

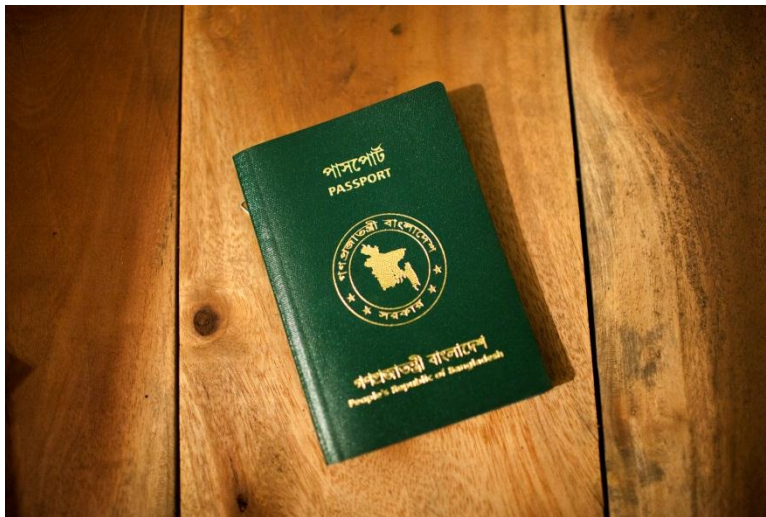
Realizing Citizenship Rights:

Paralegals in the Urdu-Speaking Community in Bangladesh

Council of Minorities and Namati are supporting the first group of community-based paralegals to work in Urdu-speaking camps across five cities in Bangladesh. The paralegals are empowering their fellow Urdu-speakers to understand their rights as citizens and to obtain and use legal identity documents. Paralegals also track each case to build an empirical understanding of how relevant laws are implemented.

Introduction: History and Context

The Urdu-speaking community in Bangladesh, often referred to as Biharis, is a linguistic minority that migrated into what was then East Pakistan during the partition of the sub-continent in 1947. In 1971, East Pakistan became independent Bangladesh through the war of liberation. At that time, due to majority-minority violence committed by both sides, Bengalis and Biharis alike, the International Committee of the Red Cross (ICRC) established “camps” to separate Urdu-speakers in many urban centers and took responsibility for providing certain basic services to the community. Members of the community lost the citizenship rights they held during the Pakistan period, and became stateless – no government accepted them as citizens. More than 40 years later, 300,000 Urdu-speakers remain camp residents, living in overcrowded and cramped living conditions, often eight or ten family members living in a single room, and without proper water or sanitation. These so-called “temporary” settlements have become an enduring reality.



In 2008, the High Court of Bangladesh confirmed the Urdu-speaking camp dwellers are Bangladeshi citizens, ending their decades-long struggle with statelessness.¹ The landmark decision was the result of 11 camp residents representing the whole community in filing a writ petition. The petition was a follow-up to a 2003 court case in which the court granted citizenship to the 10 immediate petitioners, but did not extend the same rights to others in the community. After this 2008 decision, the Election Commission complied with court orders to enroll camp residents in the voter lists and issue national identity cards.

Yet despite this court decision, little has changed in the day to day lives of the Urdu-speaking camp dwellers. Serious obstacles remain for those who want to access additional identity documents or related services. First, many members of the community are unaware of the court judgment or the details of the rights they are

¹ *Md. Sadaqat Khan (Fakku) and Others v. Chief Election Commissioner*, Bangladesh Election Commission, Writ Petition No. 10129 of 2007, Bangladesh: Supreme Court, 18 May 2008.

now entitled to enjoy. Second, those who do want to use their national identity cards to access other documents and services – applying for a passport, seeking a trade license – are often not familiar with the administrative process or requirements. Or worse, they may feel intimidated to go to a government office to apply, a challenge especially stark for women, who may want to secure a birth certificate for their children, but tend not to stray far outside their camp into the larger city. These factors become deterrents, leading many camp dwellers to feel disempowered to attempt an application at all.

