

MARRIAGE & DIVORCE REGISTRATION

WHY IS THE REGISTRATION OF MARRIAGES AND DIVORCE IMPORTANT?

The life events of marriage and divorce are part of the group of 10 vital events recommended for civil registration by the United Nations. After births, deaths and foetal deaths, marriage and divorce is the second category of priority vital events that need to be accurately recorded. The registration of marriages and divorces creates legal documents that are used to establish and protect the civil rights of people. Marriage and divorce statistics are also used in social and demographic studies to assess the dynamics of social and demographic progress on a local, national and regional level.

MARRIAGE

In most developed countries, only two legal forms of marriage exist: civil and religious marriages. In Africa, in addition to these two, customary marriage is common but often not recognized by law.

Among the three forms, civil marriage is given preference over all other types of marriages. Couples who do not legalize their marriages are at a disadvantage. Failure to register marriage means that the spouses, often the woman and their children, cannot benefit from the rights and protection that a legal marriage would provide.

Marriage registration and certification is particularly important for women and children. Proof of marital status provides them with legal protection from discrimination in enjoying the benefits accorded by marital union. In some countries, for example, marriage registration and certification confers upon a child his or her status of legitimacy and the right to inherit property from his or her parents. Birth certificates, coupled with laws that set the minimum age for marriage, help to prevent child marriages and their devastating consequences.

DIVORCE

Divorce (or the dissolution of marriage) is the final termination of a marital union, cancelling the legal duties and responsibilities of marriage between two people. Divorce laws vary considerably between countries but most require the sanction of a court or other authority in a legal process.

Divorce certificates are important for alimony (spousal support), child custody, child support, distribution of property and division of debt. Divorce also allows the divorced parties to marry others.



WHAT IS THE SITUATION?

In Africa most marital unions are conducted within the customary law. Divorce occurrences, which are quite uncommon (opposed by polygamy), are similarly conducted within the African customary laws. Civil registration of marriages and divorces is consequently virtually unknown in Africa. Furthermore, the civil registration law in most countries does not include marriages and divorces among the vital events that should be compulsorily registered.

There is a gradual adoption of western culture and ideologies in Africa. In addition, empowerment of women and their participation in active employment, as well as increasing awareness of the HIV/AIDS epidemic, are slowly changing the sociocultural set-up of African society. Monogamy is increasingly being encouraged and polygamy discouraged. Divorce rates are also on the rise.

WHAT IS BEING DONE?

While surveys and other administrative data sources can provide data on marriages and divorces, by far the most important source is civil registration and vital statistics systems. However, most African countries are trapped in civil registration and vital statistics systems that do not function properly. The Economic Commission for Africa, in collaboration with the African Union Commission, the African Development Bank and other key regional and international organizations, has developed a regional policy and advocacy framework called the Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics, which is intended to guide systemic reform and support sustainable progress in improving such systems in African countries.

HOW DO WE IMPROVE THINGS?

- Revise the civil registration legislation to include compulsory registration of marriages and divorces similar to birth and death registration
- Enact legislation to **recognize customary marriages** as a first step in getting a fuller picture of marriage statistics.
- **Promote and increase public demand** for marriage and divorce registration by increasing the use of registration documents (marriage and divorce certificates) in accessing government services and resources. Marriage certificates may, for instance, be demanded during issuance of other identity documents such as national identity papers or passports.
- **Increase public awareness** of the importance of marriage and divorce registration and the benefits of having these events recognized before the law.

- Ensure that marriage and divorce registration services are accessible to all citizens of a country by **keeping the costs of access as low as possible**.
- **Decentralize civil registration** to make sure that there is complete coverage of a country's population, including rural and marginalized people. This would mean establishing civil registration offices and service centres in districts, townships, villages and refugee camps, and using mobile registration teams.
- **Use local structures** such as traditional authorities and faith-based organizations to improve service delivery to hard-to-reach population groups.



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