



No. 407/ 2013

HR/3

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva and Other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to its communication dated 01 October 2013 transmitted to all Permanent Missions in Geneva with regard to the OHCHR Report on Birth Registration pursuant to the Human Rights Council Resolution 22/7.

The Permanent Mission of Sri Lanka has the honour to transmit herewith the information received from the Ministry of Justice of the Government of Sri Lanka to the aforementioned Report.

The Permanent Mission of Sri Lanka would appreciate acknowledgement of receipt of this communication by the Office of the High Commissioner for Human Rights.

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

  
Geneva, 20 November, 2013

A circular blue ink stamp from the Permanent Mission of Sri Lanka to the Office of the High Commissioner for Human Rights in Geneva. The stamp features the Sri Lankan emblem in the center, surrounded by the text "The Permanent Mission of Sri Lanka to the Office of the High Commissioner for Human Rights" and "Geneva".

Office of the High Commissioner for Human Rights (OHCHR)  
52, Palais Wilson  
Rue de Paquis  
CH-1201 Geneva

OHCHR Report on Birth Registration

Information received from the Government of Sri Lanka  
Ministry of Justice

01. In Sri Lanka the legislation on the subject of Birth Registration is the International Covenant on Civil and Political Rights Act, No. 56 of 2007 and the Births and the Deaths Registration Act, No. 17 of 1951 as amended. The International Covenant on Civil and Political Rights Act stipulates in section 5 that every child has the right to have his or her birth registered and to have a name from his or her date of birth. (Vide Annexure 1).

The Births and Deaths Registration Act specifically states as follows :

"Section 10(1)"

It shall be the duty of every Registrar to inform himself carefully of every birth and death occurring in his Division and to register accurately and with all convenient dispatch in the language specified for the purpose by the Registrar General in the registers provided by him, the particulars of the matters set out in Forms "A" and "B" of the schedule. (Form "B" being for the purpose of the Registration of a death, Form "A" is attached hereto (marked Annexure 2).

"Section 15

Subject to the provisions of subsection (1) of section 20, the father or mother of every child born alive, and in case the parents of the child are unable to provide the information relating to the birth hereinafter specified by reason of their death, illness, absence or other inability recognized by the Registrar General, the occupier of the house or building in which the child was born, each person present at the birth and the person having charge of the child shall, within 42 days of the date of birth, give information of such of the particulars relating to the birth required under this Act to be registered as the informant possesses, to the appropriate Registrar and shall, if called upon by the Registrar, sign the register of births in the appropriate place in the presence of the Registrar."

Where a birth occurs on an estate, the person or persons required to give information have to give such information to the Superintendent of Estate within seven days of the birth instead of to the Registrar. Vide section 20 of the Act which is attached, (marked Annexure 3).

02. The Registrar General's Department is in charge of registering births, deaths and marriages. Birth Registration Forms are attached, (marked Annexure 2 and Annexure 4).

03. The UNDP in conjunction with the Ministry of Justice and the Ministry of National Languages and Social Integration undertook a series of programmes, (mobile camps) in various districts especially in the North and East to issue birth, death and marriage certificates and also identity cards.

04. Children in Sri Lanka are generally required to have a Birth Certificates for entry into a school. For health services it is not necessary.

International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007 3

- (c) to have legal assistance assigned to him in appropriate cases where the interest of justice so requires and without any payment by him, where he does not have sufficient means to pay for such assistance;
- (d) to examine or to have examined the witnesses against him and to obtain the attendance of witnesses on his behalf, under the same conditions as witnesses called against him;
- (e) to have the assistance of an interpreter where such person cannot understand or speak the language in which the trial is being conducted; and
- (f) not to be compelled to testify against himself or to confess guilt.

(2) Every person convicted of a criminal offence under any written law, shall have the right to appeal to a higher court against such conviction and any sentence imposed.

(3) No person shall be tried or punished for any criminal offence for which such person has already been convicted or acquitted according to law.

5. (1) Every child has the right to—

Rights of a child.

