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 4, 5, 6 and 7 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.

2.3.2 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 centres and provides for the functions of the Registrar-General (RG) and the registrars.

Some of the sections are as follows:

- 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 or the Registrar 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 whose birth occurs after 20 June 1986.
- 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. In cases where both parents are dead or are unable to register their child by virtue of some inability, then the following persons are given the duty to give notice of the birth:

- a) The occupier of the house in which the birth or still birth occurs if he/she is aware of the birth
 - b) The person in charge of any hospital or other institutions in which the birth occurred.
 - c) Headman for the community in which the birth occurs where he has knowledge of the birth
 - d) Any major who is present at the birth.
 - e) Any major who has the charge of the child
 - f) Any major as prescribed
- Section 12 (1) provides that “notwithstanding Section 11, no person shall be required to give information acknowledging himself to be father of a child out of wedlock”.
 - In terms of Section 13 (1) the RG may be given notice of birth that will have occurred outside Zimbabwe by any responsible person mentioned in Section 11, subsection (1).
 - In Section 19 (1) the BDRA enables the re-registration of a person born out of wedlock upon presentation of evidence that this person should be regarded as having been born in wedlock.
 - Section 24 gives the RG and the Registrars power to make enquiries on information of birth, stillbirth is supplied by a person giving such notice
 - Section 25(1) reads as follows "no birth, stillbirth or death which occurs after the 20th June 1986 shall be registered after the expiry of twelve months from the date of such birth, stillbirth or death except with the written authority of the registrar general"
 - Section 11 provides that the registration has to be done within 42 days of the birth. The liability for registration is with the parents of the child.
 - Section 12 provides for registration of children born out of wedlock and the father of the child is dead, upon joint request of the child’s mother and a relative of the father.

Comment

The BDRA is fraught with a number of provisions and omissions that make it a less comprehensive legislation. The following are some of the gaps in the Act:

- The Act does not make it a right for a child to be registered at birth.
- The Act does not take into consideration the provisions of the international instruments enacted after 1986.
- Provisions in the Act are not complimented by effective implementation mechanisms.
- 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. Moreso, few people who are non-relatives would want to be burdened with registering such children.

- It has discriminatory provisions that make it impracticable to register the birth of child born out of wedlock by a mother in the father's name, unless he agrees to do so.
- In the event that the father accepts fatherhood, the mother cannot register his name unless a joint request is made by both parents to do so.
- The Act fails to provide for registration of non-Zimbabwean children without them or their parents having been granted citizenship.

2.3.3 Citizenship of Zimbabwe Act [4:01]

The Act provides for how one can be registered as a citizen of Zimbabwe that is if one cannot be registered by birth as a citizen of Zimbabwe.

- In Section 4 the Act provides for the procedure of registration of persons of the full age and sound mind.
- It makes it a requirement that only a person of full age and sound mind can apply for the Minister's authority in the prescribed manner to be registered.
- The person shall satisfy the Minister that he is of good character and fit and proper person to be registered a citizen of Zimbabwe and that at the date of the application he is ordinarily resident in Zimbabwe and has been so resident, whether continuously or as an aggregate of a number of periods for at least five years.
- Another condition is that he intends, after the granting of his application, to continue to reside in Zimbabwe, subject to the exigencies of his employment and he is willing to renounce any other citizenship he may hold if he becomes a citizen of Zimbabwe.
- In Section 5 the Act also provides for application for registration by persons under legal disability. The procedure is that the representative of such a person is supposed to make an application on his behalf. The requirements for the applicant to be successful are that he shall satisfy the Minister that at the date of the application he is ordinarily resident in Zimbabwe. Further that he has association by way of descent, length of residence or otherwise within Zimbabwe which justify his registration as a citizen of Zimbabwe.
- The Act also, in Section 12 provides that if a person is deprived of his citizenship of Zimbabwe, the Minister may, subject to Section 12 (2) and (3) provided that the child is not full of age and is a citizen of Zimbabwe by registration, may by order deprive of his citizenship such child whom the person deprived of citizenship is the responsible parent.

Comment

With regards non-Zimbabwean children, it means that for them to be registered there should be a representative who is duly recognized at law. For non-Zimbabwean children they are supposed to have their parents registered first for them to be registered as citizens of Zimbabwe. Only citizens of Zimbabwe can be given birth certificates either by registration or by birth. Mostly these illegal

immigrants would also be unknown in their own countries or may not have birth registration documents from their countries; hence the Citizenship of Zimbabwe Act makes it impossible for most of non-Zimbabwean children in farms and mines to be registered.

2.3.4 Marriages Act [5:11]

The Marriages Act provides for the requirements of a valid civil marriage. It also states the age under which a valid marriage may be contracted. The ages are specifically 16 years, if consent is obtained from a guardian, and 18 years of age if the person is on his/her own. An identity document (ID) is a critical document before a marriage is solemnized to verify the ages of the parties.

Comment

This means that if one does not have an ID he cannot marry or she cannot be legally married. One can only have an ID if he/she has a birth certificate.

2.3.5 Guardianship of Minors Act [5:08]

This Act deals specifically with issues of guardianship of minors.

- Section 3 provides that it is the duty of the father to consult the mother on the question of guardianship of minors.
- It provides that the right of guardianship of the father shall be exercised by him in consultation with the mother.
- The Act makes the father the natural choice for guardianship, unless an application is made in courts to the contrary. It also makes the mother a natural choice for custody unless an application is made in court and granted to award custody to the father.
- In Section 6 it provides for access and application procedures for access in the High Court for a non-custodial parent.

Comment

The provisions of the Act make it difficult for the child to get a birth certificate if the father, who is the guardian, or when the mother who is normally a custodian, is not cooperative.

2.3.6 Children's Act [5:06]

The Children's Act provides for issues relating to the welfare of the children.

- In section 3 to 6 the Act provides for the establishment of juvenile courts, offices of juvenile courts and procedure in juvenile courts.
- The Act, in sections 7 to 13 provides for the criminalization of ill-treatment or neglect of children and young persons, corrupting children and young persons, begging and public entertainment.
- It also provides for the removal of children and young persons to care institutions and the procedure in doing so.

- The Act further provides for requirements and conditions to be met by places of safety, remand homes, institutions and training institutions for children.
- The Act in Section 57 - 75 provides for the procedure of adoption of children, and the requirements for carrying out such a procedure.
- In Section 2A, the Act restricts the employment of children and young persons. It also sets out the establishment of a Child Welfare Council which deals with children's issues.
- In Section 75E, the Act provides for the registration of birth of a person adopted in a foreign country. The procedure is that if the Registrar-General is satisfied in regard to any adoption which the High Court has decided in terms of Section 75 (C) or 75 (D) should be recognized that a) the adopter is a citizen of Zimbabwe and b) the adopted person is a minor, the Registrar-General shall, on application by the adopter, cause the adopted person's birth to be recorded in the register of births of the district in which the High Court made the declaration. Such an application is supposed to be accompanied by an adoption order, declaration or order of the High Court and such documentary evidence the Registrar may consider sufficient.

Comment

In the above cases, a birth certificate is a critical document as it helps in the identification of the child and for the child to qualify for assistance under the Act. This is a children's act but does not in any way confer birth registration of children as a right. Moreso, the Act does not have a bill/section of children's rights as expected in such a statute.

2.3.7 Administration of Deceased Estates Act [6:01]

The Act provides for the registration and administration of deceased estates.

- Section 3 of the Act provides the Master's office as the sole office which registers, administers and keeps records of deceased estates.
- Section 5 provides for provision of death notices to the Master, Assistant Master or Magistrate.
- In addition, it provides for the deposit of wills, submission, search for concealed wills, order for delivery of will, and registration of wills at testators' death by the office of the Master.
- The Act in Section 12, 13, 14 provides for the inventory, completion of the inventory for the registration of an estate. Section 21 provides for custody of the estate of the person not married in community of property.
- The Act provides that in the absence of the spouse, the child or children of the deceased shall be custodian of the estate.
- The Act provides for issuing of letters of administration to executors.
- The Act also provides for the appointment of an Executor. The Executor can be a surviving spouse or a next of kin.
- The Act also provides for the distribution of the estate to the beneficiaries.

