An Administrative perspective on Birth Registration as Citizen's Right in Rural Bangladesh.

A Dissertation

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Abstract

The number of people in Bangladesh who have been denied the right to birth registration is unknown, and therein lies the problem. Many countries like Bangladesh simply do not have adequate systems for keeping track. The available data suggest that many millions of citizens have slipped between the cracks-or, more accurately, the chasms- of government registries.

The countries including Bangladesh who have ratified the Convention on the Rights of Child are obliged to make clear to their citizens why it is important. In rural societies where people live their entire lives within a small radius, where the teacher is your neighbour and the health worker is your aunt, the idea that you need a piece of paper to prove your existence may be unfathomable. And to suggest that children must be registered for purpose for government planning is in some cases plainly threatening.

But the world is changing, and the circles in which people spend their lives are enlarging. In this far more complex and anonymous environment, proving nationality is not a utopian exercise in child rights. It is a practical necessity.

Non-registration has serious implications for the State. Countries need to know how many people they have and hoe many there are likely to be in future, in order to plan effectively.

The study emphasizes the crucial importance of birth registration, explores the obstacles to universal birth registration highlighting the structural factors that creating hindrances

in civil registration system, the actions-including awareness raising, legislative changes, resource allocation and capacity building- that are needed to ensure the registration of every child in Bangladesh.

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Chapter-1

Introduction

"The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents."

1989 United Nations Conventions on the Rights of the Child (CRC), Article 7

1.1-Research Title

An Administrative perspective on Birth Registration as Citizen's Right in rural Bangladesh.

1.2 Statement of the Problem

Birth registration is a key instrument to get an official identity, recognized name and a nationality. An unregistered child is likely to be denied of basic human rights. While birth registration does not itself guarantee education, health, protection or participation, its absence can aggravate the situation of being deprived of fundamental rights. In Bangladesh, a small proportion of births are registered. Administrative barrier is one of the most important hindrances in the process of birth registration, especially in rural and remote areas of Bangladesh, which ultimately results in inaccurate statistical feedback and adds to ineffective policy making regarding human resource development. The child who is not registered at birth is in danger of being excluded out of societal process of privileges and denied the right to an official identity, a recognized name and a nationality. The child has no birth certificate, the 'membership card' for society that should open the door to the enjoyment of a whole range of other rights including education and health care, participation and protection.

The 'invisibility' of unregistered children makes it more likely that the discrimination, neglect and abuse they experience will remain unnoticed. Unregistered children are, almost inevitably, the

children of the poor and excluded. Lack of registration exacerbates their poverty and underscores their marginalization. While birth registration does not of itself guarantee education, health, protection or participation, its absence can put these fundamental rights beyond the reach of those already on the margins of society. But the importance of registration – or the lack of it – goes beyond the individual. Without strong civil registration systems, it is virtually impossible to plan or implement effective development strategies. Unregistered children who do not show up in the data are often overlooked in social development planning. They are completely invisible when important policy and budget decisions are made. And without proper birth registration, a country cannot even be certain of its own birth or death rate.

Birth registration is the official recording of the birth of a child by some administrative level of the state and coordinated by a particular branch of government. It is a permanent and official record of a child's existence. Ideally, birth registration is part of an effective civil registration system that acknowledges the existence of the person before the law establishes the child's family ties and tracks the major events of an individual's life, from live birth to marriage and death. If a child is not registered at birth and has no birth record, he or she will not have a birth certificate with that all-important proof of their name and their relationship with their parents and the state.

1.3 Justification of the study

This study examines the situation of children who are denied a fundamental human right and who, in legal terms, do not exist. With no document to prove how old they are – or even who they are – they are likely to join the millions facing discrimination and the lack of access to basic services such as health and education. And, with no proof of age and identity, they may lack the most basic protection against abuse and exploitation. An unregistered child will be a more attractive 'commodity' to a child trafficker and does not have even the minimal protection that a birth certificate provides against early marriage, child labor, or detention and prosecution as an adult.

The value of birth registration as a fundamental human right continues to be overlooked in the context if Bangladesh. There is a continuing lack of awareness of registration as a critical measure to secure the recognition of every person before the law, to safeguard the protection of his or her individual rights, and to ensure that any violation of these rights does not go unnoticed.

In Bangladesh, a small proportion of births are registered. Administrative barrier is one of the most important hindrances in the process of birth registration, especially in rural areas of Bangladesh, which ultimately results inaccurate statistical feedback and accelerates ineffective policy making regarding human resource development. This situation has serious implications for human rights, access to services and of late national security.

Research on this subject is strikingly limited. Except a few official report and statistical narratives, academic studies are hardly in existence; this provides the justification of the study on this topic is quite timely and necessary.

1.4 The Analytical Approach of the study and the Theoretical & Conceptual Issues

1.4.1- Structural Issues

The historical conditions that led to the pervasiveness of bureaucracy today do not, of course, explain why some organizations in contemporary society are highly bureaucratized and others are not. These variations raise the problem of the conditions within a given social structure that give rise to its bureaucratization.

Government and administrative structure provide the framework for civil service positions and thereby determines not only the total numbers and levels of civil servants, but the organizational and

managerial context in which they carry out their functions. Structure provides the system of coordination imposed upon the divisions and units of an organization and its channels of communication and collaboration with other government agencies and the world outside government. Civil service issues cannot be discussed in isolation from the structures of government, especially its ministries and forms of administration, its degree of meritocracy, the neutrality and autonomy of its civil servants, and its mechanisms for policy-making and coordination and for coherent programme implementation. Many countries simply have too many ministries and multiple, unwieldy administrative structures that obstruct development and effective governance. (unpan1.un.org/intradoc/groups/public/documents/un/unpan001183, access date on 26/07/08)

1.4.1.1 Administrative and Civil Service Structure

Administrative and civil service structures are closely interconnected. The nature and extent of decentralization or de-concentration also affects the size and structure of a civil service, especially with regard to structures for policy formulation and implementation and structures for policy coordination. However, in the vast majority of countries including Bangladesh, one national service carries out both policy-making and policy implementation. These services show significant variations with regard to recruitment, placement promotions, and exposure to political processes and pressures. Administrative and civil service structures in developing countries have been enormously influenced by those of industrialized countries, notably France, Germany, Japan, the United Kingdom and the United States. These northern countries, though, are not currently changing as rapidly as the countries they have influenced. Moreover, their structures have tended to be modernized and liberalized in accordance with changing needs. By contrast, in the vast majority of developing countries, reform and liberalization are obstructed by well-entrenched vested groups intent on protecting the privileges and perquisites associated with their social class and cadre or corps. In many of these countries, such internal conflicts are eroding the neutrality and impartiality

that are key civil service values, particularly for those at the highest levels who have the expertise and experience to assist the formulation of policies and programmes and should preserve a reasoned and informed view on matters of national and public interest. In these countries, the challenge lies in reforming internal structures so as to reduce divisiveness within and between groups and to promote the sharing of values and appropriate behavior by enforcing uniform codes and standards and by training.

(unpan1.un.org/intradoc/groups/public/documents/un/unpan001183, access date on 26/07/08)

1.4.1.2 Civil Service Performance on Service Delivery Functions

Quality, standard, productivity and service have become key words in the lexicon of public sector reform in many developed and some developing countries in recent years. Increasing prominence given to these terms is the result of change in the mindset of customers of public service. The rising expectation and changing perception of customers in terms of quality and standard of service to be provided by public service personnel at all level has heralded a "mini revolution" in terms of new ideas and innovation. These ideas and innovation are all geared to attainment of three Es- economy, efficiency and effectiveness.

Some of the countries in Southeast Asia have played a prominent role in reforming their civil services to bring about quality in service delivery. Quality and service deliveries are closely linked with standard and productivity. Quality service cannot be provided without provision for high standard and increasing productivity.

(unpan1.un.org/intradoc/groups/public/documents/un/unpan001183, access date on 26/07/08)

Today "quality in public services is recognized as the right of all citizens" (Gaster, 1995, p: 1). This concern for quality needs to be understood both in the context of changing expectation of customers as well as pressure of globalization. Globalization has posed a serious threat to the concept of

nation-state as well as encouraged market economy. Add to all these civil servants in many countries of Asia work under an unfavorable environment. The symptoms of this area evident in too much demand, too little supply, unclear and unambiguous goals leading to corner-cutting and low morale (Gaster 1995, p: 1). So quality as a concept is important. Yet it is extremely difficult to define it to the minutest detail. Values influence nature of quality. Some of these values include economy, efficiency and effectiveness, equity, equality and environment, democracy, accountability, improvement and community.

The area of service delivery seems to have yielded the greatest significant achievements in instilling performance and results orientation; in large measure because private sector approaches for analysis and measurement have been most easily transferable to this realm of civil service functions. Health, education, refuse disposal, custodial services, banking, insurance, transport public works, utilities are the areas in which large-scale privatization has taken place and in which government agencies can be competitively compared with private providers. There is now considerable experience and information available on how to rearrange most government services, how to introduce performance and results-based management methodology, and how to use appropriate measurement techniques and processes of varying sophistication to evaluate the performance of individuals and groups. On both the supply and demand sides of these services there has been a remarkable development of institutions and processes. This has manifested itself in the form of various consumer and interest groups and their involvement in the determination of the quality, reliability and impact of these services and their delivery.

1.4.2 Structural issues of civil service, LGA (local government authority) and service delivery in Bangladesh

Civil service continues to play a significant role in Bangladesh society and affects political, social and economic spheres. In spite of its overreaching role, the civil service remains totally inadequate, ineffective, and corrupt and out-of tune with present reality. Successive major administrative reform measures have been resisted and consequently not been implemented (Khan, 1998a). Bureaucratic culture demonstrates both systemic rigidities and behavioral dysfunctions of bureaucrats. These are: excessive reliance on hierarchy, elaborate formal rules and regulations, excessive control, lack of trust in subordinates, diffusion of accountability through overlapping checks and balances, and a loss of accountability and control (Khan, 1989, p.9). Other dysfunctional of authority, multiple layers of decision making, a regulatory modus operandi, systemic lack of trust, lack of public accountability, lack of commitment and lack of an incentive structure (Bretts, 1988, p.97-98)

The concept of better service delivery in the context of this paper is taken to mean an increase in both the quantity and quality of services that are delivered (provided) as a result of application of the concept of structural issues. The increase is mainly captured by increased satisfaction on part of the customers to whom the services are provided. In Bangladesh, services provided are in most cases of inferior quantity and quality compared to those in more developed parts of the world. Where some services infrastructure is in place, their maintenance and repair is inadequate.

Effective and efficient infrastructure and services provision are important in delivering major benefits in economic growth, poverty alleviation, environmental sustainability and sustainable development in general in LGAs. The services include water, sanitation, waste management, transport infrastructure, health service, birth registration etc. All these are critical in meeting the needs of people in the LGAs. Better service delivery is crucial for sustainable growth, development

and poverty reduction. It increases people's standards of living and contributes to sustainable development, ceteris paribus.

Public sector provision of these services (in this context – delivery of these services by entirely using LGAs resources) however has proved to be inadequate and unsustainable due to, *inter-alia*, the nature of the public sector. Until very recently the sector has been typically characterized by inefficiency and lack of effectiveness, leading to poor performance. This in turn can be attributed to many closely inter-linked and self-reinforcing characteristics of the sector like political interference; unclear objectives; limited operational autonomy; inadequate managerial skills *vis a vis* technical, human, conceptual and design skills; inadequate accountability and transparency; heavy and cumbersome bureaucracy; poor workers' morale; inappropriate economic settings; inadequate capital and lack of appreciation of the free inter-play of the market forces of supply and demand.

