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9 March 2026

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Democratic Republic of the Congo: Birth documents, including actes de naissance (birth certificates), birth attestations, birth certificates from a medical source, and declaratory and suppletory judgments for actes de naissance; their content, appearance and security features; requirements

and procedures to obtain them in the country and from abroad; samples (2000-June 2025)

Research Directorate, Immigration and Refugee Board of Canada

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1. Declaring Births^[back]

1.1. Legislation^[back]

Sources report that birth registration and vital statistics documents in the Democratic Republic of the Congo (DRC) are governed by Act No. 16/008 of 15 July 2016 Amending and Supplementing Act No. 87-010 of 1 August 1987 on the Family Code (*Loi n° 16/008 du 15 juillet 2016 modifiant et complétant la loi n° 87-010 du 1er août 1987 portant Code de la famille*) (ICGLR with UNHCR 2023-04, 58-59; iPeace 2020-04-21; lawyer 2020-04-12). A 2019 report on civil registration and vital statistics systems in the DRC, prepared by the Centre of Excellence for Civil Registration and Vital Statistics Systems (Centre of Excellence) ^[1], in partnership with the UN Economic Commission for Africa (ECA) ^[2], explains the following:

[Centre of Excellence and UN ECA English version]

The Government of DR Congo revised Law [No.] 87-010 on the Code of the Family issued in 1987 and replaced it with a law to amend and complete it. The revised Family Code, Law [No.] 16/008, which is also the basis for the civil registration system, was issued and became effective in July 2016. The revised law provides the legislative framework for registering live births, deaths and foetal deaths, marriage, separation, divorce, annulment, adoption, legitimation and recognition. (Centre of Excellence & UN ECA 2019, 5, footnotes omitted)

Act No. 87-010 of 1 August 1987 on the Family Code (*Loi n° 87-010 du 1er août 1987 portant Code de la famille*) provides the following regarding declarations of birth:

[translation]

Article 82:

All births, marriages and deaths are registered in the form of records in a separate civil status register, known as the birth, marriage and death register. ...

...

Article 116:

Any birth occurring within the territory of the Republic must be declared to the civil registrar of the place of residence of the father or the mother within 30 days after the birth.

Article 117:

The birth of the child is declared by the father or the mother, failing which the birth is declared by the ascendants or close relatives of the child or by persons present at the birth.

The declaration may be made by a proxy with a power of attorney, even one made under private writing, from the father or the mother. (RDC 1987, bold in original)

The 2016 amendments introduced the following changes to Article 116:

[translation]

Article 116

Any birth occurring within the territory of the Republic is declared to the civil registrar of the place of residence of the father or the mother within 90 days after the birth.

Where the declaration of birth and the issuance of the acte de naissance are carried out within the statutory time limit, they are free of charge. (RDC 2016a, bold in original)

In a commentary on the Family Code published in 2019 by Eddy Mwanzo Idin'Aminye, a doctor in law and a professor at the University of Kinshasa (Africa Vivre n.d.), the author notes that Article 116 of the Family Code of 1987, which allowed a 30-day period to declare the birth of a child, was

first repealed by Article 16 of Act No. 09/001 of 10 January 2009 on Child Protection (*Loi n° 09/001 du 10 janvier 2009 portant protection de l'enfant*), which extended this period to 90 days; this new extension was subsequently confirmed in the Family Code of 2016 (Mwanzo Idin'Aminye 2019, 134–135).

1.2. Declaring Births (August 1987-2009)^[back]

Information on the requirements for registering a birth in the DRC prior to 2009 was scarce among the sources consulted by the Research Directorate within the time constraints of this Response. Sources indicate that births had to be declared within 30 days (Germany 2023-01-05; UK 2009-01-27, para. 33.09). According to a January 2009 report from the UK Home Office, citing a joint report from the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Immigration Service (DIS) on a DRC fact-finding mission in January 2007, after this deadline, the information no longer has legal validity, but that a court can grant validity through a declaratory judgment (*jugement déclaratif*) or a suppletory judgment (*jugement supplétif*) (UK 2009-01-27, para. 33.09). A Congolese lawyer consulted as part of the same joint report from Norway and Denmark stated that a "'late registration'," made after the 30-day deadline, requires the permission of the High Court (*Tribunal de grande instance*) (UK 2009-01-27, para. 26.18, 33.11). He added the following:

In reality there is no time limitation for when a child's birth can be registered. What this means is that birth registration can take place at any point of time in a person's life. If the person is under age, then the birth has to be registered. It is the parents who have to take the initiative to carry out registration. If someone has come of age or is over 18 years then they can carry out registration themselves. (UK 2009-01-27, para. 33.11)

For further information on declaratory or suppletory judgments for actes de naissance, see section 5 of this Response.

According to the joint report from Norway and Denmark, cited by the UK Home Office, births are registered with the civil registry (UK 2009-01-27, para. 33.09).

1.3. Declaring Births (Since 2009)^[back]

Sources indicate that since 2009, births must be registered within 90 days (Kiyana 2024-05-28; Germany 2023-01-05; UN [2017]). Some sources also report that, after the three-month period, authorization from the commune court is necessary to register the birth (Netherlands n.d.; SOS Enfants n.d.a). Maxence Kiyana, a lawyer on the Kinshasa/Matete bar who specializes in economic and social law, states in a guide on obtaining an acte de naissance in the DRC, that a [translation] "suppletory judgment for an acte de naissance" will be required "if the child's birth is declared more than 90 days after it occurred" (Kiyana 2024-05-28).

The following persons are authorized to register a birth:

- parents (Kiyana 2023-05-09; Germany 2023-01-05; UN [2017]);
- ascendants (Kiyana 2023-05-09; UN [2017]);
- relatives (Germany 2023-01-05; UN [2017]) or close relatives (Kiyana 2023-05-09);
- any person present at the birth (Kiyana 2023-05-09; Germany 2023-01-05; UN [2017]); and
- a legal representative (Germany 2023-01-05) or an individual with a written power of attorney signed by a parent (UN [2017]).

Sources report that, to register a birth, the child's [translation] "medical birth certificate" must be presented (Kiyana 2024-05-28; UN [2017]).

According to Kiyana, the following must also be presented: the parents'

identity documents, the parents' marriage certificate, if applicable, and [translation] "other supporting documents based on local requirements" (Kiyana 2024-05-28).

Sources also report that registration is free of charge (Kiyana 2023-05-09; Germany 2023-01-05; UN [2017]).

The 2019 report from the Centre of Excellence and ECA notes that birth registrations are recorded on paper, not electronically (Centre of Excellence & UN ECA 2019, 9). The same source provides the following:

[Centre of Excellence and UN ECA English version]

The civil registration acts or register has four carbon copies for each event. Archiving of civil registration acts is done at three levels: local registration office, court, and central registration headquarters. The top sheet is given to the applicant; the second copy is kept at the registry of the High Court of the jurisdiction where the civil registry office is located, the third copy is sent [to] and archived at the Central Records Office in Kinshasa, and the fourth copy is kept at the issuing registry office. (Centre of Excellence & UN ECA 2019, 6)

UNICEF reports that, according to data compiled between December 2016 and November 2017, the official authorities in charge of registering births are the Ministry of Justice (central registry and control of civil registrars) and the Ministry of the Interior (exerting administrative control over civil registrars, issuing actes de naissance, establishing and operating secondary offices, and appointing and training civil registrars) (UN [2017]).

According to the 2019 Centre of Excellence and ECA report, the Ministry of the Interior is responsible for civil registration (Centre of Excellence & UN ECA 2019, 3).

Sources note that the agency responsible for birth registration is the Civil Registration Division (Germany 2023-01-05; Centre of Excellence & UN ECA 2019, 3). Sources indicate that this office must be located in the

place of residence of one of the parents (Germany 2023-01-05; UN [2017]). According to UNICEF, this may be the civil registry office [also translated as civil registration office or civil status office], the mayor's office, or another local or district authority (UN [2017]).