Comment

In determining who is a child, and whether or not the child is can benefit from the estate, a birth certificate is a crucial document that should be produced by the intended beneficiaries. This means that if a child has no birth certificate it becomes very difficult for him/her to benefit from the estate. (Refer to Case Two in the “JCT Case Files” in the appendices).

2.4 Case Law

Generally, there are no specific cases which deal with issues relating to birth registration in Zimbabwe. Cases cited here and below are cases with a bearing to birth registration in Zimbabwe.

Douglas v Meyers 1991 (2) ZLR 1 HC

In this matter the applicant was the natural father of an illegitimate child born of the Respondent. He sought an order declaring that he was entitled to reasonable access to the child. The mother opposed the relief on the ground that she was the natural guardian of the child, and that the father had no inherent right of access. The Court held that the natural father of an illegitimate minor does not have an inherent right to access to the child. The Court will grant such an access if the father establishes that such access is in the best interest of the child. The Court will only grant such an order if there is some very strong ground compelling it to do so.

Comment

The case made it impossible for the father of an illegitimate child to take part in the welfare of such the child. It means that even when it comes to acquiring the child’s birth certificate he would be unable to do so if there is disputation with the child’s mother.

Tiwandire v Chipanda HB – 12 -04

The mother of a child born out of wedlock sought an order directing that the child’s natural father should surrender the child to her after he had abducted the child from her custody.

It was held that following the judgments in Cruth v Manual 1999 (1) ZLR 7 (5), that the father of a child born out of wedlock has no rights at all in the child. It was stated that to hold that the father of a child born out of wedlock has rights in respect of the child would be to elevate the legal status of the father of such a child to that of a spouse in a divorce and allow unwarranted interference in the mother’s rights over the child. Held further that it would be worthwhile for the legislature to look into the issue of rights of fathers of children born out of wedlock.

Comment

The Court in this matter referred to the need for the reform of the law governing guardianship and custody of such children.

Favard v Favard 1951 SR 95

In this case it was ruled that a child takes domicile of his or her guardian. This guardian is usually the father so that the child's domicile is the country where the father is domiciled at the time of the child's birth. However, according to Zimbabwean law, an illegitimate child takes the domicile of its mother by virtue of the fact that an illegitimate child's mother is the legal guardian of that illegitimate child.

Comment

Section 12 (2) of the BDRA provides that the Registrar of birth shall not enter the name of any person as the father of an illegitimate child except upon the joint request of that person and the mother and this limits the role of the father of such a child to the extent that they might be less keen to even cooperate in obtaining a birth registration for the said child.

Dhanabakium v Subramanian and Another 1943 AD 160

In the case, Watermeyer JA stated that though the mother and not the father of an illegitimate child is generally speaking the natural guardian of the child...a person who is a minor is disqualified from being a guardian.

Comment

This means that if the mother is a minor, she cannot stand as a guardian to her child. In determining whether one is a minor or not, a birth certificate is an essential document.

CHAPTER THREE: RESEARCH METHODOLOGY

3.0 Introduction

The research aims to bring out issues and challenges in Birth Registration in Zimbabwe, document lessons learned and make recommendations for future interventions. The processes and methods used in the research are detailed below.

3.1 Research Methods

A participatory research approach was used in the research. The participatory process sought to elicit qualitative responses from target Respondents such as the communities, stakeholders, leaders, key informants and significant others in the social environment. The participatory approach ensured community engagement, knowledge and experience sharing at various levels.

The research tools used in data collection were:

- Semi-structured discussions
- Focus group discussions

These tools were used during group meetings and community dialogues with key informants and with other relevant stakeholders also used one-on-one interviews to interface with local opinion leaders, business people, councillors, youth leaders and politicians to triangulate data collected. The researchers also interviewed young boys and girls to get their views. However, the major survey techniques used were as semi-structured discussions (SSDs) and focus group discussions (FGDs), which were employed to triangulate and validate the data.

The researchers also held one-on-one interviews with key people, such as district level RG officials, headmasters, Chiefs and staff from other NGOs, among other stakeholders. The researchers carried out the research by visiting suburbs, communities, households and schools, meeting relevant stakeholders, including the parents and guardians of unregistered children. Over and above community meetings and other individual interviews with community leaders, households and children were selected so as to document case histories in birth registration.

3.2 Research Scope

The research scope was to conduct the research in two provinces of Mashonaland West and Mashonaland Central. In the two provinces, two districts were sampled, namely Bindura and Hurungwe. The village and household samples was derived from communities and residential areas in these two districts.

3.3 Research Sample

Purposive sampling was used to draw up the research sample. The researchers covered 2 provinces, namely, Mashonaland West and Mashonaland Central. In each of the two

purposively sampled provinces, two districts were sampled for the research. The sample population was drawn from wards and villages⁵ in Hurungwe and Bindura Districts.

The sample frame was derived from the following process: from the 10 provinces in Zimbabwe, two (2) i.e. Mashonaland Central and Mashonaland West, were purposively sampled for the research, because these are the provinces in which JCT works currently.

3.4.1 Hurungwe District

In Mashonaland West, Hurungwe District was randomly sampled. Hurungwe District lies about 230 kilometres west of Harare. Its district urban centre is Magunje Growth Point, which is 25 kilometres from Karoi, the provincial capital. Hurungwe District is made up of 17 wards that span over A1 resettlement areas and communal lands and has a population of over 450 000 households⁶. The Hurungwe District was selected due to its uniqueness of having a sedentary, largely rural and less itinerant population. In the northern areas of the district are Mana Pools National Park, Sapi Safari Area and Chewore Safari Area. It is the southern part of the district where the farming and communal areas are.

In Hurungwe District a 20% sample of the 17 wards gave 3.4 wards, approximately 4. However, the researchers eventually worked in 5 wards. From the sampled wards, five villages were further sampled from each ward to come up with the village sample population in the communal areas.

Research in Hurungwe District covered the following areas:

- Ward 1 - A1 farms
- Ward 5 - A1 farms
- Ward 10 - Communal Lands
- Ward 11 - Communal Lands
- Ward 16 - Communal Lands

Children that were interviewed in the districts were from the following schools: Maumbe Primary School; Chishumba Primary School; Charles Clark Primary School; Dixie Primary School; Hewlin Secondary School; Vhuti Secondary School; Mushangwe Primary School and Kabvunde Primary School.

The numbers of respondents in Hurungwe are categorized as tabulated below:

⁵ A ward comprises several villages (it is neither specific nor constant) and a village can have upwards of 700 households. Several wards make up a district. Some districts have more wards than others.

⁶ Interview with Mr. Moyo, Chief Executive Officer of Hurungwe District Council

Location/Area	Men	Women	Boys	Girls	Totals
Magunje Growth Point	13	8	5	3	29
Hurungwe Communal Area	55	31	26	19	131
A1 Farms	37	29	6	4	76
Totals	105	68	37	26	236

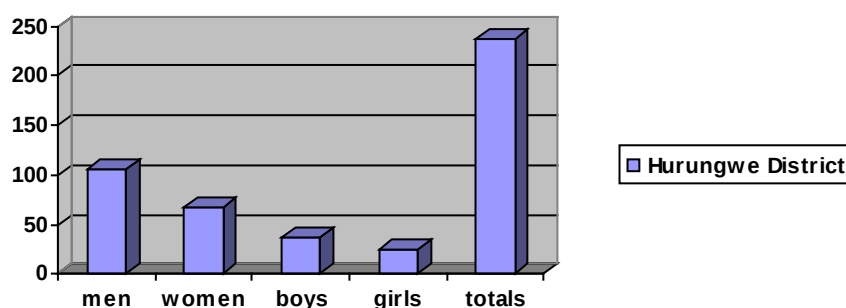


Figure 2: Respondents interviewed in Hurungwe District

3.4.2 Bindura District

Bindura is approximately 90 kilometres north-east of Harare. The district spans an area with commercial and resettlement farms, small and large scale mines and Bindura Town, the provincial capital. Bindura District has 10 urban and 18 rural wards and was selected for its assorted population, with a heterogeneous mix of a mobile population of newly resettled farmers, small-scale miners and mine workers. The district also covers a reasonably large peri-urban population. The major settlement patterns in Bindura District are: mines, farms, rural communities and the urban area. This was meant to consider the diverse population and settlement patterns in the district. In each of the four settlement areas, the researchers drew up a convenient sample of individuals that were willing to meet the team.

