**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO. 2811**

**DATE OF PUBLICATION: FRIDAY, 20 NOVEMBER 2020**

**INTERNAL QUESTION PAPER 49 – 2020**

**2811. Mr A C Roos (DA) to ask the Minister of Home Affairs :**

(1) What are the (a) reasons and (b) statutory provisions for refusing to register (i) births and (ii) the names of both parents on the birth certificate in the case where parents are of the same gender (details furnished);

(2) what (a) steps will he take and (b) measures will he implement in order to ensure the removal of any discriminatory practices being applied to same-sex parents;

(3) what are the details of the immediate retroactive steps that will be taken in respect of affected couples so that they can ensure that both names of parents appear on the birth certificate? NW3635E

**REPLY**

(1)(a) There should be no reasons for refusal to register birth.

(1)(b) There is no statutory provision for refusal to register birth that meet the requirements as per the Birth and Death Act, Act no. 51 of 1992.

 (i) Every child Birth should be registered as per Birth and Death Act.

 (ii) Both parent’s details will be reflected on the birth certificate as per Act.

(2)(a) Where there is non-compliance to the Law and the Department is aware, corrective measures will be taken against the official/s.

(2)(b) The Constitution of South Africa promotes equality. The state may not directly or indirectly discriminate against anyone on the grounds of gender, sex or sexual orientation. Refusal to register the birth of a child on the ground that both parents are of the same gender/sex is discriminatory and inconsistent with the constitution. Managers at all levels will ensure that information on birth registration is once more disseminated to all officials responsible for birth registration. No discrimination will be tolerated and if such occurs, the Department will take the necessary actions against the official

1. The birth registration system allows and accepts the registration of birth of a child born of people of the same sex. The affected couples can approach the Office Manager in charge at the nearest Home Affairs office to get their child registered so that they can ensure that both names of parents appear on the birth certificate.

**END**