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## Ghana: Marriage registration and the issuance of marriage certificates

### *Introduction*

The following note describes the different types of marriages in Ghana, as well as the conditions related to the issuance of Ghanaian marriage certificates. The note contains an overview of the legislative framework related to marriage, and briefly touches upon the level of corruption in Ghana.

### *Marriage in Ghana*

Ghana is divided into 16 administrative regions.<sup>1</sup> At the local level, Ghana is divided into 261 metropolitan, municipal and district assemblies.<sup>2</sup>

There are three types of legally valid marriages in Ghana: customary marriage, ordinance marriage and Islamic marriage all regulated by the Marriages Act, 1884-1985 Cap. 127.<sup>3</sup>

Foreign citizens in Ghana do not have to meet any specific conditions or requirements in order to get married in Ghana besides having stayed at least 15 days in the district where the marriage is to be concluded. The particular requirements connected to the three types of marriages apply to all persons who marry under that type of marriage regardless of whether the parties involved reside in Ghana or not.<sup>4</sup>

The legal age for marriage is 18 in Ghana for both genders and it is applicable to all three types of marriages.<sup>5</sup>

### **Customary Marriage**

Customary marriage is a type of marriage that observes the marriage rites and traditions of the different ethnic and tribal groups in Ghana. There are over 80 ethnic and tribal groups in Ghana, and the specific marriage rites and traditions vary to

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<sup>1</sup> CIA World Factbook, 3 March 2022.

<sup>2</sup> Accra Metropolitan Assembly, 2021.

<sup>3</sup> Marriages Act, 1985.

<sup>4</sup> Local source, February 2019, p. 3-4; Registrar General's Department, Accra, December 2021.

<sup>5</sup> Registrar General's Department, Accra, December 2021; Islamic Research Institute, Accra, 2021.

some degree from group to group.<sup>6</sup> Customary marriages are polygamous and are legally considered as such even in cases where the man does not take more than one wife.<sup>7</sup> According to the Registrar General's Department, customary marriage is not between the man and the woman but between the families.<sup>8</sup>

In most cases, a customary marriage includes a gathering, where the groom's family pays an amount of money to the bride's family as a bride price. This is followed by asking the bride to be, if she will accept the groom as her husband. When both parties have given consent and the gifts presented by the groom's family to the bride's family have been accepted, a marriage celebration is held. The groom and bride are then considered husband and wife in the eyes of their families and the community.<sup>9</sup>

Since 1987, couples engaged in a customary marriage are required to register their marriage with the local district, metropolitan or municipal assembly, where the marriage occurred.<sup>10</sup> The couple needs to complete an application form (*form of register of customary marriages*) from the registrar and provide a statutory declaration, which is a legal declaration on the part of the couple and their respective families that the marriage is valid according to the law.<sup>11</sup> The authorities, e.g. a municipal assembly, then issues the *form of register of customary marriages* as the marriage certificate acknowledging the customary marriage.<sup>12</sup> According to the Registrar General's Department, however, the law only encourage the couple to register their marriage and civil registration is ultimately optional.<sup>13</sup>

Proxy marriage is possible for both parties; also at the same time as there is no legal requirement concerning the physical presence of the parties during neither the solemnisation nor registration of customary marriages.<sup>14</sup>

According to the Registrar General's Department, the consummation of a marriage is essential for a customary marriage to be valid. Without consummation, the marriage does not exist.<sup>15</sup>

### *Customary marriage certificates (form of register of customary marriages)*

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<sup>6</sup> Marriage and Family Encyclopaedia, year of issue n/a; UK Home Office, 30 September 2010, p. 54.

<sup>7</sup> Registrar General's Department, 2019; Danish Immigration Services, 11 July 2006, p. 12.

<sup>8</sup> Registrar General's Department, Accra, December 2021.

<sup>9</sup> Local source, February 2019, p. 3-4; Kumasi Metropolitan Assembly, year of issue n/a; Labone Express, 3 August 2013.

<sup>10</sup> Canada: Immigration and Refugee Board of Canada, 1 September 1991, p. 3; Kumasi Metropolitan Assembly, year of issue n/a; Labone Express, 3 August 2013; UK Home Office, 30 September 2010, p. 54.