The Centre of Excellence and ECA report states:

[Centre of Excellence and UN ECA English version]

In DR Congo, the organization of the civil registration system is centralized. The country is divided into provinces, cities, territories (rural areas), communes and chiefdoms/sectors. There [are] a total of 979 local civil registration offices at the Chiefdom/Secto[r] administration leve[l]. Out of these, 102 are classified as urban and the remaining 877 as rural Chiefdoms/Sectors. Each of these offices are manned by a civil registrar. Some of the Chiefdoms/Sectors cover a large territorial unit. These civil registration offices also keep the civil status records. (Centre of Excellence & UN ECA 2019, 6)

Sources state that a birth is declared to the civil registrar (UN [2017]; Kiyana 2023-05-09) [translation] "in the place of residence of the father or mother" (Kiyana 2023-05-09). For more information about civil registrars, see section 2.4 of this Response.

UNICEF reports in 2022 that a [UN English version] "system has been set up to ensure that all births are registered through maternity services," particularly in South Kivu (UN 2022-02-15). Under this program, a maternity services employee fills out the birth declaration with the parents and submits it to a representative of the civil registry; the civil registry office then issues the acte de naissance and gives it to the clinic for the parents to pick up (UN 2022-02-15). In a 2024 publication, UNICEF announced that this initiative was being piloted in four provinces (UN 2024-12, 15).

UNICEF reports that the information that is collected when the birth is registered is as follows:

- Regarding the child:
 - Name
 - Sex
 - Date of birth
 - Place of birth
 - Date and place of birth registration
- Regarding the parents:
 - Date of birth or age
 - Place of usual residence
 - Occupation
 - Nationality (UN 2017).

In correspondence with the Research Directorate, the Executive Director of the Congolese NGO The Voice of the Voiceless for Human Rights (La Voix des sans voix pour les droits de l'homme, VSV) [3] noted in 2020 that [translation] "only the parents' identities, nationalities, address and occupations and the child's acte de naissance issued by the maternity clinic [a birth certificate from a medical source] are required" (VSV 2020-04-10).

1.4. Prevalence of Birth Declarations[\[back\]](#)

Regarding incentives to declare births, the Family Code of 1987 provides as follows:

[translation]

Article 114:

Everyone who is required to declare a birth or death and fails to do so within the statutory time limit or who is summoned by a civil registrar to make a declaration of death and refuses to appear or give testimony commits an offence punishable by seven days of penal servitude and a fine not exceeding 20 *Zaires*, or by one of these penalties only. (DRC 1987, bold and italic in original)

The Family Code of 2016 provides as follows:

[translation]

Article 114

Everyone who is required to declare a birth or death and fails to do so within the statutory time limit or who is summoned by a civil registrar to make a declaration of death and refuses to appear or give testimony commits an offence punishable by a fine of 10,000 to 50,000 Congolese francs [CDF] [C\$6–30]. (DRC 2016a, bold in original)

Nevertheless, sources noted in 2017 and 2018 that the birth registration rate in the DRC was "low" (US 2018-09-20, 2, 3; UN 2017-02-28, para. 21). The VSV Executive Director similarly noted in 2020 that [translation] "many births" are not registered within the prescribed 90-day time limit and that the Congolese state "turns a blind eye to this" (VSV 2020-04-10). In correspondence with the Research Directorate, a project coordinator for Initiatives for Peace and Human Rights (iPeace), a non-profit organization that [translation] "advocates for a sustainable peace in the Great Lakes Region" and that is present in Rwanda, Burundi and the DRC, stated that although "legislators have provided several legal mechanisms to ensure that no Congolese citizens are without civil status records, actual practice sometimes fails to comply with legislation" (iPeace 2020-04-21). In correspondence with the Research Directorate

in 2020, a Congolese lawyer, whose work has included the verification of civil status records, states that many children are born at home, not in hospital, and their births are never declared (Lawyer 2020-04-12). Local sources consulted by the Research Directorate stated in 2020 that it [translation] "is possible to live" in the DRC without civil status documents (iPeace 2020-04-21; lawyer 2020-04-12; VSV 2020-04-10;), and that this is [translation] "common" (iPeace 2020-04-21). The lawyer added that [translation] "[a]though there is a criminal sanction associated with [the] obligation [to declare births within 90 days], the population does not comply with it" (Lawyer 2020-04-12).

Sources have identified the following as barriers to birth registration over time:

- parental negligence (iPeace 2020-04-21; UN 2017-02-28, para. 21);
- parents' lack of knowledge of this requirement (UN 2024-08-30, para. 43; iPeace 2020-04-21; lawyer 2020-04-12);
- lack of time (iPeace 2020-04-21; UN 2017-02-28, para. 21);
- distance to travel (Lawyer 2020-04-12; UN 2017-02-28, para. 21; FGHR 2017-05-12);
- associated costs (UN 2017-02-28, para. 21);
- corruption (FGHR 2017-05-12; The Enough Project 2016-10, 50);
- lack of resources for civil registry offices (DW 2024-10-18; FGHR 2017-05-12; UN 2017-02-28, para. 21);
- conflicts in the DRC (iPeace 2020-04-21; UN 2017-02-28, para. 21) and the [translation] "non-existent" government (iPeace 2020-04-21).

According to the DRC's 2023-2024 Demographic and Health Survey (DHS-DRC) [4], the civil birth registration rate is 33.5% for children under 5, and 29.7% of children under 5 possess an acte de naissance (INS of the DRC, École de santé publique de Kinshasa and ICF 2025-02, 506). The DHS-DRC also reports that, according to previous DHS-DRC results, the [translation] "percentage of children under 5 whose births were registered at the civil registry" decreased from 31% in 2007 to 25%

in 2013–2014, before rising to 33.5% in 2023–2024 (INS of the DRC, École de santé publique de Kinshasa & ICF 2025-02, 498, 506).

2. Actes de Naissance (Birth Certificates)[\[back\]](#)

2.1. Designation of Actes de Naissance[\[back\]](#)

In both the 1987 and 2016 versions of the Family Code, Article 97 [quoted in section 1.1 of this Response] refers to the document issued by authorities following the registration of a birth as an "acte" (DRC 1987, Art. 97; DRC 2016a, Art. 97). The term "acte de naissance" is used elsewhere in these statutes to refer to the document in question (DRC 1987; DRC 2016a). Other sources also use the term "acte de naissance" (Kiyana 2023-05-09; UK 2009-01-27, para. 33.10; US n.d.).

Regarding the possible confusion between an acte de naissance and a birth certificate (*certificat de naissance*) in the DRC, the Congolese lawyer interviewed for the joint report from Norway and Denmark, cited in the 2009 UK Home Office report, explained that "[b]irth registration is attested by the issuing of a birth certificate called *Acte de naissance*," and the document that is referred to as a "*Certificat de naissance*" in the DRC [i.e., a birth certificate from a medical source] is not "an official document for birth"; only the acte de naissance is a "legal document" (UK 2009-01-27, para. 33.10, italics in original).

For more information about birth certificates from a medical source, see section 4 of this Response.

2.2. Content of Actes de Naissance^[back]

The iPeace Project Coordinator stated, in 2021 correspondence with the Research Directorate, that [translation] "[t]he content of civil status records is uniform because it is set by law" (2021-03-25).

2.2.1. August 1987 to July 2016^[back]

The Family Code of 1987 provides the following with respect to the civil status registers:

[translation]

Article 160:

The templates of civil status registers, household booklets, and affiliation or adoption booklets are established by order of the Minister of Justice.

The Minister is responsible for ensuring their distribution to all civil registry offices throughout the Republic, as well as to embassies and consulates, in which case, distribution is carried out by the Ministry of Foreign Affairs. (DRC 1987, bold in original)

The same Family Code provides the following with respect to civil status records:

[translation]

Article 92:

Civil status records are drawn up in French.

In addition to the provisions set out in Article 84, they state the date and time at which they are drawn up, the name, the occupation of the civil registrar, the names, sex, marital status, profession, domicile or residence and, where possible, the date and place of birth of the persons named therein.

Where the date of birth must be indicated but is not known, the record shall state the approximate age of the person.

...

