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Weaknesses in Civil Status Registration of Births and Marriages in Cameroon: Analytical Survey

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ABSTRACT

Civil registration is a very important aspect in our daily lives. In whatever society in which we live, it is our fundamental right to be registered and be counted. Status of people has to be recorded in a local civil register so that important rights may be exercised in order to receive the utmost protection and care in the place in which they live. A well-functioning civil registration system helps the government to plan more efficiently, how to use and distributes its resources effectively. Improved civil registration system also helps the government to ensure that all vital events such as birth, marriages and deaths are registered and relevant certificates issued. In Cameroon, the civil status registration is governed by Ordinance No 81/002 of 29th June 1981, herein referred to as the 1981 Ordinance. Law No 2011/011 of 6th May 2011, which modifies and completes some of the provisions of the 1981 Ordinance, the Decree of 2013/03 of 13th February 2013 organising the Civil Status Registration Office, and the Law of 2024/01 of 23rd December 2024 on legal recognition of Customary Marriages. This law regulates the registration of births, marriages, adoptions, deaths, legitimation and recognitions. Nevertheless, this article aims to debunk the weaknesses involved in the civil registration of births and marriages. From our findings, we came to a realisation that the manual registration of births and marriages is labour intensive which is not feasible for a growing population of Cameroon. This has the tendency of having potential weaknesses such as, registration expenses, time fixed for registration, complicated procedures for registration, slowness in delivery of these certificates, etc. To resolve these weaknesses, some recommendation such as, educating and creating awareness on the population on the registration of important events, rectification and reconstitution of the certificates, digitalisation of the civil registrations, bringing civil status centres at the door-steps or nearer to all the users, etc were proposed. In this article, a qualitative research methodology, in which an analytical survey was employ to analysed data gotten from primary and secondary sources. Conclusively, we can affirm that birth and marriage registrations have become issues of utmost importance. In spite of the weaknesses

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encountered while obtaining the certificates, registration remain compulsory for citizens to benefit and exercise some civil rights. *Keywords*: Weaknesses, Civil Registration, Births, Marriages.

I. INTRODUCTION

Civil Status concerns the set of events, facts or expression of will inherent in a citizen's life: birth, marriage, death, divorce. Civil Status also refers to the totality of qualities inherent in a person, which the law takes into account in order to attach certain effects such as the legal status of a person, his civil identity, that is, a status that a person occupies in civil law during his lifetime in his family of his society. On the other hand, Civil Status Registration (CSR) is the continuous, permanent and compulsory recording of crucial events in the life of an individual such as births, marriages, deaths, as well as decrees, legal instruments and judicial orders affecting the status of every citizen. A well-developed and functioning civil status system ensures the registration of vital events including births, marriages and deaths, and the issuance of relevant certificates stands as proof of such registration. Civil registration promotes efficient government planning, development planning at the local and national levels to ensure effective use of resources and aids, and more accurate monitoring of progress towards achieving the sustainable development goals² which aims by 2030 provide legal identity for all including birth registration. Civil status documents like birth, marriage and death certificates are essential for accessing many aspects of life, including, education, healthcare, work, citizenship, inheritance and ownership of property. Civil status registration in Cameroon is not new. The Europeans were the first people to design this practice under the auspices of the Germans, who colonised Cameroon in the 18th Century. The British and French administrators continued with this practice because they wanted to keep records of their nationals, children born and lived in the Cameroonian territory. However, civil status registration is a system that was designed for the European population who lived in Cameroon. However, this system was adopted and incorporated by the government of Cameroon which laid its foundation at the beginning of the 20th Century. Moreover, the various texts adopted by the Cameroonian legislator after independence are more like a sample assembly of old provisions³.

In Cameroon, the main text organising civil status registration is Ordinance No. 81/002 of 29th June 1981, which amended and supplemented some provisions by Law No 2011/011/ of 6th

² UNICEF, UNICEF Data 2023, available at: https://www.data.unicef.org. Accessed 13/06/2024.

³ Pierre-Claver Kamgaing, (2021) "Without A Birth Certificate, We Do Not Exist! Re) Thinking The Civil Status System in Cameroon", Nkafu Policy Institute, P.1. Available at https://nkafu.org/down;oad/without-a-birth-certificate-we-do-not-exist-rethinking-the-civil-status-system-in-Cameroon-pdf . Accessed 12/06/2024.

may, 2011 and Law No 0/0 of 23rd December 2024, granting legal recognition to Customary Marriages. These laws seek to organise civil registration of births, marriages and deaths, and other provisions related to the status of natural persons such as filiation, adoption, legitimation, inheritance and recognition. Certificates prove the registration of births and marriages, which must be valid and original. Cameroon has modernised its civil registration and vital statistics systems since 2009. The National Civil Status Office in its French acronym (BUNEC) and the Ministry of Decentralization and Local Development (MINDDEVEL) are responsible for civil registration and vital statistics in Cameroon⁴. The civil status registrar is the competent authority who draws up civil status certificates that falls within his competences once he is solicited. This civil status registrar comprises of the government delegates, municipal administrators, Cameroon diplomats and consular missions found in another country abroad⁵ and are assisted in their functions by their civil status secretaries⁶. The Civil status registrar has competence to register civil status certificates such as birth, marriage and death, which fall within his jurisdiction. However, in this paper, we will examine birth and marriage registrations, particularly the weaknesses involve in the registration of these events.