Such a sector therefore is inadequate in the whole exercise of effectively, efficiently and sustainably producing, rendering and improving the needed quantity and quality of goods and services. (Honest Prosper Ngowi, 2006, Towards an effective delivery of public services in Africa, African Association for Public Administration and Management)

1.4.3 "Birth Registration" as a Service in Bangladesh to obtain official identity

Birth registration is the official recording of the birth of a child by a state administrative process. It is the permanent and official record of a child's existence and is fundamental to the realization of children's right and practical needs.

Securing children's right to a nationality will allow them to get a passport, open a bank account, obtain credit, vote and find employment. It helps ensure access to basic services, including immunization, health care and school enrolment in the right age.

Birth registration is also essential in protection efforts, including: preventing child labour by enforcing minimum-employment-laws; ensuring that children conflict with the law are not treated (legally and practically) as adults; shielding them from underage military service or conscription; countering child marriage; and reducing trafficking, as well as assisting children who are repatriated and reunited with the family. (Innocenti Digest, Unicef, 2002)

Birth registration is particularly important for ensuring development and protection rights in the Child Right Convention (CRC). No child-centered development activities at the local level can be adequately planned unless the relevant data are available. Similarly, for combating child marriage and child labour and ensuring punishment for crimes against children, the age of victim should be known accurately. On the other hand, if local government bodies are to be entrusted with some of the CRC implementation responsibilities at the local level, then the obvious starting point should be the collection and maintenance of correct statistics of children.

In Bangladesh, where a small proportion of births are registered, responsibility for birth registration is delegated to official at the lowest level of local government- a level that has lost much of its significance over the years. These officials lack awareness of their duties and face shortages of standardized forms and registers. While improvements are now being made at this level, Bangladesh has no provision for a central register of births or deaths and there is no civil registrar's office with the power to coordinate and monitor birth registration.

Low status for registration translates into inadequate support for registrars. For system to work efficiently, local registrars need support such as training and guidance on registration laws and procedures and access to detailed guidelines to help them resolve any registration problems. The lack of such support is a major obstacle to birth registration.

1.5 The Study Design

1.5.1 Objectives of the study:

According to the above mentioned analytical frame work of the dissertation the main objective of the study is to identify the actual process of birth registration as a public service in Bangladesh. It will also elicit the views and experiences of the major stakeholders. It will particularly focus on the suggestions to eradicate the barriers mainly originated from the structural issues of civil service and develop some strategies and interventions to achieve effective birth registration in rural areas of the country.

1.5.2 Key research questions:

1. What is the current status and predicament as regard Birth Registration in Bangladesh? (and associated practices in this study area?)

2. What are the structural factors that are retarding civil service from rendering "Birth Registration" as an efficient and effective service delivery in Bangladesh?

3. What are the other possible factors responsible for either success/satisfactory or failure/unsatisfactory performance of the birth registration programme in the studied rural areas?

4. What measures could be taken to eradicate these barriers?

1.6 Research Methodology:

The Methodology followed for the study is comprehensive and intensive. A questionnaire is developed to collect data from the stakeholders through interviews and focus group discussion (FGD) among the different respondents of different levels. Data generated, as such, provided a wider perspective and deeper insight about the different reasons for retarded birth registration rate in rural areas of Bangladesh. The objectives of the study disseminated to the respondents in order to motivate them to feel ease during the time of interviews. The steps followed in the methodology are stated below:

1.6.1 Literature Review

The study will use both primary and secondary data for analysis. There is not enough literature on birth registration, its impact on social life and human rights. The reports of United Nation's agencies articles published in different journals will provide information and data on birth registration and related issues. Secondary data will be collected from these sources. Literature/ documents/ reports on birth registration process, as available will be reviewed. Activities related to birth registration process, followed or suggested in international or regional level will be seen in-depth.

1.6.2-Observation and key-informant interviews

Observation and "the use of key-informant helped in the understanding of complex situation" (Khan, 1998, p: 138). Key informants provided valuable information regarding the actual scenario of birth registration process in rural Bangladesh. Key informant interviews helped me to gather some of "the invisible facts" (Chambers, 1991, p: 519, cited in Khan, 1998, p: 139) which play a vital role on birth registration while it is rendered as a public service."Direct observation may be more reliable than what people say in many instances" (Bell, 1987, p: 88, cited in Khan, 1998, p: 138). For that reason; I also observed the birth registration process at Union Parishad office premises in my selected sites which enabled me to see the behavior of the concerned officials towards the service recipients as well as the procedure they follow to render the service.

1.6.3 Criteria for site selection

The study area that has been chosen represents the basic and typical characteristics of the whole structure of this research that investigates the existing situation of birth registration process in the rural areas of Bangladesh. This research will fulfill the objective of the study when the data will be collected and analyzed to reach the level of conclusion. The study area has been selected for

different criteria and characteristics in this research. These areas are rural and have lacking of adequate public service.

The selection criteria are:

- Densely populated area
- Backward in communication
- Low literacy rate
- Areas having poor with very low income level
-

1.6.4 The study site

Considering the above criteria, three upazila of Manikganj district have been selected for this research. The areas are:

- Harirampur
- Gorpara
- Daulatpur

1.6.5 Developing Tools for Field use

A questionnaire is developed to interview the people at the field. The question includes the following information like:

Service receivers:

- Size of a family
- No. of members of that family
- Literacy rate
- Occupation and age of the members
- The services they had (if any) regarding birth registration from concerned office
- Level of satisfaction about the service (if any)
- If the service is not received, the reasons.

Service provider:

- Opinion regarding the service process/ form/ act
- Possible reasons behind the slow pace of the programme
- Possible affect on policy formulation

The details of the questionnaire have been enclosed in the Appendix 1.

1.6.6 Data Source and Mode of Collection

A. *Primary source*

- The data for the study came from the Field survey.
- The survey involved field observation and administration of a set of questionnaire with giving more emphasize on Focus Group Discussion (FGD) and key-informant interviews.

B. *Secondary source*

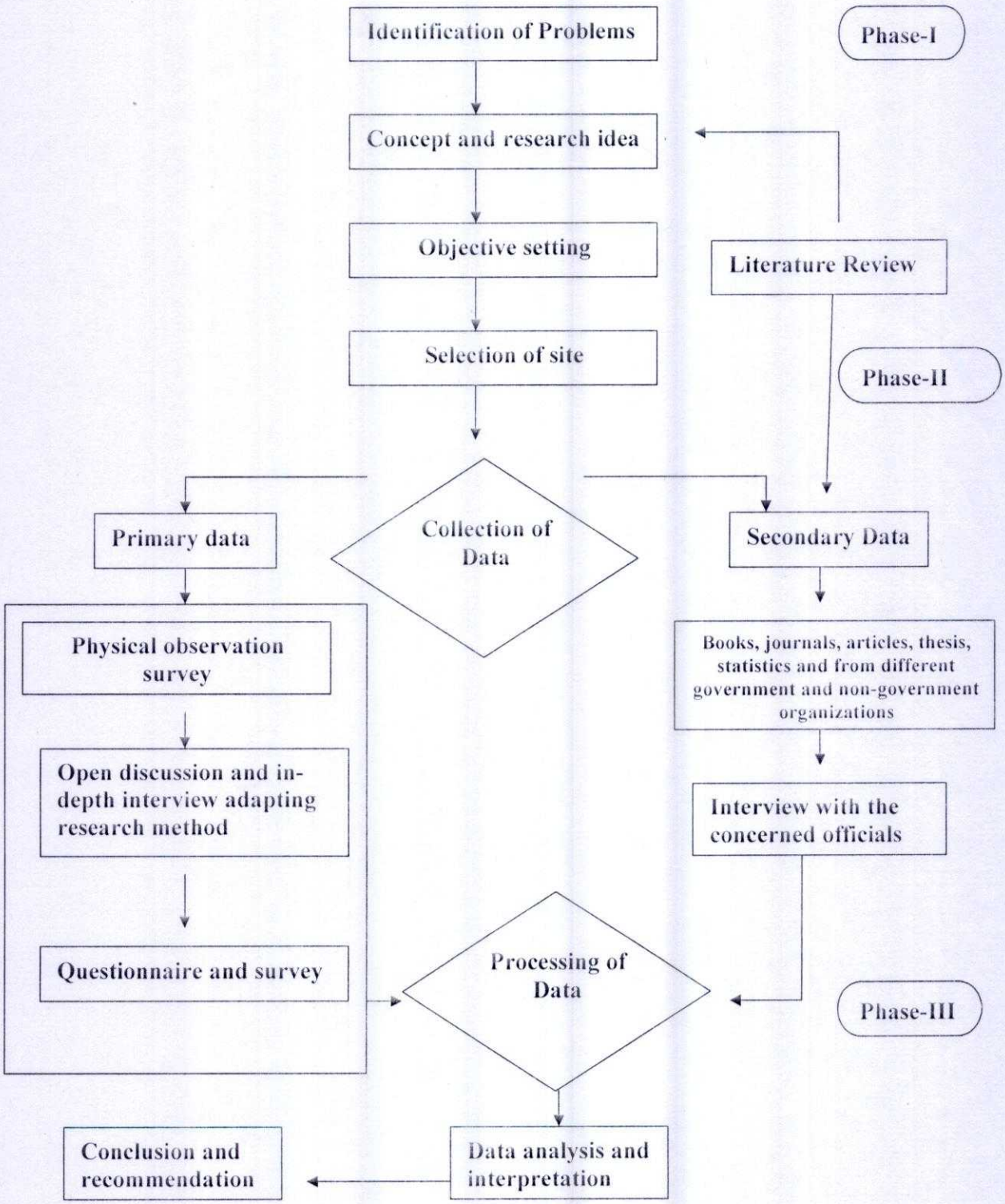
- Data are mainly collected from related survey reports of Government and Non-Governments Organization.
- Besides other sources there were different books, journals, newspaper articles and internet.
- The qualitative data analysis is done for conducting the research which has been basically acquired through observations.

1.6.7 Limitations

To complete an MA programme within a limited time frame, the study is aimed from a specific academic pursuit. Other than access to information, time constrains and limited fund the collected data for the study is also limited and secondary sources are used frequently. This study will be partially based on secondary data disseminated by other authors. In some cases there are some mismatches in data. Yet it is expected that due to limited time in making in-depth research, these

sources and data will provide sufficient information to support analysis. The study is qualitative in nature and hardly can it analyze quantitative data.

Flow Diagrams of Research Phases and Methods of Data Collection



1.7-Organization of the Thesis

The introductory chapter is followed by 4 chapters. Chapter 2 reviews the available literature on birth registration as a human right supported by relevant acts, as well as the status of birth registration in developing world according to UNICEF reports and different reports from key national news papers and concerned ministry which depicts the picture of birth registration as a public service in Bangladesh. In the context of structural issues affecting public service in Bangladesh, which has been discussed in this chapter, Chapter 3 examines and analyses the views and experiences of the major stakeholders of birth registration, especially in rural areas of the country, mainly based on focus group discussion. Chapter 4 summarizes the central problems and findings of the study and also evaluates the possible factors, including structural issues that may affect on going service of birth registration in rural Bangladesh. This chapter also "offers some food for thought for prospective future action in making" (Khan, 1998, p: 15) the birth registration process of the rural area more people oriented by ensuring human rights. In short, the dissertation has three aims. First, to emphasize the value of birth registration. Second, to explore the obstacles to universal registration. Third, to identify the action needed to bring about universal birth registration.