In Bindura District the researchers covered the following areas:

- Manhenga Communal Area
- Chipadze Urban area
- Aerodrome Urban area
- Chiwaridzo Urban area
- Ran Mine
- Arcadia Farm
- Avlin Farm

The following schools were visited for interviews with pupils and staff: Wayerera Primary School; Wayerera Secondary School; Chipadze Farm School (satellite school for Chipadze High School) and Ran Mine Primary School.

The numbers of respondents in the district were as follows:

Location/Area	Men	Women	Boys	Girls	Totals
Bindura urban	26	34	6	9	75
Ran Mine	20	9	3	5	37
Wayerera Communal Area	37	18	41	30	126
Farms	19	33	11	8	71
Totals	102	94	61	52	309

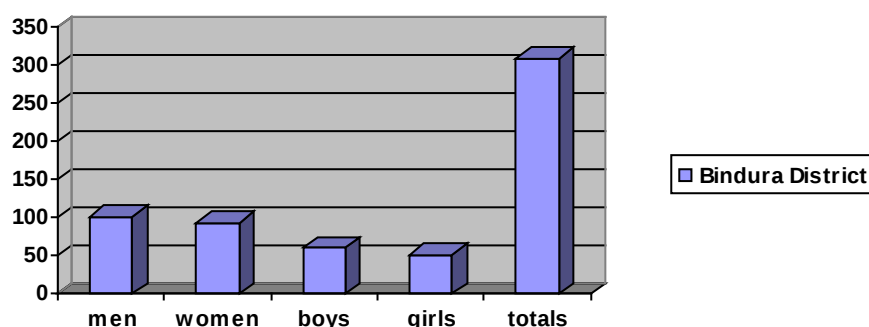


Figure 1: Respondents interviewed in Bindura District

In the two districts, the research was conducted with over 545 respondents (162 women, 207 men, 98 boys and 78 girls), comprising 309 respondents in Bindura District and 236 respondents in Hurungwe District.

3.5 Research Guide /Checklist Questions

Numerous checklist questions formed the research guide that constituted and set the broad parameters for the research, with room for the researchers to probe and inquire deeper into issues of concern. The major areas that the research looked into during the research process are in **Appendix 5**.

3.6 Key Informant Interviews

The research team held discussions with a number of key informants in the sampled areas (**Appendix 3**). The interviews covered various aspects pertaining to birth registration in the sampled communities.

Some of the key informants with whom discussions were held were:

- NGO project officers
- Councilors
- School Headmasters and teachers
- Traditional Birth attendants
- Church representatives
- Unregistered children

3.7 Focus Group Discussions

Focus group discussions were held in instances where there were many respondents to render the administering of individual questionnaires inappropriate. A focus group is

a special type of group in terms of purpose, size, composition and procedures. The participants are selected because they have certain characteristics in common that relate to the topic of the focus group. Unlike the self-administered questionnaires where there are high chances for questionnaire mortality, the FGDs ensure that targeted respondents give some form of response and any issues that need clarification are immediately addressed.

According to McNamara (2004), the focus group discussion technique is a vital tool for evaluating service provision because it can raise discussion and provide in-depth information. In the focus groups the researcher creates a conducive environment in the focus group that accommodates different perceptions and views, without pressuring participants to vote, plan, or reach consensus. The group discussion is conducted several times with similar types of participants to identify trends and patterns in perceptions. A focus group is, thus, a carefully planned discussion designed to obtain perceptions on a defined area of interest in an open, free, permissive, non-threatening environment.

The focus group at Avlin Farm, Bindura had 28 women and 5 men because the women had been mobilized by FOST for some of their project activities. At SOS Bindura the focus group was wholly made up of women, community care-givers who had come for their regular meetings. At Kushinga Farm, Hurungwe District, the focus group was made up of 13 males who were part of a garden project. A group discussion at Nyamambizi Farm, Ward 5 (Hurungwe) had 8 men, two women and 5 boys.

A list of categories of participants who made up the focus groups is attached (**Appendix 4**). Other discussions were also held with partner institutions and those that are involved in implementing various child-focused programme interventions. Additionally, there were also discussions with boys and girls without birth certificates as part of the consultations in FGDs.

3.8 Limitations to the research

The Research Team faced some logistical and process challenges. Some of the encumbrances faced by the Research Team resulted in some aspects of the work not being covered as planned. Some of these limitations to the research were:

- In Hurungwe District the researchers were denied permission to go into the schools where they wanted to meet with teachers and children. The District Education Officer insisted that the team (or JCT) needed a go-ahead from their Provincial Education Director (PED) in Chinhoyi. On meeting the PED the researchers were told to first obtain a letter for the head office in Harare for such activities to be carried out in the schools.
- At the farms the researchers were quizzed by party youths as to their motives and agenda in carrying out the research.

3.9 Report format

Chapter 1 of the report presents the introduction to the study and the situation analysis and information on some related researches that have been conducted on the subject. In

Chapter 2, the report contains the background literature that looks into the international, regional and national frameworks as regards birth registration. Chapter 3 covers the research methodology. In Chapter 4 the report deals with the research findings where the various issues and topics are presented. Chapter 5 looks into the major recommendations and the conclusion of the report. The report ends with the appendices.

CHAPTER FOUR: RESEARCH FINDINGS

4.0 Introduction

The following were the major findings of the research in Bindura and Hurungwe Districts:

4.1 Attitudes and reasons and for non-registration

The major causes for non-registration included what respondents referred to as RGs office's strict and rigid requirements. The long investment in time through travelling and queues emerged as a major discouraging element to birth registration for many rural folk. It was reported by both the RGs office and some respondents that generally some people did not perceive the significance of birth certificates. However, when there is an urgent requirement for it, such as school examinations, parents desperately and earnestly seek birth registration.

In Hurungwe 26 (70%) of boy respondents between did not have birth certificates whilst the percentage was 19 (73%) for girls. 231 (75%) of the adult respondents in Bindura and 195 (82%) in Hurungwe Districts had no birth registration. For this group, in Hurungwe birth non-registration was more among women (80%) as compared to men (76%).

Apparently, general some parents do not enthusiastically seek the registration of the children soon after birth, but do so as the children mature or grow up and the birth certificate becomes a vital document in the children's lives.

However, the RGs office in Bindura also noted that often there is an apparent lack of interest by parents or guardians to register minors. This is caused by limited awareness on the significance of birth registration. Such limited understanding can be linked to poor civic education or legal literacy on the relevance and necessity of these papers. Some of the problems associated with non-registration include poverty, logistical problems of accessing registry offices and suspicions around the whole essence of registering birth, especially among non-Zimbabwean populations.

Some people had problems of not having the correct supporting documents to obtain child's birth certificate. From JCT's case files yet another problem that they encounter is when people give false information for purposes of obtaining birth certificates for their relatives (refer to case File 2 in the appendices). Apparently, some people lost documents such as birth notices. Some never acquired the basic documents needed such as IDs to support the registration for birth certificates.