Article 118:

The acte de naissance sets out

- a. the time of birth, where possible, as well as the day, month, year and place of the birth, the child's sex and the name given to the child;
- b. the names, age, occupations and domicile of the father and mother; and
- c. where the declarant is not the father or the mother, the name(s), age, occupations, and domicile of that declarant. (DRC 1987, bold in original)

The Congolese lawyer consulted in the context of the joint report from Norway and Denmark, cited by the UK Home Office in 2009, indicated that the following elements appear on the acte de naissance: the date and place of birth, and the child's sex and name, as well as "the parent's name, age, profession and residence" (UK 2009-01-27, para. 33.10).

In 2001, after verifying with the authorities of [translation] "commune administrative offices in Kinshasa," the president of Journaliste en danger (JED) [5] provided the following information on the content of an acte de naissance issued in Kinshasa:

[translation]

[T]here is ... another stamp under which the mayor (*bourgmestre*) signs (in the right corner) in their capacity as a civil registrar. ... In the absence of the mayor, the assistant signs. ... As of May, the value of the stamp affixed to certificate is 400 FC. In February, March and April 2001, the value was 300 CF.

The mayor told JED that, in order to obtain a birth certificate, the signatures of the declarant and witnesses are added at the lower left of the document. The witnesses are the clerk or head of the civil registry office ... and their deputy Another signature is that of the civil registrar, who is the mayor of the commune. (JED 2001-06-04)

2.2.2. Since July 2016 [\[back\]](#)

The Family Code of 2016 provides the following:

[translation]

Article 160

The templates of civil status registers, family booklets, and affiliation or adoption booklets are established by order of the minister responsible for justice.

The Minister is responsible for ensuring their distribution to all civil registry offices throughout the Republic, as well as to embassies and consulates, in which case, distribution is carried out by the Ministry of Foreign Affairs. (DRC 2016a, bold in original)

Articles 92 and 118 of the Family Code provide the following:

[translation]

Article 92

Civil status records are drawn up in French.

In addition to the provisions set out in Article 84 above, these records state the date and time at which they are drawn up, the name and capacity of the civil registrar, and the name, sex, marital status, nationality, profession, domicile or residence and, where possible, the date and place of birth of the persons named therein.

Where the date of birth must be indicated but is not known, the record shall state the approximate age of the person.

...

Article 118

The acte de naissance sets out

1. the time of birth, where possible, as well as the day, month, year and place of the birth, the child's sex and the name given to the child;
2. the names, age, occupation, domicile and nationality of the father and of the mother; and
3. where the declarant is not the father or the mother, the name(s), age, occupation, domicile and nationality of that declarant. (DRC 2016a, bold in original)

In his commentary on the Family Code, Mwanzo Idin'Aminye notes that the nationality of the parents or of the person declaring the birth has been on the acte de naissance since 2016 (Mwanzo Idin'Aminye 2019, 28, 116). He also reports, as of 2019, that it is [translation] "still very common" in the DRC to indicate age when the exact date of birth of the person named on the acte de naissance is not known (Mwanzo Idin'Aminye 2019, 115, 116).

Kiyana indicates, in a [translation] "legal opinion" [6] on documents attesting to birth in the DRC, that the acte de naissance is signed by the civil registrar, who may be the mayor of the commune, a territory administrator or the head of a chiefdom or sector (Kiyana 2023-05-09).

Lastly, an informational article [7] on obtaining an acte de naissance for a person born in the DRC, published in January 2023 on the website of the Embassy of Germany in Kinshasa, states that [translation] "[e]very child of Congolese nationality must have a mother and a father... . This must also be stated on the acte de naissance. ... An acte de naissance bearing the notation 'father unknown' is not in accordance with the law" (Germany 2023-01-05, emphasis omitted). An article published in 2017 by the Fund for Global Human Rights (FGHR) [8] also notes the requirement that the names of both parents appear on the acte de naissance (FGHR 2017-05-12).

2.3. Appearance and Security Features of the Acte de naissance^[back]

The iPeace Project Coordinator indicated in 2021 that the format of actes de Naissance may vary from one place to another, depending on the civil registrar or the applicant (2021-03-25).

The President of JED stated the following:

[translation]

The acte de naissance issued in April 2001 by the commune of Kinshasa contains, in the upper left corner, the coat of arms of the city of Kinshasa. There are rubber stamps on the revenue stamps, and another rubber stamp below which the mayor signs (in the righthand corner). (JED 2001-06-04)

The information in the following two paragraphs was provided in 2002 by a Congolese lawyer and assistant at the Faculty of Law of the Université libre de Kinshasa (ULK), in a telephone interview with the Research Directorate:

Generally all administrative documents issued by the competent authorities, including actes de Naissance, bear stamps. For citizens, the stamps, which are denominated in CDF, serve as proof of payment of the administrative costs associated with document requested. For authorities, the stamps constitute an auditing instrument.

The inscription "EAD," which is found on certain stamps, stands for "Entité administrative décentralisée" (decentralized administrative entity). Under the current tax system in the RDC, some administrative entities such as communes have the right to take a portion of the taxes or administrative costs payable for all the goods and services they produce and provide. The stamps issued by these entities therefore bear the inscription "EAD" (Congolesse lawyer and Assistant at the ULK 2002-10-02).

The US Department of State's Reciprocity Schedule further notes the following about what appears on actes de Naissance: "Special Seal(s) / Color / Format: From the issuing office" (US n.d.).

Kiyana notes that documents attesting to birth are [translation] "generally printed on letterhead with the security features specific to each administration, including the stamp" (Kiyana 2023-05-09).

Guidelines from 2024 for UK Passport Office staff state that actes de Naissance are not laminated (UK 2024-04-19). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A blank sample of an acte de naissance from the DRC, provided by the iPeace Project Coordinator in 2021, is attached to this Response (Attachment 1). The iPeace Project Coordinator stated that the sample provided was [translation] "from the registry of the commune of Goma, city of Goma, province of Nord-Kivu in the DRC. [It] may have the same content as those issued by registrars in other communes and cities, but not necessarily the same format" (iPeace 2021-03-25).

2.4. Authority Responsible for Issuing Actes de Naissance

[\[back\]](#)

2.4.1. From August 1987 to July 2016^{[\[back\]](#)}

The Family Code of 1987 provides the following:

[translation]

Article 73

A main civil registry office shall be established either in the capital of the rural or urban commune or at the headquarters of the rural commune authorities, which are separate from the seat of the commune authority.

...

Article 76

The duties of a civil registrar are performed in accordance with the distinctions specified in Article 73, either by the rural or urban commune commissioner or, under their direction, by subordinate officials designated by them, or by the head of the local government or, under their direction, by subordinate officials designated by them.

Article 77

Depending on local needs, and on the recommendation of the subregional commissioner or the commune commissioner for the city of Kinshasa, the governor of the region of the relevant civil registry office or the governor of the city of Kinshasa may appoint as a civil registrar a government official charged exclusively with these duties.

Article 78

Civil registrars alone are competent to receive declarations and draw up civil status records to which they confer authentic status.

...

Article 97

Declarations of birth are received and their records are drawn up by the civil registrar of the place of residence of the father or mother. (DRC 1987, bold in original)

According to Mwanzo Idin'Aminye, the Family Code of 1987 lists the following civil registrars: [translation] "the mayor of the commune, the head of the sector or chiefdom" and "'the rural zone commissioner', which corresponds to the territory administrator" (Mwanzo Idin'Aminye 2019, 27). According to the same source, the mayor of the city in [translation] "decentralized territorial entities" was added to the list of persons who may act as civil registrars by Organic Statute No. 08/016 of 7 October 2008 on the Composition, Organization and Functioning of Decentralized Territorial Entities and Their Relations with the State and the Provinces (*Loi organique n° 08/016 du 07 octobre 2008 portant composition, organisation et fonctionnement des entités territoriales décentralisées et leurs rapports avec l'État et les provinces*) (Mwanzo Idin'Aminye 2019, 27).

2.4.2. Since July 2016 [\[back\]](#)

The Family Code of 2016 provides as follows:

[translation]

Article 73

A main civil registry office shall be established in the administrative seat of the commune, sector or chiefdom.

...