1.8- Chapter Overview

This chapter contains problem statement, justification and objectives of the research. It also elaborates and clears basic concepts related to Birth Registration and effect of relevant structural issues towards delivering the service. It entails about birth registration as a public service and role of structural issues and other factors that are affecting the service. It overviews and defines different concepts of the proposed study with the methodology followed in the research. Limitations of the study were discussed here. Next chapter deals with the related international and national laws supporting child rights and millennium declaration for child protection.

Chapter-2

Birth Registration- the Right to a Name and Nationality: A Selected Review of Relevant Acts

This chapter deals with the relevant acts which support birth registration as a key instrument to attain official identity and ensures the right to a name and nationality.

Birth registration establishes the child's identity and is generally a prerequisite for the issuing of a birth certificate. A fully registered birth and the accompanying birth certificate help a child secure the right to his or her origins, to a nationality and also help to safeguard other human rights. (Innocenti Digest, UNICEF, 2006)

Without birth registration, children are invisible in official statistics. Having a child's identity officially acknowledged and registered is a fundamental human right, as stipulated by Article 7 of the Convention on the Rights of the Child. Registration enables a child to obtain a birth certificate, which is most visible evidence of a government's legal recognition of the child as a member of the society. A birth certificate is also proof of the child's fundamental relationship with parents and, generally, also determines nationality.

Birth registration may be needed for access to services later in life, from a place in school treatment in a hospital. Cases of child marriage where the spouse is believed to be underage but the exact age cannot be firmly established are almost impossible to prosecute. Children who are unregistered at birth may also miss out on any protection that exist against premature conscription into the armed forces or, if they come into conflict with the law, against prosecution and punishment as adults. When they grow up, they may be unable to apply for a formal job or a passport, open a bank account, get a marriage license or vote. A birth certificate may also be needed to obtain social security, family allowances and a pension. (The state of the world's children, 2006)

2.1- International Laws Relating to Child Rights

Children's Rights refer to the status of children in Bangladesh. Bangladesh has both constitutional provisions and other legal enactments that seek to ensure and protect children's rights and welfare.

The question of rights of children in Bangladesh has an international setting. The Declaration of the Rights of the Child, 1924 was adopted by the Fifth Assembly of the League of Nations where the rights of the child were first mentioned in an international document. The 1924 Declaration was followed by the Declaration of the Rights of the Child in 1959, which aimed at granting children a series of benefits, protections and priorities. The rights granted in the 1959 Declaration were later reaffirmed in the International Covenant on Economic, Social and Cultural Rights adopted by the UN General Assembly in 1966. The Convention on the Rights of the Child (CRC) was adopted in 1989. Bangladesh is a signatory to the Convention. The Convention on the rights of the child (1989) outlines the fundamental rights of children, including the right to be protected from economic exploitation and harmful work, from all forms of sexual exploitation and abuse, and from physical or mental violence, as well as ensuring that children will not be separated from their family against their will. These rights are further refined by two Optional Protocols, one on the sale of children, child prostitution and child pornography, and the other on the involvement of children in armed conflict.

The Convention on the Rights of the Child (1989) calls for the registration of a child immediately after birth (Article 7). (UNICEF)

2.2.1-Convention on the Rights of the Child (Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989,entry into force 2 September 1990, in accordance with article 49, Office of the United Nations High Commission for Human Rights):

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, and the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

2.2.2-International Covenant on Civil and Political Rights (Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49, Office of the United Nations High Commission for Human Rights):

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

2.2.3-Convention on the Reduction of Statelessness (Adopted on 30 August 1961 by a Conference of Plenipotentiaries which met in 1959 and reconvened in 1961 in pursuance of General Assembly resolution 896 (IX) of 4 December 1954, entry into force: 13 December 1975, in accordance with article 18, Office of the United Nations High Commission for Human Rights):

Article 4

1. A Contracting State shall grant its nationality to a person, not born in the territory of a Contracting State, who would otherwise be stateless, if the nationality of one of his parents at the time of the person's birth was that of that State. If his parents did not possess the same nationality at the time of his birth, the question whether the nationality of the person concerned should follow that of the father or that of the mother shall be determined by the national law of such Contracting State. Nationality granted in accordance with the provisions of this paragraph shall be granted:

(a) At birth, by operation of law, or

(b) Upon an application being lodged with the appropriate authority, by or on behalf of the person concerned, in the manner prescribed by the national law. Subject to the provisions of paragraph 2 of this article, no such application may be rejected.

2. A Contracting State may make the grant of its nationality in accordance with the provisions of paragraph 1 of this article subject to one or more of the following conditions:

(a) That the application is lodged before the applicant reaches an age, being not less than twenty-three years, fixed by the Contracting State;

(b) That the person concerned has habitually resided in the territory of the Contracting State for such period immediately preceding the lodging of the application, not exceeding three years, as may be fixed by that State;

(c) That the person concerned has not been convicted of an offence against national security;

(d) That the person concerned has always been stateless.

2.3-National Laws

According to the Convention of the Rights of the Child (CRC), any person under the age of 18 is a child. In Bangladesh, with its highly youthful population, this definition would imply that about 50 percent of the people of Bangladesh are children. It also safe to infer that the vast majority of the Bangladeshi children are from poor families, deprived of the basic amenities of life.

The Constitution of Bangladesh has provisions relevant to children's rights in its directive principles of state policy [Articles 15, 17 and 25(1)], the fundamental rights [Articles 27, 28(1)(2)(3)(4), 31, 32, and 39(1)(2)], and the power of judicial review [Articles 26(1)(2)]. Articles 27, 28 and 31 of the constitution lay down the general principles regarding the protection of children from all forms of discrimination. The constitution in these articles provide that all citizens being equal before the law and being entitled to equal protection, must be treated in accordance with law without any discrimination.

The other laws relating to the protection and welfare of children in Bangladesh, such as:

1) **The Mines Act** of 1923 prohibits the employment of a person below 15 years of age in any mine. The Act provides regulations for the employment of those above the age of 15 and below the age of 17.

2) **The Child Marriage Restraint Act** 1929 (amended in 1984) prohibits the marriage between a male under 21 and female less than 18 years of age, and imposes punishment on parents and guardians involved in child marriages.

3) **The Shops and Establishment Act** 1965 prohibits the employment of children below the age of 12 years in shops and commercial establishments. The Act also regulates the working hours of persons below the age of 18 years.

4) **The factories act** 1965 prohibits the employment of young persons below the age of 14 years in hazardous occupations, and lays down regulations for a secure and healthy working environment for a child or adolescent. The Act also provides for crèche facilities for children less than 6 years of age whose mothers are workers in a factory.

2.3.1-Birth and Death Registration Act, 2004

Government of Bangladesh has passed Birth and Death Registration Act, 2004 which will enter into force from 3 July 2006. According to this Law, every individual born in Bangladesh and Bangladeshi Citizen born outside will have to undergo birth registration process. The new legal framework allows free registration for all within two years from the effectiveness of the Law.

The Law termed birth certificate as a proof of one's age and identity to have access for certain services which includes: Passport, Marriage Registration, Admission in Educational Institute (without birth certificate admission can't be refused at this moment), employment in Government and Private sector, Driving License, Voter List and Registration of Lands. It may be noted here that a recent amendment on the Law has waived the compulsion of producing birth certificate for these services until December, 2009.

The 2004 Registration Act of Bangladesh and its implementing rules mandate the production of birth certificates for the following purposes:
• Obtaining passports • Registering marriages • Obtaining admission into educational institutions • Obtaining employment in the formal sector • Obtaining drivers' licenses • Registering motor vehicles • Inclusion in the voter's register • Registering land ownership • Opening a bank account • Installing a utility connection • Receiving a tax identification number
• Obtaining national ID cards • Obtaining an export or import license • Obtaining a contractor's license • Obtaining approval for architectural design of buildings • Obtaining trade licenses

Although the principle of non-discrimination as envisaged in the CRC is also embedded in the fundamental rights set out in the Bangladesh constitution, the broader cultural and religious traditions work in unison to create situations which very often result in discrimination. Children suffer from two kinds of discrimination, one based on age and the other on gender.

Birth registration establishes the child's identity and is generally a perquisite for the issuing of birth certificate. A fully registered birth and the accompanying birth certificate help a child secure the right to his or her origins, to a nationality and also help to safeguard other human rights.

2.4 Child Protection, the MDGs and the Millennium Declaration

World leaders made a commitment to meet children's rights to survival, health, education, protection and participation – among others – during the Millennium Summit in September 2000, from which the Millennium declaration and, subsequently, the Millennium development Goals (MDGs) emerged. Both the declaration and the MDGs were later reaffirmed in the 2005 World Summit. Based on fundamental human rights, they provide a framework for the entire UN system to work coherently towards a series of concrete objectives for human development.

2.4.1 Child Protection and the MDGs

Goal 1: Eradicate extreme poverty and hunger

Children who live in extreme poverty are often those who experience violence, exploitation, abuse and discrimination. They easily become marginalized and are frequently denied such essential services as health care and education. In a self-perpetuating cycle, marginalization of children who are victims of violence and abuse decreases their likelihood of escaping poverty in the future. Child labour – both a cause and consequence of poverty – damages a child's health, threatens education and leads to further exploitation and abuse. Poverty is a root cause for trafficking. Without documents to prove birth registration, children and families often cannot access health, education and other social services, and States cannot plan poverty alleviation and social service programmes without accurate estimates of annual births. Poverty and exclusion can contribute to child abandonment and the separation of children from their families, as children are sent to work on the

streets or parents are forced to migrate and leave their children behind. Children might end up in foster or institutional care arrangements which can lead to marginalization and decrease their chances of breaking the cycle of poverty. Armed conflict depletes physical, economic and human resources and leads to displacement of populations.

Goal 2: Achieve universal primary education

Ensuring that all boys and girls complete a full course of primary schooling cannot be achieved without eliminating the barriers that keep children out of school. Reaching the hard-to-reach – including children affected by HIV/AIDS, orphans, children with disabilities, children from minorities and of migrant families, and those who are trafficked, used in armed conflict or live in institutions – is critical to achieving education for all. The school environment needs to be safe, protective and free of violence if children are to be encouraged to attend and remain in school. Child marriage leads to the isolation of, particularly, the girl child and to early drop-out from school. Armed conflict can displace families, separate children from their parents and disrupt their education. Child labour prevents children from going to school.

Goal 3: Promote gender equality and empower women

Child marriage, sexual violence, female genital mutilation/cutting, child labour and trafficking are child rights violations that must be prevented and addressed as part of global initiatives to promote gender equality and empower women. Sexual violence and harassment of girls at school are a major impediment to achieving gender equality in education. When they occur in other settings such as the community and workplace, they undermine efforts to empower girls and women. During armed conflict situations, girls often have less access to reintegration programmes for children associated with armed groups. Female genital mutilation/cutting is an infringement on the physical and psychosexual integrity of girls and women.

Goal 4: Reduce child mortality

Extreme exploitation, violence or abuse can lead to death throughout various phases of childhood. Child marriage affects children's health as babies who are born to very young mothers are more vulnerable to diseases during critical early years of life. Armed conflict has a devastating impact on children's survival. Of the 20 countries with the highest rates of under-five mortality, 11 have experienced major armed conflict since 1990. Children without parental care or separated from their mother at an early age, especially those who remain in institutional settings for an extended period of time, are at much greater risk of early death. Inattention to **disability** and improper care for children with disability can increase the mortality risk.

Goal 5: Improve maternal health

Abuses against adolescent girls endanger their physical and psychological health and, should they become mothers, their reproductive health as well. Protecting girls from child marriage is an important factor in improving maternal health as pregnancy at a young age jeopardizes the health of young mothers.

Female genital mutilation/cutting increases the chance of maternal mortality during delivery. Armed conflict jeopardizes young mothers' access to health-care services. Also, widespread sexual violence, including in armed conflict, has a direct impact on maternal health.