Low literacy leads some people not remembering the actual dates of birth of minors, thus leading to their failure to register them. There is general low public awareness of the need to acquire birth certification. Many, it was said, were

unaware of the measures required in the course of birth registration. The other noted causes of non-registration were, however, more in terms of the absence of an adult with the drive to ensure such registration.

Other fundamental reasons for child non-registration that were raised in semi-structured discussions were wrecked families; children born out of wedlock; lack of knowledge of the laws and requirements for birth registration; single parents; illiteracy on the part of guardians or parents and a low level of knowledge and awareness on the merits of birth registration.

Respondents revealed that the outcome of the non-registration of children has a major effect on stifling a child's life opportunities.

4.2 Access to registration centres

Crucial government offices (such as the RGs office) are situated in the provincial or district centres, which are, by and large, still very far away from the majority grassroots population.

In both Bindura and Hurungwe it was noted that the registration centers were inadequate and that where some decentralized centres have been established, such as Katumba in Matepatepa area and Bindura Hospital suboffices in Bindura District or Kazangarare and Chidamoyo sub-offices in Hurungwe, these centres are still very far from many rural communities to make a phenomenal impact on reducing the number of unregistered people.

In Dendera Village, Hurungwe an elderly respondent said: *“Dai vakaisa havo hofisi pano paMagunje. Chidamoyo irikure, zvinongofanana nokuenda kuKaroi”* (They should put the sub-office here at Mangunje. Chidamoyo sub-office is very far, it is just the same as going to Karoi).

4.3 Legal framework

In Bindura 79% of respondents stated that the legal requirements and framework governing birth registration were generally unknown, misunderstood and inadequate. In Hurungwe 95% of respondents said that they were ignorant of the laws and that the legal framework that governed birth registration was inadequate and often stated in ambiguous ways by officials in the RGs office.

There were allegations that certain information was only revealed or requested after a person has traveled all the way to the registration centre and turned away. However, during interviews, RG senior officials in Bindura stated that this was generally not the case. They noted, instead, that although some people were aware of the requirements, often they did not have all the documents needed and they end up making different unfounded allegations.

As provided in Section 11 (2) of the BDRA that registration has to be done within 42 days, respondents stated that 42 days was a relatively short period of

time for birth registration, and that the 90 days (three months) after birth would be ample time for the registration of births. Respondents suggested that no penalty should be charged for delayed registration because currently the processes of birth registration are not complemented by efficient systems and procedures.

The Legal Resources Foundation (LRF) believes that the legal framework was adequate but there appeared to be some problems at implementation level. According to 65 adult respondents (18%), the current legal framework is cumbersome. It was said that the Act was burdensome to surviving relatives of children whose parents are deceased because in Section 11 of BDRA, people such as the occupier of the house where the birth occurred, a headman, any major present at birth or any major as prescribed have the responsibility to register a birth. The relatives need to go through a process before acquiring guardianship. The Provincial Registrar in Bindura stated that the legal framework was adequate. On this issue the RG officials contended that the legal requirements were designed to protect the interests of minors. Some CPS officials are also of the view that the position of the RG's office appears to be that of keeping or registering only bona fide Zimbabwean citizens.

JCT continues to engage a wide range of stakeholders to continually review and discuss the laws governing birth registration in Zimbabwe as part of their lobbying and advocacy programme.

4.4 Socio-economic factors affecting Birth Registration

Due to economic difficulties often people can not afford to travel with several witnesses. Sometimes non-payment of maternity fees leads mothers to leaving hospitals without being issued birth notification records. It was said that to compound this economic challenge, it was said that clinics demanded a search fee for a birth record and then the proper fee is required for the issuance of the birth record document. However, this allegation could not be ascertained during the research.

A major socio-economic issue noted during the research related to the sponsorship of witnesses to the registration centres by way of paying for their bus fares, accommodation and food. Most respondents argued that it was very expensive for them to travel to registration centres with two witnesses, in situations where relatives wanted to assist some minors to obtain birth certificates.

4.5 Social and cultural factors affecting Birth Registration

The Guardianship of Minors Act [5:08] makes the father the natural guardian of a child and the mother the natural custodian, unless an application is made in court and granted. In Section 12 of the BDRA, mothers can register their children on their own using their maiden surnames. However, some were reluctant to do this in fear of possible cultural and traditional repercussions in

future, such as *ngozi* (an avenging spirit). It emerged also that 41 (25%) of women respondents were afraid of the “unknown”, if they registered children in their maiden names.

Social issues that emerged during the research and which affected birth registration of children had to do with cases involving remarriages. After a remarriage or at the birth of an illegitimate child a father sometimes denies paternity or responsibility of his children and becomes reluctant to play his role in registration the children (**Favard v Favard; Douglas v Meyers**). He may also make it difficult for his new wife to get in contact with her former husband for purposes of registering her children. Similarly, after a remarriage a wife may make it very difficult for the husband to communicate with his former wife for purposes of obtaining birth certificates for his children.

4.6 Gender considerations that affect or influence birth registration

In the research, gender did not seem to play a noteworthy role when families considered the registration of children. Section 12 of BDRA states that a father cannot register a child in his own name unless there is a joint request to do so with the mother. However, some men argued that it must not be made to be so difficult for them to register children in their names in the absence of a joint request with the mother, for example, in cases where the mother is dead or has abandoned the child.

There was no marked difference between the numbers of boys and girls with and those without birth certificates. The challenging circumstances and issues encountered by both boys and girls were generally the same. Out of 63 school children (37 boys and 26 girls) interviewed in Hurungwe District, 29 out the 37 boy pupil respondents (78%) and 19 out 26 girl pupils (73%) did not have birth certificates. The numerical variance between boys or girls with and/or without birth certificates was the same from both Bindura and Hurungwe Districts and from the various settlement patterns.

4.7 Constraining systems and procedures in Birth Registration

Some of the procedures for birth registration as provided for in the BDRA and detailed in 2.3.2 above are that it is compulsory to register any death or birth occurring in Zimbabwe for any person whose birth occurs after 20 June 1986. Section 11 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. In cases where both parents are dead or are unable to register their child by virtue of some inability, then the prescribed persons should register the child.

The BDRA enables the re-registration of a person born out of wedlock upon presentation of evidence that this person should be regarded as having been born in wedlock. Section 25(1) reads as follows "no birth, stillbirth or death which occurs after the 20th June 1986 shall be registered after the expiry of

twelve months from the date of such birth, stillbirth or death except with the written authority of the registrar general."

Section 11 provides that the registration has to be done within 42 days of the birth. The liability for registration is with the parents of the child. Registration allows the child to be given a birth certificate bearing his or her name and the name of the father in case of marital child. Section 12 provides that children born within a customary law union or born of single mothers can use the name of the mother, unless the father consents to his name being given to the child.

It was alleged by some respondents that the bureaucracy at RG's offices contributed to 63% of those children that failed to get birth registration documents. Such bureaucracy included those people that came with what they think are the necessary documents only to be told that there is something else that is required for them to be registered.

It was noted that urban centres are more predisposed to greater rates of registration than the countryside due to the fact that registration offices are located in such centres. Likewise children delivered in hospital have a greater chance of being registered as compared to those delivered in homes. This was the case in Bindura District during the period when that registration office was located at the Bindura Hospital.

4.8 Decentralization of the Registrar General's Office

Birth registration offices are highly centralized, and communities with scarce resources endure financial hardships in accessing the sparse decentralized offices that issue birth certificates.

The RGs office has plans to open more registration centres in the district. Currently there is one active centre at Katumba in Matepatepa area. There used to be another sub-office at Bindura Hospital but it was closed due to "lack of work". In Hurungwe District there are two sub-offices at Kazangarare and Chidamoyo. However, it was said that these centres were still very far from many rural communities within the respective districts.

255 (65%) of adult respondents stated that the decentralized centres had been very helpful in reducing the distances that people traveled to obtain registration documents.

