NATIONAL ASSEMBLY

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO. 517**

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**INTERNAL QUESTION PAPER 11 – 2020**

**517. Mr M G E Hendricks (Al Jama-ah) to ask the Minister of Home Affairs:**

Whether, in light of the coronavirus pandemic in which Muslims are also affected by projected deaths as expected and that the legal framework which, as under apartheid, still gives no recognition to Muslim marriages and causes extreme difficulties to the surviving spouse and children to claim their rights to benefits (details furnished), he will consider the implementation of interim measures to restore the human dignity of the (a) Nikah or marriage ceremonies and (b) death certificate of Muslims as a result of coronavirus deaths, to state such a person as being legally married; if not, what is the position in this regard; if so, what are the relevant details? NW704E

**REPLY:**

The Republic of South Africa has three pieces of legislation of regulating solemnisation and registration of marriages (a) Marriage Act, 1961 (Act No. 25 of 1961), (b) Recognition of Customary Marriages Act, 998 (Act No. 120 of 1998) and (c) Civil Union Act, 2006 (Act No. 17 of 2006). The Department would not have powers to indicate that a person is married in the death certificate, whereas such is not the case in terms of the law. A marriage entered into in terms of Muslim rites is thus far not recognised in the South Africa. In this regard, the Department has embarked on discussions throughout the Republic regarding the development of a policy on marriages in order to find possible means to deal with all types of marriages and enact legislation that addresses some of the types of marriages or practices that may not be recognised as marriages. This process will culminate in a legislative process to address certain issues relating to different types of marriages.

The issue of rights to benefits may best be dealt with by the courts in the circumstances as it is beyond the Home Affairs portfolio.

**END**