Article 76

The following are authorized to carry out civil registry duties:

1. the city mayor,
2. the commune mayor,
3. the head of the sector or chiefdom, and
4. the head of a diplomatic or consular mission.

The civil registrar may delegate their duties, under their direction and responsibility, to a subordinate officer under their authority.

Article 77

When circumstances require, the provincial governor or the governor of the city of Kinshasa, as applicable, may, upon recommendation of the mayor of the commune, the sector head or the chiefdom head, appoint to a civil registry office, a state official with the exclusive duties of a civil registrar.

The civil registrar so appointed may be assigned to an organization, a health zone or a referral hospital. (DRC 2016a, bold in original)

Articles 78 and 97 of the Family Code of 2016 remain unchanged from the 1987 version of the law (DRC 2016a).

According to Mwanzo Idin'Aminye, "the 'rural zone commissioner'" was removed from the list of civil registrars by the 2016 law, and the head of a diplomatic or consular mission, as well as the city mayor, were added (Mwanzo Idin'Aminye 2019, 27). The same source notes that Article 78 [translation] "establishes the principle of exclusive jurisdiction conferred on civil registrars to receive civil status records and accord authenticity to

them" (Mwanzo Idin'Aminye 2019, 103, italics omitted). Other non-legal sources report that the authorities responsible for issuing actes de Naissance are civil registrars (UK 2009-01-27, para. 33.10; US n.d.).

Kiyana notes that actes de Naissance are issued at the civil registry office (Kiyana 2023-05-09). A document published on the NetherlandsWorldwide website, an information site of the Government of the Netherlands, indicates that it is the [Netherlands English version] "civil status records office in your place of birth" (Netherlands n.d.).

2.5. Functions, Uses and Probative Value of Actes de Naissance^[back]

Article 72 of the Family Code of 1987 [unchanged by the 2016 amendments (DRC 2016a)] provides as follows: [translation] "Unless otherwise provided by law, a citizen's civil status is established and may be proven only by civil status records" (DRC 1987).

Mwanzo Idin'Aminye explains that [translation] "[t]his fundamental provision establishes the requirement that all Congolese citizens must rely on civil status records to establish their civil status," but adds that, by virtue of the phrase "'unless otherwise provided by law'," the law "may, in exceptional cases, provide for the use of judicial decisions in lieu of civil status records and even affidavits (*actes de notoriété*) verified by the judiciary" (Mwanzo Idin'Aminye 2019, 100). In a report on statelessness published by the International Conference on the Great Lakes Region (ICGLR) with support from the UNHCR, it is also stated that if "a birth or other event has not been registered in time [in the DRC], there are procedures for late registration via a court judgement (*jugement supplétif*) or for the issue of a certificate recognising ... the event based on recognition of facts in common knowledge (*acte de notoriété*)" (ICGLR with UNHCR 2023-04, 59, footnotes omitted).

Sources indicate that the acte de naissance is used to establish legal identity (Kiyana 2024-05-28) or official identity (SOS Enfants n.d.a). The Congolese lawyer added that, in the case of a minor, an acte de naissance may be used as proof of identity (Lawyer 2020-04-12). According to Article 127 of the Family Code, the acte de naissance [translation] "serves as a certificate of maternity" for the mother identified in the document (DRC 2016a; DRC 1987). Other sources mention its value as proof of parentage (US 2023-03-20, 40; Centre of Excellence & UN ECA 2019, 8). Still others indicate that it also serves as proof of nationality (US 2023-03-20, 40; SOS Enfants n.d.a; Kiyana 2024-07-16). With regard to its use, sources have reported that an acte de naissance can be required for various purposes:

- Acquiring Congolese nationality (DRC 2006, Art. 6);
- Recovering Congolese nationality (DRC 2006, Art. 8);
- Obtaining a passport (Kiyana 2024-07-16; Centre of Excellence & UN ECA 2019, 8; US n.d.);
- Obtaining a national identity card (Kiyana 2024-07-16);
- Voting (DRC 2016b, Art. 8, 10);
- Becoming a candidate in elections (DRC 2017, Art. 18, 20, 121);
- Getting married (Kiyana 2024-07-16; iPeace 2020-04-21) or registering a marriage (DRC 1987, Art. 373);
- Obtaining employment (iPeace 2020-04-21; VSV 2020-04-10);
- Accessing education, including enrolling in school (Kiyana 2024-07-16; UN [2017]) or in some universities (iPeace 2020-04-21; UN [2017]);
- Accessing health care (Kiyana 2024-07-16; Centre of Excellence & UN ECA 2019, 8);
- Accessing an inheritance (Kiyana 2024-07-16; UN Centre of Excellence & UN ECA 2019, 8);
- Undertaking legal proceedings (VSV 2020-04-10).

2.6. Requirements and Procedure to Obtain an Acte de naissance^[back]

With regard to the timeframe for producing an acte de naissance, the Family Code of 1987 provides as follows:

[translation]

Article 98

Unless otherwise specified by law, civil status records must be drawn up within one month of the legal act or event that they record.

Beyond this statutory deadline, a civil status record has only probative value for information purposes; however, it shall be otherwise if recorded in the register pursuant to a declaratory or suppletory judgment. (DRC 1987, bold in original)

The 2016 legislation provides the following:

[translation]

Article 98

Unless otherwise specified by law, civil status records are drawn up within 30 days of the legal act or event or that they record.

Once the statutory period has passed, the civil status record has only probative value for information purposes.

However, it shall be otherwise if recorded in the register pursuant to a declaratory or suppletory judgment. (DRC 2016a, bold in original)

2.6.1. In the Country^{[\[back\]](#)}

2.6.1.1. Registered Births^{[\[back\]](#)}

Kiyana states that [translation] "[o]nce the birth is declared and all required documents are submitted, the civil registrar registers the birth and issues an official acte de naissance" (Kiyana 2024-05-28). UNICEF reports that an acte de naissance is issued "immediately" once a birth is registered (UN [2017]). The Centre of Excellence and the ECA note that the civil status records have [Centre of Excellence and UN ECA English version] "four carbon copies," and "[t]he top sheet is given to the applicant" (Centre of Excellence & UN ECA 2019, 6). According to the

US Reciprocity Schedule, the parent must go back to the same civil registry office to pick up the acte de naissance about two weeks after registering the birth (US n.d.). UNICEF reports that actes de Naissance issued in maternity wards by the civil registry [UN English version] "through a proxy system" are available "a few days" after the declaration (UN 2022-02-15).

According to information provided in 2002 by the Congolese lawyer, a stamp is affixed to the acte de naissance as proof of payment of the administrative fees (Congolese lawyer and Assistant at the ULK 2002-10-02).

Article 116 of the Family Code of 2016 [quoted in section 1.1 of this Response] states that [translation] "[t]he declaration of birth and the issuance of the acte de naissance within the statutory time limit are free of charge" (DRC 2016a). The Centre of Excellence and the ECA also report that the certificate is issued free of charge (Centre of Excellence & UN ECA 2019, 6).

Kiyana states that obtaining an [translation] "acte de naissance in the DRC can sometimes be difficult for various reasons, such as limited access to civil registration services in some regions of the country, language barriers and the costs associated with administrative procedures" (Kiyana 2024-05-28).

2.6.1.2. Unregistered Births [\[back\]](#)

For information on the requirements and procedures for obtaining an acte de naissance when a birth has not been registered within the prescribed time limit, see section 5 of this Response.

2.6.2. Abroad [\[back\]](#)

Information on issuance of actes de Naissance abroad was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The ICGLR and UNHCR report states that, in accordance with Articles 76 and 87 of the Family Code of 2016, "[d]iplomatic and consular missions function as civil status offices, and they are required to send records of their registrations each year to the [M]inistry of [J]ustice and [the] relevant tribunal in the DRC" (ICGLR with UNHCR 2023-04, 59).

However, information on the issuance of actes de Naissance could not be found on the websites of the DRC's diplomatic missions consulted by the Research Directorate within the time constraints of this Response. Some diplomatic missions do, however, list birth attestations among the documents they issue (DRC n.d.a; DRC n.d.b; DRC n.d.c).

In his May 2023 article on documents attesting to birth in the DRC, Kiyana states that [translation] "from abroad, it is impossible to obtain an acte de naissance" for a Congolese person born in the DRC, but notes that the individual may apply for an attestation of birth from the embassy or consulate of their country [of residence] (Kiyana 2023-05-09).

According to the same source, the attestation of birth [translation] "proves the existence of an acte de naissance" (Kiyana 2023-05-09).

For more information about attestations of birth, see section 3 of this Response.

2.7. Copies and Extracts of Actes de Naissance^[back]

Sources indicate that a true copy (*copie conforme*) of an acte de naissance may be called an [translation] "full copy" (*copie intégrale*) of an acte de naissance (US n.d.; Netherlands n.d.).

2.7.1. August 1987 to July 2016 ^[back]

On obtaining a copy of an acte de naissance, the Family Code of 1987 provides as follows:

[translation]

Article 99

Unless otherwise stated in the rules specific to each civil status record, any person may, subject to payment of fees, order copies of the records in the civil status registers.

These certified true copies bear the date of their issue, written in words, and the seal of the authority that issued them.

They must also be legalized when they are to be produced for foreign authorities.

Simple extracts may be issued, containing the name of the community or urban or rural *commune* where the record was drawn up, the date when it was prepared, the specific nature of the record and possible notes, and the name and sex of the person or persons whom it concerns.

They are signed by the issuing authority and marked with its seal. If civil status records are required for administrative purposes, they are to be issued only by extract, at no cost.

When the civil registrar observes that the civil status record was not registered, they draft a negative certificate. Copies and extracts of civil status records, as well as negative certificates, are valid until declared to be false. (DRC 1987, emphasis in the original)

According to Mwanzo Idin'Aminye,

[translation]

[t]he principle set out in this article entitles anyone to obtain a copy of a civil status record. However, in the case of birth records, [this right] is limited to the child, their parents, ascendants and descendants, their spouse, their legal guardian or representative and the public prosecutor. (Mwanzo Idin'Aminye 2019, 121)

The Family Code of 1987 provides the following with respect to copies and extracts of actes de Naissance:

[translation]

Article 129

Copies and extracts of actes de Naissance are issued in accordance with Article 99 concerning general requirements.

However, except for the head of the local public prosecutor's office with jurisdiction over the child, [the child's] direct ascendants and descendants, their spouse, and their legal guardian or representative, no one may obtain a true copy of an acte de naissance other than their own, except by permission of the justice of the place where the record was received and upon written request by the interested party.

If denied, an appeal may be filed.

The court rules in chambers. (DRC 1987, bold in original)

With regard to extracts of an acte de naissance, the Family Code of 1987 provides as follows:

[translation]

Article 130

Extracts additionally stating the name, profession and domicile of the father and mother may only be issued under the conditions of the preceding article, unless issuance was requested by the heirs of the child or by government officials. (DRC 1987, bold in original)

2.7.2. Since July 2016 [\[back\]](#)

With regard to obtaining a copy of an acte de naissance, the Family Code of 2016 provides as follows:

[translation]

Article 99:

Unless otherwise stated in the rules specific to each civil status record, any person may, subject to payment of fees, order the issuance of copies of the certificates recorded in the civil status registers.

These certified true copies issued bear the date of their issue, written out in words, and the seal of the authority that issued them.

They are also legalized when they are to be produced for foreign authorities.

Simple extracts may be issued, containing the name of the commune, sector, or chiefdom where the certificate was drawn up, the date when it was prepared, the specific nature of the certificate and possible notes, and the name and sex of the person or persons whom it concerns.

They are signed by the issuing authority and marked with its seal. If civil status records are required for administrative purposes, they are to be issued only by extract, at no fee.

When the civil registrar observes that the civil status record was not entered, they draft a negative certificate. Copies and extracts of civil status records, as well as negative certificates, are valid until declared to be false. (DRC 2016a, bold in original)

The Family Code of 2016 provides the following with respect to copies and extracts of actes de Naissance:

[translation]

Article 129:

Copies and extracts of actes de Naissance are issued in accordance with Article 99 of this law.

However, except for the Prosecutor of the Republic, the Justice of the Peace Court or Justice of the Children's Court for the child's place of residence, as appropriate, [the child's] direct ascendants and descendants, their spouse, and their legal guardian or representative, no one may obtain a true copy of an acte de naissance other than their own, except by permission of the justice of the place where the certificate was received and upon written request by the interested party.

If denied, an appeal may be filed.

The court rules in chambers. (DRC 2016a, bold in original)

With regard to extracts of an acte de naissance, the Family Code of 2016 provides as follows:

[translation]

Article 130

Extracts additionally stating the name, profession, nationality and domicile of the father and mother may only be issued under the conditions of the preceding article, unless issuance was requested by the heirs of the child or by government officials. (DRC 2016a, bold in original)

Mwanzo Idin'Aminye, in his commentary on Article 129 of the Family Code of 2016, notes the following regarding persons authorized to request a copy of an acte de naissance:

[translation]

Paragraph 2 of this article constitutes an exception to the principle set forth in Article 99 of this code regarding the issuance of civil status records, which authorizes any interested person, upon payment of fees, to obtain a copy of a civil status record. For actes de Naissance, due to their confidential and personal nature, the legislature has restricted the scope of persons authorized to request a copy. [Those authorized include] the direct ascendants and descendants of the person concerned, their spouse, and their legal guardian or representative. Paragraph 2 replaces the expression "head of the local public prosecutor's office" with "Prosecutor of the Republic" and adds the Justice of the Children's Court among those who may automatically obtain a true copy of an acte de naissance. (Mwanzo Idin'Aminye 2019, 141)

UNICEF reports that a fee must be paid to obtain a copy or extract of an acte de naissance (UN [2017]). The Centre of Excellence and the ECA report in 2019 that a fee of 3200 CDF [C\$2] must be paid to obtain a copy of an acte de naissance (Centre of Excellence & UN ECA 2019, 7).

3. Birth Attestations[\[back\]](#)

Information on birth attestations issued in the DRC was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

Act No. 17/013 of 24 December Amending and Supplementing Act No. 6/006 of 9 March 2006 on the Organization of Presidential, Legislative, Provincial, Urban, Municipal and Local Elections as Amended to Date (*Loi no17/013 du 24 décembre modifiant et complétant la Loi no 6/006 du 09 mars 2006 portant Organisation des élections présidentielle, législatives, provinciales, urbaines, municipales et locales telle que modifiée à ce jour*), from 2017, repeatedly mentions a [translation] "birth

attestation," presented as an alternative to the acte de naissance as a supporting document for election candidacy, but it provides no details about the document or how to obtain it (DRC 2017).

According to Kiyana, [translation] "the birth attestation is a document issued at the commune, sector or chiefdom office or the embassy to attest to the existence of an acte de naissance" (Kiyana 2023-05-09). Several DRC diplomatic missions indicate on their websites that Congolese nationals abroad can obtain a birth attestation through the mission (DRC n.d.a; DRC n.d.b; DRC n.d.c) or an attestation [translation] "in lieu" of an acte de naissance (DRC n.d.d).

3.1. Content of Birth Attestations^[back]

According to Kiyana, a birth attestation [translation] "usually has the following formulation," which remained unchanged from 2000 to 2023:

[translation]

"I, the undersigned (...) Mayor of () Commune hereby certify that, having regard to the following documents () the son (daughter) of () and () was born in () on ()

Done at (), on ()." (Kiyana 2023-05-09)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.2. Appearance and Security Features of Birth Attestations^{[\[back\]](#)}

Without providing further details, Kiyana notes that documents that can attest to birth are [translation] "generally printed on letterhead with the security features specific to each administration, including the stamp" (Kiyana 2023-05-09). A sample of a birth attestation could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.3. Authority Responsible for Issuing Birth Attestations^{[\[back\]](#)}

Kiyana states that a birth attestation can be issued by the office of the commune of residence, by the sector or chiefdom office, or by an embassy (Kiyana 2023-05-09). Other sources indicate that it is possible to obtain a birth attestation at DRC diplomatic missions abroad (DRC n.d.a; DRC n.d.b; DRC n.d.c). The Consulate General of the DRC in Antwerp, Belgium, states in a description of the attestations that they are [translation] "issued by the embassies" (DRC n.d.e).