Goal 6: Combat HIV/AIDS, malaria and other diseases

The fight against HIV/AIDS must include efforts to prevent abuses that make children particularly vulnerable to the disease. For children orphaned or otherwise affected by HIV/AIDS, protection is a priority. Many of the worst forms of child labour fuel the spread of HIV/AIDS as children are sexually exploited and trafficked. At the same time, children from families and communities affected by HIV/AIDS are particularly vulnerable to these forms of exploitation and at risk of growing up without parental care. Child sexual abuse contributes to infection among young people. Reducing recourse to detention for children in conflict with the law decreases their vulnerability to infection, given the high rates of transmission in prisons.

Goal 7: Ensure environmental sustainability

Environmental disasters increase household vulnerability, which can in turn increase the pressure for child labor, as well as for sexual exploitation and child marriage. Overcrowding of neighborhoods and homes can put severe strains on environmental resources, which may lead to domestic stress, violence or sexual abuse in the home.

Goal 8: Develop a global partnership for development

Child protection demands inter-sectoral cooperation at the national and international levels. UNICEF's approach entails creating a protective environment for children. this means partnering with other Un agencies, governments, civil society, the private sector and international non-governmental organizations to put protective systems in place by strengthening government commitment, promoting adequate legislation, building systems and capacities, providing services, addressing attitudes and customs, monitoring and reporting, developing children's life skills, and encouraging open discussion.

2.4.2-The Millennium Declaration

Through adoption of the Millennium declaration, the world's countries resolved to:

• encourage the ratification and full implementation of the Convention on the rights of the Child and its optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

2.5-Chapter Overview

Analyzing the International and National laws relevant with child rights and millennium declaration for child protection, it is found that birth registration is an important instrument to ensure legal identity that promises a host of goods that have tremendous potential to improve people's life. A major advantage generally associated with birth registration is that it enables access to benefits and opportunities.

Next chapter deals with the present condition of civil registration system in developing countries as well as in Bangladesh based on available literature.

Chapter-3

A selected review of literature on Birth Registration in Developing World and Bangladesh

The chapter is based on the selected available literature to analyze the importance and application of birth registration system in developing countries including Bangladesh to ensure human rights and to provide relevant public services.

Birth registration and birth certificates contribute to an individual's sense of citizenship and, overall, to the coherence of civil society. At the national level, every country needs to know its own vital statistics – its characteristics and trends in terms of births, deaths and other key indicators, such as marriage, divorce and fertility. In simple terms, every government needs to know how many people there are in the country, and how it can plan to meet their needs.

In efforts to comply with their obligations under the CRC, many countries are introducing policies that link legal identity and access to basic services. As countries develop and governments improve their capacity to provide basic services, these policies will make vital registration documents increasingly valuable. Moreover, as birth registration or citizenship certificates are often required for more sophisticated benefits and opportunities such as the capacity to register and transfer land, set up a business, or open a bank account, birth registration is linked to economic growth and development. A functioning and nondiscriminatory registration system also supports regional economic integration and aids countries such as Bangladesh and Nepal, which to some degree rely on remittances from overseas contract workers, as it provides passports that enable workers to travel to their place of employment. (Asian Development Bank (ADB). 2004.)

3.1-Birth Registration in the Developing World

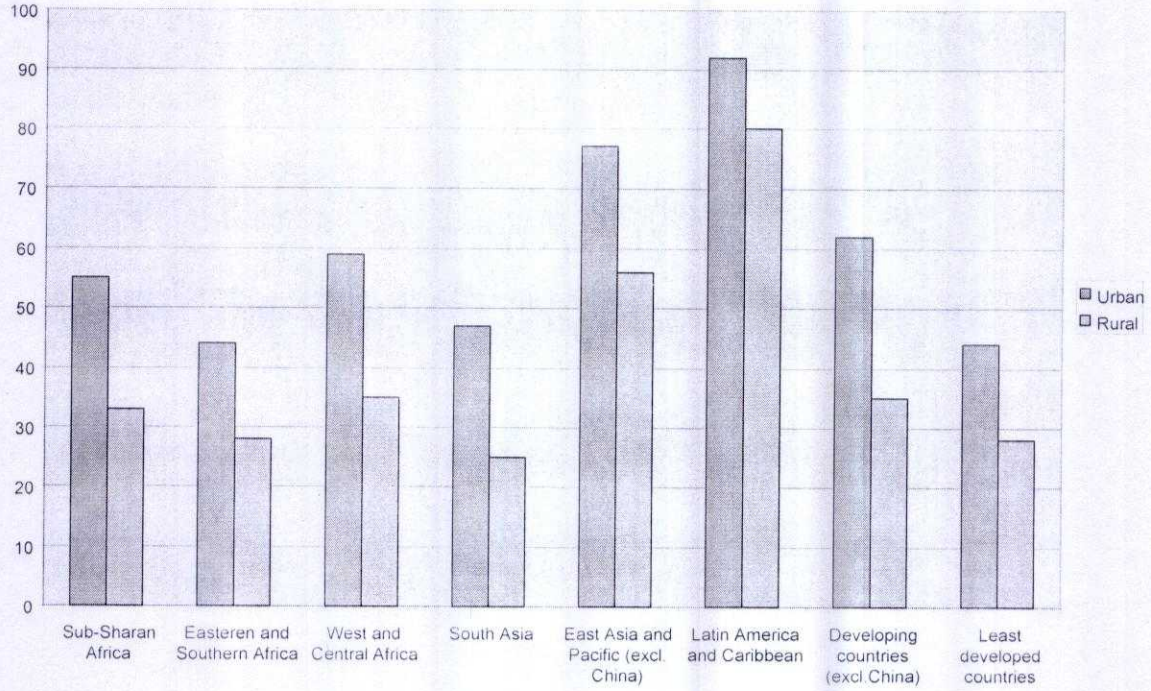
Although most countries have mechanisms for registering births, the number of births actually registered varies from country to country based on infrastructure, administrative capacity, available funds, access to the population and technology for data management. The value of birth registration is often overlooked due to the continuing lack of awareness that registration is a critical measure to secure the recognition of every person before the law, to safeguard their rights and to ensure any violation of these rights does not go unnoticed.

Registration may not be seen as important by society at large, by a government facing severe economic difficulties, by a country at war or families struggling with day-to-day survival. It is often considered to be no more than a legal formality, unrelated to child development, health, education or protection. Other factors that influence birth registration levels include the existence of an adequate legislative framework, enforcement of existing legislation on birth registration, sufficient infrastructure to support the logistical aspects of registration and the barriers that families can encounter during registration, such as fees and distance to the registration centre.

According to the latest UNICEF estimates, on average over half-55 percent- of births in the developing world (excluding China) each year go unregistered, a proportion that rises to 62 percent in sub-Saharan Africa. In South Asia, the share is higher still, at 70 percent. Almost half the children in the world who are denied their right to a legal identity at birth lives in this region: In Bangladesh, only 7 percent of all children are registered at birth. There is wide variation in levels of birth registration, from the Occupied Palestinian Territory and the Democratic People's Republic of Korea, where virtually 100 percent were registered in 2004, to Afganistan, Uganda, and the United Republic of Tanzania, where the rate is less than 7 percent.

Unregistered births can serve as an indicator of other forms of social marginalization and disparity within countries and territories. Unregistered children are more likely to be the children of the poor: According to household surveys from 2003, in the United Republic of Tanzania, children born into families in the richest 20 percent of the population are over 10 times more likely to be registered than those living in the poorest 20 percent household. Location is also an important constraint: Rural children are 1.7 times more likely to be unregistered than their urban pears. Other factors that contribute to disparity in birth registration include mother's education, loss of parents, religion and ethnicity. (http://www.unicef.org/media/media_43574, accessed on-08/05/08)

Figure 1: Birth Registration in Developing World



Source: The state of the world's children, 2006, UNICEF.

3.1.1 Birth Registration: Flawed figures

UNICEF report on "Deficient Birth Registration in Developing Countries" (jstor.org, accessed on-08/05/08) depicts the picture that, one third of all births-about 40 million babies-goes unregistered

every year. While the industrialized nations register virtually all their children, civil registration systems are still rudimentary in many developing countries. [See figure 2 below.] Many are uncertain as to what proportion of their children is registered; some do not have any registration system. For these reasons (see below) presents broad percentage of coverage rather than precise numbers.

While many countries have estimates of the percentage registered, most of these estimates are approximate. Very few countries have made the effort to assess coverage objectively and thoroughly.

Registration rates differ widely within many developing countries. Cities tend to have higher rates than rural areas because civil registries are centralized. Similarly, babies born in hospitals are more likely to be registered than babies born at home because the registration process often takes place in hospital. Despite the fact that the convention on the Rights of the Child calls for children to be registered immediately after birth, many children are registered later in life, such as when they enroll in school.

Civil registration systems lag in sub-Saharan Africa because of under development. In some countries, the leftover structures of colonial governments, which in many cases did not register black population, have impeded progress on registration. (jstor.org, accessed on-08/05/08). The evidence of improvement in birth registration coverage is mixed. While many countries report increasing rates of registration, coverage is falling in others. Rates in Kyrgyzstan and Tajikistan have declined in the past 10 years due to the disintegration of administrative structures following the break-up of the Soviet Union. China's registration system is being strained by an increasingly mobile population. Countries including Brazil, Pakistan and Turkey have recently used household surveys to assess birth registration coverage. These surveys also highlight disparities within countries. In Pakistan, for

instance, Punjab Province registers 88% of children, while in North-West Frontier Province the figure is only 46%. Turkey's western region has a coverage rate of 84%, compared to the figure in the east-56%.

3.1.2 League table for birth registration

A birth certificate is a child's proof to identify and represents the first acknowledgement of his her significance to the country. Proof of birth is needed for a number of services, and it offers a degree of legal protection. But too few developing countries take birth registration seriously, and rates very widely within and between countries. Some nations do not even know what percentage of their citizens is registered.