4.9 Efficiency and Corruption in the RGs offices

In Bindura 241 (65%) adult respondents believe that the RGs office is generally inefficient. They stated that although the officials in that office "looked" busy all the time, they were actually inefficient. However, in Hurungwe 195 (52%) adult respondents indicated that they felt that the RG officials were doing their best whilst operating under very challenging circumstances and realities. Observations of the researchers in Bindura noted that the RG's officials were

busy serving clients and looked overwhelmed by the huge numbers of people awaiting service. In interviews with RGs office's senior officials in Bindura they noted that budgetary constraints and gross under-funding were the major challenges that negatively affect their efficiency and operations. They also note a dire shortage of staff that has led to service delivery being severely compromised but they added that they were very efficient.

In Hurungwe District 95% (165) of adult respondents alleged that officials in the RGs office in the provinces and districts were very corrupt. It was alleged that those with resources (such as goats and chickens and offered these to RG officials) always got birth certificates, even when they were in the same situation and circumstances as those others that were turned away. The RG officials denied these allegations and stated that people created such allegations.

34% of adult respondents in both Bindura and 53% in Hurungwe Districts noted that they were not sure whether officials in the RGs decentralized offices were busy or not. They noted that they only saw them moving around busily but could not ascertain how truly busy they were. However, the RGs officials counter this saying that obviously when one is not served timeously (as is the case sometimes) the concerned people attributed this to inefficiency. A CPS official argued that if RG's officials applied the rules rigidly they might become too efficient to a point that they might appear to be inefficient when work becomes stalled by excessive bureaucracy and little discretion where such discretion could have been exercised.

4.10 Mobile Registration

86% of adult respondents in Bindura District and 91% in Hurungwe District revealed that the mobile registrations conducted were very beneficial to those people in far away areas who could not travel to main registration centres. It came out that many people, especially in the farming areas and communal lands, obtained their registration documents during mobile registration exercises. They said that, however, the schedule of registration visits in the centres was not well publicised to ordinary people, especially in remote rural locations and farming areas. The RGs office in Bindura, however, said these events were well publicized through various structures and traditional leaders.

From semi-structured interviews many respondents believe that mobile registration has gone a long way in decimating the population of unregistered children in Zimbabwe. However, often the challenge has been that when the mobile registration teams visited, some people cannot articulate what is required for the registration to proceed smoothly. A major process issue raised in the research was that some people, especially witnesses, failed to give what the RGs officials viewed as "correct or genuine responses", thereby failing register.

4.11 Attitude and behaviour of officials in the RG's office

In Bindura 97% of respondents stated that the attitude and behaviour of officials in the RGs was despicable. It was said that they were rude and did not listen to people, often saying very harsh and uncaring words and comments to people who may have queued for hours or even days to get served. At Avlin Farm, a middle aged woman said “*vanange vakazvarwa nemunhu mumwe*” (they behave as if they were born by the same woman).

In Hurungwe District 93% of adult respondents revealed that the attitude and behaviour of officials was, unfortunately, akin to that of “a beggar asking for alms” with them haplessly in the nonnegotiable and disadvantageous position. 89% of respondents in Bindura District stated that they actually feared RG officials who, it was alleged, could say whatever they felt like to them and there was nothing they could do about it.

It was alleged that most officials in the decentralized offices did not show a humane face when dealing with the clients or the public, with some going so far as to shout demeaning words to clients. Respondents described what they went through at the RGs offices as nerve-racking, with unsociable and surly personnel, often coupled with contradictory and ambiguous registration procedures. RG’s officials in Bindura said these were very isolated incidents.

An elderly man in Bindura told a story in which he traveled from Matepatepa to Bindura with relative and a 6-year old grandson he intended to register. His son had been customarily married. He (the grandson’s father) went to Mozambique, fell ill and died there. The grandson’s mother abandoned the boy and went back to her parents’ home in Makuni, Rushinga District where it was also said she too had passed way. The grandfather had neither the birth record nor his son’s death certificate. When the old man went to the RG’s offices in Bindura he was informed that he need another witness for him to register. When he tried to plead with the officials he said that he was shouted at and termed a lying old man. He said that the officials said to him “*hamunyari kureva nhema murume mukuru*” (An old man like you are not even shy to be telling such lies).

The BDRA provides that when a grandparent or other relatives are registering the child in the absence of both parents, they must bring the birth record, the marriage certificate of the parents, relatives of both mother and father to swear affidavits that those are the parents of the child, death certificates, if the parents have died or if parents have disappeared, a court declaration that they are missing persons will have too be applied for. The court will only issue this if there is evidence of abduction or possible death; if there is no such evidence, the court will not issue a declaration until the parents have been missing for several years.

4.12 Requirements for Birth Registration

54 adult respondents (28%) in Bindura noted that people failed to get registered because of not having the requisite documentation such as birth notices as

prescribed in the BDRA. In the event of the death of parents, the registering relatives must produce the death certificates and bring witnesses. In Hurungwe District this view was shared by 98 of adult respondents (50%). Children born out of wedlock were cited as the foremost reason that children failed to get birth registration. Lack of knowledge and information on the requirements and procedures, as prescribed in the BDRA, led to many people failing to get registered. 75% of children respondents in Hurungwe between 7-16 years said they did not know the requirements for birth registration.

4.13 Accessibility of information on Birth Registration

Because of what some respondents termed a hostile attitude of officials at RG's offices, respondents said that they felt intimidated to ask or seek clarification on even the simplest civil procedures or issues. Some respondents noted that the information they had on birth registration was from other people.

The researchers noted that outside the RGs office in Bindura there was not even a single piece of poster or paper that informed people about procedures they needed to follow for them to be registered. One would have expected to find, publicly displayed, posters/papers/information that summarises the requirements for one to get a birth certificate.

85% of respondents in Bindura District seem to be uninformed about what is required for them to obtain birth certificates. A lot of people get to know of what is needed for birth registration only when they have gone to the RGs office for the registration. There were overwhelming opinions that information from RGs office was haphazardly disseminated. On this allegation, the RG's office in Bindura contended that information on birth registration is regularly disseminated to the public and that people were, in most cases, aware of the processes and procedures.

4.14 Government and civil society relations

Besides working with the RG's offices, in both Bindura and Hurungwe Districts there are other NGOs and agencies that promote and support children's interests, which JCT collaborates with. In Bindura, NGOs such as Farm Orphan Support Trust (FOST), National AIDS Council (NAC), Red Cross and SOS also work with children in various advocacy and programmatic areas. In Hurungwe, organisations such as NAC and World Vision Zimbabwe also work actively with children in various areas to support unregistered children in their bids to obtain birth certification. Often they send such cases to the Department of Social Welfare for further assistance. JCT also works closely with the Ministry of Justice (Courts) and the Ministry of Education in its programmes.

4.15 Birth Registration campaigns

In both Bindura District 94% of respondents and 91% in Hurungwe Districts noted that the RGs office did not conduct awareness campaigns on birth registration. In Bindura 5% said that they did not know whether such campaigns

were ever conducted whilst in Hurungwe District 3% revealed that they did not know anything about such campaigns.

4.16 Single parents and orphans in Birth Registration processes

The issue that single parents faced major challenges in attempting to register their children emerged from 75% of female respondents in Bindura. The percentage was 82% in Hurungwe. However, some women noted that they had no problems registering their children as single mothers. A self-proclaimed commercial sex worker in Ward 5, Hurungwe District, stated that she was having problems registering her children from different male partners because of what she considers to be strict registrations against women like her. However, this is not correct because in Section 12 of the BDRA there is provision that single mothers can register their children using their maiden names.

It was said that minor orphans faced the challenge of getting relatives who were prepared to help them get birth registration (**Dhanabakium v Subramanian**). Reasons for these challenges range from reluctant and disinterested relatives to those cases where there are disputes between the late father's and the late mother's families.