II. CIVIL REGISTRATION OF BIRTHS AND MARRIAGES

Birth and marriage registrations are vital in the lives of citizens living in a country to enjoy and exercise and enjoy their rights in that country and also for the government to know its population in order to effectively allocate resources. The world Health Organisation (WHO) reported in 2015 that 80 per cent of countries have either poor quality or virtually non-existent registration systems. Uncertainty regarding the number of registered births has implications for security and policing, especially important in an area where concerns over terrorism prevail. This spills over into broader concerns for human rights. Living without civil registration during birth or marriage, it means you are neither existing nor recognized in the country. Nevertheless, without a birth certificate or other registration documents to identify you, have great implications for life outcomes especially in cases of citizenship, education, health, marriage, employment, protection, migration, and personal safety and dignity. Those who are not civilly registered, without a birth or marriage certificates, when force to flee from war, or caught by shifting borders, famine, or climate change may find themselves stateless. Unable to prove their identity

⁴ Mirreille Atangana, Therese Ngo and Herve Ntamack, (2021). "Support Program for the Modernization of the Civil Registration System", GIZ- German Cooperation. Available at: https://www.giz.de>giz2019 . Accessed 15/11/2024.

⁵ Ordinance No 81/002 29th June 1981 regulation Civil Status in Cameroon as amended by Law No 2011/011 of 6th May 2011. Article 7.

⁶ Article 11 (*ibid*).

or nationality, they become ghosts in a formal world and become vulnerable to exploitation⁷.

Birth registration is a fundamental right recognized by the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child⁸. Weak Civil status registration system poses innumerable legal weaknesses. The basic activities of normal life like; opening of a bank account, getting a driver's license, or accessing social services are denied. Birth certificates and proof of age is central to preventing child marriage, child labour, recruitment of children into armed forces, and prosecution of minors as adults. The absence of marriage, and divorce certification pose challenges to inheritance and the smooth transfer of property has motivated the necessity for civil registration of births and marriages. This has a particularly strong gender dimension as ambiguity over vital events impugns the legitimacy of many spousal claims to property and child custody, disproportionally undermining female property, inheritance, and parental rights⁹.

The importance of birth and marriage certificates in Cameroon has motivated people in recent times to crave for their registration. Birth certificate is the first document issued when a child is born, that is, it is the first legal proof of identity. Not only is birth registration a fundamental human right, but that, the information collected from the birth registration records helps the government on how and when to spend money and what areas to focus on for development programmes, such as education and immunization¹⁰. Whereas, civil registration of marriages alongside customary marriages is important for inheritance and for the registration of children, process for establishing vital statistics on marriage. It should be emphasized that, the standards recommended by the United Nations in civil registration data are not systematically met in Cameroon. The lack of digitalisation hinders efficient registration and vital statistics¹¹. This article debunks the weaknesses in the civil registration of births, and marriages and the fact that it is done manually.

(A) Civil registration of births

Birth registration is the official recording of a child's birth by a Civil Status registrar and is one of the most important events in a child's life. As vividly stipulated in various human right

⁹ Haishan Fu, (2023). Supra. m9

 ⁷ Haishan Fu, (2023) "Agenda 2030 Cannot be Achieved Without Civil Registration of Vital Statistic (CRVS)" World Bank, development Data Group. Available at: https://www.worldban.org>people . Accessed 14/ 07/2024.
 ⁸ Article 7 of International Covenant on Civil and Political Rights (ICCPR) 1976.

¹⁰ Leah Selim, (2019). "What is Birth Registration and Why Does it matter?" UNICEF for every Child.

¹¹ Mirreille Atangana, Therese Ngo and Herve Ntamack, (2021). op cit.

instruments including the Convention on the Rights of the Child (UN, Article 7), all children have the right to the registration of a name, identity and a birth-date¹².

Birth registration is fundamental because it establishes the existence of the child under law. However, apart from being the first legal acknowledgement that designates the child, registration of birth is more often than not vital to the realization of a number of rights and practical needs including provision of access to social services; securing the child's right to a nationality at the time of birth or at a later stage. Additionally, it is essential for getting a passport, going to school, opening a bank account, obtaining credit, voting or finding employment¹³. In short, it was argued that birth registration is an essential step for an official recognition of a new member of society that can legitimately claim to all his/her rights and responsibilities as a full citizen¹⁴.

To sustain development goal in Cameroon, it is necessary for the citizens to register their births, which will therefore enable the government to know its population. When the government has accurate statistics of the number of children born on yearly basis, number of men and women, this will enable her to use its available resources to distribute to the population accurately in order to avoid waste of these resources. The UN and other development agencies encourage governments to formalize their economies to raise taxes to fund public services. However, a government cannot formally tax someone who does not formally exist¹⁵. This corroborates with the statement of Pierre- Claver K. in his write-up where he proffers that; *"Without a Birth Certificate we do not exist...¹⁶*". We therefore have to deduce from this statement that birth certificate is a very important document in Cameroon and is obtainable only after birth. Nonetheless, the first step to formalize an economy is to register births. Without birth certificates, people do not exist from an administrative perspective. Those who are not registered remain outside the formal system, without a legal identity, they cannot be formally employed, or taxed and may be excluded from some social services as education or health care¹⁷. Thus, it is necessary for civil registration of births.

UNICEF has estimated that three out of four (3/4) children in Cameroon in particular and the

¹² UN. Convention on the Rights of the Child, Geneva, 1989, Article 7. Also, Abay S. T. and Gebre-egziabher, (2020). "Status and Associated Factors of Birth Registration in Selected District of Tigray region – Ethiopia", *BMC Int. Health and Human Rights*, Vol.20, No 20, ISSN: 1472- 698.

¹³ Muzzi M., (2010) "UNICEF Good Practices in Integrating Birth Registration into Health Systems (2000–2009); Case Studies: Bangladesh, Brazil, the Gambia and Delhi, India. Working Paper.

¹⁴ Ariane W., (2013). "Determinants and Impact of Non-Registration of Birth on the Children in Cameroon". In: Proceedings 59th ISI World Statistics Congress, 25–30 August, 2013, Hong Kong. p. 2013.