Table 1: League table for birth registration (jstor.org, accessed on-08/05/08)

Sub-Saharan Africa	Level of registration
Mauritius	1
Gabon	2
Burundi	3
Gambia	3
Botswana	4
Cameroon	4
Chad	4
Ghana	4
Guinea	4
Kenya	4
Mali	4
Mauritania	4
Uganda	4
Zimbabwe	4
Angola	5
Guinea-Bissau	5
Lesotho	5
Liberia	5
Malawi	5
Mozambique	5
Niger	5
Rwanda	5
Sierra Leone	5
Zambia	5
Eritrea	6
Ethiopia	6
Namibia	6
Somalia	6
Benin	No data
Burkina Faso	No data
Central African Rep.	No data
Congo	No data
Congo, Dem. Rep.	No data
Côte d'Ivoire	No data
Madagascar	No data
Nigeria	No data
Senegal	No data
South Africa	No data
Tanzania	No data
Togo	No data

SOURCE: UNICEF

Middle East and North Africa	Level of registration
Algeria	1
Egypt	1
Iran	1
Israel	1
Jordan	1
Kuwait	1
Lebanon	1
Libya	1
Syria	1
Tunisia	1
U. Arab Emirates	1
Morocco	2
Turkey	2
Sudan	4
Yemen	4
Oman	6
Iraq	No data
Saudi Arabia	No data

Central Asia	Level of registration
Armenia	1
Azerbaijan	1
Kazakhstan	1
Kyrgyzstan	1
Tajikistan	1
Turkmenistan	1
Uzbekistan	1
Afghanistan	6
Georgia	No data

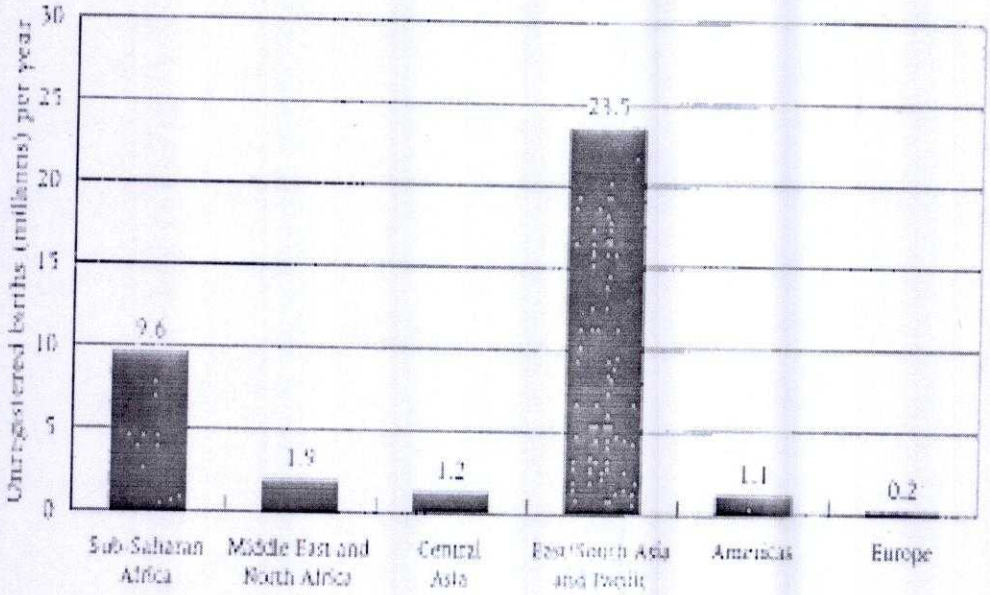
What the rankings mean:

Level	
1	90% and more registered
2	70% to 89% registered
3	50% to 69% registered
4	30% to 49% registered
5	Less than 30% registered
6	No birth registration system

East/South Asia and Pacific	Level of registration
Australia	1
China	1
Japan	1
Korea, Rep.	1
Malaysia	1
Mongolia	1
New Zealand	1
Singapore	1
Sri Lanka	1
Thailand	1
Pakistan	2
Philippines	2
Indonesia	3
India	4
Myanmar	4
Bangladesh	5
Papua New Guinea	5
Cambodia	6
Bhutan	No data
Korea, Dem.	No data
Lao Rep.	No data
Nepal	No data
Viet Nam	No data

Americas	Level of registration
Argentina	1
Brazil	1
Canada	1
Chile	1
Costa Rica	1
Cuba	1
Dominican Rep.	1
El Salvador	1
Guatemala	1
Honduras	1
Jamaica	1
Mexico	1
Trinidad/Tobago	1
United States	1
Uruguay	1
Colombia	2
Panama	2
Paraguay	2
Peru	2
Venezuela	2
Bolivia	3
Nicaragua	3
Ecuador	No data
Haiti	No data

Figure 2: Regional disparities: Unregistered births (jstor.org, accessed on-08/05/08)



*Does not include countries for which no data are available
SOURCE: UNICEF

3.1.3 Millions are Missing in Developing Countries

The number of people who have been denied the right to birth registration is unknown, and therein lies the problem. Many countries simply do not have adequate systems for keeping track. The available data suggest that many millions of citizens have slipped between the cracks-or, more accurately the chasms-of government registries. Every year, around 40 million births go unregistered.

The obstacles to registration are often banal, the product of misplaced priorities and bureaucratic inadequacies. Poor and rural countries tend to have lower registration rates, struggling as they must to cope with the inevitable shortages of trained personnel and modern technology, the logistical problems of traveling to registry offices and ignorance or fear of the process. As a result, birth registration lags in countries such as Sierra Leone, which has a registration rate of less than 10 percent, Zimbabwe, with around one third registered; and Bolivia, where about half the people have birth certificate.

Yet other countries, youth dealing with economic and other difficulties, still manage to register a significant proportion of their children. Despite per capita gross national product of less than $800 a year, eight countries-Armenia, Azerbaijan, China, Honduras, Kyrgyzstan, Mongolia, Sri Lanka, and Tajikistan- manage to register at least 90 percent of births. Some countries have not manage even to establish a mandatory birth registration system, among them Afganistan, Cambodia, Eritrea, Ethiopia, Namibia and Oman. Some of these countries may keep other forms of records-such as Oman, which records children in a national health register once they visit a health centre-but such procedures are prone to errors of both omission and commission. They cannot replace a dedicated birth registration system. The Palestinian Authority is in the process of developing such system, transferring birth data from Israeli Government.

Africa's most populous country, Nigeria, with an estimated 5 millions birth a year, doesn't know exactly what percentage of births are registered. As in many other countries in Africa, where formal registration began later than in other regions, the vital statistics systems exist, but their reliability and efficiency are hampered by a host of problems: insufficient funding, inadequate technology, poorly trained staff, lack of publicity and a corresponding lack of public awareness of the importance of the registration. (UNICEF on Deficient Birth Registration in Developing Countries)

3.2 Birth Registration in Bangladesh-Promises and Initiatives

The Government of Bangladesh has officially declared 3 July 2007 as Birth Registration Day to highlight the importance of birth registration for every child and adult in the country.

According to UNICEF report (The state of the world's children, 2006) presently the rate of birth registration in Bangladesh is around 7 to 10 per cent. The Government is attempting with the help of

partners such as UNICEF and Plan Bangladesh to lift that figure substantially with its Universal Birth Registration strategy.

Almost one and half year ago on 3 July 2006, the Births and Deaths Registration Act came into force, allowing for free birth registration until December, 2009. The Act requires a birth certificate to be used as proof of age for a number of essential services such as enrolment in educational facilities and the voter's list, and for obtaining a passport/driving license.

The Universal Birth Registration Strategy provides for the registration of 0-1 year old children through immunization services and the registration of children enrolled in primary and secondary education through their respective education institutions. Moreover, the Election Commission has agreed to provide its database to local government institutions for birth registration purposes.

In addition, it also becomes a means of securing other rights such as access to services and state benefits such as: immunization, health care and education. For children, it becomes a protection tool through legal age limits such as in employment, child marriage, commercial sexual exploitation, children in conflict with the law and child trafficking. This data is also crucial for social development planning, policy and budget decisions, becoming a fundamental step towards good governance, which fosters democratic processes.

3.2.1-Key Statistics

(From The State of the World's Children 2006)

Children under 18 years	59 million
Birth registered (children younger than 5 in %)	7 - 10
Adolescent girls married (by age of 18 in %)	65

Child workers (aged 5 to 14 years)	7

3.2.2-Background

Birth registration is a first and significant step in meeting child rights in Bangladesh. As stipulated in Article 7 of the Convention on the Rights of the Child, every child has the right to a name, identity and nationality. It is also a vital tool in ensuring not only that every child is registered and accounted for but also in providing an access mechanism to other child rights. At a rate of 7 to 10 per cent, the registration of Bangladeshis remains low. However, the government was committed to achieve universal birth registration by the end of 2007. In the absence of an effective and functioning birth registration system, it becomes a daunting challenge to realize other child rights, such as the prevention of child marriage. By law in Bangladesh, girls are not permitted to marry before the age of 18 years. However, in the absence of legal documentation proving one's age, many marriage registrars regularly flout this law and 'register' under-age girls. Having legal documentation of a child's age also helps protect children who come into conflict with the law from being treated as adults. Birth registration may also help ensure that children are enrolled in age appropriate schooling. It could also be benefit health workers in diagnosing their patients more accurately.

3.2.3- The key issues

The biggest issue facing birth registration in Bangladesh is the low demand for certificates. Birth certificates have not yet been tied to any services or benefits. A birth certificate is only required in exceptional cases, such as for entering certain types of formal employment or for obtaining a visa. When proof of age is required a passport or another document, for example a Secondary School Certificate, is used. The result has been that the possession of a birth certificate has value only for the more privileged those who are interested in international migration. For the bulk of the

population who remain poor, the document appears to have little value. However it is the poor, among the most vulnerable to abuse and exploitation, who are often most in need of birth certificates. For instance, school certificates are often used as proof of identity. A child without a birth certificate and having only an incomplete education is left with few options to improve her life. She is also left with few ways to prove her age or identity. But if children are registered at the time of their birth, immunization or school enrolment, their protection, in case of child labour, child trafficking and so forth, becomes easier. Having a birth certificate may prevent harassment and discrimination by law enforcement officials, to which the poor and most vulnerable may be more susceptible. For example, a police officer can demand proof of identity of any person at any time. If such proof cannot be given, the person may be detained for up to 48 hours. With appropriate information systems, universal birth registration may help facilitate the recovery and reintegration of children who have been trafficked, separated from their parents or guardians, or who are victims of crime.

3.2.4-Action

To achieve universal birth registration in Bangladesh, UNICEF and Plan Bangladesh (a local NGO) is working closely with the Government of Bangladesh to establish a universal birth registration system through advocacy, legal reform, communication and training of those who will facilitate the registration process. To ensure the system's sustainability, it engages the support of other sectors, in particular health, education and NGOs.

3.2.5-Legal reform

UNICEF has played a key role in advocating for legal reform, in particular to link birth registration with tangible incentives. After several years of support and advocacy, some major milestones have been achieved. In 2004, the Government repealed the Births and Deaths Registration Act of 1873,

which had made birth registration mandatory but created no demand since it did not link registration with any services. This will change with the Births and Deaths Registration Act of 2004, which will come into force in July 2006. The Act requires a birth certificate to serve as proof of age and identity for services that directly support the realization of child rights, including enrolment in educational institutions, marriage registration and transfer of property. (Schools will not deny enrolment to children without a birth certificate: rather they will facilitate the registering process.) The Act also requires a birth certificate for voter registration, for gaining drivers licenses and passports and for employment in government or non-government organizations. This new Law also provides a clear description of the roles and responsibilities of duty bearers, in particular registrars, local government officials, parents/guardians, teachers and health workers in promoting and institutionalizing birth registration within the country. These actors have been identified as critical players in establishing a sustainable nationwide birth registration system.

3.2.6-Birth Registration Information System

To promote more effective planning and allocation of resources for children, UNICEF has supported the use of the Birth Registration Information System (BRIS) and has already provided computer equipment and training on BRIS in several areas. This system stores birth data, linking it to a database for administration of immunization and other services. The system can also be used as a monitoring mechanism to track data on births, deaths and immunizations. BRIS is planned to create an institutionalized, low-cost and sustainable computerized birth registration system in Bangladesh, which is expected to facilitate the Government's reporting and monitoring system. Under the new Law such monitoring will be mandatory.

3.2.7-Campaigns, communication and training

UNICEF and Plan Bangladesh has helped drive consolidated birth registration campaigns in selected districts of Bangladesh. Activities have included creating standardised birth registration materials, training local officials, and collecting data on children younger than 5 through house-to-house visits by trained enumerators. These campaigns are also linked with routine immunization. UNICEF has also assisted in coordinating a forum of NGOs to promote birth registration in Bangladesh, with an emphasis on registering vulnerable children. UNICEF works with local registrars to ensure that they have access to materials for birth registration, such as application forms, birth register books and birth certificates. Several government training institutes have incorporated birth registration and child rights into the training curricula of registrars and support staff. This has included the development of a manual which explains the birth registration process, and the role of stakeholders (including teachers, NGOs, and parents) and duty bearers (including registrars and local government officials). The training package, along with advocacy, is expected to complement mass communication efforts, which have focused on emphasizing the need for birth registration among parents, service providers (such as health workers) and other community members.