<sup>11</sup> Kumasi Metropolitan Assembly, year of issue n/a.

<sup>12</sup> Kumasi Metropolitan Assembly, year of issue n/a; Local source, February 2019, p. 3-4.

<sup>13</sup> Registrar General's Department, Accra, December 2021.

<sup>14</sup> Registrar General's Department, Accra, December 2021; Denmark: Local source, February 2019, p. 3-4.

<sup>15</sup> Registrar General's Department, Accra, December 2021.

Marriage certificates issued in connection with the civil registration of customary marriage contain details regarding the name of the parties involved, their ages, information about existing marriages, the date and place of marriage and their place of residence. They will also contain signatures of the registrar and witnesses, as well as the signature of the couple, if both are present.<sup>16</sup>

### **Marriage under Islamic Law**

An Islamic marriage must be registered within one week of the marriage ceremony at the metropolitan, municipal or district registrar in order to be valid; otherwise, the marriage will be considered void.<sup>17</sup>

There is no legal requirement for the physical presence of both parties in connection with the solemnisation and registration of Islamic marriages.<sup>18</sup>

According to the Islamic Research Institute in Accra, which acts as registrar of Islamic marriages and divorces in its district and issues related certificates, an Islamic marriage is contracted as follows:

An Islamic marriage is a family matter and the first step in an Islamic marriage is for the families to agree on the amount paid by the man to the woman (*mehr*). The man can choose to have a *wakil* (proxy) stand for him and he must provide minimum two witnesses. The woman must always be represented by a *wali* (patron) and she too must provide at least two witnesses. Both wali and mehr are preconditions for an Islamic marriage.<sup>19</sup> The wakil/wali does not count as a witness.<sup>20</sup>

Islamic marriages are always performed in a mosque and according to the Islamic Research Institute; any imam can perform the marriage, as long as he is known by the local community. However, according to a local source in Ghana and Kumasi Metropolitan Assembly, the marriage must be performed by a licensed imam.<sup>21</sup>

During the marriage ceremony, the imam recites verses from the Quran and the verses are translated so the couple know what they are agreeing to.<sup>22</sup>

The imam will complete a form, containing the details of the marriage including names, dates of birth, addresses, the couple's telephone numbers and date of marriage. Once the form is completed, the wali, groom or wakil and witnesses will sign the form. The imam also signs the form and adds his personal information. The couple then bring the completed form to the district registrar e.g. the Islamic

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<sup>16</sup> Local source, February 2019, p. 3-4.

<sup>17</sup> Marriages Act, 1985 24(1); Denmark: Local source, February 2019, p. 1-2; Danish Immigration Services, 11 July 2006, p. 15.

<sup>18</sup> Local source, February 2019, p. 3-4.

<sup>19</sup> Local source, February 2019, p. 1-2; Kumasi Metropolitan Assembly, year of issue n/a.

<sup>20</sup> Islamic Research Institute, Accra, 2021.

<sup>21</sup> Local source, February 2019, p. 1-2; Kumasi Metropolitan Assembly, year of issue n/a.

<sup>22</sup> Islamic Research Institute, Accra, 2021.

Research Institute and the imam will announce to the community/public that person X and Y are now married.<sup>23</sup>

According to Kumasi Metropolitan Assembly, the marriage register must be signed at the district assembly by the groom, the bride's wali, the imam and two witnesses.<sup>24</sup> If the required parties are unable to sign the marriage register at the registrar's office within a week, it is possible for the groom or wali to apply for a certificate from High Court that dispenses with the signatures, with the exception of the signature of the imam. The application must be accompanied by an affidavit stating why proper registration did not occur. When the marriage has been registered officially, a marriage certificate will be issued to the couple.<sup>25</sup>

#### *Islamic marriage certificates*

Certificates issued in connection with an Islamic marriage by the district authorities differ from customary marriages and marriages conducted under the ordinance, and contain information regarding the name and place of residence of the bride and groom, as well as their parents' names and residences. This type of marriage certificates should contain a picture of the husband and a picture of the wife, the signatures of the groom, the bride's wali, the witnesses and the district chief executive. They must contain the name of the imam and the date when the marriage was solemnised.<sup>26</sup>

The form completed by the imam and a copy of the marriage certificate are archived at the district authority.<sup>27</sup>

#### *Legalisation of Islamic marriages*

If the married couple wishes to use their marriage certificate abroad then it needs to be legalised in Ghana. The Islamic Research Institute will issued an attestation that the marriage in question took place and then the Institute bring it to the court. Lastly, the documents are brought by the couple to the Ministry of Foreign Affairs who will issue the legalisation.<sup>28</sup>

#### **Marriage under the Ordinance**

Marriages under the ordinance are, opposite to Islamic and customary marriages, always monogamous and proxy marriage is not permitted.<sup>29</sup>

According to a representative from the marriage registrar's office under the Registrar General's Department, there are three different ways to marry under the ordinance:

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<sup>23</sup> Islamic Research Institute, Accra, 2021.

<sup>24</sup> Kumasi Metropolitan Assembly, year of issue n/a; Labone Express, 3 August 2013.

<sup>25</sup> Kumasi Metropolitan Assembly, year of issue n/a; Labone Express, 3 August 2013.

<sup>26</sup> Local source, February 2019, p. 2-3; Islamic Research Institute, Accra, 2021.

<sup>27</sup> Islamic Research Institute, Accra, 2021.

<sup>28</sup> Islamic Research Institute, Accra, 2021.

<sup>29</sup> Registrar General's Department, Accra, December 2021; Kumasi Metropolitan Assembly, year of issue n/a.

- Marriage by a registrar of marriages
- Marriage by a marriage officer or minister
- Marriage by the principal registrar of marriages (special licence).

Marriage registrars are civil servants with the registrar general's office of the district, municipal or metropolitan assembly, who are responsible for performing marriages. Marriage officers or ministers are members of the Christian or Muslim clergy, duly licenced by the government to perform ordinance marriages. Marriage by the principal registrar of marriages is where the registrar general's office waives certain conditions for a marriage conducted under the marriage ordinance e.g. permits a venue other than a licensed place of worship or a registrar's office. This is also referred to as a special licence marriage.<sup>30</sup>

According to the Kumasi Metropolitan Assembly, it is necessary for the couple to announce their intention to marry under the marriages ordinance in writing to the marriage registrar of the district where they intend to marry. The notice provided by the couple should be accompanied by a small fee, and must include the full name and age of the bride and groom, as well as their occupation, marital status and place of residence.<sup>31</sup> According to the Danish Immigration Service, this notice is called a *Notice of Attention* and should be posted publicly for 21 days for anyone to object.<sup>32</sup> If there is no objection to the marriage, the registrar issues a *registrar's certificate*, which is also called *marriage licence*, if the following conditions are met:

- One of the parties has lived in the district where the couple intend to get married for a period of minimum 15 days
- That parental consent has been obtained if any of the parties are under 21 years of age
- There must be no lawful hindrance to the marriage, and that neither party are married under customary law to any other individuals.<sup>33</sup>

The marriage must be performed within three months from the registrar's licence is issued.<sup>34</sup>

The information collected by the local source in Ghana suggests that a man married under customary marriage may also marry under the ordinance. However, in doing so, any previous customary marriages are rendered void.<sup>35</sup>

According to the Registrar General's Department, marriages celebrated in church can be verified through the church gazette.<sup>36</sup>

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<sup>30</sup> Registrar General's Department, Accra, December 2021; Kumasi Metropolitan Assembly, year of issue n/a; Denmark: Local source, February 2019, p. 4-5.

<sup>31</sup> Kumasi Metropolitan Assembly, year of issue n/a.

<sup>32</sup> Danish Immigration Services, 11 July 2006, p. 10.

<sup>33</sup> Kumasi Metropolitan Assembly, year of issue n/a.

<sup>34</sup> Danish Immigration Services, 11 July 2006, p. 11.

<sup>35</sup> Local source, February 2019, p. 3-4.

<sup>36</sup> Registrar General's Department, Accra, December 2021.

### *Ordinance marriage certificates*

When the marriage ceremony is concluded the marriage is registered in the Marriage Register Book by the district registrar and a certificate of marriage is issued.<sup>37</sup>

Certificates issued in connection with marriages contracted under the ordinance contain information regarding the names and ages of the involved parties, their civil status, the date and place of the marriage, their place of residence and professions. These certificates also contain the names and professions of the fathers to the couple, as well as the signatures of the bride and groom, the witnesses and the registrar or officiating minister.<sup>38</sup>

As of February 2019, marriage certificates are sealed and stamped by the registrar or officiating minister.<sup>39</sup>

### *Corruption and credibility of Ghanaian documents*

According to Transparency International's Corruption Perception Index 2021, Ghana scored 43 points out of 100 with zero being highly corrupt.<sup>40</sup>

According to sources consulted by Immigration and Refugee Board of Canada in 2014, counterfeit and forged travel documents were widespread in Ghana.<sup>41</sup>

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<sup>37</sup> Danish Immigration Services, 11 July 2006, p. 11.

<sup>38</sup> Local source, February 2019, pp. 4.

<sup>39</sup> Local source, February 2019, p. 1-2.

<sup>40</sup> Transparency International, 2022.

<sup>41</sup> Canada: Immigration and Refugee Board, 3 January 2014, p. 3-4.

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## Appendix A

Example of Islamic marriage certificate. (NIDC reference material)

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

No. : \_\_\_\_\_

# AHLUSSUNNA WAL JAMA'A

المقر الرئيسي لأهل السنة والجماعة

## Marriage Certificate

وَمِنْ مَّا نُنزِّلُ أَنْ خَلَقْنَا لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَعْقِلُونَ

\*And of His signs is that He created for you spouses from among yourselves that you may find comfort with them and He put love and mercy between you" Qur'an Chapter 30(Ar-Rum):21

This is to certify that, in the best knowledge and satisfaction of the above Islamic institution \_\_\_\_\_ in his capacity as an Imam has on (day) \_\_\_\_\_ officiated the marriage between \_\_\_\_\_ the Bridegroom & \_\_\_\_\_ the Bride held at \_\_\_\_\_ on a FULLY paid agreed dowry - \*MAHR (SADAQ) of GHS 200.00 (TWO HUNDRED GHANA CEDIS)

### DECLARATIONS

1. As the Bride and Bridegroom in this marriage, we solemnly accept to live together as husband and wife in accordance with the Guidance of the Qur'an and the Sunnah (Tradition of the Prophet Muhammad - S.A.W.).
2. We make this declaration as per the \*\* Terms and Conditions of the Muslim Marriage Contract overleaf before the present witnesses, praying to Almighty Allah to be our Witness. Allah is the Best of all witnesses.
3. We declare that we wish our children be raised as Muslims under all circumstances, events and incidences.

\_\_\_\_\_  
Signature / Mark of Bridegroom

\_\_\_\_\_  
Signature / Mark of Bride

### \*WALI & WITNESSES

The Bride's \*Wali (optional) & Relationship with Bride \_\_\_\_\_

Bridegroom's Witnesses \_\_\_\_\_

Bride's Witnesses \_\_\_\_\_

for: AHLUSSUNNA WAL JAMA'A

Date of Issue: \_\_\_\_\_ 2021 - \_\_\_\_\_

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\*see meaning overleaf \*\*See Terms and Conditions of the Muslim Marriage Contract overleaf



**Appendix B**

Special marriage licence. (NIDC reference material)

Nº A/23 [REDACTED]

**SPECIAL MARRIAGE LICENCE**

WHERE AS MICHAEL [REDACTED]  
and [REDACTED]  
and sufficient cause has been shewn to me why the preliminaries required by the Marriage Ordinance should be dispensed with:

Now, therefore, in pursuance of the said Ordinance, I do dispense with the giving of notice and the issue of the certificate thereby prescribed, and do hereby authorize any Registrar of Marriages, or recognized Minister of some religious denomination or body, to celebrate Marriage between the

said MICHAEL [REDACTED]  
and [REDACTED]  
at ACCRA [REDACTED]

between the hours of  
8 o'clock in the forenoon and 6 o'clock in the afternoon and within TWENTY (20) DAYS  
days from the date hereof.

Given under my hand, this [REDACTED] day of [REDACTED] 2021

Principal Registrar of Marriages

400.00 GHS  
10.00 GHS