

# BANGLADESH

## Impact of the suspension of birth registration on the host community in Cox's Bazar

### OVERVIEW

On 19 September 2017, the Cox's Bazar district administration suspended the process of registering births and issuing birth certificates for Bangladeshi citizens. The suspension was established soon after the influx of Rohingya refugees from Myanmar to prevent Bangladeshi birth certificates from being issued to Rohingya refugees through fraudulent channels (The Daily New Nation 15/07/2020; Human Rights Watch 03/12/2019).

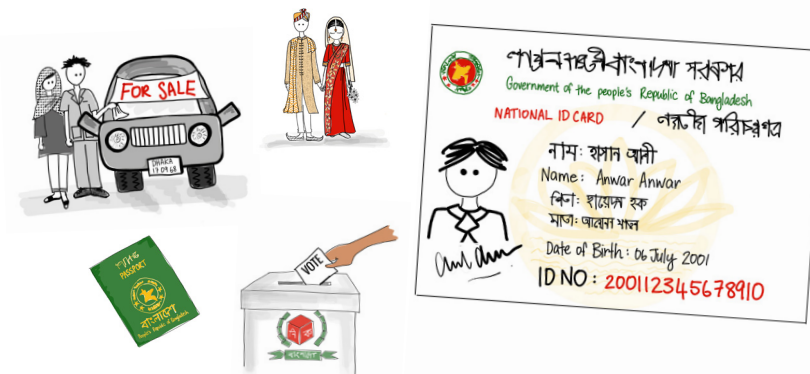
The suspension was reversed in November 2019 and from 1 September 2020, local authorities were authorised to resume issuing birth certificates (The Daily Star 05/11/2019). However, the resumption included new conditions for registration (KII 08/04/2021; KII 16/06/2021). At the time of writing, only 12 of the 71 union parishads and all four municipalities have resumed birth registration under the high court ruling (KII 08/04/2021). Birth registration is only partially operational across Cox's Bazar district, and its residents face additional challenges now that the process has changed and is different from that of the rest of the country.

Nationally, birth certificates became mandatory proof of identity in 2014, and Cox's Bazar residents had a narrow window to register births before the suspension. A birth certificate is a prerequisite for both accessing various government services. While loopholes and informal channels currently enable children under 18 to access education and healthcare, these workarounds will likely end once the system is fully digitised.

This report provides an overview of the potential implications of the suspension of birth registration in Cox's Bazar district from 2017–2020. It outlines the birth registration process, the procedural changes made since 2020, and what these changes mean for host community children and adults in Cox's Bazar. The three-year suspension has reportedly negatively affected social cohesion between the host and refugee communities. Some members of the host community have used local news outlets and social media platforms to air their grievances about the impact of hosting the refugee population. This report is intended to support programming in the host community.

### Methodology and limitations

The report draws on publicly available secondary data on the documentation processes for Bangladeshis and was supplemented with four semi structured interviews with operational humanitarian actors. Information about birth registration is difficult to find. Presumably, some people use unofficial and illegal means to obtain birth certificates retroactively, but information on this has not been clearly documented. While this report aims to highlight the possible short- and long-term consequences of lack of birth registration, the extent of the impact is still unknown. Documentation challenges for the host community remain largely unexplored, and those most affected by the suspension are still too young to need birth certificates for many services.



### KEY FINDINGS

**There is no accurate information on the number of children born in Cox's Bazar since 2017.** Birth rates must be estimated and projected using statistics from the 2011 census.

People registering births are required to provide additional documents. **The added logistical and administrative costs of obtaining those documents** may prevent vulnerable households from being able to register new or late births.

It is common practice for families in Cox's Bazar to register births just before children are enrolled in school. **The temporary suspension of registration has most likely affected children born between 2012–2016 who need to access education now.** Loopholes in the law currently allowing children to attend school without birth documentation may be closed in the future.

**The inability to procure a birth certificate between 2017–2020 may result in a range of implications for adults born in those years** – from access to income generation to freedom of movement. A person whose birth was not registered will not automatically receive a national identity (NID) card at age 18.