3.2.8-Cross sectoral links and monitoring

UNICEF has facilitated linkages between birth registration and routine immunization and schools. For example, when infants are brought in to health centres for immunization, parents either show their child's birth certificate or are assisted with filling out the birth registration application form. With regard to education, UNICEF and the government have initiated a nationwide programme that supports all children enrolling at formal and non-formal schools (including madrasas) to help apply for birth certificates if they have not already been registered.

Other activities have included providing all registrars in all 64 districts with information on the birth registration process in line with immunization and educational systems. UNICEF supports the government to monitor birth registration progress.

3.2.9-Impact

Since 1996, when the first pilot interventions took place, UNICEF and its partners' initiatives have resulted in registering 12 million births. During a consolidated one-year campaign 2.5 million births were registered (December 2005).

Other impacts include:

- Parliament has enacted the new Births and Deaths Registration Act 2004, which will create high demands for birth registration once it enters into force by the Government;
- New rules on birth registration have been drafted that are guided by the spirit of the CRC and that are based on best practices in the field. They are intended for Union Parishad (local council), Pourashava (municipality), City Corporation, Cantonment, and Bangladesh Embassy/High Commission officials;
- The birth registration components have been included in the Local Government Training Institutions' regular training curricula;
- A network of Government Organizations and NGOs to promote birth registration has been established;
- A communication and advocacy strategy on birth registration has been adopted;
- The Birth Registration Information System (BRIS) was upgraded in 2004 and introduced in 3 Pourashavas and 4 City Corporations and 1 Union Council.

Analyzing the issues from the above chapter, it is found that Government of Bangladesh (GoB), along with UNICEF and some local NGOs has taken specific actions centrally and locally to render birth registration as a public service in urban and rural areas of the country. According to Siddiqui (2003), registration of births and deaths has always been the compulsory function of the Union Parishads in the rural areas, and of the Pourashabhas and City Corporations in the urban areas. However, their performance in this regard remains deplorable. In most cases, certificates issued are fictitious and have no relevance to reality, because the birth and death register is either not maintained at all, or improperly maintained. The messengers and village policemen have specific responsibilities in collecting and checking birth/death-related information, but they simply do not do their job on the plea of other pressing responsibilities. Sometimes, the birth and death register is not even available to the local government bodies. Having to bribe the concerned officials is a common experience of those wishing to obtain a birth/death certificate.

At central levels in Bangladesh, there is inadequate sustained awareness-raising campaign involving the various media and for a (electronic, print, religious, cultural, etc), which has to be launched so that people understand its importance and reports births on their own to the relevant local government body. The relevant local government bodies (i.e. the Union Parishads in the rural areas, and the Pourshabhas and the City Corporations in the urban areas) are not provided with standard laminated certificates and, if necessary, revised birth registers. Bangladesh's under-resourced civil registration system lacks well-trained professional staff and basic materials and supplies, and suffers from dilapidated facilities. Due to the lack of dedicated staff, the Dhaka City Corporation has accumulated a backlog of over 5 years' worth of unprocessed registration data. Additionally, registration personnel at all levels tend to have low competency and skill levels.

It is assumed from the above discussion that developing country like Bangladesh does not have adequate concern for effective measures "for compulsory production of laminated birth certificate

for admission to schools, voter registration, marriage registration, application for government jobs, legal proceedings, etc"(Siddiqui,2003). A country stands for its citizens. In such situation it is the prime responsibility of the country to arrange birth registration for all.

3.3 General Overview of Birth Registration Process in Bangladesh

The birth registration rate in Bangladesh has been reported to be between 7 and 10%. Although the Government of Bangladesh (GOB) has increasingly collaborated with aid agencies to encourage birth registration, until recently, the vast majority of citizens, who are rural and dependent on agriculture, continue to pass their lives without the need for any formal proof of identity. Due to a dearth of resources, the Government provides few social benefits or opportunities to its citizens. Those that do exist—such as childhood immunizations, primary education, old age benefits, vulnerable group development funds, and vulnerable group food rations—are generally not contingent on birth certificates or documents derived from birth certificates.

Should the need to prove one's age or identity arise, so far, the lack of a birth certificate has rarely caused insurmountable problems for Bangladeshis because a variety of substitute documents that are not derived from birth certificates are both easily accessible and widely accepted. These range in formality from a secondary school certificate, to a letter from a local authority, to a sworn statement from the applicant. Though the accuracy of these substitutes is often highly questionable, these generally serve the intended purpose of facilitating access.

The situation described above, however, is currently in a state of flux, as Bangladesh's comprehensive new law, The Birth and Death Registration Act of 2004 (or: the 2004 Registration Act), awaits full implementation. The 2004 Registration Act, which replaces the outdated 1873 Birth and Death Registration Act, became effective in July 2006, but a 1-year grace period was granted to

allow Bangladeshis to obtain birth certificates.7 When this new law comes into full effect, the production of a birth certificate will be mandatory for a wide range of services—from admission to all educational institutions, to obtaining any utility connection, to registering a business, to registering and transferring land, to obtaining a passport.

The underlying motivation for the 2004 Registration Act was to increase birth registration and improve the delivery of those advantages linked to the birth certificate. However, some fear that it could create an additional barrier to accessing the few essential benefits and limited opportunities available to Bangladeshis. As birth certificates become mandatory for accessing an increasing number of benefits and opportunities, there will be a surge in the number of applicants seeking these documents. Unless the Government can meet this increasing demand, both rent seeking and delays in delivering birth certificates will likely increase. As a result, vulnerable groups risk facing further exclusion from the benefits and opportunities that are legally linked to birth certificates. (www.adb.org/documents/books/legal-identity/promises-delivers.pdf, accessed on-03/08/08)

3.4 Chapter Overview

Analyzing the literature on birth registration in developing countries including Bangladesh from the above chapter, it is found that in the developing world, of the two traditional sources of demographic information, census and vital registration, the former, presenting a quantitative description of the population at a given moment of time, has shown considerable improvement in recent decades. In contrast, data on population flows, notably accurate information on the number of births and deaths over time, remain highly deficient in many developing countries, indeed; existing systems of registration sometimes have shown retrogression in timeliness and coverage.

The right to be registered at birth is rooted in article 7 of the convention on the Right of the Child. There is no equivocation here; the 191 countries including Bangladesh have ratified the Convention are obligated to fulfill the pledge. And they are obligated to make clear to their citizens why it is important. In rural societies where people live their entire lives within a small radius, the idea that they need a small piece of paper to prove their existence may be unfathomable. And to suggest that children must be registered for purposes of government planning is in some cases plainly threatening.

But the world is changing, and the circles in which people spend their lives are enlarging. In this far more complex and anonymous environment, proving nationality is not a utopian exercise in child rights. It is a practical necessity.

Following chapter deals with the empirical experiences gathered from the study areas. To get a snapshot over the issue, a field survey has been done in different selected areas. Next chapter follows the details of the finding of the survey.

Chapter-4

Current Status of Birth Registration in Bangladesh: Glimpses from the Field

In Bangladesh, according to the Birth and Death Registration Law, 2004 it is mandatory to show birth certificates for getting 16 services. The birth certificate would be used for passport, driving license, TIN number, job application, business identification, receiving admit card for taking public examinations, bank account opening, applying for micro-credit, withdrawing governmental allowance and land purchasing and selling.

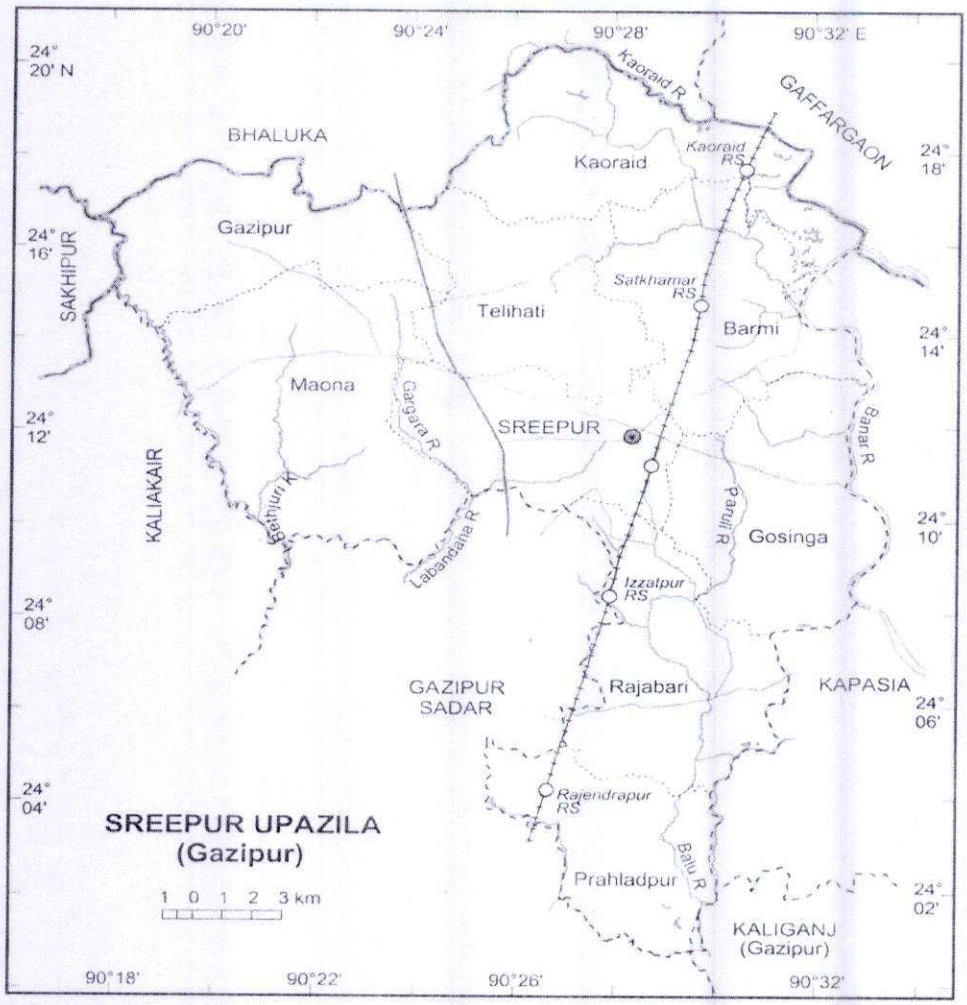
At the same time, the certificate should be used for getting trade license, purchasing and selling vehicles, involving oneself in insurance in an insurance scheme, marriage registration, voter identification in different elections, admission in educational institutions, gas-water-electricity connection, telephone-mobile, internet, cable TV connection, receiving governmental subsidy, any case or appeal in court and share application and for other governmental services. As per law, a child is supposed to get its birth registration within 45 days. The registration of birth is important because it provides the crucial basis for enforcing laws on enrolment in primary schools, minimum age of marriage, employment and statutory rape-all of which require proof of identity and age.

4.1 Description of the Study Areas

Sadar upazila of Manikganj district and Sreepur upazila of Gazipur district have been chosen due to the required characteristics of these two upazila that represents the basic and typical characteristics of the whole structure of this research that investigates the existing situation of birth registration process in the rural areas of Bangladesh.