4.17 Access to education and other social services for unregistered children

It was noted in the research that many children cannot sit for public examinations because generally, schools do not enroll children who do not have birth certificates. The research showed that some very talented unregistered children used their sibling's birth certificates to be entered into school sporting activities and competitions. There was a consensual view that unregistered children had limited access to many social services such as further education, obtaining other documents such as driver's licenses, passports or getting employed.

87% (321) of adult respondents stated that from birth, unregistered children were disadvantaged because the absence of a birth certificate deprives a child of evidence of their name, age, place of birth, his/her parentage and ultimately his/her citizenship. The RGs officials in Bindura stated that a birth certificate was critical because it is a requirement when one is applying for national documents like a national I.D. or a passport which bestow citizenship on the holder.

4.18 Non-Zimbabwean and refugee children

The major challenge for non-Zimbabwean or refugee children comes when their parents do not possess identity documents themselves, such as birth certificates or IDs. JCT's case files confirm this situation in Bindura District where a large number of non-Zimbabweans were said not to have birth registration documents. This makes it very difficult for them to obtain birth certificates for their children until they themselves become registered. In Hurungwe District

respondents said that they were not aware of any refugee children or population, although there were many non-Zimbabweans on the farms.

In Bindura District, however, it was revealed that the majority of unregistered children were offspring of non-Zimbabweans, who where themselves also unregistered. At Ran Mine, Bindura, it was said by the ZANU (PF) Chairman at the mine that although over the years, there had been a diffusion of people of different nationalities to all sectors and areas of society, it was still evident that many people of Malawian, Zambian or Mozambican origin are commonly found on farms and mines. Such people, concurred the District Administrator (DA) in Hurungwe, the RGs office in Bindura and SOS Bindura senior officials, normally did not have birth or national registration.

4.19 Socio-economic coping strategies of unregistered children

Respondents revealed that the absence of birth registration documents or a birth certificate perpetuated a cycle of poverty, especially in the farms. 60 respondents or (84%) of those on the farms had no birth certificates. This results in such unregistered children working on the farm, marrying and having children of their own, whom they cannot register because they too are unregistered.

Unregistered children (who grow to become adults) in other settlement areas such as towns and mining locations also face similar challenges of an insecure future. They cannot get formal jobs (because a birth certificate or I.D. will be required). It was said that many of these children ended up engaging in menial jobs. It was brought out in the research that such a situation led to the perpetuation of paucity and social lack, and the continuation of deprivation from generation to generation.

4.20 Support of other agencies towards unregistered children

77% of respondents mentioned that they were unaware of the support of other agencies in the issue of birth registration. In both Bindura and Hurungwe 23% of respondents said that they were not sure of who else was involved in birth registration campaigns. However, besides JCT, organizations such as SOS, FOST (Bindura), Batsirai Group (Chinhoyi) and the Red Cross (Bindura) work collaboratively to support issues of child registration whenever such cases are reported. In Bindura, SOS refers unregistered children to the Department of Social Welfare for assistance in obtaining documents for them. The Legal Resources Foundation (LRF) is also working with the RG's office in the drive to obtain birth registration for children in need. In both districts JCT also collaborates with the Ministry of Education and the Ministry of Justice who have been very supportive whenever cases have been referred to them.

4.21 Focus of future advocacy campaigns in Birth Registration

The research affirmed the philosophy of CRC that the registration of children is critical in bestowing and restoring the dignity of children and that it accorded its

holder a gateway to citizenship and national identity. It was stated that in that regard, the advocacy campaigns needed to get the people to fully appreciate the centrality and critical importance of birth registration in their lives. JCT engages the RG's office whenever they have cases in which they need that office's assistance in advocating the interests of children regarding birth registration. JCT expects such collaboration to be intensified in the future.

LRF would like to see more campaigns targeting attitudinal change of parents on why birth certificates are necessary. SOS Bindura noted that there was need for more "legal literacy" for people to better understand the requirements of the laws on birth registration. CPS would like to see the scaling up of the review of legislation and a broadening of advocacy efforts at both community and national levels. CPS also noted that it was difficult to determine the duration of advocacy programmes but generally, such efforts require longer time frames.

CHAPTER FIVE: RECOMMENDATIONS AND CONCLUSIONS

5.0 Introduction

Based on issues raised in the research, the following recommendations are made regarding birth registration in Zimbabwe:

5.1 Capacity building and development

There is need to increase staff in the RGs office.

- Staff (from other ministries) that assist in the mobile registration process need better and more intensive training in human and people management and social relations.
- More mobile and other forms of community awareness and information dissemination are necessary.
- Public information documents for ordinary people are critical (more so if they are in local languages).
- There is need to encourage and plan for more organized and systematic mobile registration campaigns (in terms of timing and regularity).
- Local and grassroots' consciousness programmes need to be planned for and implemented regularly.
- Enhance the capacity of the RGs office for better inter-agency and inter-organisational cooperation for increased acceptance for those intending to register for birth certificates.
- Parliament should be lobbied to play a more dynamic role in advocating for child-friendly laws.
- There is need to provide greater funding to the RGs office.

5.2 Inter-agency/Inter-ministerial support

- In the interest of inter-ministerial cooperation and coordination, the RGs office should use the Department of Social Welfare for social investigation of disadvantaged children in need of birth registration documents.
- Inter-ministerial collaboration, joint programming and programmatic linkages between and among government sectors should be encouraged not only for purposes of information dissemination but also as a way of complementing community efforts, e.g. the use of other departments/ministries to compile case histories in support of "difficult" cases.

5.3 Legal issues and framework

- The requirement of having a birth record is very burdensome and a hindrance for a lot of rural folk so this requirement should be revisited.
- Obtaining a birth record is a cumbersome process and requirement. For instance, if a child was born in Parirenyatwa Hospital, it is costly to go back and forth from Bindura/Hurungwe to Parirenyatwa Hospital to renew the birth records and then having to go to Market Square to obtain a birth certificate.
- 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, with the exception of those delivered in homes.
- The clause on compulsory registration of children needs to be supported by enabling instruments that can help to enforce it.
- The right to a birth certificate should be included in the Zimbabwe constitution.
- The CRC and associated international legislation need to be domesticated into national legislation.
- The BDRA needs to increase the categories of people that can register the birth of children. These could be such senior community leaders as headmasters, doctors, nurses, chiefs and priests.
- Birth and death records should be computerized to allow someone, for instance born in Harare but now resident in Hurungwe, to obtain the long birth certificate near where he currently resides (and not ask people to travel to the areas/districts where they were born or districts of original registry);
- Amend BDRA to allow children in *loco-parentis* legal authority to register siblings (with testified support of their local leadership)

5.4 Administration

- Enforce the mandatory birth registration of children (be they under guardianship or their parents);
- Establish a public relations agency or an enquiries office at registrar general's offices;
- Birth registration cases should be assessed on their peculiarities and individually;
- Information on documentation required for birth registration should be publicly accessible;
- Widely and effectively announce mobile registration dates and times;
- Engage local and traditional leaders to gather together communities and make them appreciate the need and necessity of birth registration;
- Whilst national security concerns are critical to avoid the registration of non-Zimbabweans willy-nilly, there is need for more strategic focus on national interests that consider the undesirability of having a huge unregistered population in the country.
- Traditional and local leaders could keep records of the children born in their areas for authentication purposes when they need registration documentation and verification ;
- Establish more mobile registration centres for peri-urban and rural areas;
- Give headmen authority to provide verification letters for OVC;
NGOs and other stakeholders should complement government and the RGs office through resource mobilization, technically resorting the necessary programmes and activities, and providing the requisite skill development.

- In the case of death the mother, the father should be empowered to register the child, not the family of the mother because the father is the natural guardian;
- The first registration and first copy of the birth certificates should be free.
- Persuade pre-schools to ask parents to bring birth certificates before enrolment (without denying those that do not have them);
- The significance of birth registration should be extensively understood through the active engagement of the top political leadership and traditional leaders, with more resources being allocated for information dissemination and awareness.
- Headmasters should be capacitated to assist in investigating circumstances of children in need of birth registration.
- Birth registration centres should be significantly decentralized for greater accessibility by the majority population.
- Whilst some stringent requirements are required to protect the interests of minors born out of wedlock such as orphans and children from broken families, these could be made less rigid treatment so that guardians find it less strenuous and problematic to get a birth certificate.
- There is need to campaign for minor/child-friendly birth registration strategies.
- Children could be used in the promotion and information dissemination on birth registration in both schools and the community through innovative campaigns such as development theatre/drama.
- Schools authorities must be encouraged and supported to endorse the critical relevance and importance of birth registration through urging parents who bring children for admission to get their children registered.
- Opportunities such as community meetings and groupings (for other development programmes) should be incessantly used to advocate for child registration.
- Stringent document requirements for non-Zimbabwean children aged below 18 should be relaxed;
- Child friendly registration desks should be established;

5.5 CONCLUSIONS

The research gleaned out issues on the registration of children. It revealed various levels of understanding of the legal framework, socio-economic conditions and related challenges that unregistered children faced. The research also brought out some of the ways in which issues of child registration could be supported in legal and social terms.

People's perceptions regarding the functions of the RGs office also emerged and RGs officials in the two districts explained their own views and experiences regarding these perceptions of the respondents. Apparently the RGs office needs to relentlessly engage the generality of the people to explain its roles, functions and regularly raise awareness on the requirements for birth registration.

APPENDIX 1: JCT CASE FILES

CASE 1

(Bindura)

XXX is a 16 year old boy who is a double orphan. He says that he is told he was born at Glendale Hospital on 6 January 1991. His mother's name was ZZ and his father was called XY. His mother, who came from Mozambique, died there when he was in Grade 2. His father passed away when he was aged 5. He does not know whether or not his father's relatives have his father's death certificate.

XXX says that he grew up feeding on handouts from well-wishers. Currently he lives with a friend's grandmother. He does not know any of his father's relatives and is not in touch or contact with anyone he might even remotely call a relative.

He says he is told that his father came from Chief Mutandiri Nhaumadziva in Masembura area. He says that he was informed that his father's younger wife lives there.

Action

- JCT advised XXX to visit the Provincial Registry in Bindura to trace the whereabouts of his parent's relatives
- JCT travelled with XXX the RGs office and no records were found in the computer

CASE TWO

(Chinhoyi)

YYY reports that his mother passed away on 3 April 2003. the mother was across border trader who used to go to Botswana to buy wares for resale. She has a birth certificate which was obtained using her aunt's name as the mother because the late mother had no birth certificate when YYY need to be registered for her to enter school. She is currently in Form 1 at Chemagamba School, Chinhoyi.

YYY states that her mother had bad relations with her family. When the mother was ill noone came to visit her. She says the relatives only came when her mother was critically ill and had been taken to hospital. The mother is said to have written a letter ordering that after her death her property was not to be sold.

In September 2007, her maternal grandfather came to take her stating that he wanted to go with her to the rural areas. She was taken to Gadzema, Chinhoyi where she is living with BBB, a cousin brother. YYY says that the maternal grandfather sold her mother's assets except for the refrigerator, the TV and some plates. She sold the wardrobe,

kitchen unit, the bed and stove. YYY said that a few weeks ago the grandfather came back and told her that he wanted to go to Harare to live with the younger brother of the maternal grandmother.

YYY said she reported the matter to Chemagamba Police Station. His mother also has a residential stand in Katanga Section, Chinhoyi.

The aunt alleges that the property they took belonged to her.

Action

- JCT wants to interview current custodian as part of the process to apply for custody
- To find ways in which YYY can have his mother's estate registered so that it can be protected
- Need to discuss with maternal relatives and advise them to produce affidavits so as to rectify her birth certificate.

(Refer to summary of Administration of Deceased Estates Act [6:01])

CASE THREE

(Bindura)

The boy's father passed away in June 2002 and the mother deserted the family immediately thereafter. He is an only child. The father died before the boy had a birth certificate acquired for him. Before the father died his excuse for not obtaining a birth certificate for the boy was that the mother did not have an ID.

The father was of Malawian origin. The now lives with the paternal aunt. He completed entry forms for grade 7 public exams. At one point he "borrowed" a birth certificate from the aunt's son who is in grade 5 for sporting activities.

He failed to qualify for Better Education Assistance Module (BEAM) and SOS block grant due to the absence of a birth certificate. The aunt has tried to get a birth certificate for him but officials from RG insisted that the mother is still alive so there is need for her to come and process the birth registration.

Action

- Advised client to seek his mother's relatives
- He should get more information from the aunt or other relatives on where he can begin his search
- JCT will assist by liaising with RG's office in Bindura to search for records of surviving relatives

APPENDIX 2: SELECTED CASE HISTORIES FROM FIELDWORK

CASE HISTORY ONE (1)

Interview with Grade 7 Boy (14 Years) – Mwayerera Primary School, Bindura

His father refused to get him a birth certificate citing reasons that he was busy. He is a security guard at Trojan Mine. All the children in the family, except one, have no birth certificates. The RG's office went to Manhenga Growth Point but his father could not go there with him as he said that he could not take time off from work.

Initially the boy was enrolled at Denzva Primary School and was later transferred to Wayerera Primary School in Bindura. He fears that he might not be able to write Grade 7 public exams. However, he managed to fill in the entry forms but the headmistress told him that he might not be able to write the public exams. When SOS came the boy could have qualified to enter into the block grant system but failed due to the lack of birth registration documentation.

The boy is brilliant in soccer, so when it is the time for sport he "borrows" other pupils' birth certificates. The soccer team has all in all 6 people who "borrow" birth certificates from other pupils. The mother has an ID and the father also has one but there is apparent reluctance on the part of the father to commit to obtaining the birth certificate for the boy.

CASE HISTORY THREE (2)

Interview with Grade 5 Girl (11 years) – Dixie Primary School, Hurungwe

The father is deceased and the girl stays with her mother. The father was buried in Mt Darwin. The girl failed to get a birth certificate as the father's death certificate was not available. The mother has an ID and has made numerous trips to Karoi. The girl stated that the RG's office advised them to change the girl's surname to enable her to access birth certificate. The girl also does not have a birth record. Due to economic constraints mother cannot go to Mt. Darwin to get the girls' father's death certificate.

CASE HISTORY FIVE (3)

Interview with Form 3 Boy (17 years) - Chipadze Farm School (Secondary), Bindura

XXX lost both parents. The father and mother died after they had been divorced. They died a long time ago. The girl came to Bindura to work as a maid and she does not know any of the maternal/paternal relatives. She lived briefly (6 months) with a married man before the husband ran away to his matrimonial home in Chipadze. After birth delivery, the man has failed to provide for the baby. He says she should claim

maintenance from the court when in fact he knows that she does not have any identification particulars making it difficult and impossible to access any maintenance.

She has tried to use fake witnesses so as to get a birth certificate but she alleges that some RG's personnel have asked her give them \$1 million Zimbabwean dollars for them to process her birth certificate but she does not have that kind of money.

CASE HISTORY EIGHT (4)

Interview of Girl (13 years) - Grade 7 - Dendera Village, Hurungwe District

XXX is a 13 year old child at Maumbe Primary School. She is in Grade 7 and does not have a birth certificate. Her father died in 1995 and her mother remarried. She stays with her grand mother. Efforts to register her birth were made by her mother and grandmother but were unsuccessful because there were no witnesses from the father's side. Her baby card is in her father's surname.

Efforts to locate the father's relatives have been unsuccessful. The RG's office gave them an option to go and register in Harare (Makombe Building) but because they have no source of income, they have not been able to go there.