## IMPACT OF LACK OF BIRTH REGISTRATION ON RESIDENTS OF COX'S BAZAR

Birth registration is the primary legal recognition of a person's existence and establishes a foundation for recording major life events. An unregistered person may be overlooked by the State. The families of unregistered people may also have trouble registering their deaths to access pension, life insurance, social support for widows, and inheritance (Daily Bangladesh 06/07/2019). Legislation passed in 2014 established that a birth certificate is mandatory proof of identity and required to access many services in the public and private spheres (LGD accessed 18/05/2021; KII 08/04/2021). Residents of Cox's Bazar thus had less than four years to apply for birth registration before the process was suspended.

Under the Births and Deaths Registration Act of 2004 (LGD accessed 18/05/2021), a birth certificate is required to:

- **obtain a passport or NID**
- **register to vote**
- **register a marriage**
- **obtain a national tax ID number**
- **open a bank account**
- **obtain a driving license and register a vehicle**
- **obtain school or college admittance**
- **obtain utility connections (i.e., gas, water, telephone, electricity)**
- **obtain a life insurance policy**
- **register land.**

Before 2014, adults were able to obtain NIDs without birth certificates (KII 23/03/2021; KII 08/04/2021; KII 16/06/2021). Most people who turned 18 before 2014 likely used their NIDs to access services; as a result, many adults in Cox's Bazar may not have birth certificates (KII 16/06/2021). However, the amendment to the registration act now requires a birth certificate to apply for an NID and access other services (LGD accessed 18/05/2021). Existing loopholes mainly benefit children's access to services and are likely much more complex for adults, who require access to a broad range of services for which informal recognition of identity is insufficient. Existing informal forms of verification are also not applicable or appropriate for adults.

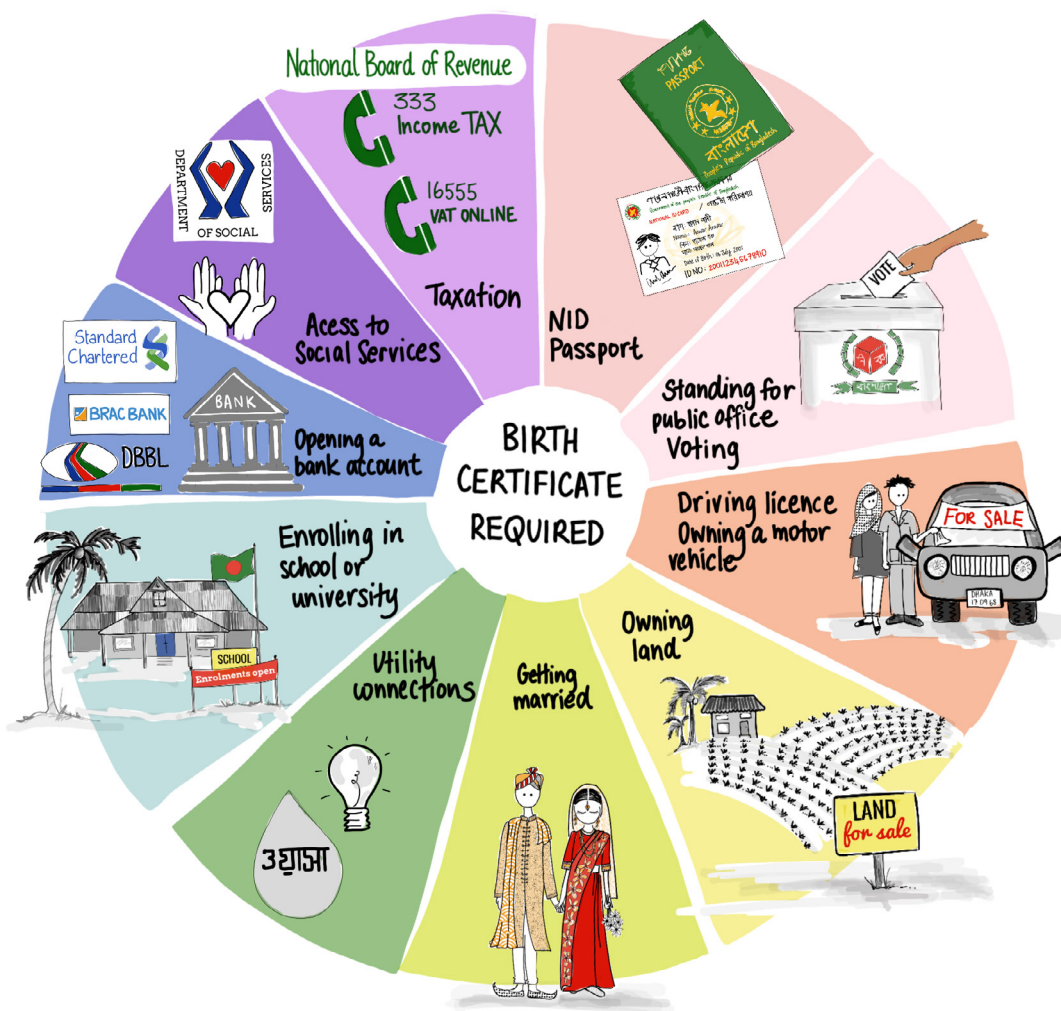
The inability to register for a birth certificate after 2017 may have affected those who turned 18 in the same year or later, with repercussions on income generation both in-country and abroad that will affect socioeconomic status and movement.

Birth certificates are required for income-generating purposes such as obtaining trade and contractor licences, becoming a driver, and getting approval for building construction plans. Birth certificates are also a pre-requisite for appointment to government, nongovernmental, and autonomous organisations. People without NIDs or passports cannot travel for work, open bank accounts, or buy vehicles or property. The presence of refugee camps has also resulted in multiple checkpoints in Cox's Bazar. To move within or leave the district, people must present documentation proving Bangladeshi citizenship at these checkpoints. Adults aged 18 or older must provide either a birth certificate or an NID, and parents travelling with children without birth certificates could be suspected of child trafficking (KII 23/03/2021). People who have recently turned 18 have also struggled to register on voter registration lists due to absence of a birth certificate (TBS News 30/10/2019).

While there is no law requires a birth certificate to access social services, a UN report on Bangladesh's compliance with the Convention on the Rights of the Child suggests that lack of registration is a basis for discrimination and exclusion of social services (UN 26/06/2009). People with economic and social vulnerabilities who require social service support the most are also those who face challenges in accessing birth registration and birth certificates. For example, it is mainly women and adolescent mothers who lack access to information on birth registration (UNICEF, accessed 18/05/2021), likely because of pre-existing sociocultural limitations. These pre-existing limitations can also require them to access social services, such as economic empowerment programmes, maternal and infant healthcare, and financial support for widows.

Registering for the COVID-19 vaccination requires adults to provide their NID number. This may be an indication of the difficulties that unregistered children could face in the future.

## IMPACT OF LACK OF BIRTH REGISTRATION ON CHILDREN



Source: ACAPS

NIDs in Bangladesh are only issued for citizens aged 18 and older. While birth registration is critical for children, families usually do not make it a priority until they need to access education or services, and not all service providers routinely demand birth certificates (KII 16/06/2021). Nationally, birth registration rates increase sharply for children aged four to six years because parents often wait until their children reach school age to register (UNICEF accessed 18/05/2021). Consequently, the children significantly affected by the suspension of birth registration are those born between 2012–2016, who need access to education now. Although nationally birth certificates are required to enrol children in school, in Cox's Bazar, the current practice involves a local government representative providing references for children enrolling in primary school by declaring that they know the family and requesting access to services without requiring a birth certificate (KII 08/04/2021; 16/06/2021). The headmaster of the primary school then issues proof of enrolment that allows the child to access secondary education (KII 08/04/2021). It is unclear how accessible such references are and if payment is required.

While informal mechanisms allow enrolment in primary and secondary school, they do not enable students to register for external board examinations such as the Secondary School Certificate and the Higher Secondary Certificate (Human Rights Watch 03/12/2019). Because of the challenges in applying for birth registration and the culture of waiting to register births until necessary, many children may have been unable to take matriculation exams on time. Students from Cox's Bazar who are older than 18 also struggle with university admissions processes without birth certificates (TBS News 30/10/2019).

Cox's Bazar consistently falls short of national education targets. The district has the lowest percentage of children of primary school age enrolling in first grade, at 71% (USAID 08/10/2018). Schools across the district have a history of under-enrolment, and most heads of household have not received an education (USAID 08/10/2018). The three-year suspension of birth registration could further lower enrolment rates, particularly in the geographically remote areas of Teknaf and Ukhiya, which consistently lag behind the national averages for development indicators. In Teknaf and Ukhiya, the secondary and higher secondary school enrolment rates of children aged 12–18 are lower than the national average. Financial constraints are commonly cited as barriers to enrolment (GAGE 01/04/2020), and households may not be able to pay for late birth registration (along with the accompanying late fees) to access secondary and higher school certificates if their children are not already registered.

The lack of birth registration makes children more vulnerable to child marriage and child labour. Cox's Bazar has been cited as one of six districts (out of 64) with the highest incidence

of child labour in the country, with 9.4% of children aged 10–14 in the region (compared to the national average of 6%) engaged in labour (Population Census 2011; USAID 08/10/2018). Parents and caregivers of unregistered children often use informal identification documents that can be easily forged, creating additional child protection risks, particularly related to child trafficking.

Children without a birth certificate have trouble accessing legal protection and justice because authorities may be unable to determine their exact ages (Avon Global Center for Women and Justice 15/08/2013; UNICEF accessed 18/05/2021). Young criminal offenders without a birth certificate may also be unable to obtain legal support and security benefits available to those under the minimum age for criminal responsibility (UNICEF accessed 18/05/2021). Lack of birth registration also makes it difficult to protect a child from sexual violence and exploitation. Human trafficking and other armed criminal activities are prevalent in Cox's Bazar, especially in Teknaf and Ukhia (USAID 08/10/2018). Without proof of age or identity, limited access to formal justice systems increases the protection needs of children, particularly those from vulnerable households.

## NATIONAL BIRTH REGISTRATION PROCESS

In 2001, the Birth and Death Registration Project was established under the Local Government Division<sup>1</sup> (LGD) to promote birth registration. Legislation passed in 2006 requires parents and guardians to register births within 45 days (UNICEF 11/2015). Registration within 45 days of birth is free, but fees are charged for late birth registrations, with the amount staggered depending on the length of time since birth (BDNews24 19/12/2017).

The Online Birth Registration System (BRIS) was launched in 2010 and allows anyone to apply online. An online registration system is key to preventing the falsification of a child's age, as it is difficult to alter information once it has been entered into the digital records (Avon Global Center for Women and Justice 15/08/2013). Despite the benefits of a digital system, lack of internet literacy and access to the internet remain barriers for many people. Applying in person at a registrar's office remains the preferred method for registering births, even though it requires several visits and poses additional costs, such as for transportation (KII 16/06/2021). For home births, applicants must provide proof of birth from a clinic or hospital, a vaccination card, or a written declaration from a local government official (KII 16/06/2021). Additional documents are required if registering 45 days after birth, although there is limited information about which additional documents are needed (KII 16/06/2021).

BRIS was developed to avoid duplication of registration and establish family trees. When a child's birth is registered online, the system asks for the parents' birth certificate numbers and proof of certificates. When applying for birth registration in person, the registrar checks whether the parents' births have been registered before approving the child's registration. This process is part of a wider effort to prevent multiple registrations of the same child for education, labour, or marriage purposes.

While birth registration information has begun to be documented online, the use of the BRIS platform is still limited, and its implementation is an ongoing effort (Avon Global Center for Women and Justice 15/08/2013).

### Who is a registrar?

According to the Births and Deaths Registration Act of 2004, the registrar is responsible for registering births, maintaining the birth register, and issuing birth certificates. Who serves as registrar depends on where the applicant is born or permanently resides.