- (a) have his or her birth registered and to have a name from his or her date of birth;
- (b) acquire nationality;
- (c) be protected from maltreatment, neglect, abuse or degradation; and
- (d) have legal assistance provided by the State at State's expense in criminal proceedings affecting the child, if substantial injustice would otherwise result.

4 *International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007*

(2) In all matters concerning children, whether undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the best interest of the child shall be of paramount importance.

Right of access to benefits provided.

6. (1) Every citizen shall have the right and the opportunity to—

(a) take part in the conduct of public affairs, either directly or through any representative; and

(b) have access to services provided to the public by the State.

(2) For the purpose of this section, the expression "conduct of public affairs" shall not include the conduct of any affairs which are entrusted exclusively to any particular authority, by or under any written law.

High Court to exercise jurisdiction over the enforcement of the human rights recognized under this Act.

7. (1) A person shall be entitled to apply by way of petition addressed to the High Court, against the infringement or imminent infringement by executive or administrative action, of any human right to which such person is entitled to under sections 2, 4, 5 and 6 of this Act and plead for such relief or redress as shall be prayed for in such petition.

(2) The jurisdiction of the High Court may be invoked under subsection (1) by a person, who alleges that any of the human rights provided for by the sections referred to in subsection (1) is infringed or is about to be infringed, by himself or through any other person on his behalf, within three months of the alleged infringement or imminent infringement, as the case may be :

Provided however, the jurisdiction of the High Court shall not extend to the adjudication upon an infringement or an imminent infringement of any human right which comes within the ambit of the fundamental rights or language rights declared or recognized by Chapter III or Chapter IV of the Constitution.

BIRTHS AND DEATHS

[§ 2, and 3, Law 23 of 1978.]

"Registrar General" includes a Deputy Registrar-General;

"still-birth" means death prior to complete expulsion or extraction from its mother of a product of conception which has had a duration of not less than twenty-eight weeks of gestation, death being indicated by the fact that after such separation, the foetus

does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles; and

"superintendent of an estate" means the person having the charge and supervision of the labourers and work of an estate.

SCHEDULE

Form A

BIRTH REGISTRATION ENTRY

[Section 10 (1).]

No. : ..... Division : ..... District : .....

(1) Date and place of birth<sup>1</sup> : .....

(2) Name : .....

(3) Sex : .....

(4) Father's—  
 full name : ..... ;  
 date of birth : ..... ;  
 place of birth : ..... ;  
 race<sup>2</sup> : ..... ;  
 rank or profession : .....

(5) Mother's—  
 full name : ..... ;  
 date of birth : ..... ;  
 place of birth : ..... ;  
 race<sup>2</sup> : ..... ;  
 age : .....

(6) Were parents married ? : .....

(7) If grandfather born in Sri Lanka : .....

his full name : ..... ;  
 his year of birth : ..... ;  
 his place of birth : .....

(8) If the father was not born in Sri Lanka and if great grandfather born in Sri Lanka, the great grandfather's<sup>3</sup>—  
 full name : ..... ;  
 year of birth : ..... ;  
 place of birth : .....

(9) Informant's full name, residence, and in what capacity he gives information : .....

(10) Informant's signature : .....

(11) Date of registration<sup>1</sup> : .....

(12) Registrar's signature : .....

(13) Name inserted, or substituted, after registration : .....

(14) Name of person on whose information particulars relating to item 13 were supplied, and in what capacity he gave information : .....

(15) Date of insertion, or substitution, and District Registrar's, or Registrar-General's signature : .....

<sup>1</sup> Specify all the particulars relating to the dates, including the month, and last portion of the year, in letters, for instance, first day of January, 1947 (forty-seven).

<sup>2</sup> Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

<sup>3</sup> In the case of a person born in wedlock, information should be given of the paternal grandfather and great grandfather, and in the case of a person not so born, and not legitimated by the subsequent marriage of the parents, information should be given of the maternal grandfather and great grandfather.