¹⁵ Agenda 2030 for Sustainable Developement Goal.

¹⁶ Pierre- Claver Kamgain, (2021). *Op cit.* P 1.

¹⁷ United Nations Children's Fund, Bangladesh, Fact Sheet on Birth Registration, UNICEF 2014.

world at large have been officially registered. However, this means that, statistically, 66.1 per cent of children have not been registered and remained in hidings¹⁸. This means that they live without being registered and are not recognised in their own country. However, this has repercussions to the government in that the civil status file is essential for demographic mastery in order to facilitate socio-economic projections. For the child, who has to register his or her birth, the absence of such a document excludes him or her from the services necessary for his/her growth and from the educational system¹⁹.

It must be emphasised that, the necessity for the civil registration of birth has necessitated the certificate be registered and delivered by a civil status registrar, within the prescribed time and in a register, without which it is impossible to enjoy civil and political rights. It clearly establishes the principle for registration of records in the Civil Status register and determining the modalities for establishing and issuing this precious sesame²⁰. Notwithstanding, there are some weaknesses that are involved in the process of the registration and acquisition/ issuance of this certificate as examined.

1. Prescribed Time / Duration for Registration

The 1981 Ordinance has put in place a prescribed time for the registration of births in Cameroon. The Ordinance provides that all births must be declared / registered to the civil status registrar within sixty (60) days from the date of birth. Notwithstanding this, when a child is born in a hospital, the head of the hospital, the midwife or any person who assisted the mother in the course of delivery is required to declare the child's birth within thirty (30) days²¹. However, if these persons mentioned have not made this declaration by the end of the thirty-day (30) period, the law grants the parents of the child an additional period of sixty (60) days to declare the birth at the Civil Status registrar²². Thus, according to the Law, birth declaration can be delivered within a total of ninety (90) days and not sixty (60) days as prescribed by the law. However, once this maximum period has expired, births are still registered by the Civil Status Registrar within six (6) months of the birth on prior request of the Public Prosecutor. After the expiration of the six-month period, the birth can only be registered by a judicial ruling rendered by the Court of First Instance of the place of birth.

Notwithstanding, the issue of the prescribed time for the registration of birth pose so many difficulties. This has caused many children not to be registered at the Civil Status, which is a

¹⁸ UNICEF 2014, (*ibid*).

¹⁹Pirre- Claver Kamgain, (2021). Supra. Pp. 1-2.

²⁰Pirre- Claver Kamgain, (2021). Op cit., P. 5.

²¹ Article 30 of 1981 Ordinance (op cit).

²² Article 31 (*ibid*).

violation of their fundamental human rights by the United Nations' Council on Human Right 2012²³. For instance, there are cases where children are delivered during periods of war, insecurity, or boko haram insurgencies, most parents are always on the run hiding in bushes or moving to safer places and are not even psychologically stable to think of registering their child's birth within this time prescribed by the law. At this moment, millions of children in Cameroon, especially in the Far North. North West and South West regions are not registered at birth. So, permanent and official records of their existence, which is crucial for their future development is lacking. They do not benefit from the essential services such as immunisation, health care and school enrolment at the proper age. These unregistered children are also deprive from their rights to name and nationality, as well as other basic rights to education and healthcare²⁴.

2. Prescribed Fee for Registration

The law provides that there is no fee for the registration of birth in Cameroon, except for the payment of communal stamps, which is five hundred (500) Francs. Nevertheless, except in cases of late registration of birth where the parents of the child have to go to the Court of First Instance for a supplementary judgment. Births that are declared after the deadline can only be registered at the request of the Public Prosecutor. When a birth has been declared within the six months period, it cannot be registered by a civil status registrar, but only by virtue of a declaratory judgment rendered by a competent court authority²⁵.

Nevertheless, the Law provides that no fee is required for the registration of birth, but in principle it is not the case. Parents are ask to pay fee in the name of stamp duties and other fee which ranges from five thousands francs (5000fca) to ten thousands (10.000) Francs cfa depending on the centre by some dishonest registrars. This issue has discouraged many poor parents who do not have money to register their children's births to stay at home with their children. Thus, a weakness in Civil registration of birth because the government will be unable to get accurate statistics for registered children, thereby hindering government policies to plan adequately with the available resources and budgets to meet the needs of the population in development, immunisation, healthcare, etc^{26} .

²³ Shoewu Oluwagbemiga O. Akinyemi Lateef A.,Mumuni Q. A, Oyenuga Oluwaseun O., (2022) "Design and Implantation of Birth and Death Registration System" *Journal for Advances in Engineering Technology*, Vol. 4 (8), DOI 10.24412 2181-1431-2022-4-47-54, p. 49.

²⁴ Shoewu Oluwagbemiga O., & Others (2022). Ibid, p. 47

²⁵ Article 33 (*supra*).

²⁶ Shoewu Oluwagbemiga & Others, (2022) . *Op cit*, P. 47.

3. Long and Complicated Procedures

The long and complicated procedures in the registration of birth at the Civil Status has so many irregularities and thus a weakness in the registration process. The fact that the civil registration of birth is carryout manually is labour intensive and not feasible for a growing population of Cameroon. The fact that civil registration of birth is carry out manually, the system and the registrars are prone to errors. When an incorrect information is entered, it is certain to have an impact in the registration process²⁷.

The procedure for the registration of birth is also time- consuming. This is when the certificate is issue with errors and incorrect information, the user of the birth certificate or the parent has to come back for rectification of the error. Rectification arises when the birth certificate carries erroneous information like omission to mention the year or month, wrongly spelt name or if the information in the certificate is not in conformity with the law or religion²⁸. In such a situation, a judicial rectification is done by way of a court judgment when the certificate has been drawn. This process usually takes much time to extract the necessary information from the data. Changing, modifying and updating the correct information in the several files is time-coming and inefficient system²⁹.