- For a person born in (or who permanently resides in) a city corporation, the registrar is the mayor or an officer or commissioner to whom the mayor has delegated the responsibility.
- For a person born in (or who permanently resides in) a paurashava, the registrar is the chairman of the paurashava or an officer or commissioner to whom the chairman has delegated the responsibility.
- For a person born in (or who permanently resides in) a union parishad, the registrar is the chairman of the union parishad or the chairman's delegate.
- For a person born in (or who permanently resides in) a cantonment board, the registrar is the executive officer of the cantonment board or the executive officer's delegate.
- For a Bangladeshi born abroad, the registrar is any officer empowered by the ambassador of Bangladesh to the country where the person is born.

<sup>1</sup> A government division under the Ministry of Local Government, Rural Development and Co-operatives responsible for the development and supporting of local government bodies. The Union Parishad (council), Upazila Parishad (subdistrict), Zila Parishad (district), City Corporations of Bangladesh, Municipal Corporations of Bangladesh, and Water Supply and Sewerage Authorities are the local government bodies under the Local Government Division.

Despite the 2020 high court ruling ordering birth registrations to resume, the process has not been fully implemented in all unions. The Cox's Bazar district administration implemented new conditions for birth registration once the process resumed. Before the suspension, applications were submitted to a registrar who knew all residents in the area, and the reference process did not take long. Most people received their certificates within a few hours or days (KII 23/03/2021). When registration services resumed in 2020, new committees were formed under the registrar at the district and subdistrict levels to help reference all birth registration applications. These committees have been overwhelmed with new applications and the backlogged applications from before 2017. As a result, many applicants have not yet received their birth certificates (KII 23/03/2021; KII 08/04/2021; KII 16/06/2021).

Late fees have not been waived for births that were not registered during the suspension, making the service inaccessible for some families as a result of the cost, which can amount up to BDT 500 (approximately USD 5.50) (KII 16/06/2021). Residents of Cox's Bazar have also been required to provide additional documents for birth registration. An unsigned notice on the door of the registrar's office in Cox's Bazar in February 2021 stated that these documents were needed:

1. **passport-size photo of the applicant**
2. **photocopy of the father's NID**
3. **photocopy of educational qualification certificate or certification by a physician**
4. **photocopy of the child's vaccination card.**
5. **Additional documents included:**
6. **photocopy of land deed**
7. **photocopy of municipal tax bill**
8. **photocopy of death certificate in case of death of father or mother.**

Since January 2021, if an applicant is born after 2001, the parents' birth registrations are also needed, which require other additional documents (BDNews24 19/02/2021). Some of these requirements are not stated in legislation, and the documents can be challenging for some people to obtain (KII 08/04/2021). When registering the births of the child's parents, they are often asked to submit the birth certificate numbers of their own parents (the child's grandparents) who, in many cases, have passed away without having registered their births.

This causes complications for people aged 40+ who need to register their own births to register the birth of their children (BDNews24 19/02/2021). Another complication is language. If the parents' birth certificates are in English, the child will get a birth certificate in English. If the parents' birth certificates are in Bangla, then the child will receive a birth certificate in Bangla. However, if the parents birth certificates are in two different languages, they cannot apply for their child's birth certificate (BDNews24 19/02/2021). As a result, the parents then have to go through additional steps to acquire birth certificates in the same language before applying for their child.

The provision of many of these supporting documents requires additional logistical and administrative fees, as well as the required payments for late birth registrations, posing a barrier for more vulnerable households. As birth registration is still suspended in many areas, people are required to make multiple long trips to access upazila- and district-level registrars. In Teknaf and Ukhia, where the literacy rate among Bangladeshi citizens is low (26% and 36%, respectively) (ACAPS 01/10/2020), people may struggle to access education, understand registration information, or use the internet to apply online. People living in precarious or informal housing may not be able to acquire utility bills and other residence-related documentation.

Because of the prolonged suspension of birth registration services, at the time of writing, people in Cox's Bazar could provide alternative means of verifying identity when applying for further documentation or availing services. For example, references from local government officials could be used to apply for NIDs, register a marriage, enrol in school, and access other services (KII 16/06/2021). However, these options are not accessible to everyone, and procuring them can be costly and time-consuming.