BIRTHS AND DEATHS

or, in any case when a new-born child is found, after seven days from the date of such finding, send a written requisition to any such person requiring him to attend personally at the registrar's office within such time (not less than seven days from the date of the receipt of the notice and not more than three months from the date of the birth or the finding) as may be specified in the notice, and to give information of such of the particulars required to be registered under this Act as he possesses and to sign the register of births in the appropriate place in the presence of the registrar.

(2) Every person to whom a requisition is sent under subsection (1) shall, unless the birth to which the requisition relates has been previously registered, comply with the terms of the requisition.

19. It shall be the duty of a registrar upon receiving from the appropriate informant at any time, not exceeding three months from the date of a birth or of the finding of a new-born child, information of any of the particulars required to be registered under this Act, to register, without fee or reward, forthwith in the prescribed form and manner such particulars (if they have not been previously registered), and to sign the register of births in the appropriate place.

20. (1) Where a birth occurs in an estate, it shall be the duty of the person or persons required by section 15 to give information relating thereto to give such information to the superintendent of the estate, within seven days of the birth, instead of to the registrar.

(2) Where any living new-born child is found exposed in an estate, it shall be the duty of the person finding such child, within twenty-four hours of such finding, and of the person in whose charge such child is placed, within twenty-four hours of his taking charge of such child, to give to the superintendent of the estate, instead of to the registrar, the information required by section 17 to be given to the registrar.

(3) Where the superintendent of an estate receives information of a birth under subsection (1), he shall, within forty-eight

hours of the receipt of the information, make, after verifying the information, a written report of the birth, substantially in the form E set out in the Schedule, to the nearest medical officer, or apothecary, appointed under the Medical Wants Ordinance, who shall send that report forthwith to the District Registrar of the district in which the estate is situated.

(4) Where the superintendent of an estate receives any information under subsection (2), he shall, within forty-eight hours of the receipt of the information, make a written report of the information, after verifying it, to the nearest medical officer, or apothecary, appointed under the Medical Wants Ordinance, who shall send that report forthwith to the District Registrar of the district in which the estate is situated.

(5) Where a District Registrar receives a report sent to him under subsection (3) or subsection (4), he shall register, in the prescribed form and manner, the particulars relating to the birth specified in that report. The superintendent of the estate who has made that report shall, for the purposes of this Act, be deemed to be the informant who supplied the aforesaid particulars and to have signed the entry, consisting of those particulars, made by the registrar.

21. (1) No person shall, in the case of an illegitimate child, as father of such child, be required to give information under this Act concerning the birth of such child.

Registration of illegitimate children.

(2) The registrar shall not enter in a register of births (kept under this Act or any past enactment) the name of any person as the father of an illegitimate child—

(a) except at the joint request of the mother and of the person acknowledging himself as the father of the child, and unless such person signs the register together with the mother; or

(b) except upon an order of a competent court which is summarized in the register:

Provided that where a registrar for the purpose of registering a birth takes particulars relating to the birth

Duty of registrar to register births without fee or reward.

Information about, and registration of birth of, children born, or living new-born children found exposed, in estates.

## Form D

[Section 16.]

## DECLARATION OF BIRTH

- Birth in ..... Division, ..... District .....
- (1) Date and place of birth<sup>1</sup> .....
- (2) Name .....
- (3) Sex .....
- (4) Father's—  
 full name .....
- date of birth .....
- place of birth .....
- race<sup>2</sup> .....
- rank or profession .....
- (5) Mother's—  
 full name .....
- date of birth .....
- place of birth .....
- race<sup>2</sup> .....
- residence .....
- age .....
- (6) Were parents married? If so, when and where .....
- (7) If grandfather born in Sri Lanka<sup>3</sup>—  
 his full name .....
- his year of birth .....
- his place of birth .....
- (8) If the father was not born in Sri Lanka and if great grandfather born in Sri Lanka, the great grandfather's<sup>3</sup>—  
 full name .....
- year of birth .....
- place of birth .....
- (9) Declarant's full name, rank or profession, and residence, and in what capacity he gives information .....
- (10) Parents' signatures for purposes of section 21 .....
- I do hereby declare the above to be a true and correct statement.
- Witness my hand at ..... this ..... day of ....., 19 .....