In 2016, birth registration for children under the age of five in sub- Saharan Africa regions in which Cameroon is inclusive was 46 per cent.³⁰ The reason for the low birth registration is because some parents are illiterates, ignorant, unaware and do not really appreciate the importance of birth certificate. They think of registering a child at the Civil status only when they are face with some administrative requirements like when the child want to go to school, or the child want to process a national identity card etc. But, often at times, some parents do not want to go through these judicial procedures in registering birth because they find it time consuming and expensive³¹. Some of these parents have to travel for long distances to a civil status centre to register their children's birth and at times they are ask to produce their marriage certificate, which scare some of them to abandon the registration process. This is one of the reasons some children have not been registered at the Civil status at the time of birth. The absence of birth registration is both a sign and cause of underdevelopment. It is a cause to underdevelopment because the absence of complete birth registration has negative

²⁷ *Ibid.* p. 49.

²⁸ Article 22 of the 1981 Ordinance on CSR (supra).

²⁹ Supra. P. 49.

³⁰ Shishay Tadesse A. & Ataklti Gebreyesus G., (2020). "Status and Associated Factors of Birth Registration in Selected District of Tigray Region – Ethiopia", BMC International Health and Human Rights, Vol. 20, No 20, ISSN 1472-698X. https://doi.org/10.1186/s12914-020-00235-x.

³¹ Pierre- Claver Kamgain, (2021). *Op cit*, p. 3.

repercussions for children and a nation. For instance, it deprives a child of the privileges, rights and protection that a nation offers for its citizens and hampers overall national development process of a nation³².

4. Information Required for Birth Registration

Birth registration is vital because the parents and users need the certificate for family allowance claims by employees, tax deductions, school attendance, employment, acquisition of national identity cards and as proof of family relationship³³. In the registration of a child's birth at the Civil Status, there are vital and obligatory information that are required in the certificate. These information include; names of the main or secondary civil registry centre and where applicable, that of the main civil status registry centre; full names of the child, sex, date and place of birth of the child; identification of the child's parents (full names of father and mother), their ages, nationality, occupation, domicile or place of residence of the mother and father of the child; full names and signatures of the civil status registrar and secretary; date on which the birth certificate is drawn-up³⁴. However, where the information relating to the parents (either mother or father) of the child is unknown, the corresponding space for the information be left empty (blank). Notwithstanding the required information prescribed by the law that must be present during the civil registration of birth, there are some weaknesses which result in the course of this. For instance, the law requires that the name of the father of the child to appear in the birth certificate, but the law still provides that where the father of the child is not known, or if it happens that the so-called father refused recognition of the child the space should be left blank, but some civil status registrars often write "PND" which means father name not delivered. This issue of leaving the space of father's name blank in course of drafting a birth certificate has created some many problems in our society such as squabbles between the child and mother when the child is of maturity, stigmatisation or trauma to the child. As a result of this, some mothers decide to put the grand-father's or uncle's name in the place of the father's, which causes ambiguity by providing inaccurate information in the registration process. This is because the grand- father cannot have a child with her own biological daughter or the uncle with her sister. Thus, a weakness in the information given during civil registration of birth.

More so, the fact that the information required in drafting the birth certificate is done manually on an A4 sheet of paper or in a register during the registration of birth, anyone with access to

³² Shishay Tadesse A. & Ataklti Gebreyesus G., (2020). Op cit.

³³ Isiah Ndong, Stephen Gloyd, James Gale, (1994). "An Evaluation of Vital Registers As A Source of Data For Infant Mortality Rates In Cameroon "*International Institute for Vital Registration and Statistics – Maryland USA*. *No 59*, P. 1.

³⁴ Article 34 of 1981 Ordinance. (op cit).

the register or booklet can easily change the information on it, making the manual registration procedure vulnerable. Also, unauthorised users can easily access data to get people's information. These are some of the major weaknesses associated with birth registration³⁵.

5. Organisation of the Civil Status Registration Centres (CSR)

In the registration process and delivery of birth certificate, there is an organigram put in place by the law in drawing up civil status certificates. The civil status registrar exercises his duties in a civil status centre/ registry. The 1981 Ordinance provides two categories of civil status registries/ centres, which are the principal centres, found in every council and Cameroon's diplomatic and consular missions abroad³⁶. We also have the special centres/ registries, which is created by an arrête from the Minister of Territorial Administration and Decentralisation and is justified by the population density and difficulty in communication by the population of the council in question. The collection of vital events is done through a chain of local registration offices relative to the population density, their relationship either at the centralised or decentralised centres. Also, whether coordination and supervision are done only at the national level or both at the national and local levels, with central offices and the administrative structure within which both central and the local offices operate, influence the efficiency and effectiveness of the registration process³⁷. The principal centre is established and each is responsible for the supervision and coordination of the functions of the special centre (secondary).

However, there is slowness observed in the delivery of these certificates because the special centres have to record vital events before sending it to the principal centres to draw up the certificates or for celebration. Slowness is also observed at the level of irregular supply of registers to civil status centres, little diligence on the part of some civil status registrars especially in town halls where the prerogative of signing these records is reserved for the mayor or certain deputies. This slowness in issuing the records prompt the declarants to indulge into fraudulent means. Some are tempted into bribery and corruption. This slowness also leads to the damage of civil status registers. In addition, the most serious one is that there is no mechanism for informing users of civil status registry centres the availability of records³⁸. Thus, a weakness in the civil status registration process.

Furthermore, there is inadequate infrastructure that has affected birth registration in Cameroon.

³⁵ United Nations Children's Fund, Bangladesh, Factsheet on Birth Registration. UNICEF, 2014.

