

THE MALAWI NATIONAL REGISTRATION ACT

Summary of Sections that Most Apply to Adolescent Girls:

In 2009, the Malawian Parliament passed and the President signed into law the National Registration Act of 2009. This policy brief summarizes the sections of the law that are most relevant to adolescent girls.

THE NATIONAL REGISTRATION SYSTEM

The law mandates that the Government of Malawi establish a National Registration System that records **births, deaths, and marriages** at the village, traditional authority, district, and national levels (Part II, Section 3). The registration system also must include **a registry of everyone in Malawi who is 16 years or older** and is a Malawian citizen or has a permanent residence permit, a temporary employment permit, or a business residence permit (Part II, Section 7). The registry must contain several pieces of information about each person, including **a person's sex, date of birth, parents' names, marital status, and other data** (Part II, Section 8).

At the national level, the registration system is to be overseen by a **Director of National Registration** (Part II, Section 4). At the district level, every **District Commissioner or Chief Executive is designated as the registrar** and is in charge of keeping the registry in his or her district, unless the national government chooses to appoint someone else to this post (Part II, Section 5). The Director of National Registration must provide each district with the necessary forms, books, and instructions to complete the registration processes (Part V, Section 37).

REGISTRATION OF BIRTHS AND ADOPTED CHILDREN

Part III of the law states that **a father and mother must register a child's birth within six weeks** (Section 24). However, in cases in which a child was born out of wedlock, the father is not required to register the birth or to be registered as the child's parent unless he voluntarily assents and the mother agrees or his fatherhood has been proven in court (Section 24).

In the parents' absence, others must take responsibility for registering the birth of a child, including the head of the household in which the child was born, anyone who was present at the child's birth, or anyone in charge of the child (Section 24).

To register a birth, a parent or other representative must complete a birth report and deliver a copy of it to the district registrar (Section 24). Those registering a birth after six weeks have passed will incur a fine (Section 25).

The national Director must also keep an **Adopted Children Register** to record cases in which a child order is adopted (Section 28).

REGISTRATION OF MARRIAGES

Part IV of the law states that **newly wedded couples must register the marriage within three months** (Section 31). To register a marriage, they must submit a prescribed form or deliver a copy of the marriage certificate to the district registrar (Section 31). Those registering a marriage after three months have passed will incur a fine (Section 32).

REGISTRY OF ALL MALAWIANS AGED 16 OR OLDER

Once an area within Malawi is notified that the registration system will begin to take effect, **every person in that area aged 16 or older who meets the citizenship requirements must go to the district registrar** to provide the required data, a photograph, and fingerprints (Part II, Section 10). Every registered person must then be issued an **identity card** (Part II, Section 13). If any personal information recorded in the registry changes, the affected person must report the update within 30 days (Part II, Section 18).

PENALTIES FOR FAILURE TO REGISTER AND OTHER OFFENSES

Failure to register can result in a fine of \$1 million Kwacha and up to five years imprisonment (Part VI, Sections 42). Providing false information or illegally using someone else's identity card can also result in the same punishment (Part VI, Sections 42 and 43).

ABOUT LET GIRLS LEAD AND AGALI

The Adolescent Girls' Advocacy and Leadership Initiative (AGALI) is a program of Let Girls Lead. AGALI improves the health, education, and lives of adolescent girls in Latin America and Africa. AGALI strengthens the capacity of leaders to advocate in favor of girl-friendly policies and programs and provides seed funding to support their work on behalf of adolescent girls.

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