Manikganj Sadar upazilla is located on the bank of Kaliganga and Dhaleshwari rivers. The population of the upazilla is about .261 million and area is 214.81 sqm with one pourashva (municipality) and 10 unions. The literacy rate of Manikganj Sadar upazila is 49.9% (apprx). Out of 365km of road communication 270km is kuchcha road which makes the upazilla backward in communication. (Source: The Office of Upazilla Nirbahi Officer, Manikganj Sadar)

The area of Sreepur upazilla is 46.47 sqm and the population is about .092 million with the literacy rate of 46.58%. Though the upazilla is quite near to the capital city, within the upazilla the communication is hazardous as the major portion of road communication is covered by kuchcha road. (Source: The Office of Upazilla Nirbahi Officer, Sreepur, Gazipur)



4.2 Empirical Experiences

4.2.1 Snapshot Case Study on Birth Registration as a Public Service at Union Level

4.2.1.1 Methodology

The case study is based on both secondary and primary data. The secondary data comprise of relevant acts presented in chapter 2 of this paper and the literature reviews regarding general overview of birth registration in Bangladesh described in chapter 3. Primary data for the case collected using interview method. There were two categories of respondents for the interviews. The first one was a service recipient of birth registration at Union Parishad level and the second one was

the secretary of a Union Parishad, who was principle service provider of birth registration at Union level of rural Bangladesh.

Case study-A

X, a businessman living in Dhaka, recently needed a birth certificate to obtain his tax identification number (TIN). He went to Manikganj, his birth place to acquire it. He reached a crowded union parishad office, thronged with different types of people with different purposes. The only person who takes care of the entire clerical job in that office is the secretary to chairman of that union parishad. Mr.X found the secretary overburdened with the service recipients and waited a long to get him free. When the secretary finally listened to his appeal, he disappointed Mr.X with the shortage of forms to fill up for birth registration. He went to that office few days later with required papers and after lots of hassle he managed to apply for a birth certificate and was advised to go back to that office to get that the certificate after 3 weeks since there are other applications pending for many days. To get a birth certificate, a person must take a birth registration form from an authorized office.

The form requires information about the person in ten specific areas to be written down in each box; and it must than be deposited to the office along with a citizen certificate or any educational certificates which verifies the date of birth. When Mr.X finally managed to obtain the certificate from the concerned chairman of the union parishad, he found the certificate full of clerical mistakes as the secretary who has written the certificate is not that much skilled and, since the information was preserved in a hand written ledger, there is fear of loosing information though the office is equipped with computers given by donor agencies.

Case study-B

Secretary, Gorpara union parishad, Manikganj handles entire jobs that a union parishad deals with. "Union parishad is the first unit of local government which directly provides the assigned services to its stakeholders at field level which makes it a very important organ of local government system. Though the office is very important as per its service lists, the office lags with financial support, assisting manpower and sufficient logistics," he said. Birth registration is one of the key tasks that a union parishad office provides in the rural areas of the country. "It should take maximum 10 days to hand over the birth certificate after completing a thorough investigation. The process completes once you are handed a birth certificate from the office of registers." he added.

In reality there is a huge gap between what is promised and what is delivered. To the secretaries, birth registration is an added job with their scheduled tasks, which does not provide any incentives as well as no official and technological support to share the load. According to him the true picture of birth registration in rural areas is quite different than the urban regions. "In the union levels, few people turn around to the concerned office to get them registered, as they don't know much about the process as well as the benefits about the service." He said and added that, "that's why; the rate of civil registration is very low in rural areas."

According to project Director, Birth and Death Registration Project, at present, only seven to ten percent of the Bangladesg population is enrolled in the Birth Registration programme. The programme needs a central data base to keep the records and system of distributing forms through websites as well.

4.2.2 Findings (through General Observation and Focus Group Discussion) and Analysis

4.2.2.1 Structural Factors besetting Birth Registration

Under the Birth Registration Act of 2004, all births are required to be registered. However the relevant laws and rules are complicated and the machinery to implement them is weak and inadequate, even in the urban areas. In rural areas like Manikganj Sadar and Sreepur Upazila, the system simply does not operate. People are generally not aware of the need for birth registration. It seems that non-implementation or unsatisfactory implementation of the Act is inextricably linked with the existence of a weak local government system in the country.

The government of Bangladesh, since 1996, with support from UNICEF and some other development partners including European Commission, Plan-Bangladesh, save the children Australia, the government of Netherlands, Australia and Switzerland, initiated different pilot initiatives to identify a low cost and sustainable process of birth registration and to encourage people to register themselves

During the field research two-third of FGD participants identified "the need for greater computer proficiency among registration staff". Bangladesh's 2004 Registration Act provides that data may be processed and stored through the use of computers and information technology, but even when it is available, relevant personnel are incapable of using such technology. For example, in the study areas, such as Sreepur Union Parishad, data are still handwritten in ledgers, while donor-provided computers remain unused.

In Sreepur upazila universal birth registration programme is organized under a special initiative taken by the Ministry of Local Government and Rural Development (MoLGRD) in cooperation with UNICEF, Plan Bangladesh and 11 other partner organizations. Project Manager (birth registration), of Plan Bangladesh explained the importance of birth registration as " a protection tool in case of

child trafficking, child marriage and commercial sexual exploitation as it work as a proof of age." According to him "an obstacle to building a stronger human resource base for sound birth registration system is the high frequency of rotations among government officials. Time and money invested in specialized training programs are adversely affected when officials are transferred after a short period." Observers from relevant ministry caution that, if left unaddressed, current resource deficiencies will intensify when the 2004 Registration Act comes into full effect. The 2004 Registration Act is certain to generate a tremendous increase in demand for birth certificates. Yet, little has been done to ensure that registration offices will have the resources and capacity to deal with the expected proliferation in registration applications. While local government authorities in relatively more well-off urban areas are by no means immune from the anticipated financial strain, secretary, Gorpara uinon parishad thinks "Union Parishads in the rural areas are likely to be hardest hit since they are heavily under-resourced and have limited authority to levy taxes."

The 2004 Registration Act specifies that no fees are to be charged for timely birth registrations. To address the expected financial shortfall, the Government has proposed allocating up to 5% of a small percentage of the Annual Development Fund, (a block grant of about Tk 4 lakhs, or Tk. 400,000 or about $7,000) currently provided to each union council (known as union parishad), to cover expenses related to registering births. This plan has met with disapproval and resistance from some registrars (Union Parishad Chairmen). They advocate that "separate resources should be allocated to the union councils, pointing out that increased birth registrations could potentially consume a significant portion of this already small fund, which is intended to cover a variety of development initiatives." Others generally agreed that birth registrations should be prioritized, but cautioned against underestimating the resources required by this large scale project. At the Union *Parishad* level, lone secretaries will be unable to cope with the surge in registrations, especially from adult applicants. It is time-consuming to inquire and confirm the details provided by these applicants. Unless this situation is remedied, the increased demand for registration will likely result in increased

rent seeking and corruption among registration personnel. Registration offices, which are likely to face acute pressures in the foreseeable future, are completely unprepared to deal with the anticipated surge in demand for registration certificates. Unless substantial external assistance is procured, the 2004 Registration Act could decrease social inclusion. If vulnerable groups are unable to obtain identity documents, they may be deprived of benefits and opportunities to which they are otherwise entitled.

"Limited state capacity to deliver civil registration services is a fundamental barrier to establishing legal identity. Establishing and maintaining a complete, effective, and accessible civil registration system requires sufficient resources, political priority, enforcement capacity, administrative infrastructure. These essential inputs, however, can be hard to come by, particularly in countries characterized by weak institutions, infrastructure, human resources, and governance," Director of Birth Registration Project, MoLGRD said adding that competing demand over scarce resources often results in the civil registration system being given low priority, and this affects the system's capacity to handle registrants competently. Lack of political priority often results in poorly managed, under funded civil registration systems, deficient in full time professional staff, adequate infrastructure and supplies, and consistent standards. Given these conditions, citizens are less likely to register vital events. The research identified insufficient financial and human resources as a key constraint to effective registration in Bangladesh.

According to the opinion of key-informant like Director of Birth Registration Project, Ministry of Local Government and Rural Development, the main barrier to birth registration is that it is not universally perceived as a fundamental right and, as a result, is given low priority at every level. Its value is often neglected in the face of problems that are more immediate and tangible and the long-term potential of birth registration to ease such problems is frequently overlooked. It is often seen as nothing more than a legal formality, with little relevance for the development of the child, including

access to health care and education services. The end result is a lack of support for birth registration from central and local authorities, and little demand from the general public, who remain unaware of its importance. The registration procedure itself may be too complex and bureaucratic, or the legislative framework inadequate or even nonexistent. There may simply be too many logistical hurdles, including the sheer difficulty and expense of traveling to the nearest registration office from a remote area, losing one or two day's work in the process and leaving other children unsupervised.

The role of civil service is critical to all areas of the development process like birth registration in Bangladesh. Public bureaucracy is a very vital element of the development process. Bureaucratic capacity determines what will get done, when it will get done, and how well it will get done. This is not to suggest that bureaucracy is the only force in the development process. This clearly is not the case. Bureaucratic capacity is not a sufficient condition for development, but it is most assuredly a necessary condition.

Administrative barriers, passive or intentional, have consequences for the execution of birth registration. Its low priority means low status for registration authorities and, therefore, inadequate resources. In the study areas, where a small proportion of births are registered, responsibility for birth registration is delegated to officials (secretary, union parishads) at the lowest level of local government – a level that has lost much of its significance over the years. These officials lack awareness of their duties and face shortages of standardized forms and registers. While improvements are now being made at this level, there is no provision for a central registrar of births or deaths and there is no civil registrar's office with the power to coordinate and monitor birth registration. Low status for registration translates into inadequate support for registrars. For systems to work efficiently, local registrars need support such as training and guidance on registration laws and procedures and access to detailed guidelines to help them resolve any registration problems. The lack of such support is a major obstacle to birth registration. Registrars receive poor salaries or no

salary at all. At Union Parishad level, UP secretaries are responsible for registering home births – a good system that brings the registration service into local homes. However, because of their poor pay, the secretaries themselves see "registration as an added burden for which they receive no proper compensation". They demand extra payment for carrying out extra duties like registration. Low pay and low status and the resulting lack of motivation can, in some cases, open the door to corruption. Similarly, without proper supervision and monitoring to ensure adherence to civil registration laws, there is the risk that vital information will go unrecorded, and of fraudulent birth entries and illegal changes to birth registries.

The official procedures and requirements for registering and obtaining identity documents in Bangladesh includes relevant timelines, fees, and documentary requirements, as set out in the legislation or rules, for obtaining key identity documents. Identity documents are difficult to obtain in countries like Bangladesh characterized by weak human resources and institutions. Due to a range of obstacles, the registration process often entails more time, money, and effort than it seems to be worth. Complicated and expensive procedures, coupled with unmotivated and un-resourced registration staff, tend to discourage registrations and obtaining identity documents, particularly among vulnerable groups. The consequences include lack of legislation or its weak enforcement and lack of coordination and cooperation between the different ministries and sectors that have stake in birth registration. Lack of institutionalized leads to inadequate financial allocations in this area, insufficient and poorly trained personnel, ill-equipped offices and shortages of the materials needed to get the job done. It means that responsible authorities do not ensure the supply of birth registration facilities, promote the necessary information and awareness campaigns or stimulate public demand of such services. Applicant in rural Bangladesh also faces various obstacles, including financial barriers, burdensome procedures, discriminatory laws and practices, institutional deficiencies, and lack of knowledge and motivation.

4.2.3 Other Barriers against effective Birth Registration in Bangladesh

4.2.3.1 Poor Financing

The process of obtaining identity documents in Bangladesh entails a variety of financial expenses, including official fees, fines for late registration, opportunity costs, transportation expenses, and bribes. The extent to which these expenses deter registration varies from family to family, depending in large part on their available resources. This is confirmed by empirical research, which found that disparities in household wealth are highly correlated with disparities in registration rates. For the most disadvantaged groups, official registration fees alone may be prohibitively expensive. One third of FGD participants reported that the main obstacle to acquiring a birth certificate was that "registration requires money". Whether or not these perceptions are correct, they impact individual decisions regarding obtaining identity documents.