³⁶ Article 7, 1981 Ordinance, (*Op cit*).

 ³⁷ Toma J. Makannah ,(1981). "Methods and problems of Civil Registration Practices and Vital Statistics Collection in Africa", International Institute for Vital Registration and Statistics, Maryland – USA, p. 16.
 ³⁸ Pierre-Claver Kamgaing, (2021). *Op cit*, P. 4.

The absence of infrastructure which can support the logistical aspects of birth registration, especially in remote areas is lacking, the value that individuals and families give to birth registration, and lack of adequate knowledge on how to register a child are the bottlenecks associated with birth registration. Besides, background characteristics of parents like rural or urban residence, wealth and mother's education are believe to affect the likelihood of birth registration³⁹.

6. Institutional Deficiency

Since 2009, Cameroon is implementing a process of modernising its civil registration and vital statistic systems. This process has led to a legal and institutional framework registration and development of a strategic plan for the rehabilitation of civil status. Ministry of Decentralisation and Local Development (MINDDELV) is responsible for civil registration and vital statistics at the central level and at the National Civil Registration Office (BUNEC) supports the implementation of the national reform. In relations to the competences transferred to the municipalities in the framework of decentralisation, they provide civil registration at the local level. Until date, civil registration registers have been kept manually which are often than not poorly maintained, can be lost or destroyed, and the certificates delivered show important quality deficiencies. The consequences of this situation are perceptible in the poor rate of civil registration of children's births⁴⁰.

Moreover, access of the population to civil status centres poses difficulties to users who do not know how to get access to it or some have to travel for long distances to access the centres. Apart from diplomatic and consular missions, there are approximately 360 main centres and 2300 special civil status centres throughout the national territory of Cameroon. From research, it is found that there is no data base either from the Civil Status Office or from the various ministries, no precise map of centres in the various regions has been provided, no list of employed staff and other useful information on how to get to the centres has been provided. However, it has been observed that the number of civil status registry centres is very small in relations to the country's population, couple with the fact that the distribution is not proportionate to the population density per region. Studies have shown that the rate of birth registration is around 84 per cent in urban areas and only 53 per cent in rural areas, which is a challenge, and thus a weakness in the registration process⁴¹.

³⁹ Shishay Tadesse A. & Ataklti Gebreyesus G., (2020). Op cit. p. 3.

⁴⁰ Mirreille Atangana, Therese Ngo and Herve Ntamack, (2021). Op cit.

⁴¹ Pierre-Claver Kamgaing, (2021). Op cit, P. 4.

III. CIVIL REGISTRATION OF MARRIAGES

Civil registration of marriages in Cameroon is rooted in the African Charter on Human and People's Right. This Charter was ratified and enforced by the Government of Cameroon and in one section of its articles it talks about the protection of family life⁴². The Law on Civil Status envisaged three types of marriages in Cameroon; we have customary and church marriages, including Civil marriages. In recent times, Civil registration of marriages has become the order of the day because the parties need the certificate as proof to their union, also a party seeking to dissolve the marriage must prove to the satisfaction of the court that the marriage has broken down irretrievably; and in case of dissolution of the marriage, the matrimonial Causes Act provides for custody of the children of the marriage and settlement of the property⁴³. To this effect, the Cameroonian legislator has also granted legal recognition to customary marriages, which is now valid and equivalent to civil marriage, it enhances protection for couples who get married according to the local customs and address concerns about safeguarding women's rights within the context of customary marriage⁴⁴. The law requires the spouses to declare their marriages to the civil registrar⁴⁵. A marriage certificate is a proof of marriage, signifying that one has graduated from singlehood to marital status. It is also use for inheritance, registration of children, process for establishing vital statistics on marriage, etc. The absence of marriage certification poses challenges to inheritance and the smooth transfer of property. This has a particularly strong gender dimension as ambiguity over vital events impugns the legitimacy of many spousal claims to property and child custody, disproportionally undermining female property, inheritance, and parental rights⁴⁶. Thus, the need for the registration of marriages at the Civil Status. Marriage is celebrated by a Civil Status registrar of the place of birth or residence of one or both spouses, as indicated by the 1981 Civil Status Registration Ordinance as amended⁴⁷. There are legal obligations for the registration of marriages such as the requirements necessary for the registration of marriage (that is, ages of the spouses-to- be, consent of the spouses- to be), procedure for registration of marriage, required information and marital regime. Notwithstanding, these obligations are facing some challenges in the course of registration of marriage, which is thus, a weakness. These weaknesses are expatiated below.

⁴² Section 18 of the African Charter on Human and People's Right 1981

⁴³ Matrimonial Causes Act 1973.

⁴⁴ Louis Gilbert, (2025). "Cameroon: Law Enacted to Provide Legal recognition of Customary Marriages", *Law Library of Congress*.

⁴⁵ Article 49 (new) of Law No 2024/016 of 23rd December 2024, granting legal recognition to Customary Marriages in Cameroon.

⁴⁶ Haishan Fu, (2023). *Op cit.* p. 3.

⁴⁷ Section 48 of the African Charter on Human and People's Right 1981 (supra).