According to Kiyana, birth attestations are issued by the mayor (Kiyana 2023-05-09). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.4. Functions, Uses and Probative Value of Birth Attestations^{[\[back\]](#)}

The Consulate General of the DRC in Antwerp, Belgium, describes birth attestations as [translation] "documents equivalent to an acte de naissance" that serve as "legal proof of civil status" (DRC n.d.e). The DRC's 2017 law on the organization of elections provides that a photocopy of a birth attestation is accepted as proof in the same way as

a photocopy of an acte de naissance in several types of candidacy declarations (DRC 2017). Kiyana notes that this document is used to [translation] "facilitate" certain administrative procedures, "such as filing a candidacy for elections or submitting a job application" (Kiyana 2023-05-09).

According to Kiyana, the birth attestation attests to the birth of a person in the DRC and [translation] "proves the existence of an acte de naissance," but it is not equivalent to an acte de naissance: "the law does not grant it probative value like it does the acte de naissance" (Kiyana 2023-05-09). Kiyana states that it is a declaration issued by the mayor of a commune based on documents submitted by an applicant, notably the identity document, and [translation] "its probative value is less than [that of] the acte de naissance" (Kiyana 2023-05-09). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.5. Requirements and Procedure to Obtain a Birth Attestation^{[\[back\]](#)}

3.5.1. In the Country^{[\[back\]](#)}

According to Kiyana, a birth attestation can be obtained in the country from the [translation] "office of the commune of residence, the sector or the chiefdom" (Kiyana 2023-05-09). The same source states, without providing further details, that the mayor is responsible for issuing it [translation] "on the basis of the documents presented by the applicant, notably the identity document" (Kiyana 2023-05-09). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.5.2. Abroad^{[\[back\]](#)}

In a telephone interview with the Research Directorate in 2011, a representative of the Embassy of the DRC in Ottawa stated that to obtain a birth attestation while in Canada, an individual must fill out a form entitled [translation] "Application for a Birth Attestation," available on the embassy's website, print it, and mail it to the embassy along with a photocopy of their passport and Canadian permanent resident card (DRC 2011-11-21). The same source noted that a fee of C\$50 is required and that it takes 10 to 15 business days for the document to be issued (DRC 2011-11-21).

According to Kiyana, to apply for a birth attestation, the applicant must go to the embassy in person or, if unable to do so, [translation] "grant power of attorney to a representative" (Kiyana 2023-05-09).

According to the website of the Embassy of the DRC in Canada, consulted in February 2025, the procedure for applying for a birth attestation involves the following steps:

- fill out an attestation application form;
- provide a copy of [translation] "at least" 2 official documents attesting to the place and date of birth (passport or another official document);
- submit a document from Immigration, Refugees and Citizenship Canada (IRCC) attesting to the [individual's] residency in Canada;
- provide 3 recent passport-sized photos;
- pay the fee of C\$50;
- provide a pre-paid return envelope;
- wait approximately 5 business days to receive the attestation (DRC n.d.a).

Other diplomatic missions consulted require a copy of the passport (DRC n.d.b; DRC n.d.d; DRC n.d.f). The embassies in Brussels, Belgium, and Belgrade, Serbia, also request [translation] "a copy of [the person's] identity document or residence permit issued by the host country or recent proof of domicile or residence" and a copy of the acte de

naissance (DRC n.d.b; DRC n.d.f). The Embassy in Berlin, Germany, instead requires a photocopy of the old attestation (DRC n.d.d).

3.5.2.1. Legalization of Documents^[back]

Article 99 of the Family Code from 1987 and 2016 [quoted in section 2.7 of this Response] provides that certified copies of civil status records [translation] "are" (DRC 1987) or "must be" (DRC 2016a) "legalized when they are produced for foreign authorities" (DRC 2016a; DRC 1987). The Embassy of the DRC in Canada indicates that documents submitted as part of an application for a birth attestation must be legalized (DRC n.d.a). Some of the diplomatic missions consulted mention legalization of documents among the services offered (DRC n.d.g; DRC n.d.h; DRC n.d.b). Kiyana notes that, [translation] "to be authenticated," official DRC documents "must be legalized by the Congolese authorities" (Kiyana 2023-05-09).

The website of the Consulate General of the DRC in Antwerp states that legalization of documents costs 25 euros per document page for Congolese citizens, and 150 euros per page for persons of other nationalities (DRC n.d.i). The same source notes that the documents required to legalize an acte de naissance are a supplementary judgment for the acte de naissance, a certificate of no appeal and the acte de naissance to be legalized (DRC n.d.i).

The information in the following paragraph was provided on the website of the Dutch Ministry of Foreign Affairs:

The authority responsible for legalizing Congolese documents is the Congolese Ministry of Foreign Affairs and [Netherlands English version] "[w]here you can have your document legalised depends on where you are." In the province of Kinshasa, the record must be legalized "by the notary public for Kinshasa[, then] ... by the DRC Ministry of Foreign Affairs." When outside the province of Kinshasa, it is legalized "by the ...

Ministry of Foreign Affairs in Kinshasa or by a body authorized to represent the ... Ministry of Foreign Affairs in [another] province" (Netherlands n.d.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Birth Certificates from a Medical Source[\[back\]](#)

The lawyer cited in the joint report from Norway and Denmark, as cited in the UK report, defines a birth certificate as "an attestation from the hospital where the birth took place" (UK 2009-01-27, para. 33.11). The Congolese lawyer consulted in 2020 stated that [translation] "[g]enerally, either the hospital or the doctor issues a birth certificate that one of the newborn's parents or any interested party can present to the civil registrar to request an acte de naissance" (Lawyer 2020-04-12).

The Centre of Excellence and the ECA report that [Centre of Excellence and UN ECA English version] "[i]n DR Congo, health facilities play an important role as notifiers of births and deaths although the link with civil registration offices is weak" (Centre of Excellence & UN ECA 2019, 8).

Article 119 of the Family Code of 1987, which was not altered by the 2016 amendments, mentions a special birth register that is maintained by health facilities in the DRC:

[translation]

A special register shall be maintained in public or private hospitals, maternity wards, or medical establishments, in which births occurring there are immediately recorded in chronological order.

The civil registrar of the locality where the facility is located, as well as administrative and judicial authorities, may request the presentation of said register. (DRC 1987)

Mwanzo Idin'Aminye notes that the [translation] "probative value" of this "special birth register," is significant when the birth has not been declared, and that it is an "important document in cases of correction or determination of parentage" (Mwanzo Idin'Aminye 2019, 136).

4.1. Authority Responsible for Issuing Birth Certificates from a Medical Source^{[\[back\]](#)}

Sources report that after childbirth, a document attesting to the birth or childbirth is issued directly by

- a health facility (UN [2017]; SOS Enfants n.d.a),
- a hospital (Kiyana 2023-05-09; lawyer 2020-04-12; UN [2017]),
- a maternity service (SOS Enfants n.d.a), or
- a doctor (Kiyana 2023-05-09; lawyer 2020-04-12).

4.2. Designation of Birth Certificates from a Medical Source^{[\[back\]](#)}

Sources use different terms for this document, including:

- a [translation] "medical certificate of birth" (Kiyana 2024-05-28; UN [2017]),
- a "hospital's birth certificate" (US n.d.),
- a [translation] "birth attestation issued by the hospital where [the person] was born"(iPeace 2021-03-25), or
- a [translation] "attestation of childbirth prepared by a maternity service or health centre" (SOS Enfants n.d.a).

