**Swaziland**

Legal framework for the civil registration

The registration of Births, Marriages and Deaths in Swaziland started on 26 May 1927 and was mandatory for the European and colored population only until 1971 when the registration was extended to the entire population. Although the 1971 extension was mandatory its compulsory nature was neither implemented nor enforced. The Birth, Marriages and Deaths registration Act No. 22 of 1927 was revised and replaced by the Births, Marriages and Deaths registration Act No. 5 of 1983 which was promulgated with effect form 6 January 1984.

The Births, Marriages and Deaths Registration Act (1983) and regulations framed in this legislative provide legal basis and describe procedures for compulsory reporting and registration of live births, still births (foetal deaths), deaths, marriages contracted according to civil rights under the Marriage Act No: 47 of 1964 and marriages solemnized according to Swazi Law and Custom or any other customary law as Zulu law, Chinese law and Muslim law etc.

The act is applicable to all persons residing temporarily or permanently in both urban and rural areas of Swaziland and to the citizens of Swaziland living abroad.

More specifically, the Act specifies definitions for live birth, marriage and still-birth.

The Act also covers how a registrar should be appointed, the informant for each event, requirements to change registration records, registration of illegitimate births, the duration between the date of occurrence and registration of the events (60-day period for the registration of live births and deaths and 7-day for the registration of still-birth), and the responsibility of registrars in the registration process.

Special provision is made on the registration of births and deaths occurred outside of the country. The Act does not include other details of the registration procedure such as the information to be registered and the preparation of the statistical report.

Regarding the registration of marriages, the Act specifies the procedures to be followed with marriages taking place under the Swazi Law or other law and customs.

**Technical aspects of the civil registration system**

**Procedures to register births, deaths and marriages**

For the registration of live births, parents or guardians need to complete the “Notice of Birth” (BMD 1) at their respective districts. If the birth was born at the hospital or a clinic, a record of Immunization Card is attached to the notice of birth. The two above documents are submitted to the Registrar of Birth at the local authority in the District where the child was born. The Registrar enters the birth in the system and assigns a pin number as a means of reference. The form is endorsed with the Registrar’s signature and issued.

If the birth occurred at home, an Immunization Card can be obtained from the nearest health center within one month of the child’s birth. The registration of death, just as the birth registration, is completed at district level. If the death occurred in a hospital or a clinic, a medical practitioner needs to certify the medical form and state the cause of death on the form. If the death occurred outside the hospital, a police report or a letter from the chief or headman has to be attached for the registration.

*Items covered in the registration*

Items on the birth notification form (Form BMD.1) include information on the child – name, date and place of birth, sex, legitimacy of the child (whether parents are married while giving birth) and date of marriage.

Information on natural father and mother collected on the form includes identity number and nationality. Occupation of father is also collected. Date of registration is covered as well.

Still-birth notification form (BMD-) collects information on

the sex and date of the still-birth, cause of death, nationality of both parents, and

Occupation of the father.

Death notification form (BMD. 2) collects information on the date and place of death, nationality, age, sex and occupation of the deceased, the date of registration and cause of death. A medical form is required to register the death if the person died in hospital.

**External Births and Death Registration**

For nationals living abroad, registration forms are available in all Trade Missions and Embassies abroad. Completed forms are sent back to the country for further processing. After processing, the certificates are dispatched back to be issued to bearers or parents.

**Late Registration of Births and Deaths.**

Any registration that is carried out after the sixty-day limit is considered a late registration. Provisions have been made under section 7 of the Act for the late registration of vital events by completing a late registration application indicating the reason for the delay and with the payment of a late fee equivalent to USD2.

In case of non-reporting of vital events, a notice as prescribed under section 4 of the Act is issued to the person who is required to report the occurrence of such event within 30 days or the person becomes guilty of an offence and liable to a fine not exceeding USD15 or imprisonment. The penalty has been included to serve as a deterrent for non-reporting.

In case of a death occurred, a certificate of cause of death is required to be submitted without any fee along with the death information which is issued by medical practitioners who attended the deceased during his illness or before death. If the deceased is subject to an inquest, then a certificate showing the cause of death is required to be issued by the officer holding the inquest or inquiry.

When the cause of death is not certified by a Medical Practitioner, it has to be included on the death information form cause of death information from a short mortality list.

Efforts are made in order to curb down double registration involuntarily or deliberately as these errors may not be detectable by demographic analysis at a later stage. All vital events registered in Swaziland are registered only by place of occurrence to help avoiding the duplication of registration.

**Informants**

The informants for a birth, according to the Act, is the mother of the child in the event of the death or absence, any person present at birth or the occupier of the dwelling in which the child is born.

Informant for a death is an adult relative of a deceased person present at his death or in attendance during his last illness before death or at his dwelling with him. If there is no such relative, any adult person present at the death or the occupier of the dwelling in which the death occurred could report the death.

**Organization of the civil registration system**

The civil registration system is centralized and administered by the Registrar General, under the Ministry of Home Affairs. Civil registration in Swaziland is compulsory but it is not enforced. It is the duty of the Registrar General as well as other officers of the Births, Marriages and Deaths section to co-ordinate unified supervision and to promote efficiency to the degree necessary to satisfy both legal and statistical needs in the country.

**Appointment of Staff**

Registrar General and other office staff are appointed under its section 3(1) to perform the function stated in the Act. The officers are responsible for maintaining a central registry of all vital events and for administering uniform interpretation of Laws and procedures. They are also required to stimulate improved registration of vital events by means of technical co-ordination, providing advice and assistance to the eight regional officers, fifty-five primary registration centers (called Tinkhundla centers) as well as the registration information centers, which are the lowest level units in the organizational hierarchy of registration.

Registration of vital events starts at the registration information centers.

Civil Registration information officers are employed by the Government to work on the registration at these centers. Registration posts are also available in some hospitals and health centers and are strategically located around the entire country.

Technical aspects of the civil registration system

*Definition of vital events*

According to the Swaziland Births, Marriages and Deaths Registration Act

(Act 5 of 1983), “birth” means

1. “*the birth of any viable child whether such child is*

*living or dead at the time of birth*.”

1. “Marriage” means *the voluntary union between a man and a woman and*

*intended to last for their joint lives and any reference in this Act to a marriage means a marriage whether contracted before or after the commencement of this Act and whether contracted in Swaziland or elsewhere under any law or custom*;

1. The term “still-born”, is *in relation to a child means a viable child which*

*showed no sign of life after complete birth*.

***Time allowed for registration and penalty for late or non-registration***

Every vital event is to be registered in the region or sub-region in which it occurs. In order to capture the maximum number of vital event within the prescribed time limit of sixty days, all hospitals, clinic maternity homes and other similar institutions are required under the Act to submit a monthly return of Births, Deaths and Marriages accruing therein to their designated registration offices. These provisions are intended to ensure timely reporting and compulsory registration of the events so that complete coverage of those vital events can be attained.

**Archiving**

The archives of all civil registration records are kept regionally and summarized regional records are transported to the Registrar General. Records are retrieved manually and through micro computers. The system is currently running parallel, both manually and on computers.

All registrations are hard covered for protection against sunlight.

**Completeness of the civil registration system**

The civil registration system in Swaziland is automated and vital statistics can be derived from the system.

**Sources of vital statistics**

The vital statistics system in Swaziland is centralized and the Central Statistics Office is the responsible agency. The main sources of vital statistics in the country are population censuses and sample surveys. The latest population census was conducted in 2007 and questions on fertility and mortality included children ever born and living, orphan hood, live births in the last 12 months and survival of the children, household deaths in the last 12 months and whether they are pregnancy-related, and the survival of siblings (for maternal mortality).

Multiple Indicator Cluster Survey (MICS) 2010.

**Difficulties and future plans**

There are two main issues related to the civil registration and vital statistics systems in Swaziland. First, the civil registration coverage is low. There are a number of reasons for the low coverage: (1) there is a lack of awareness of the public on the importance of civil registration; (2) civil registration is not a priority for the government and therefore there is always a lack of financial and human resources for the Registrar General to operate effectively; and (3) There is also a lack of manpower in the Central Statistics Office and demographic statistics does not always have priority in data collection and compilation. In addition, there is no coordination between the Registrar General and the Central Statistics Office. Adopt the ICD 10 for the cause of death coding so that CSO will be receiving mortality data electronically.

**Coverage**

To improve the coverage and reporting of vital events, Swaziland plans to

(1) upgrade the Registrar General to a Departmental level agency so more

governmental attention would be given to the civil registration activities;

(2) provide more registration sites and improve accessibility of civil registration

offices to the public;

(3) link the system to the population registration system in the country; and

(4) Set up a unit of vital statistics within the Registration General to improve the compilation and reporting of vital statistics.

(5) Develop clearly defined linkages between the key players’ i.e. Civil Registration, Central Statistical Office and Ministry of Health.

**ORGANISATIONAL STRUCTURE**

National Civil Registrar

Deputy National Civil Registrar

Assistant Civil Registrars 2

Regional Civil Registrars 4

Assistant Regional Civil Registrar 9

Civil Registrar 9

Assistant Civil Registrars 25