1. Requirements necessary for the registration of Marriage

The 1981 Ordinance has put in place requirements necessary for a valid Civil registration of marriage in Cameroon. These requirements include the ages of the spouses-to- be, capacity of the spouses-to-be, their consent, payment of necessary fee, presence of spouse on the date of registration of marriage or represented, prescribed time and the spouses-to-be are required to present a letter of marriage intention before the marriage is registered.

a) Ages of the spouses - to-be

For a marriage to be registered and celebrated at the civil status registration office, the 1981 Ordinance has prescribed required ages for the spouses- to be (male and female). The man (male) should be 18 years of age on the date of registration of the marriage and the girl (female) 15 years of age on the date of the registration of the marriage. However, the Law Organising Civil Status Registration and various provisions relating to the Status of Persons provides that no marriage may be celebrated if the girl is a minor below 15 years and the boy a minor below 18years. However, it is only in exceptional or for serious reasons where the President of the Republic will grant a waiver for the celebration of a marriage where the spouses-to-be are minors⁴⁸. However, it should be noted that such a waiver has never been granted by the President of the Republic since the enactment of this law. Notwithstanding, the ages prescribed by the 1981 Ordinance on Civil registration of marriage is 18 years for the man and 15 years for the woman. Nevertheless, experience has shown that some parents especially in the Northern Regions of Cameroon hide behind customs, to conceal or mask the ages of their girl child in order to send them into forceful marriages, thereby, failing to respect the required age prescribed by the law.

b) Consent of the spouses-to-be

Consent of the spouses –to-be is another requirement for a valid marriage. Under the Cameroonian law on Civil Registration of marriage, not only should spouses-to-be have the required ages, but, that, they must also freely give their consent (agreement) to enter into the bonds of matrimony. Marriage is a contract, so, for this type of contract to be valid, the parties must make their intentions known to the other party that they have accepted the marriage and it must be given freely without any ambiguity⁴⁹. So, where this element is lacking, the marriage is null and void. However, in situation where at the time of the celebration of the marriage, the

⁴⁸ Section 52 (1) of Law No 2011/011 of 6th May 2011 amending and supplementing certain provisions of Ordinance no 81/002 of 29 June 1981.

⁴⁹ Section 64 (1) of 2011/011 law. (*ibid*).

spouses-to-be are minors, the law makes it clear that their consent is dependent on or be supported with that of their parents or guardians in the absence of parents for the marriage to be valid. This means that if the parents do not agree, then both parties cannot get married. The requirement of consent of parents in situation where the girl is a minor of less than fifteen (15) years has created a lot of ambiguity in the civil registration of marriages in Cameroon today⁵⁰.

The same provision of the law in section 64 (2), gives parents the power to consent to the marriage of their minor children, and also extended the list of persons to give consent in the absence of parents (guardians and customary authorities) consent is another requirement for a valid marriage.⁵¹. This makes the registration of civil status marriage ambiguous with so many weaknesses. This is because some parents or guardians might be giving their consent not for goodwill, but, for their own selfish interests without regarding the wellbeing of the child. Again, many customs regard girl children as a source of their wealth that they used to bring riches to the family when they give her out for marriage to a rich man.

Also, the Civil Status law went further to provides in section 65 (1) and (2) that no marriage should be celebrated if consent was obtained by force, duress, threats, undue influence on a person of the spouse- to -be by his father, mother, legal guardian, customary head, etc. Notwithstanding this provision of the law, there is difficulties in ensuring the respect of this provision, because some parents or guardians give their consent without anyone objecting or frowning at their decisions. For instance, in a drama -film entitled "The Fisherman's Diary" a father with the manipulation of his brother gave his consent for his girl child to marriage by sending her into a forceful marriage, with the intention of clearing- off the brother's debts⁵². Moreover, section 64 (2) of Law no 2011/011 which gives powers to parents, guardians and customary authorities to consent to the marriage of their minor children, is challenging in the civil status registration of marriage and during celebration⁵³. Thus, a weakness. This is what is happening today in our contemporary society, especially in most of our homes in northern regions of Cameroon.

Required Fees

The 2011/011 law, which has amended and supplemented some of the provisions of the1981Ordinance, has not made any provision for the payment of fees in the registration of a civil marriage. Nonetheless, the law made mentioned only of the payment of stamps to be

⁵⁰ Ibid.

⁵¹ Section 64 (2) (*supra*).

⁵² Agbor Regina E., Jacob A. Akuo and Ferdinand Doh G., (2020). "Forced Child Marriage Under Cameroonian Law & The Fisherman's Diary", Day Spring Law Firm- Buea.

⁵³ Ibid.

affixed on marriage certificate and in the registers. The fee for marriage certificate varies from one municipality to another. Some award penalty for late registration. It has been observed that some Civil Status Registrars are asking for inappropriate amount that has encouraged bribery and corruption in the civil registration process of marriages in Cameroon⁵⁴. Wealthy spouses-to-be usually by-passes the processes involve in the registration of their marriages because they have the money to bribe their way out without following the normal procedure provided for by the law. This breach of procedure is a weakness in the civil registration of marriage in Cameroon.

2. Parties to the Marriage

The Law on Civil Status registration provides that marriage shall be registered and celebrated between two parties of opposite sex. That is, a man and a woman as in the case of a monogamous marriage or a man with many women as in the case of a polygamous marriage. Neither of the spouses -to - be should be of the same sex (a man and a man, or a woman and a woman. The celebration of the marriage shall take place in the presence of the future spouses and the representative of the prospective spouses; legal or customary or guardians where consent is required. The spouses- to- be have to provide at least two witnesses, that is, one per spouse⁵⁵, and the marriage certificate is jointly signed by the spouses, witnesses, civil status registrar and the secretary of the Civil Status Registrar and copy given to each spouse⁵⁶. Notwithstanding, experience has shown that some marriages that are registered in Cameroon today do not exist. That is, there are mostly "sham marriages", where neither the other spouse-to-be, nor their witnesses are existing or present. No procedure or formality for registration was respected, but a marriage certificate was delivered. This is the type of civil marriage where the party registering it knows the purpose for which he/she wants to use the certificate. The certificate is use either for a job, traveling abroad or to benefit some allowances. This however shows a weakness in the registration of Civil marriages because any person can register and can be in keeping of a certificate.

3. Procedures for the Registration

The 1981 Ordinance as modified and supplemented by the 2011/011 law Organising Civil Status registration in Cameroon, has put in place procedures to follow in the registration and celebration of marriages. Firstly, one month before the celebration of the marriage, the Civil

⁵⁴ Centre of Excellence for CRVS Systems, Country Profile, (2018). Snapshot of Civil Registration and Vital Statistics Systems of Program Information, International development Research Centre (CRVS) Systems. P. 6.
⁵⁵ Article 69 (supra).

⁵⁶ Article 49 of the 1981 Ordinance (*op cit*).

Status Registration Officer shall have before him or her a declaration stating the names, surnames, profession, domicile, age, and place of birth of the spouses- to- be⁵⁷. The civil registration of marriages requires at least a thirty (30) day notice before the marriage is celebrated or a waiver of the publication of marriage banns^{\cdot}. The publication of banns is for the civil status registrar to investigate on the marital status of the spouses- to- be before celebrating any marriage between them. Many women / men have suffered the undesired effects of a marriage that never existed ⁵⁸.

The Law on Civil Status provides that at the end of the thirty (30) working days, the parties will bring copies of their birth certificate and national identity cards if no objection came up⁵⁹. Also, the spouses-to-be are required to submit a copy of their Single Status Certificate as proof that they are not tied to any previous civil marriage in Cameroon. The intending spouses also have to present nine (9) passport size photographs with their heads bound together from the sides⁶⁰. Furthermore, the spouses -to –be have to present their witnesses, preferably their parents or close relatives to sign the civil marriage register which is also a prove of their consent to the marriage. Lastly, on the date fixed for the celebration of the marriage, the spouses-to-be will bring their wedding rings, exchange their vows and the issuance of their marriage certificates⁶¹.

More so, the Law has provided some exceptions where if a Cameroonian and a foreigner want to get marry, they do not have to necessary travel to Cameroon for the registration and celebration of their marriage. The law has given statutory powers to Cameroonian embassies abroad to register Civil marriages, which must comply with the provisions of the 1981 Civil Status Registration Ordinance⁶². Also, in a situation where the intending spouses do not want to wait for the 30days statutory publication of banns, they can hire a lawyer back in Cameroon who will represent them to obtain a waiver from any prosecutor in Cameroon. The waiver must be legalised at the Ministry of External Relations in Cameroon and duly certified by an administrative officer before they can use it abroad⁶³.

Notwithstanding the procedures put in place by the 1981 Ordinance as amended in the registration of marriages, there are so many weaknesses in the drawing up, celebration and issuance of the certificate. It has been noticed that, the law has provided 30 days for the

⁵⁷ Article 53 (*ibid*).

⁵⁸ Chuo Angabua Jr., (2023). "Procedure and Requirements to Obtain a Marriage Certificate in Cameroon", Prime Time Offices- Buea.

⁵⁹ Article 54 (*supra*).

⁶⁰ Mafany V. Ngando, (2023) "Court marriage Procedure in Cameroon- Approved Guidelines", Kinsmen Advocate Law Firm- Buea. Available at: Kinsmenadvocates.com. Accessed 05/11/2023.

⁶¹ Ibid.

⁶² Supra.

⁶³ Section 55 of the 1981 Ordinance (*supra*).

publication of marriage banns, but in some cases, the spouses- to- be and the civil status officers do not respect this provision of the law. Marriages are celebrated in Cameroon on daily basis depending on your bargaining power, family ties, your position in society, etc. Just take a walk around the civil status offices and witness the number of marriages that are celebrated especially during week-ends and if enquire, you will realise that there was publication no of banns for majority of those marriages. Also, certificate to proof status of singlehood is never presented to know if any of the spouses-to-be is having a previous marriage that has not yet been dissolved or not. However, this is the reason why we have so many bigamous marriages today, because there were no proper inquiries before the marriages were registered. Moreover, we have so many fake marriages celebrated in our Civil Status Offices without respecting the procedures provided by the law, which has led to increase divorce in the country. Thus, a weakness in the civil registration of marriages in Cameroon.

4. Required Information

The 1981 Civil Status Registration Ordinance as amended has provided necessary information, which must be available in the marriage certificate during registration. These information include; the name of the principal or secondary registration centre, names, surnames, dates and place of birth, nationality and domicile of the spouses- to- be, consent of the parents in case of minority, date and place of celebration of the marriage, the marital regime (monogamy or polygamy), indication of the system of property (community or separation of property), names and surnames of witnesses, name and surnames of registration officer, signatures of the spouses, witnesses, Officer and registrar⁶⁴. However, it is noticed that some of these information contained in the marriage certificate do not correspond with the appropriate information about the person. Some people are having double identifications where their real identities are not known, this act as a weakness in the civil status registration of marriages in Cameroon.

5. Marital Regime

The 1981 Ordinance has provided two marital regimes in which the civil status officer has capacity to register and celebrate. We have **MONOGAMY** and **POLYGAMY**. A monogamous marriage is a union between one man and one woman with common understanding with the exception of all other women. This means that the man does not have the right to marry any others except he has first dissolve the previous marriage. Whereas, a polygamous marriage is a union between one man with two or more women. Only a polygamous marriage authorises a man to contract as many marriages as he deems fit, while a woman can

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⁶⁴ Article 49. (supra).

only be married to one man at a given time. A marriage certificate, therefore affects the party's capacity in a monogamous marriage to remarry when the marriage has not been dissolved⁶⁵. Any attempt to apply oneself contrary to this law shall constitutes the crime of bigamy punishable under the Cameroon Penal Code⁶⁶.

However, experience has shown that some spouses- to- be are involved in bigamous marriages because they separated from their former spouse without officially dissolving the marriage. Some may even go as far as changing the town or country in which they originally resided and signed the marriage because nobody will have information about them. It is later when the marriage is sign or when an issue comes up that it may discover that one of the spouses already had an earlier marriage that had not been dissolve.