4.3. Content of Birth Certificates from a Medical Source^{[\[back\]](#)}

According to Kiyana, the birth certificate from a medical source, in addition to attesting to the birth of a child, indicates, among other information, the name of the doctor who attended the delivery, as well as the child's sex and weight, and the child's and mother's names (Kiyana

2023-05-09). The same source provided the wording for a birth certificate from a medical source, as follows, and noted that it had not changed from 2000 to 2023:

[translation]

"I, the undersigned (), a medical doctor, certify that Ms. () gave birth at the () hospital centre on () to a child of () sex, weighing (), named ()

Made in (), on ()." (Kiyana 2023-05-09)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.4. Appearance and Security Features of Birth Certificates from a Medical Source^{[\[back\]](#)}

Kiyana notes, regarding documents that can attest to a birth, that they are [translation] "generally printed on letterhead with the security features specific to each administration, including the stamp" (Kiyana 2023-05-09). A sample of a birth certificate from a medical source could not be found among the sources consulted by the Research Directorate within the time constraints of this Response, nor could further information be found on its appearance or security features.

4.5. Functions, Uses and Probative Value of Birth Certificates from a Medical Source^{[\[back\]](#)}

Sources indicate that the purpose of this document is to attest to or prove the birth of a person (Kiyana 2023-05-09; UK 2009-01-27, para. 33.11; US n.d.). According to Kiyana, it also serves [translation] "to provide

initial information about the child's birth" (Kiyana 2023-05-09). UNICEF reports that the medical certificate of birth is required to register a birth (UN [2017]). Other sources similarly indicate that it can be used as proof of birth at the civil registry office to obtain an acte de naissance (Lawyer 2020-04-12; US n.d.). Some sources state that it is accepted as proof of birth to obtain a suppletory judgment for an acte de naissance (iPeace 2021-03-25; UK 2009-01-27, para. 33.11). According to the US Reciprocity Schedule, it may also be required to obtain an attested affidavit (*acte de notoriété*) in lieu of an acte de naissance (US n.d.).

Lastly, regarding other uses of this document, SOS Enfants [9] notes that, although an acte de naissance is officially required to enrol a child in school, [translation] "[school] administrators ... are often satisfied with a date of birth" and accept "an attestation of birth issued by a maternity service or health centre" as proof of that date (SOS Enfants n.d.a).

The Congolese lawyer cited in the joint report from Norway and Denmark, as cited in the UK report, explained that a distinction should be made between this birth certificate (*certificat de naissance*) and the acte de naissance: "the *Certificat de Naissance* [from a medical source] is not an official document for birth"; only the acte de naissance is a "legal document and it can only be issued after the birth has been registered" with the civil registry (UK 2009-01-27, para. 33.10, italics in original).

Kiyana similarly notes in 2023, with respect to the birth certificate from a medical source, that [translation] "[i]ts probative value is not specified by law" and that, in "[his] opinion," it is simply a document that provides information, including "birth hospital, the attending physician, the child's birth weight, sex, name, [and] mother's name" (Kiyana 2023-05-09).

4.6. Requirements and Procedure to Obtain a Birth Certificate from a Medical Source^{[\[back\]](#)}

Information on the requirements and procedure to obtain a birth certificate from a medical source in the DRC and from abroad was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

According to Kiyana, the birth certificate [from a medical source] is obtained from the doctor at the time of birth (Kiyana 2023-05-09).

UNICEF indicates that the cost of this birth certificate varies depending on the institution issuing it (UN [2017]).

5. Declaratory or Suppletory Judgments for Actes de Naissance^{[\[back\]](#)}

5.1. Functions, Uses and Probative Value of Declaratory or Suppletory Judgments for Actes de Naissance^{[\[back\]](#)}

Article 98 of the Family Code of 1987 and 2016 [quoted in its entirety in section 2.6 of this Response] provides the following:

[translation]

Beyond the statutory deadline, the civil status record has only probative value for information purposes; however, it shall be otherwise if recorded in the register pursuant to a declaratory or suppletory judgment. (DRC 2016a; DRC 1986)

Sources mention the declaratory or suppletory judgment for an acte de naissance as a means of registering a birth or as a step toward obtaining an acte de naissance when the birth was not declared in time (ICGLR with UNHCR 2023-04, 59; Mwanzo Idin'Aminye 2019, 120). The joint

report from Norway and Denmark, cited in the UK report, notes that a declaratory or suppletory judgment confers legal validity on an acte de naissance registered late (UK 2009-01-27, para. 33.09). Sources also report births being registered (UN 2025-01-06, 2) or actes de Naissance obtained (Radio Okapi 2024-10-25) through the birth certificate suppletory judgment process as part of campaigns to end statelessness in the DRC (Radio Okapi 2024-10-25; UN 2025-01-06, 2).

Regarding the probative value of declaratory or suppletory judgments for actes de Naissance, the Family Code of 1987 provides the following in Article 108 [which was unchanged by the 2016 amendments (DRC 2016a)]: [translation] "[s]uppletory or rectification judgments for civil status records, as well as ex officio corrections, are enforceable against all" [\[10\]](#). (DRC 1987)

5.1.1. August 1987 to July 2016 [\[back\]](#)

The joint report from Norway and Denmark, cited in the 2009 UK report, explains that the legal validity of a birth registration that was not made within 30 days following the birth can be ensured by obtaining a declaratory or suppletory judgment (UK 2009-01-27, para. 33.09).

5.1.2. Since July 2016 [\[back\]](#)

According to Mwanzo Idin'Aminye,

[translation]

[Article 98] specifies the time limit for drawing up civil status records. In the event of a late declaration, either the civil registrar erroneously registers the record, in which case it will have only the value of simple information unless subsequently corrected (Art. 107), or the civil registrar, noting the delay, will refuse to record the declaration and will notify, as further prescribed in Article 106, the competent judicial authorities, who will then ensure that the declaration is established by a supplementary judgment. (Mwanzo Idin'Aminye 2019, 120)

Kiyana explains, for the benefit of anyone wishing to obtain an acte de naissance in the DRC, that the individual may submit a supplementary judgment to the civil registrar for them to issue the acte de naissance (Kiyana 2023-05-09).

5.2. Authority Responsible for Issuing Declaratory or Supplementary Judgments for Actes de Naissance and Requirements and Procedures to Obtain Them^{[\[back\]](#)}

5.2.1. August 1987 to July 2016^{[\[back\]](#)}

The Family Code of 1987 provides the following procedure when an acte de naissance is missing:

[translation]

Article 106:

The absence of a civil status record may be remedied by a judgment rendered by the High Court upon a simple motion made to the court of the place where the certificate should have been prepared.

Any interested party or the Office of the Public Prosecutor may make such a motion. When a motion is made by a party other than the Office of the Public Prosecutor, the Office of the Public Prosecutor is informed of it.

When the civil registrar notes the absence of a civil status record as a result of the declarants coming forward after the prescribed time limit, the civil registrar, after verifying the truthfulness of the declarations and the reasons for the delay, immediately sends a report to the Office of the Public Prosecutor, which refers it to the court.

The court, after verification and possible investigation, renders its decision and gives reasons for that decision.

The judgment is transcribed into the registers of the current year, and note of the event is made in the margins of the registers on the date of its occurrence.

In cases where the transcription concerns an event that occurred in a year prior to the current year, the civil registrar, within eight days, informs the High Court's registrar and the central civil registry office of the Ministry of Justice in Kinshasa of the event date entry to be made in the margins of the registers. (DRC 1987, bold in original)

Sources report that, until 2016, it was the High Court that issued supplementary judgments (Kiyana 2023-05-09; Germany 2023-01-05).

According to the joint report from Norway and Denmark, cited in the 2009 UK report, it is the parents who must apply for a supplementary judgment from the High Court (UK 2009-01-27, para. 33.09). The Congolese lawyer consulted for the same report explained the following:

"In the event that parents have not registered child birth within the prescribed 30 days, the court *Tribunal de Grande Instance* can give permission to the parents so that they can still get their child registered at *l'Etat Civil* [civil registry]. *Tribunal de Grande Instance* will make a decision called *Jugement Déclaratif* or *Jugement Suppletif*, which is based upon witness statement or possibly by a *Certificat de Naissance*, which is an attestation from the hospital where the birth took place" (UK 2009-01-27, para. 33.11).

5.2.2. Since July 2016^{[\[back\]](#)}

According to the Family Code of 2016,

[translation]

Article 106

The absence of a civil status record may be remedied by a judgment rendered by the Peace Court or Children's Court, as appropriate, upon a simple motion made to the court of the place where the certificate should have been prepared.

Any interested party or the Office of the Public Prosecutor may make such a motion. When a motion is made by a party other than the Office of the Public Prosecutor, the Office of the Public Prosecutor is informed of it.

When the civil registrar notes the absence of a civil status record as a result of the declarants coming forward after the prescribed time limit, the civil registrar, after verifying the truthfulness of what is being declared and the reasons for the delay, immediately sends a report to the Office of the Public Prosecutor, which refers it to the court

The court, after verification and possible investigation, renders its decision and gives reasons for that decision.

The operative part of the judgment is transcribed into the civil status register by the civil registrar in the place where the event occurred, within eight days of receiving said operative part, which is issued at the initiative of the Office of the Public Prosecutor. [The judgment] is transcribed into the registers for the current year, and note of the event is made in the margins of the registers at the date of its occurrence.

In cases where the transcription concerns an event that occurred in a year prior to the current year, the civil registrar, after verification or investigation and within eight days, informs the High Court's registrar and the central civil registry office of the ministry responsible for justice of the event date entry to be made in the margins of the registers. (DRC 2016a, bold in original)

Sources report that, since 2016, the Peace Court and the Children's Court are responsible for suppletory judgments for actes de Naissance (Kiyana 2023-05-09; Germany 2023-01-05). According to the same sources, it is necessary to apply to the Children's Court if the person is a minor (Germany 2023-01-05; Kiyana 2023-05-09), or to the Peace Court if the person is an adult (Kiyana 2023-05-09). Some sources also indicate that individuals must consult the courts "in their birth city" (US

n.d.) or in the [translation] "parents' place of residence at the time of birth" (Germany 2023-01-05) or in [translation] "the child's commune of residence" (SOS Enfants n.d.a).

Sources note that a supplementary judgment becomes necessary when a birth has not been registered within the 90-day period (SOS Enfants n.d.a; US n.d.) or declared [translation] "in time" (Germany 2023-01-05).

According to SOS Enfants, parents can obtain a supplementary judgment (SOS Enfants n.d.a). The US Reciprocity Schedule states that parents and the individual themselves can apply for a supplementary judgment (US n.d.). The article published on the website of the German embassy in Kinshasa states that the individuals authorized to apply for a supplementary judgment are [translation] "the same group of individuals who can apply for the acte de naissance" (Germany 2023-01-05).

Kiyana states that [translation] "[t]o obtain an acte de naissance, there is a preliminary legal procedure to follow, which will result in an application to the civil registrar" (Kiyana 2023-05-09). In order to obtain a supplementary judgment, sources note that a [translation] "motion" must be made to the court concerned (Kiyana 2023-05-09; iPeace 2021-03-25). The iPeace Project Coordinator described the following steps in 2021:

[translation]

To obtain a supplementary judgment for an acte de naissance, the applicant must:

- submit an motion requesting a supplementary judgment for an acte de naissance to the Presiding Justice of the Children's Court or Peace Court, as appropriate;
- attach a birth attestation issued by the hospital where the person was born [birth certificate from a medical source]; and
- pay the court fees. (2021-03-25)

Regards de femmes, a French NGO that fights stereotypes and violence and encourages gender parity and solidarity among women (Regards de Femmes n.d.a), similarly notes that to regularize a birth through a

suppletory judgment, evidence related to the birth is required and that the acceptable types of evidence are a [translation] "birth attestation" or "witness testimony (2 witnesses from the father's side and 2 from the mother's side)" (Regards de femmes n.d.b).

According to UNICEF, having to obtain a suppletory judgment incurs additional costs (UN [2017]). SOS Enfants reports that the fee for this procedure is \$250, without specifying the currency in question (SOS Enfants n.d.a).

Sources indicate that the competent court may then issue a suppletory judgment (Kiyana 2023-05-09; Germany 2023-01-05; US n.d.). Once it has been obtained, applicants may present this suppletory judgment to the civil registrar (Kiyana 2023-05-09; US n.d.; SOS Enfants n.d.a).

According to the website of the German embassy in Kinshasa, [translation] "[t]he competent civil registry office remains that of the parents' place of residence at the time of the birth" (Germany 2023-05-01).

With this suppletory judgment, the civil registrar may issue an acte de naissance (Kiyana 2023-05-09; SOS Enfants n.d.a; US n.d.). The information site of the Dutch Ministry of Foreign Affairs states the following:

[translation]

You will be issued a record containing several documents. This record is the same, regardless of whether the birth occurred before or after 1 August 1987.

It consists of the following documents:

The suppletory judgment,

A certificate of no appeal, and

The civil status record drawn up on the basis of the suppletory judgment and the certificate of no appeal. (Netherlands n.d.)

SOS Enfants indicates that actes de Naissance are issued free of charge to applicants with a supplementary judgment (SOS Enfants n.d.a).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Lastly, Kiyana states that [translation] "the procedure is the same in court and before the civil registrar, whether in small towns or in large centres" (Kiyana 2023-05-09).

5.3. Content, Appearance and Security Features of Declaratory or Supplementary Judgments for Actes de Naissance^[back]

A sample of a supplementary judgment for an acte de naissance, dated 2019, is attached to this Response (Attachment 2).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The Centre of Excellence is a [Centre of Excellence & UN ECA English version] "global ... hub" that facilitates "access to information and expertise" on civil registration and vital statistics systems (Centre of Excellence and UN ECA 2019, ii). The Centre of Excellence is part of the International Development Research Centre in Ottawa (Centre of Excellence & UN ECA 2019, ii).^[back]

[2] The ECA was established by the UN Economic and Social Council and its [UN English version] "mandate is to promote the economic and social development of its member States, foster intra-regional integration, and promote international cooperation for Africa's development" (UN n.d.).[\[back\]](#)

[3] VSV is a Kinshasa-based NGO with branches in the provinces that advocates for human rights in the DRC; it works with several international human rights organizations and the UN (VSV n.d.).[\[back\]](#)

[4] A total of 26,347 households participated in DHS-DRC, and data collection took place from 9 October 2023 to 1 February 2024 (INS of the DRC, École de santé publique de Kinshasa & ICF 2025-02, 6, 7).[\[back\]](#)

[5] JED is a Congolese NGO that works on press freedom, affiliated with Reporters sans frontières (JED 2001-06-04).[\[back\]](#)

[6] Kiyana states that his legal opinion, published on his website, is based on [translation] "information from local administrations, the applicable legislation and documentation in [his] possession" (Kiyana 2023-05-09).[\[back\]](#)

[7] The informational article states that [translation] "[a]ll the legal sources mentioned refer to the Congolese Family Code in its most recent version, amended in 2016" (Germany 2023-01-05).[\[back\]](#)

[8] FGHR is a US-based philanthropic organization that provides funding to human rights activists around the world (FGHR n.d.).[\[back\]](#)

[9] SOS Enfants is a French humanitarian association that runs birth registration campaigns in the DRC (SOS Enfants n.d.b).[\[back\]](#)

[10] Enforceability [translation] "means that the right that has been granted to a citizen may be 'enforced' against an authority responsible for implementing it. ... A citizen has avenues of recourse to ensure their right is respected. ... The public authority has an obligation of result" (France 2023-06-05, emphasis omitted).[\[back\]](#)

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Internet sites, including: Austrian Red Cross – ecoi.net; Citizenship Rights in Africa Initiative; Democratic Republic of the Congo – Embassy in Qatar; France – Embassy in the DRC; Radio-Canada; Switzerland – Embassy in the DRC; USA – Social Security Administration.

Attachments

1. Democratic Republic of the Congo (DRC). N.d. "Acte de naissance." Blank sample sent to the Research Directorate by the Project Coordinator of Initiatives for Peace and Human Rights (iPeace), 2021-03-25. Translated into English by the Translation Bureau, Public Services and Procurement Canada.
2. Democratic Republic of the Congo (DRC). 2019. Peace Tribunal in Bukavu. Suppletory judgment for acte de naissance. Sample sent to the Research Directorate by the Project Coordinator of Initiatives for Peace and Human Rights (iPeace), 2021-03-25. Translated into English by the Translation Bureau, Public Services and Procurement Canada.

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