Rent seeking, is identified as a major impediment to registration, and further inflates the cost of identity documents. In rural Bangladesh, though obtaining a birth certificate is still free of cost, unofficial payment add to the cost of obtaining identity documents, as well as complicated and inconsistent registration procedures increase opportunities for corruption. As a result, FGD participants reported, "We paid prices for identity documents though it should be free." Although Bangladesh's 2004 Registration Act provides for free registrations for all up to December, 2009 and thereafter for newborns and infants up to a certain age, many of the FGD participants expect that "speed money will continue to be a factor in the process". In fact, it may well substantially increase with the strict application of the 2004 Registration Act. As a result, corruption is blamed in part for delaying the Government's birth registration project, which aimed to register all Bangladeshi citizens and issue birth certificates by December, 2009.

The concerned officials of birth registration face serious problems in its efforts to provide registrations due to inadequate financial allocations for office facilities, materials, and staff salaries. These obstacles were identified by key informant interviewed, who expressed concerns regarding the lack of financial resources dedicated to civil registrations.

4.2.3.2 Procedural Problems

Sometimes the system itself is an obstacle. The fundamental right of birth registration costs money in the rural area of the country, which charge for either the registration or the certificates. Or the procedure is clouded in bureaucratic confusion. The registration process often presents procedural obstacles, bureaucratic hurdles, and burdensome evidentiary requirements. Surmounting these barriers translates into additional time and money, deterring many from registering. The registration procedures are problematic in the country. In Bangladesh, procedural impediments stem from the absence of standardized systems and processes. As a result of Bangladesh's highly decentralized approach, birth registration procedures and requirements vary widely throughout the country. Moreover; the lack of coordination among various local level government authorities hinders effective planning and consistent implementation of policies. FGD participants expressed confusion on the documentary requirements for birth registration and noted that the "complicated procedural" function as well as "too lengthy, technical and complicated birth registration forms" is the obstacles to registration.

4.2.3.3 Lack of knowledge and motivation

Obtaining identity documents requires a basic level of knowledge, capacity, and motivation on the part of the applicant. For some potential applicants, the fundamental steps of acquiring information on the registration process and filling out the application forms present a formidable challenge. Through research it is found that the lack of knowledge regarding where to register was among the

top reasons for no registrations. While knowledge and information barriers can be addressed through awareness-raising interventions, such as outreach campaigns, many will remain unmotivated to register unless the concrete benefits of obtaining identity documents are apparent. Awareness and knowledge barriers contribute to low registration rates among vulnerable groups in rural areas of Bangladesh. Some vulnerable groups, particularly in remote areas, are completely unfamiliar with the concept of birth registrations. According to the survey it is found that one of the main reasons underlying low registration rates is a complete lack of awareness of the very notion of birth registration. Interviews in two upazilas revealed that in "the overwhelming majority, heads of households where children have not been registered are simply familiar with the basic concept of birth registration and are unaware that official authorities can deliver a birth certificate." During the study it is found that two-third of respondents is unaware of the existence of any laws relating to registration. Even among those who are familiar with the concept of birth registration, following basic registration procedures can be cumbersome for those with low knowledge and capacity levels. Many Bangladeshi, especially in rural areas, are illiterate and so cannot read, fill in, or sign the necessary forms. Due to language barriers, communicating with registration staff presents an additional challenge for the rural people, who require step-by-step assistance to complete the tasks involved in registration. Illiteracy is a contributing factor to low registration rates in rural Bangladesh, where outreach campaigns often fail to attract a significant portion of the population that cannot read or write. The benefits and opportunities associated with legal identity can some times seem speculative and remote. As a result, many of the FGD participants see little point registering, unless a "specific need arises".

Absent a specific need, such as international travel, national exams or admission to school registration is generally viewed by Bangladeshis as an unnecessary, burdensome and expensive legal formality. Until the 2004 Registration Act, most Bangladeshis could go through life without ever

facing a concrete need for a birth certificate. In life of this reality, there seem to be a little incentive to invest the time and money it takes to register.

The distance to the nearest birth registration facility is another reason which de-motivates people to get their children registered. The greater the distance to the point of registration, the more the opportunity and travel costs rise for the parents. Moreover, parents often make a wasted trip, as offices often have inconvenient and irregular opening hours, staff may be absent and there may be short-ages of paper and other materials. Even an existing civil registration system backed by relevant legislation, can be hampered by a failure to recognize the culture and every day realities to local communities. The lack of connection between central authorities and citizens, coupled with low awareness about the value of birth registration contributes to poor demand for the service. Almost half of the FGD participants said that they "did not know the baby must be registered", or "did not know where to register".

If Bangladesh's 2004 Registration Act is implemented and birth certificates become compulsory for accessing a wide range of benefits and opportunities, incentive structures are certain to change. As a result, many citizens are expected to be more motivated to obtain birth certificates. It is apparent from FGDs that certain vulnerable groups are so excluded and marginalized that it is likely that they will remain unable to register and obtain birth certificates.

4.3 Chapter Overview

From the result of the snapshot case studies, FGD and observation, it can be said that, birth registration is a fundamental step towards good governance and a vital element in the fostering of democratic processes. Not only does the process of registration allow effective administration and bring children to the notice of decision-makers, it is the official and positive recognition of a new number of a society, who is entitled to all the rights and responsibilities of a valued citizen.

The value of birth registration as a fundamental human right continues to be overlooked. There is a continuing lack of awareness of registration as a critical measure to secure the recognition of every person before law; to safeguard the protection of his or her individual rights, and to ensure that any violation of these rights does not go unnoticed.

In this chapter, there is an effort to explore the obstacles to universal birth registration in rural areas of the country and the next chapter tries to identify the action needed to bring about universal birth registration in Bangladesh.

Chapter-5

Recommendation

Generally unregistered children tend to be found in countries like Bangladesh where there is a little awareness of the value of birth registration, where there are no public campaigns, where the registration network is inadequate, or where the costs of registration of children are prohibitive.

Birth registration is highest among children in urban areas who have strong links to the mainstream mechanisms of society, such as health services. It is generally low among children who, for one reason or another, live on the margins of society. Children born into rural communities are less likely to be registered than their urban counterparts, just as children born to illiterate parents in countries including Bangladesh are less likely to have a birth certificate than those born to literate parents.

Registration of birth is the state's first acknowledgement of child's existence. It represents the recognition of a child's significance to the country and his or her status under the law. This ticket to citizenship opens the door to the fulfillment of rights and to the privileges and services that a nation offers its people.

The need for a birth certificate may not seem profound, especially when compared with the hurdles children routinely have to scale in developing countries. But in reality, that piece of paper is crucial. It is not the proof that what might be called the 'first' right, the right to an official identity, has been fulfilled.

If birth registration is significant for the individual, it is profound for the nation. Without vital registration systems capable of determining how many people live within a country's borders, the authority may not know how many dose of vaccine to buy or how many schoolrooms to build.

Without a registration system a country does not know its own birth rate or death rate. An effective system of birth registration is fundamental not only to the fulfillment of child rights but to the national operation of a humane government in the modern world.

In Bangladesh , with 2000 coverage of 39% or less (the exact figure may be lower than 10%) the government sees that universal coverage of the 15 million under 5 will not be easy. However, a growing number of high profile campaigns at district and city levels are being conducted across the country. Going from house to house, volunteers and health workers managed to register at least one million children between 1997 and 2000 in campaign backed by extensive publicity and training on child rights, including rights workshops for children. The campaigns are managed by inter-sectoral district birth registration committees that include local NGOs and community leaders. (unicef, right from the start,85)

5.1 Steps to improve birth registration in Bangladesh

A range of international, regional and national conferences, workshops and meetings have shown that, while the cultural context and current situation of birth registration may vary across the country there are certain approaches that are effective, particularly in combination.

These are:

- Providing sufficient resources
- Building the capacity of relevant government officials through adequate training and materials
- Mainstreaming birth registration with other government activities
- Creating necessary infrastructure to reach the entire population
- Ensuring coordination between relevant government ministries and institutions at all levels

- Involving all levels of society, including local communities
- Gaining the commitment of all stake holders by raising awareness of the importance of birth registration as a child right and increasing demand for this service among the population
- Passing relevant legislations or updating old laws.

When considering such actions, decision-makers should be aware that short-term campaigns and initiatives to register children may be valuable, but the overall aim must be to establish a system of birth registration that is permanent and sustained. Furthermore, the most efficient combination of action will vary from district to district according to the characteristics and the nature of the problem to be addressed.

5.2 Conclusion

Birth registration is a fundamental human right. It not only gives a child a recognized legal existence and identity, it is the sign that a child "belongs" to a family, a country and a nation. It shows that a child has a place, and a stake, in all three. It opens the door to other rights such as access to health and education services, offers protection against discrimination and neglect, determines a child's treatment in the justice system, and lasts a lifetime-guaranteeing an individual's right to take their place in the social and political life of their country.

The root cause of non-registration is also economic and political, and as such, it is a core development issue that must be addressed alongside poverty reduction and universal access to basic services. Realistic development planning to tackle poverty and provide basic services requires credible data covering all marginalized groups, making universal birth registration essential both for child and for the nation.

Demand can also be met by improving administrative coordination, promoting top-down, bottom-up approaches that involve actors from all levels-particularly grassroots actors at community level- introducing or modifying legislation, building capacity and training traditional birth attendants to promote registration. In addition, resources can be maximized by integrating birth registration with other services such as education or immunization programmes.

Quality of public service like birth registration in Bangladesh is critical for a number of reasons. It enables prompt delivery, accessibility, convenience, courtesy, responsiveness, fair and impartial service and active listening (APO, 1998, p.7). But the experience in Bangladesh is quite different. This is because civil servants lack effective training, hold indifferent attitudes towards people, lack awareness top change, operate within burdensome and cumbersome legal and administrative framework, suffer from inconsistency of the policies and absence of effective coordination and cooperation among various agencies of the government as well as between public and private organizations. All these are clear symptoms of poor governance and naturally result in poor service.

The establishment of an operational civil register and issuing of a birth certificate to child are measures within the reach of national government. Politics and economics must not stand in the way of the systematic provision of one of the most important pieces of paper a person will ever won. Important because the registration of every birth within a national boundary marks step towards the development of a fully-fledge d national administration and helps consolidate the foundation of civil society.

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Appendix 1 Questionnaire

SURVEY QUESTIONNAIRE

An Administrative perspective on Birth Registration as Citizen's Right in rural Bangladesh.

Service Reciepient:

Detailed Interview Questionnaires

Sl. No..... Date..... Time.....

Personal Information:

District..... Upazilla..... Union.....

1. Respondent Name.....

2. Age..... Sex: () Male () Female

3. Education:

No school
Primary school
Secondary school
Higher secondary
Others

4. Occupation.....

5. No. of Children (if any)..... Age.....

i) No. children having birth registration.....

ii) If no, description of the obstacles on the way of getting service

a)

b)

c)

d)

6. Suggestions:

Service Provider:

Detailed Interview Questionnaires

Sl. No..... Date..... Time.....

Personal Information:

District..... Upazilla..... Union.....

1. Respondent Name.....

2. Age..... Sex: O Male () Female

3. Designation.....

4. Office.....

5. System Of birth registration: Computerized..... Others.....

6. Obstacles in providing service:

   a)

   b)

   c)

   d)

7. Suggestions: