



**ACCESS**

## Alliance for Children's Entitlement to Social Security

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# Births and Deaths Registration Amendment Bill [B18 – 2010]

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*Portfolio Committee on Home Affairs, 24 August 2010*

**The ACCESS Team**

# Summary of presentation

1. Who we are
2. Introduction to the team
3. Key points from written submission
4. Ms Nozuko Mengcane's story

# Who we are

- The Alliance for Children's Entitlement to Social Security (ACCESS), formed in 2002
- An alliance of more than **1 200** children's sector organisations drawn from all nine provinces in South Africa.
- Secretariat is based in Cape Town, and our member organisations include:
  - rural and urban-based,
  - community-based and
  - faith-based and
  - non-government organisations,
  - social service providers, and
  - research institutions.

**A diverse range of sub-sectors within the children's sector including health, disability, early childhood, education, child protection, socio-economic rights, refugee children, children living on the street, orphans and children made vulnerable by HIV/AIDS, food security and gender.**

# The Team

- **Kevin Roussel** - Executive Director
- **Tenille September** - Executive Assistant
- **Denise Damon** - Programme Co-ordinator
- **Sharon September** - Training Co-ordinator
- **Bukelwa Voko** - Communications & Mobilisation
- **Sanja Bornman** - Policy & Development
- **Siyasanga Kango** - Programme Assistant

**Guest:** Ms Nozuko Mengcane

# Key points from written submission

Of central concern to the alliance is the realisation of every child's **core right** to a name and nationality from birth, as outlined in the Constitution, which states in section 28(1)(a):

*“Every child has the right to a name and nationality from birth”*

The birth registration process and the issuing of a birth certificate, or “enabling document” is the cornerstone of this right, and the Department of Home Affairs its



# Key points: Clause 4(a) and (b) - Notice of birth

- **Amendment proposes:** Only the “parents, or if the parents are deceased, any of the prescribed persons” may register the birth of a child.
- Will prove counter-productive and administratively burdensome for applicants and the DHA in future!
- Denying rights to children due to conditions over which they have no control. **The registration of a child’s birth, and entry into the population register, is far more important than the person doing the registration.**
- Will require proofs which, in practice, are
  - (a) no more certain than those required in the principal Act, and
  - (b) proofs that are unreasonably burdensome for those acting in good faith to obtain.
- Does not recognise non-traditional forms of the South African family, and is not in keeping with legislative trends to recognise the role of “caregivers” as opposed to parents and legal guardians.

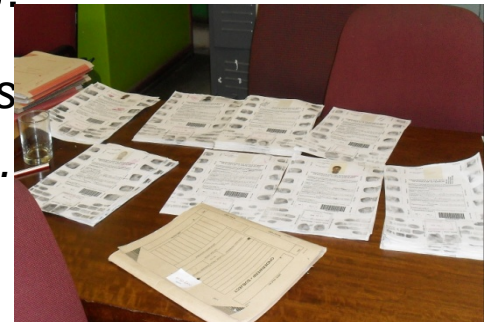


# Clause 4(a) and (b) - cont.

**Recommendation:** Keep the birth registration process as simple, easy and as open as possible, and revert to existing wording in principal Act.

- Fraud or false registration of births can be dealt with by collecting the **biometric data** of the child being registered, **at the site of registration**, which is already provided for to a certain extent in clause 4(b), which will insert subsection 1(A):

*“The Director-General may require that biometrics of the person whose notice of birth is being given. be taken in the prescribed manner.”*

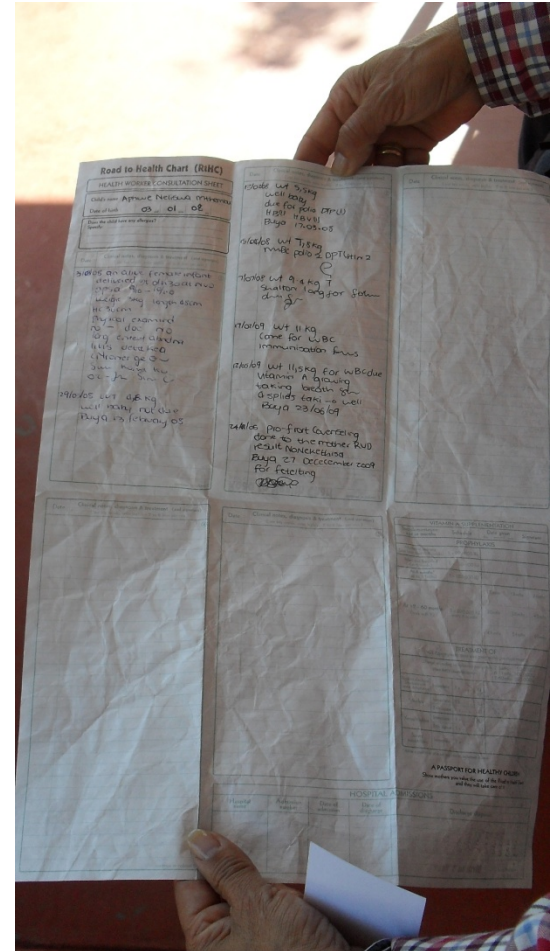


- Assist with the **integrity of the population register**, and make it **impossible** to falsely register a child, or to register the same child twice.



# Clause 4(a) and (b) – cont.

- Fraud? Legitimate and serious concern...
- In the event of a person attempting to defraud the system, currently DHA officials on the ground stop the fraud from happening...
- Evidence from clients on the ground? Those legitimately attempting to register are being denied their rights as a result of “policing” being done by administrative officials.
- Those committing fraud always find new ways around the system, while those acting in good faith are punished by a burdensome system.



**Recommendation:** The DHA investigates and brings to justice members of the department, individuals outside of the department investigated by



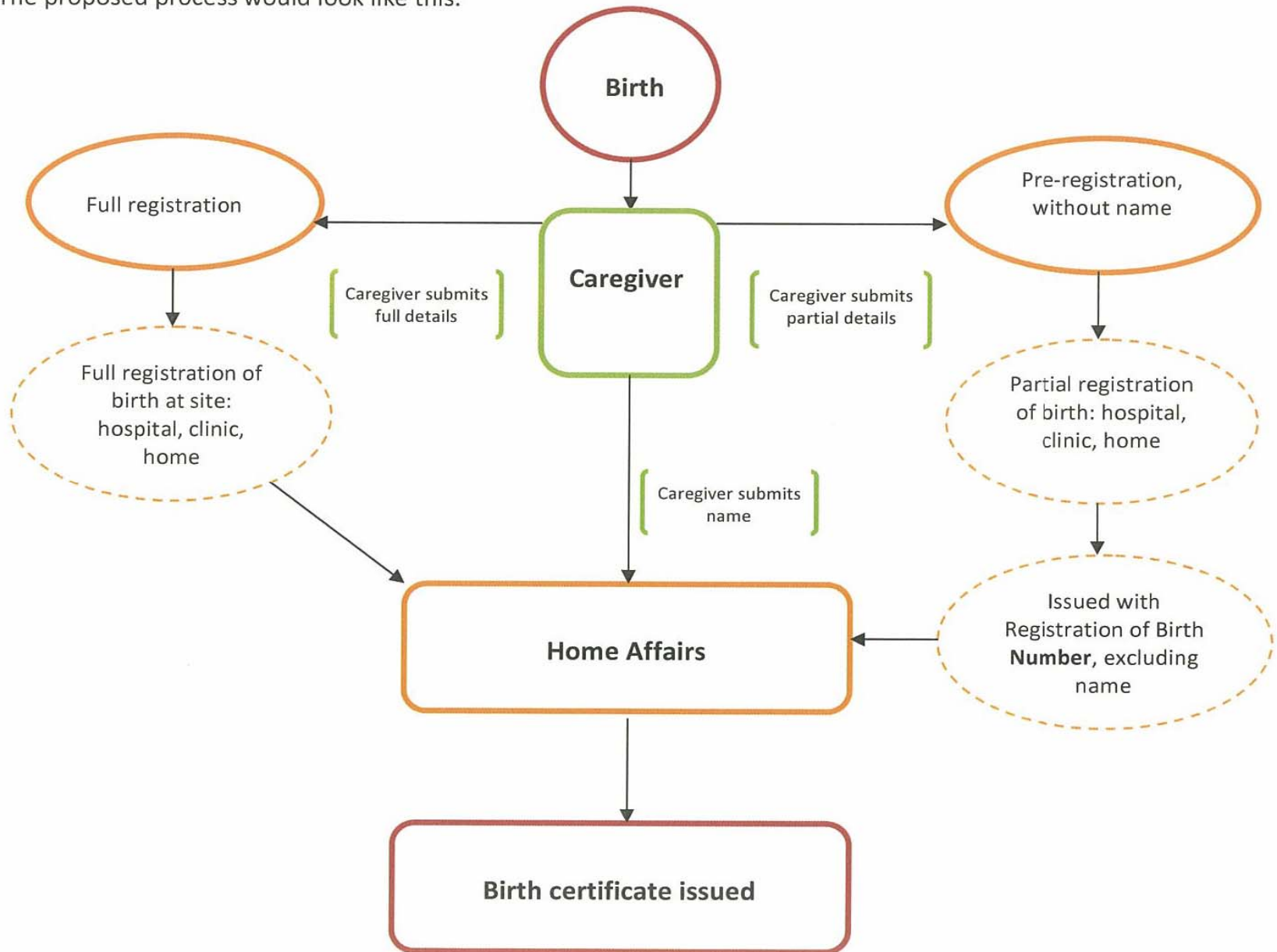
# Key points: Clause 4(d) - Late registration

- **Amendment proposes:** All births registered within 30 days, thereafter 1 consolidated late registration process.
- While we fully support the proposed 30-day period for registration, we draw attention cultural practices that often result in long delays in naming a new-born child, which could in turn delay birth registration.
- Cultural rights and practices must be respected, in accordance with the Constitution, without compromising birth registration...

**Recommendation:** A process for “pre-registration” which can be finalised once the child’s name is chosen. This would require a new regulation that we feel would be best left for the department to ascertain within their assessment of how



The proposed process would look like this:



# Key points: Clause 6 - Orphaned and abandoned children

- **Amendment proposes:** Limiting the persons who may effect the registration to social workers alone, after enquiry i.t.o Children's Act
- This will prove burdensome and counter-productive in future...
  - Waiting for lengthy court processes to be concluded; doesn't take into account the shortage of social workers!
- We reiterate that **the registration of a child's birth is more important than the person applying for the registration**, and if the collection of biometric data of the child in question is mandatory, there can be no fear of fraud or false/double registration.

**Recommendation:** Allow for the possibility of other social service professionals recognised by the Children's Act, such as social auxiliary workers, to register the birth of a child **where the person having care of the child has not already done so.**


# In Summary

- It is necessary to close gaps, **but not by making it harder** for honest citizens to register children, or themselves.
- There will be too many reasons to turn already-marginalised and disadvantaged South Africans down, resulting in compromised citizen rights for those who need them most.
- Evidence on the ground, in communities, shows that DHA, also, is not a viable option for all fronts.



# Nozuko's story

REF 08001638852 BI - 1151



**DEPARTMENT OF HOME AFFAIRS**  
**ACKNOWLEDGEMENT OF RECEIPT**

NB Keep this document to facilitate enquiries

**NOT PROOF OF IDENTITY**

Identity/Reference Book Number (if available) [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

Surname Nozuko

Forenames Menacane

Date of birth 1983 [ ] [ ] [ ]


**THE FOLLOWING DOCUMENTS WERE RECEIVED**

|   |   |   |
|---|---|---|
| Application for ID <input type="checkbox"/> BI - 9  | <input type="checkbox"/> BI - 10                    | <input type="checkbox"/> BI - 309                   |
| <input type="checkbox"/> Two identical photographs  | <input type="checkbox"/> Exemption certificate      | <input type="checkbox"/> Naturalization certificate |
| <input type="checkbox"/> Birth certificate          | <input type="checkbox"/> Marriage certificate       | <input type="checkbox"/> Divorce order              |
| <input type="checkbox"/> BI - 24 (Birth register)   | <input type="checkbox"/> Driver's licence (Foreign) | <input type="checkbox"/> Prescribed fee             |
| <input type="checkbox"/> Baptismal certificate      | <input type="checkbox"/> Other (Specify) .....      |   |
| <input type="checkbox"/> Affidavit                  |   |   |
| <input type="checkbox"/> Permanent residence permit |   |   |

W  
Director-General

OFFICE AND DATE STAMP  
CALA

G.P.S. 017-0150 BI-20



**DEPARTMENT: HOME AFFAIRS**  
**REPUBLIC OF SOUTH AFRICA**  
**ABRIDGED DEATH CERTIFICATE**  
(Issued in terms of Act No. 51 of 1992)

Certified a true extract from the death register of:

Identity number [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

Surname MENGLANE

Forenames in full Meyelwa

Date of birth: Year 1942 Month 09 Day 03

Gender FEMALE

Marital status SINGLE

Date of death: Year 2004 Month 06 Day 08

Place of death CALA

Cause of death NATURAL CAUSES

DEPARTMENT OF HOME AFFAIRS  
142 SIBUYU STREET

2010-02-08  
(Official date stamp)

CALA  
CALA  
(24)

Director-General: Home Affairs

# Nozuko's story (cont.)

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 0285  
DESTINATION TEL # 0114619857  
DESTINATION ID  
ST. TIME 17/09 11:58  
TIME USE 01'49  
PAGES SENT 1  
RESULT OK

**BIRTH CERTIFICATE**

BI-1151

AT BUSH MAMMABELA  
home affairs CASE 080 9031 0811  
FAX 011 461 7358/7357

9356

**ACKNOWLEDGEMENT OF RECEIPT**

Identity/Reference Book Number (if available) 9356

Birth Entry Number

Surname: MENGCAKE  
Forenames: NOZUKO

Date of birth: 1988 01 17  
Office code: 020 20-02

NB: Keep this document to facilitate enquiries. If an Identity Card is not claimed within 12 months after issue, the card will be cancelled and destroyed. The applicant will be liable for the prescribed fee when applying for the re-issue of an Identity Card.

**THE FOLLOWING WERE RECEIVED**

|   |   |
|---|---|
| 1. BI-9 (FIRST APPLICATION) <input type="checkbox"/>                                    | 10. BI-309 and Affidavit (BI-826) in support of different detn of birth/different name/surname <input type="checkbox"/> |
| 2. Birth certificate <input type="checkbox"/>   | 11. Written recommendation in support of change <input type="checkbox"/>  |
| 3. Baptismal certificate <input type="checkbox"/>                                       | 1. BI-10 (RE-ISSUE) <input type="checkbox"/>  |
| 4. BI-24/15 Late Registration of Birth <input type="checkbox"/>                         | 2. Cash Register Receipt Number <input type="checkbox"/>  |
| 5. Two photographs <input type="checkbox"/>   | 3. Paid <input type="checkbox"/> Y <input type="checkbox"/> N   |
| 6. Marriage Certificate/Divorce Order <input type="checkbox"/>                          | 4. Amount <input type="checkbox"/>  |
| 7. Permanent Residence Permit <input type="checkbox"/>                                  | 5. Other <input type="checkbox"/>   |
| 8. Affidavit in support of late registration of Birth (BI-228) <input type="checkbox"/> | 6. Other <input type="checkbox"/>   |
| 9. Other <input type="checkbox"/>   |   |

Issued by Home Affairs offices that are not online

*S.A.*  
p.p. Director-General

2008-01-17

KHULUWANA  
REGIONAL REPRESENTATIVE (70)

**B AFFIDAVIT**

Name and Surname : NOZUKO MENGCAKE  
Identity Number : N/A D.O.B 1988-03-15  
Residential Address : N/A  
Work Address : N/A  
Telephone number work : N/A  
Telephone number home : 084 917 8822

STATES UNDER OATH IN ENGLISH THAT :

I don't have ID and I don't have perso n to make ID for me. I sufferng because I have two children. I can't do nothing with out ID. And my mother was pass away so I don't ha ve money to go to Eastern cape I'm here at cape town. My name is Nozuko Mengcane I was born on 1988

|   |
|---|
| SOUTH AFRICAN POLICE SERVICE<br>CSC                     |
| 16 JAN 2008   |
| COMMUNITY SERVICE CENTRE<br>AMAPOLISA / MZANTSHI AFRICA |

I know and understand the contents of the above statement.  
I have no objection to taking the prescribed oath.  
I consider the prescribed oath to be binding to my conscience.

Nozuko  
SIGNATURE

I certify that the above statement was taken by me and that the deponent has acknowledged that he knows and understands the contents of this statement. This statement was sworn before me and deponents signature was placed thereon in my presence.  
at Harare on 2008-01-16 at 12:30

S. Dumebi  
COMMISSIONER OF OATH FULL NAME IN/PRINT

Cst  
RANK SAPS

SAPS STATE BRG. NO. 7704

# Questions

OLD CARD LOST

# Road to Health Chart

IMPORTANT: always bring this chart when you visit any health clinic, doctor or hospital and present the chart on school entry



Department of Health

G.P.S. 81338108

GW 8/193

Child's name **ZANDILE NYAWO** boy  girl

Child's ID number

Date of birth **21 06 06** Place of birth **JOSINI CLINIC**

Birth weight **3,600** Birth length **51.4** Birth head circumference **34.4**

Problems during pregnancy / birth / neonatally  
**NONE**

APGAR 1 min **9.0** 5 min **10.0** Gestational age (wks) **49** Mother's Serology **N.R.**

Mother's file numbers: Antenatal: **69106** Delivery:

RHC information given by: **M.N.K.**

Mother's name: **SIPHINE N. NYAWO**

Father's name:

Who does the child live with?

How many children has the mother had?

Number born **4** Number alive now **3** Date information given **21 06 06**

Reason(s) for death(s):

Visual screening

Pencil test (>6 weeks)

Result: **UMNYANGO W. ZEMPILO**

Result: **KWISIFUNDANE SAZULU NATAL**

Result: L: / R: / Date tested: **2006-06-21**

Hearing screening

Does baby appear to listen when someone is talking or singing? (at 3 months)

Result: **PROVINCE OF KWAZULU-NATAL**

Does baby turn to a loud noise? (at 6 months)

Result: L: yes no R: yes no Date tested:

Voice test: Hearing impairment (>12 months)

Result: Normal hearing Moderate impairment Severe impairment Date tested:





DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA

|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|
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|--|--|--|--|--|--|--|--|--|--|

**ACKNOWLEDGEMENT OF RECEIPT**

Identity/Reference Book Number. (If available)  
3 9 0 3 0 5    5 2 5 4    0 8 2

Birth Entry Number  
  - Y Y Y Y -   

Surname: NDLOVU

Forenames: KEVULIA

Date of birth: 1989 02 09

Office code:    -    -   

**NB:** Keep this document to facilitate enquiries. If an Identity Card is not issued within 12 months after issue, the card will be cancelled and destroyed. The applicant will be liable for the prescribed fee when applying for the re-issuance of an Identity Card.

**THE FOLLOWING WERE RECEIVED**

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- 2. Birth certificate
- 3. Baptismal certificate
- 4. BI-24/15 Late Registration of Birth
- 5. Two photographs
- 6. Marriage Certificate/Divorce Order
- 7. Permanent Residence Permit
- 8. Affidavit in support of late registration of Birth (BI-288)
- 9. Other
- 10. BI-309 and Affidavit (BI-5) in support of different birth/different name/surname
- 11. Written recommendation of change of name
- 1. BI-10 (RE-ISSUE)
- 2. Cash Register Receipt
- 3. Paid
- 4. Amount
- 5. Marriage Certificate

Issued by Home Affairs offices that are not online

*[Signature]*  
P.P. Director-General

DEPARTMENT OF HOME AFFAIRS  
P.O. BOX 100  
100

2008 12 06

HELUHLUWE 9960

Official stamp