Stamp of  
25 cents.

Signature of declarant .....

Subscribed in the presence of—

1st witness :

Full name .....

Residence .....

Signature .....

2nd witness :

Full name .....

Residence .....

Signature .....

<sup>1</sup> Specify all the particulars relating to the dates, including the month, and last portion of the year, in letters, for instance, first day of January, 1947 (forty-seven).

<sup>2</sup> Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

<sup>3</sup> In the case of a person born in wedlock, information should be given of the paternal grandfather and great grandfather, and in the case of a person not so born, and not legitimated by the subsequent marriage of the parents, information should be given of the maternal grandfather and great grandfather.

*N.B.*—If the name of the child is not specified in this form, the declarant is bound within forty-two days to make an application under section 27 for the insertion of the name of the child.

Response received for the Questions indicated in the Communication  
dated 01 October 2013

**01. Current Status to Birth Registration**

Provisions are available to register every birth and death occurred in Sri Lanka under Section 15, 17, 20 and 24 of Birth and Death Registration Act of No 17 in 1951.

**02. Data on Birth Registration**

Birth registration as male and female groups in rural, urban and estate areas as follows:

Group	Number of births registered		
	Urban	Rural	Estates
Male	133,246	55,171	910
Female	128,053	52,513	838
Total	261,299	107,684	1,748

Birth registration as male and female groups is as follows in year 2012

Group	Number of births registered
Male	181,184
Female	174,716
Total	355,900



**03. Authorities are in- charge of registering birth, death and marriages**

- a. Registrar General has empowered to the administration, general control and supervision to register birth, death and marriages which took place in Sri Lanka. The powers vested to the Registrar General has been mentioned in section 2 of Birth and Death Registration Act No. 17 in 1951, section 02 of Marriage Registration Ordinance of No. 19 of 1907 and section 3 of Muslim marriage and Divorce act No. 13 in 1951 . Registrar General has delegate powers to following administrative levels for registration activities.

**Provincial :**

Each of the nine provinces of the country is identified as a separate administrative zone. Each zone has an Assistant Registrar General.

**District:**

Government Agent/ District Secretary of the district has been appointed as the Additional Registrar General of administrative districts.

**Divisional :**

Divisional Secretaries who have been appointed as the District Registrar of the of their administrative divisions.

**Registration divisions:**

Divisional Secretary's Divisions have been divided into small units which are called as birth and death registration divisions. A Registrar of birth , death and marriages has been appointed to each of these registration divisions to register births, deaths and marriages in the division.

b. Information available in a Birth Certificate are as follows.

- District and Division
- Date and place of birth
- Name of the child
- Gender of the child (Male/Female)
- Name in full, date of birth, place of birth and race of the father
- Name in full, date of birth, place of birth , race and age of the mother
- Whether parents were married
- If grandfather born in Sri Lanka, his full name, year of birth and place of birth
- If the father was not born in Sri Lanka and if great grandfather born in Sri Lanka his full name, year of birth and place of birth
- Informant's full name, residence and in what capacity he gives information
- Informant's signature
- Date of registration
- Signature of Registrar

#### **04. Steps taken to improve the rates of birth registration**

Awareness programs are conducted to all Registrars of birth , death and marriages , Estate superintendents and staff , Grama Niladharis and hospital staffs. Circulars and instructions will be issued constantly.

The awareness programs are conducted to the public by national and divisional level exhibitions and posters to be highlighted the importance and necessity of registration of births.

**06. Steps to be taken to improve the birth registration and Vital registration System**

"e Population Register " program has been introduced in Sri Lanka to improve and using technology for civil registration procedure and by-using human resources . Through this program a citizen or institution can obtain civil registration data.

**07. Resources available**

"e Population Register " program has been introduced with limited technical, financial and human resources. In future financial assistance is expected.