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GHANA

PARLIAMENT OF GHANA LIBRARY

REPORT OF THE PARLIAMENTARY SELECT
COMMITTEE ON LOCAL GOVERNMENT AND
RURAL DEVELOPMENT

ON THE

PARLIAMENT OF GHANA LIBRARY

REGISTRATION OF BIRTHS AND DEATHS BILL,
2020

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REPORT OF THE COMMITTEE ON LOCAL GOVERNMENT AND RURAL DEVELOPMENT ON THE REGISTRATION OF BIRTHS AND DEATHS BILL, 2020

1.0 INTRODUCTION

The Registration of Births and Deaths Bill, 2020 was presented and read the first time in Parliament on Thursday, 16th July 2020 by the Minister for Local Government and Rural Development, Hon. Hajia Alima Mahama. Pursuant to Article 106(4) of the 1992 Constitution and Order 181 of the Standing Orders of Parliament, the Rt. Hon Speaker referred the Bill to the Committee of Local Government and Rural Development for consideration and report.

The Committee met and examined the Bill. Present at the meeting were the Hon. Minister for Local Government and Rural Development, Hajia Alima Mahama, the Deputy Ministers for Local Government and Rural Development, the Registrar of the Births and Deaths Registry and Officials of the Ministry. The Committee is grateful for the invaluable contributions from the Minister, the Deputy Ministers and the Officials at the meeting.

2.0 REFERENCES

The Committee referred to the following documents:

- i. The 1992 Constitution;
- ii. The Standing Orders of Parliament, 2000
- iii. The Registration of Births and Death Act, 1965 (Act 301)

3.0 BACKGROUND

One of the major priorities of Government is the improvement of the system and processes for the collection and collation of vital information, particularly information on births and deaths for national development. Vital registration in Ghana started in 1888 with the registration of deaths under the Cemeteries Ordinance of 1888 which was subsequently amended in 1891. Births registration was first introduced in Ghana in 1912 following the passage of the Births, Deaths and Burials Ordinance, 1912. The 1912 Ordinance was

subsequently repealed with the passage of a new Registration of Births and Deaths Act, 1965 (Act 301), to respond to the post-independence births and deaths registration needs of the country.

The Registration of Births and Deaths Act, 1965 (Act 301), established the Births and Deaths Registry as a centralized department within the Ministry of Local Government and Rural Development (MLGRD) to develop the registration system and make it compulsory nationwide. The Registry's core mandate under the law is to collate and keep accurate and reliable information on all births and deaths occurring in the country as well as provide certification of the two events.

The provisions in the current Births and Deaths law have become obsolete with the passage of time. For instance, the Registration of Births and Deaths Act 1965 (Act 301), did not provide for the registration of surrogate births, notification of births and deaths by supervising professionals, as well as the use of electronic technology for the capture, transmission and storage of births and deaths data.

The integration of the Births and Deaths Registry with other government agencies, including the National Identification Authority (NIA), the Electoral Commission (EC), the Passport Office, health facilities and MDAs is also weak.

Currently, the Registry has a total of 332 personnel operating in 413 registration centres nationwide. This falls short of the international minimum standards required by the United Nations of a registration centre to every five thousand persons in the population. This meant that with Ghana's population estimated at 30,000,000 people, a minimum of 6,000 registration centres is required to provide effective births and deaths registration services to Ghanaians. Operating with the current 413 registration centres has created a service delivery deficit which continues to affect national planning due to inadequate data on registered births and deaths in the country.

Registration coverage is therefore very low making it difficult for the Registry to make any meaningful demographic analysis for the nation. The estimated coverage for registered births as at 2001 was 17%.

The Registry, in collaboration with its partners, has since 2001 implemented a number of initiatives which resulted in an increase in the registration coverage for births from 17% to 80% in 2019. Some of the initiatives include public education and awareness creation, building partnerships and capacity building for the Registry. The registration coverage of 80% attained in 2019 is still lower than the United Nations standard of 90%. The 80% coverage implies that about 20% of newly born children are not registered every year.

The registration coverage for deaths on the other hand is only 20%. This implies that about 80% of deaths occurring in Ghana annually go unregistered making it extremely difficult to track and find remedies to causes of deaths among the population. This has serious implication for development planning, maintenance of electoral and national identification registers, fraud control as well as implication for the formulation and implementation of public health policies.

4.0 OBJECT OF THE BILL

The object of the Bill is to revise the Registration of Births and Death Act, 1965 (Act 301) to provide for the decentralisation of the Births and Deaths Registry in line with the decentralisation programme of the country as well as to build a robust births and deaths registration system using emerging technologies.

5.0 DIVISIONS OF THE BILL

The Bill has 46 clauses grouped into nine (9) parts. Clauses 1 to 11 provide for the establishment of the Births and Deaths Registry. Clauses 12 to 17 provide for the registration of births and related matters. Clause 18 deals with registration of assisted reproductive births and related matters. Clauses 19 to 30 are on matters related to the registration of deaths and other matters. Clause 31 deals with the registration of births and deaths occurring on the high

seas and airspace whiles Clause 32 relates to fraudulent registration and certificates.

Clauses 33 and 34 deal with the correction of errors in the births and deaths register respectively whiles Clause 35 deals with the request for a search of records. The clause provides for search of records to be made by an application in writing submitted to the Registrar or District Registrar in respect of the registration of a birth, foetal death or death; or a burial record in the Registry. The clause subjects an application of this nature to the payment of a specified fee. Clauses 36 to 46 provide for miscellaneous matters under the Bill.

6.0 OBSERVATIONS

6.1 Decentralisation of Births and Deaths Registration

The Committee noted that the passage of the Registration of Births and Deaths Bill, 2020 would improve births and deaths registration and provide for a decentralisation of the system in line with Chapter 20 of the 1992 Constitution and the Local Governance Act, 2016 (Act 936). The new law which seeks to emphasise the deployment of innovative and modern technology will make registration services and facilities accessible in every part of the country with less difficulty and in real-time, irrespective of where an event of a birth or death occurs in Ghana.

6.2. Strengthen Collaboration Between State Institutions

The Committee observed that the Registration of Births and Deaths Bill, 2020 when passed into law, would position the Registry to play an instrumental role in the ongoing efforts at digitising and formalising the economy through the establishment of a credible and robust national database as part of the national identification system. As a primary identifier, the Registry will establish linkages with the databases of other State Institutions such as the National Identification Authority (NIA), Ghana Police Service, National Health Insurance Scheme (NHIS), Passport Office, Ghana Immigration Service (GIS), the Courts,

Ghana Revenue Authority, the Drivers and Vehicle Licensing Authority (DVLA) and the Social Security and National Insurance Trust (SSNIT).

It is expected that when enacted, the Act will impact significantly on inter-agency collaboration as well as the quality of socio-economic data for effective planning, development and access to essential services at all levels of governance. It is expected that the Act will improve data sharing and cross-referencing of information between relevant government agencies. The Committee believes that the Bill will support improve security and reduce criminal activity through the early detection and prevention of identity theft.

6.3. Stakeholders Consultations

The Committee was happy to observe that as part of the review process, the Ministry of Local Government and Rural Development undertook extensive consultations with several stakeholders including the Ministry of Justice and Attorney General, the Ministry of Gender, Children and Social Protection, the National Identification Authority, the Ghana Statistical Service, the Passport Office, the Ghana Immigration Service and the National House of Chiefs. Others include child rights organisations such as UNICEF, Child Rights International, Plan Ghana, World Vision International, among others.

All the stakeholders supported the introduction of the new law. The National House of Chiefs, the Committee was informed, supported the new legislation and reiterated their readiness to assist with the registration of deaths because they have control over the lands for burial in their respective localities. On their part, the National Identification Authority stated that they would facilitate the interface of the data systems of the two institutions.

6.4 Financial Impact

The Committee was informed that the cost of implementing the proposed legislation is relatively lower and cost-effective because of the anticipated integration of the Registry into the existing local government structures. The implementation of the Act would improve revenue generation which with

approval from the Ministry of Finance can be retained and used to finance the operations of the Registry.

6.5 Appointment and Functions of Deputy Registrar

The Committee noted that the Bill did not make provision for the appointment of a Deputy Registrar to assist the Registrar in the performance of the functions outlined in the Bill. The Committee noted that the Office of Deputy Registrar is essential for the effective implementation of the Act and has accordingly proposed amendment to provide for the appointment of a Deputy Registrar for the Registry.

6.6 The Registry as a Decentralised Department of the Assembly

The Committee noted that whereas the Local Governance Act, 2016 (Act 936) recognises the Registry of Births and Deaths at the local level as one of the Units of the respective Assemblies, the Bill under review did not expressly state so. In order to align the provisions in the Bill with the intendment of Act 936, the Committee will seek to amend Clause 2 of the Bill in order to make it explicit that the Registry at the District is a decentralized department of the Assembly.

6.7 Retention of Internally Generated Funds (IGF)

The Committee observed that one of the reasons the Registry is unable to establish the requisite registration centres to facilitate ease of registration of births and deaths was inadequate funding. Funding to the Registry from the Consolidated Fund is very low and the release of funds approved by Parliament very erratic. In order to provide the Registry with a more secure and reliable source of funding, the Committee is proposing an amendment that will allow the Registry to retain at least 50% of its IGF to meet the running cost of the Registry.

The retention would enable the Registry open more registration centres and also procure and maintain the needed equipment for registration. The Registry is also required to procure specialised software and licences and to renew

same periodically hence the imperative for the retention of a percentage of its IGF.

6.8 Transitional Provision

The Committee noted that the Bill did not make provision for a transition from the old regime to the new regime. The Committee accordingly proposed the introduction of a Transitional Provision clause to guarantee the employment of staff and other office holders of the current Registry.

7.0 CONCLUSION AND RECOMMENDATION

After a careful scrutiny of all the provisions of the Bill, the Committee found it to be in agreement with the 1992 Constitution and other existing laws. The Committee believes that the Bill has come at an opportune time and it would help improve the collection, collation and storage of births and deaths information for national development.

The Committee, therefore, recommends that the House adopts its report and pass into law the Registration of Births and Deaths Bill, 2020, subject to the attached amendments to be introduced at the Consideration Stage of the Bill.

Respectfully submitted.


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HON. KENNEDY AGYAPONG
Chairman, Committee on Local Government
and Rural Development


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CAMILLO PWAMANG
Clerk to the Committee
20th July 2020

REGISTRATION OF BIRTHS AND DEATHS BILL 2020

PROPOSED AMEMDMENTS

1. Clause 1 – Amendment proposed – Sub-clause (2), paragraph (a), at the end, *delete* “Accra”
2. Clause 1 – Amendment proposed – Sub-clause (2), *add* the following new paragraph (d): “sub-district offices in each district”
3. Clause 1 – Amendment proposed – Sub-clause (3), delete and insert the following:
“(3) The National Office of the Registry
 - (a) shall exercise oversight responsibility for the registration of each birth and death in the country; and
 - (b) is responsible for the collection and collation of the registers of births and deaths in the country.”
4. Clause 1 – Amendment proposed – Sub-clause (4), line 2 after “an office of the Registry” and *insert* “the office”
5. Insert the following new Clauses:

“Appointment of the Registrar of Births and Deaths

2. (1) The Registry shall have a Registrar of Births and Deaths.
- (2) The President shall, in accordance with article 195 of the Constitution, appoint the Registrar.
- (3) The President shall, in appointing a person as the Registrar, have regard to the relevant academic qualification, experience and knowledge of that person in civil registration.
- (4) The Registrar shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Registrar

3. (1) The Registrar
 - (a) is responsible for the day-to-day administration of the affairs of the Registry; and
 - (b) shall keep and maintain the national registers specified in section 8.

- (2) The Registrar may delegate a function to an officer of the Registry but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Appointment of the Deputy Registrar of Births and Deaths

4. (1) The Registry shall have a Deputy Registrar of Births and Deaths.
 - (2) The President shall, in accordance with article 195 of the Constitution, appoint the Deputy Registrar.
 - (3) The President shall, in appointing a person as the Deputy Registrar, have regard to the relevant academic qualification, experience and knowledge of that person in civil registration.
 - (4) The Deputy Registrar shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Deputy Registrar

5. The Deputy Registrar shall assist the Registrar in the performance of the functions of the Registrar.”
6. Clause 4 – Amendment proposed – Sub-clause (2), paragraph (a) before “collating” insert “collecting and”
7. Clause 5 – Amendment proposed – Sub-clause (1), delete and insert the following:
“ (1) Each district office of the Registry shall
 - (a) be a decentralised department of the District Assembly; and
 - (b) have a District Registrar of Births and Deaths.”
8. Clause 5 – Amendment proposed – Sub-clause (3), line 2, *delete* “the District Assembly and”
9. Clause 5 – Amendment proposed – Add the following new sub-clauses:
 - i. “The District Registrar shall be responsible for the collection and collation of the registers from the sub districts;
 - ii. The District Registrar shall submit quarterly reports on births and deaths to the District Assembly;
 - iii. The District Registrar shall perform any other function assigned by the Registrar.”

10. Clause 6 – Amendment proposed – Sub-clause (2), delete and *insert* the following “A Registration Officer shall collect and collate information on births and deaths in a Zone within a district”
11. Clause 7 – Amendment proposed – Sub-clause (1), delete and insert the following: “The Registrar shall designate a Registration Assistant in each Zone in a district”
12. Clause 7 – Amendment proposed – Sub-clause (2), paragraph (a), *delete* and insert the following “Inspect every household within the Zone of each district to ascertain births and deaths”
13. Clause 7 – Amendment proposed – Subclause (2), paragraph (b), line 2 *delete* “notification of”
14. Clause 8 – Amendment proposed – Subclause (1), *delete* and insert the following “There is established by this Act three national registers namely:
- i. National register of births, which shall record each birth;
 - ii. National register of foetal deaths, which shall record each foetal death; and
 - iii. National register of deaths, which shall record each death.”
15. Clause 8 – Amendment proposed – Add new Subclause as follows: “The National registers specified in sub-section (1) shall be kept and maintained at the national office of the Registry”
16. Clause 8 – Amendment proposed – Sub-clause (2), lines 2, delete all words after “district”
17. Clause 8 – Amendment proposed – Add the following New Sub-clause:
“(4) Each birth, foetal death and death in a district shall be recorded in the district register of births, foetal deaths and deaths for that district”
18. Clause 9 – Amendment proposed – delete and insert the following:
- i. “1. A District Assembly shall maintain a community population register and the community population register shall be used as a demographic data for the purposes of the development planning of the district.
 - ii. 2. A community may assist in the registration of births and deaths for the purposes of generating a community population register”.
19. Clause 10 – Amendment proposed – Sub-clause (1), line 2, after accept *delete* “the” and *insert* “an” and in line 3 before “statutory” *delete* “the” and *insert* “a” and further in line 4, *delete* “Fees and Charges (Miscellaneous Provisions) Act, 2018 (Act 983)” and *insert* “prescribed fee”

20. Clause 10 – Amendment proposed – Subclause (2), *delete* and *insert* the following “The fees payable under sub-section 1 shall be paid into a bank account opened for that purpose”.
21. Amendment proposed – *Add* the following new Clause:
“Retention of a percentage of internally generated funds
Despite a contrary provision in any enactment, the Registry may retain not less than fifty percent of the moneys realised in the performance of the functions of the Registry”
22. Clause 11 – Amendment proposed – Paragraph (a), line 2, *delete* “information obtained under this Act”
23. Clause 11 – Amendment proposed – Paragraph (b), line 3, *delete* all words after containing, and *insert* same as the closing phrase for Clause 11.
24. Clause 12 – Amendment proposed – Sub-clause (1), *delete* and *insert* the following:
“A person in charge of a health facility shall notify the District Registrar or a representative of the District Registrar in the District Assembly, within which the health facility is located, of each birth recorded in the facility within seven days”.
25. Clause 12 – Amendment proposed – Sub-clause (2), *delete* and *insert* the following: “A traditional birth attendant shall notify the District Registrar or a representative of the District Registrar in the District Assembly within which the birth occurs of the fact of that birth within seven days”
26. Clause 12 – Amendment proposed – Sub-clause (3), *delete* and *insert* the following: “A manager of a basic school or pre-school shall notify the District Registrar or a representative of the District Registrar in the District in which the school is located of the enrolment of a child without a birth certificate”.
27. Clause 12 – Amendment proposed – Sub-clause (4), line 1 *delete* “not” and insert “after five years upon the coming into force of this Act”
28. Clause 13 – Amendment proposed – Sub-clause (5), paragraph (a), *delete* “and” and *insert* “or”, and after “mother” *insert* “or both parents”
29. Clause 13 – Amendment proposed – Sub-clause (5), paragraph (b) sub-paragraph (ii) *delete* “a person” and *insert* “an adult”
30. Clause 13 - Amendment proposed – Sub-clause (5) paragraph (b), *add* the following new sub-paragraph “the next of kin, if the next of kin has knowledge of the birth”

31. Clause 13 – Amendment proposed – Sub-clause (6), line 7, *delete* “specified fee determined in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2018 (Act 983)” and *insert* “prescribed fee”.

CONSEQUENTIAL – Amendment should apply wherever it appears in the Bill unless the context states otherwise.

32. Clause 13 – Amendment proposed – Sub-clause (7) line 2, after “month”, *insert* “but not more than five years” and further *insert* “District” before “Registrar”

33. Clause 13 – Amendment proposed – Sub-clause (8), line 1, before “Registrar” *insert* “District”.

34. Clause 13 – Amendment proposed – Sub-clause (9), *delete*

35. Clause 14 – Amendment proposed – Sub-clause (2), line 3, *delete* “acknowledging himself” and *insert* “claiming”.

36. Clause 14 – Amendment proposed – Sub-clause (3), line 1, *delete* “acknowledging himself” and *insert* “claiming”.

37. Clause 15 – Amendment proposed – Sub-clause (1), at the end *delete* “relevant document” and *insert* “document evidencing the name of the child”

38. Clause 15 – Amendment proposed – Sub-clause (2), “specified fee determined in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2009 (Act 793) and *insert* “prescribed fee”.

39. Clause 15 – Amendment proposed – Sub-clause (5), paragraph (a), after “Gazette” *insert* “on the website of the Registry”.

40. Clause 17 – Amendment proposed – line 3, *delete* “the High Court” and *insert* “a Court of competent jurisdiction” and in line 4, after “mother” *insert* “or the next of kin”

41. Clause 18 – Amendment proposed – Subclause (1), *delete* and *insert* the following: “An intended parent may engage the services of a person to give the intended parent a child through surrogacy”

42. Clause 18 – Amendment proposed – Sub-clause (2), line 1, *delete* “An” and *insert* “The” and further *delete* “three months” and *insert* “twelve weeks” and in line 2 of closing phrase, *delete* “six months” and *insert* “twenty-eight weeks”.

43. Clause 18 – Amendment proposed – Sub-clause (5), paragraph (b), sub-paragraph (i), *delete* “he” and *insert* “the”.

44. Clause 19– Amendment proposed – Sub-clause (1), *delete* “The” and insert “A”, and after “practitioner” *insert* “or health practitioner” and in line 2, after “shall” *insert* “within seventy-two hours”
45. Clause 20 – Amendment proposed – *delete* “an Urban, Zonal, Town and Area Council” *insert* “the district”.
46. Clause 22 – Amendment proposed – line 4, before “disposition” *insert* “forms of”.
47. Clause 23 – Amendment proposed – Sub-clause (2), line 2, after “reported” *insert* “more than”.
48. Clause 23 – Amendment proposed – Sub-clause (5), line 3, *delete* “was” and *insert* “is”.
49. Clause 24– Amendment proposed – paragraph (c), at the end, *add* “if the occupier has knowledge of the death”
50. Clause 25– Amendment proposed – Sub-clause (2), *delete* “The recipient of” and *insert* “A person who receives”.
51. Clause 26 – Amendment proposed – Sub-clause (4), line 3, after “orders” *insert* “in writing”
52. Clause 27 – Amendment proposed – Sub-clause (1), paragraph (b) line 2, *delete* “specified fee determined in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2018 (Act 983)” and *insert* “prescribed fee”.
53. Clause 28 – Amendment proposed – Sub-clause (2), *delete* “cremation” *insert* “any other form of disposition”
54. Clause 29 – Amendment proposed, Head note, *delete* and *insert* the following:
“Registration of a morgue, funeral home, burial ground and crematorium”
55. Clause 32 – Amendment proposed – Sub-clause (3), line 1, *delete* “is satisfied” and *insert* “establishes” and in paragraph (b) after “order” *delete* “a” and *insert* “the”.
56. Clause 32– Amendment proposed – Sub-clause (5), before “Registrar” *insert* “District”
57. Clause 33 – Amendment proposed – Sub-clause (3), *delete* “specified fee determined in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2018 (Act 983)” and *insert* “prescribed fee”.
58. Clause 35 – Amendment proposed – Sub-clause (2), *delete* “specified fee determined in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2018 (Act 983)” and *insert* “prescribed fee”.

59. Clause 38 – Amendment proposed – Sub-clause (2), *delete* “specified fee determined in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2018 (Act 983)” and *insert* “prescribed fee”.
- 60.
61. Clause 41 – Amendment proposed – Sub-clause (3), *delete* “Registry” and *insert* “Registrar”.
62. Clause 43 – Amendment proposed – Sub-clause (2), at the end, *delete* “the fine and imprisonment”
63. Clause 43 – Amendment proposed – Sub-clause (3), at the end, *delete* “the fine and imprisonment”
64. Clause 43 – Amendment proposed – Sub-clause (4), at the end, *delete* “the fine and imprisonment”
65. Clause 43 – Amendment proposed – Subclause (5), at the end, *delete* “the fine and imprisonment”
66. Clause 43 – Amendment proposed – Subclause (7), at the end, *delete* “the fine and imprisonment”
67. Clause 44 – Amendment proposed – line 1, *delete* “may” and *insert* “shall, within twelve months of the coming into force of this Act”
68. Clause 45 - Amendment proposed - Interpretation for “birth”, line 2, *delete* “its” and *insert* “the”.
69. Clause 45 - Amendment proposed - Interpretation for “death”, at the end *insert* “and it includes foetal death”
70. Clause 45 – Amendment proposed, insert the following after the interpretation for “death”: “”Deputy Registrar” means the Deputy Registrar of Births and Deaths appointed under section of this Act”
71. Clause 45 - Amendment proposed - Interpretation for “district”, line 2 *delete* “and Metropolitan Authority” and *insert* “or Metropolitan Assembly”.
72. Clause 45 - Amendment proposed - Interpretation for “District Assembly”, *delete* “assembly” and *insert* “Assembly”
73. Clause 45 - Amendment proposed - Interpretation for “foetal death”, line 2, *delete* “its” and *insert* “the”.
74. Clause 45 - Amendment proposed - Interpretation for “occupier”, in paragraph (a) *delete* “governor”.

75. Clause 45 – Amendment proposed – Interpretation for “person responsible for a child”, *delete* “subsection (5) of section 12” and *insert* “subsection (3) of section 13”.
76. Clause 45 - Amendment proposed - Interpretation for “putative father”, *delete* “the person alleged” and *insert* “a person claimed”.
77. Clause 45 - Amendment proposed - Interpretation for “substitute parentage order”, *delete* “form” and *insert* “from”.
78. Clause 45 - Amendment proposed - Interpretation for “surrogacy”, line 1, *delete* “fetus” and *insert* “foetus”.
79. Clause 45 - Amendment proposed - Interpretation for “surrogate mother”, line 2, *delete* “fetus” and *insert* “foetus”.
80. Amendment proposed – Add the following new clause:

“Transitional provisions

47. (1) A staff of the Births and Deaths Registry in existence before the coming into force of this Act shall, on the coming into force of this Act, be absorbed into the Births and Deaths Registry established under this Act.
- (2) A staff absorbed into the Births and Deaths Registry established under this Act shall, on the coming into force of this Act, be deemed to have been duly employed on the terms and conditions which are not less in aggregate to the terms and conditions attached to the post held by that staff before the coming into force of this Act.”