6. Ambiguity in Granting Legal Recognition to Customary Marriages

The Cameroon National Assembly passed Law no 2024/016, granting legal recognition to customary marriages in Cameroon⁶⁷. This reform aims to integrate traditional practices into Cameroon legal framework, which enhances protection for couples married according to local custom, and address concerns about safeguarding women's rights within the customary marriages. The new Law has also elevated customary marriages to the same legal status as civil marriages. Spouses-to-be must register customary marriage with a civil registrar in the place of their birth, residence, or where the marriage ceremony was celebrated⁶⁸. The registration then formalizes the union, ensuring official recognition and validity. Despite the historic prevalence of customary marriages, formal legal recognition had remained ambiguous. In 1935, an order regulating civil status in Cameroon ignored customary marriages, leaving them without a defined legal framework. The 1981 Ordinance, acknowledge the existence of customary marriage, but did not establish explicit procedures for their registration by the civil registrar. This legislative omission has created ambiguity regarding their legal status and has also highlighted complexities of reconciling traditional practices with statutory law⁶⁹.

IV. RECOMMENDATIONS

In order to ameliorate some of the weaknesses in the civil status registration of births and marriages, some recommendations have been proposed which can serve as solutions to the weaknesses. These recommendations are examined below.

⁶⁵ Chuo Angabua Jr., (2023). (*Op cit*).

⁶⁶ Section 359 of Law No 2016/007 of July 12, 2016 relating to the Cameroon Penal Code.

⁶⁷ Law No 2024/016 of 23rd December, (*op cit*).

⁶⁸ Article 49 (ibid).

⁶⁹ Louis Gilbert, (2025). Op cit.

(A) Institutional Reform

To resolve the weaknesses at the institutional level where people have to travel for long distances to register their children's births and marriages, it is necessary to create other civil status centres to bring them nearer to the population. Among the priority areas for actions, we have the Far North, North West and South West regions, where due to insecurity crises, war, and the long distances of the centres discourages people in villages who intend to register their children's births or marriages. The prosecutor should take appropriate measure to visit schools, identify children without birth certificates take statistics for the issuance of birth certificates. More so, there should be the holding of mobile court hearings in some of the localities where the need is well felt, so that children should quickly be established birth certificates. Furthermore, group marriages should be organised regularly in order to encourage parties who have been living as concubines, those without necessary funds or due to other factors could not register their marriage.

a. Digitalisation of the Civil Status Registration

The Civil registration system is not yet computerised in Cameroon, although a master plan for the computerisation of the National System of Civil Registration was developed. An appropriate computerise environment should be put in place in order to simplify the civil registration procedures and processes, and also to allow proper archiving of the civil registration documents, and improve accessibility to the services. This will also enable the timely compilation, production and dissemination of reliable vital statistics. Furthermore, digitalisation of civil status registration will avoid situations where citizens may be confronted with the problem of disappearance of their records because of burglary, lost, flood, fire, and other means that might affect the conservation of their birth or marriage certificates. This will also avoid situations where a person can be having more than one birth certificates with different information or avoid bigamous marriages.

b. Legislative Reform

The legislator has prescribed the same time frame for the civil registrations of births and marriages all over the national territory without taken into consideration those living in different parts of the territory with different realities such as in remote areas, war zones, with those living in big cities and towns. To resolve this issue, some legislative reforms have been recommended. Firstly, citizens living in remote areas and in insecure or war zones should be given some preferential treatments. There should be an extension of the time prescribed for the registration of births and marriages in rural areas. Secondly, an additional time of about three months should

be accorded to them in order to avoid situations where children do not have birth certificates because their parents could not respect the prescribed time put in place by the law to register them or publish marriage banns.

c. Educative Campaigns / Awareness

In situation where the parents are ignorant and not aware that they have to register the births of their children or where the spouses- to be in a marriage are not aware that there is time frame for the publication of marriage banns. There should be a campaign to educate the public with regards to civil registration functions, practices and benefits, it would be necessary to enlist the support and cooperation of the following groups of persons: doctors, teachers, local administrations, social welfare workers and, religious leaders. The publicity campaign should focus on such points as the procedures for declaration of vital events, the usefulness of the documents and the obligation to report the vital events that occur in the community.

V. CONCLUSION

In this article, we have been examining the weaknesses that are involved in the registration of births and marriages in the Civil Status in Cameroon. These weaknesses are seen at the level of the process / procedures of registration, time allocated for registration, required documents and fees from the time of registration to issuance of the certificates. Since birth certificate is fundamental because it establishes the existence of the child under law. However, apart from being the first legal acknowledgement that designates the child, registration of birth is more often than not vital to the realization of a number of rights and practical needs. Nevertheless, it has been observed that birth registration is an essential step for an official recognition of a new member of society that can legitimately claim to all his/her rights and responsibilities as a full citizen. Apart from these individual uses, particular records of birth and data derived from these records are important for evidence-based policymaking. Furthermore, marriage registration is very necessary as well because it is supplemented by other statistics such as death, divorce, inheritance, adoption, etc, and has set targets and measurement of progress towards national and global human development targets such as Sustainable Development Goals. The importance of the registration of these events has prompted some recommendations to address the weaknesses. These include, increase awareness raising programs that underscore the need of a birth and marriage registration and its significance for rural communities. There should be a complete digitalization process of selected aspects of civil registration in pilot municipalities and decentralized system of registration of births and marriages and officially issuing of certificates is underway in Cameroon. Moreover, there should be an immediate establishment of birth certificate, which should be issued at the date of birth, award sanctions to defaulters, etc. However, a State that is cognizance with its development, establishment of a reliable and a coherent civil status system is essential.

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