APPENDIX 3: LIST OF PARTICIPANTS IN THE KEY INFORMANT CONSULTATIONS

Bindura District

- Mr. Tsuro, Provincial Registrar – RGs Office
- Mr. Matakala, District Registrar – RGs Office
- Deputy Headmaster – Wayerera Secondary School
- Mrs. Mbuyayagonya, Headmistress - Wayerera Primary School
- Mr. Kashiri – SOS Children Social Centre Coordinator
- Mrs. Gambiza - Farm Orphans Support Trust
- Red Cross Home Based Care Givers
- Mr. Banda - ZANU (PF) Chairman – Ran Mine
- Mr. Sithole - District Education Officer
- Mr. Bhunu - Social Welfare Assistant, Department of Social Welfare

Hurungwe District

- Hurungwe District CEO - Mr. Moyo
- Mrs. Chinho - Social Services Officer, Hurungwe RDC
- Mr. Makuwerere - Social Welfare Assistant, Hurungwe RDC
- Hurungwe District Administrator
- Mrs. Chimbavaira, Councillor, Ward 10
- Mr. Chakamuka, Councillor, Ward 16
- Mr. Kazembe, Councillor - Ward 14
- Mr. Beremauro, Councillor - Ward 4
- Mr. Tigere – Social Welfare Officer, Karoi
- Mr. Ziyambi - Social Welfare Assistant, Karoi
- Mr. J. Musada – Ward 5 Councillor
- Mr. J.Chikwata – ZANU (PF) Chairman, Ward 5

National Stakeholders

- Child Protection Society
- Legal Resources Foundation
- Justice for Children Trust

APPENDIX 4: COMPOSITION OF FOCAL GROUP AND INDIVIDUAL DISCUSSIONS IN BOTH BINDURA AND HURUNGWE DISTRICTS

- Traditional birth attendants
- Unregistered children
- Headmasters
- School teachers
- RGs staff
- NGOs
- Political Party officials
- Civil servants
- Councilors

APPENDIX 5: GENERAL RESEARCH GUIDE / SEMI-STRUCTURED DISCUSSION CHECKLIST

The research was guided by some of the following questions:

1. What are the main issues relating to non-registration and access to registration centres?
2. How adequate is the current legal framework regarding Birth Registration?
3. What socio-economic and cultural factors, values traditions and norms negatively affect Birth Registration?
4. What are some of the gender considerations that affect or influence registration or non-registration of children?
5. What are some of the constraining systems and procedures in Birth Registration in Zimbabwe?
6. Has the decentralization of the Registrar General's (RG's) Office had a positive effect of having more people coming forward seeking registration?
7. Are the R-G's personnel in the decentralized offices idle due to the absence of people seeking registration?
8. Why are people not coming forward for registration?
9. Are people aware of the presence of the decentralized offices?
10. What is the attitude of officials in the RG's office towards people seeking registration and could a negative attitude be a push-away factor?
11. What improvements may be required to improve the efficiency, effectiveness of the RG's offices that would make them user-friendly?
12. Why are people being turned away from the RG's offices?
13. Which requirements of the RG's offices required for Birth Registration present the greatest challenge to would-be registrants?
14. How accessible to the public is information on Birth Registration?
15. What impact has Government and civil society relations had on the Birth Registration campaign?
16. To what extent do you think inefficiency and corruption in supporting institutions has affected Birth Registration?
17. What is the efficacy and impact of the current Birth Registration campaign?
18. Are Birth Registration campaigns reaching out to the intended target and with what effect?
19. What challenges do single mothers and orphans (or their guardians) face in Birth Registration processes?
20. How are non-Zimbabwean, refugee and non-resident children treated when they seek registration and how should this be improved?
21. To what extent do unregistered children access education, health and recreation?
22. What has been done with and for unregistered children by various agencies?
23. What should be the focus of advocacy campaigns and efforts towards Birth Registration in Zimbabwe?

APPENDIX 6: BIRTH REGISTRATION RESEARCH QUESTIONNAIRE

Justice for Children Trust

Every respondent is kindly requested to answer all questions with utmost truth and honesty. All the responses will be treated with great care and confidentially.

Section A – Background Information

- 1) What is your sex?
 - i) Male
 - ii) Female
- 2) What is your age?
 - i) 0 –15 years
 - ii) 16-30 years
 - iii) 31 – 45 years
 - iv) 46 years+
- 3) For how long have you lived in this area?
 - i) Less than 1 year
 - ii) 1 – 3 years
 - iii) 4 – 7 years
 - iv) 8 years +
- 4) What was the highest educational level that you attained?
 - i) Never went to school
 - ii) Between Standard 1 – Standard 6
 - iii) Grade Seven
 - iv) Form Two / JC
 - v) Form 4 / “Ö” Level – “Ä” Level
 - vi) Diploma/Degree (s)

Section B – Birth Registration Issues

- 5) What are the issues around birth non-registration, access to registration centres?

.....

.....
- 6) How adequate is the current legal framework regarding Birth Registration?
 - i) Adequate
 - ii) Inadequate
 - iii) Grossly inadequate
 - iv) Other, specify.....
- 7) What socio-economic and cultural factors, traditions and norms negate Birth Registration in Zimbabwe?

.....
.....
8) What, if any, are the gender considerations that affect or influence registration or non-registration of children?
.....

.....
9) What are some of the constraining systems and procedures in Birth Registration in Zimbabwe and what challenges do you face when trying to register children/dependants?
.....

.....
10) Explain whether or not you think the decentralization of the Registrar General's (R-G's) Office has had the positive effect of providing access to more people to come forward for Birth Registration.
.....

.....
11) What do you think are some of the challenges that unregistered children face in life?
.....

.....
12) Are people aware of the presence of the decentralized offices?
i) Yes ii) No
Please explain.....

13) In your view, are the RG's personnel in the decentralized offices idle?
a) Yes b) No
Please explain.....

.....
13) What is the attitude of officials in the RG's office towards people seeking registration and could a negative attitude be a push-away factor?
i) Hostile
ii) Friendly
iii) Facilitative
iv) Other, specify
.....

Please explain your response
.....
.....

14) What improvements may be required to improve the efficiency and effectiveness of the RG's offices to make them user-friendly?
.....
.....

15) Why do you think people are being turned away from the RG's offices and which current demands and requirements of the RG's offices present the greatest challenge to would-be registrants in Birth Registration?

-
-
- 16) How accessible is information on Birth Registration from the RGs office?
- i) Accessible
 - ii) Inaccessible
 - iii) Highly inaccessible
 - iv) Other
- Please explain your answer
-
-
- 17) How and to what extent do you think inefficiency and corruption has affected Birth Registration at the RG's offices?
-
-
- 18) What is the effectiveness and impact of recent Birth Registration campaigns?
- i) Effective
 - ii) Very effective
 - iii) Ineffective
 - iv) Never heard of them
 - v) Other, specify.....
- Please explain your response.....
-
- 19) In your opinion, what impact has Government and civil society relations had on the Birth Registration campaigns?
-
-
- 20) In your analysis, are Birth Registration campaigns reaching out to the intended target?
- i) Yes
 - ii) No
- Please explain your answer.....
-
- 21) How do you rate the work of the RGs office in your district?
- i) Efficient
 - ii) Inefficient
 - iii) Grossly inefficient
 - iv) Other, specify.....
- Please explain.....
- 22) In your view, how accessible are social, psychological support and education, health services for unregistered children and what legal challenges do they have to deal with?
-
-
- 23) How are non-Zimbabwean, refugee and non-Zimbabwean resident children treated when they seek registration and how should this be improved?

.....
.....
24) What economic activities do unregistered children's engage in when they fail to access Government and/or other services like education and health?
.....
.....

25) What challenges do single mothers and orphans (or their guardians) face in Birth Registration processes?
.....
.....

Section C- Sustaining Birth Registration Efforts

26) What strategies would you recommend to improve the services offered by the RGs office towards Birth Registration and unregistered children?

i).....

ii).....

iii).....

27) What do you think should be the focus of advocacy campaigns and efforts towards Birth Registration in Zimbabwe?
.....
.....

Thank you very much for your precious time and support

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