Lastly, some of those who do navigate the government’s administrative system to submit an application are faced with corruption, discriminatory requests, or, in some cases, even denied documents altogether due to identity or camp address. These documents are critical to enjoying full rights as citizens, including access to education, formal sector employment, and the opportunity to travel abroad for school or work – and ultimately overcome poverty.

How can the law – and the guarantee of citizenship – become real for the Urdu-speaking community?

A Legal Empowerment Approach: Community-based Paralegals

To respond to these justice challenges, in 2013 the Council of Minorities and Namati partnered to establish a network of community-based paralegals in Urdu-speaking camps in Dhaka (Mirpur and Mohammadpur), Mymensingh, Khulna, Chittagong, and Syedpur. Community-based paralegals can bridge the gap between law and real life. They use knowledge of law and government, and skills like negotiation, community education, organizing, and advocacy to seek concrete solutions to instances of injustice. In addition to serving as a dynamic “frontline” of justice service providers, paralegals focus on empowerment. They not only work alongside clients to resolve a legal issue, but also leave each client in a stronger position to deal with similar problems in the future – critical in the Urdu-speaking community, which has been marginalized through statelessness, discrimination, and poverty.



Paralegal Nesar Ahmed in the Mymensingh paralegal center.

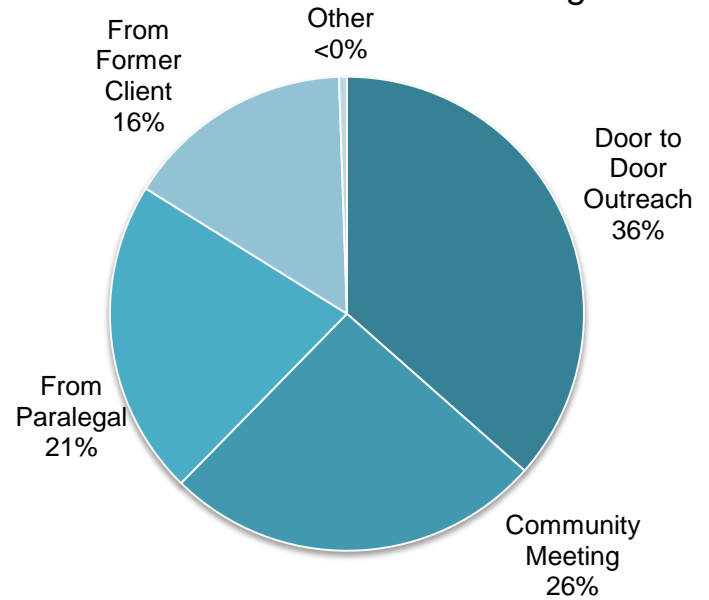
In total, the program consists of 10 paralegals and 3 volunteers and serves residents in dozens of camps in obtaining legal identity documents or using such documents to access other services – with a focus on birth certificates, passports, trade licenses, and ID cards, among others. The paralegals are all camp residents themselves, and as young, dynamic advocates are seeking to create positive change for their community through use of the law.

The paralegals began work in the camps in July 2013, following a training that focused on domestic and international law, workings of government, eligibility and requirements for various legal identity documents and related services, and skills such as data collection and community education. The Council of Minorities and Namati organize refresher trainings on a periodic basis, reinforced through the strong system of day to day supervision and support the paralegals receive – “on the job” training that further builds paralegal skills through guidance and legal advice on actual cases.

The paralegals conduct outreach and hold community education group meetings in the camps. Sessions may focus on the importance of legal identity documents, the eligibility requirements and application processes, or laws relevant to citizenship – including the 2008 court judgment. Mobilizing camp residents to attempt applications at all is an essential first step for those who are new to navigating administrative systems or who have been discouraged by their own and others' experiences interacting with government.

Some Urdu-speakers use information from community education to apply on their own. Others require additional assistance – help filling in the forms, or someone to accompany them to the government registration office to apply. Each day, the paralegals do outreach and also hold office hours in the camp-based paralegal centers. Camp dwellers and others² who have questions or need support to obtain or use legal identity documents can come into the center to learn more about the law and process, start the paperwork, and schedule a time to travel with the paralegal to City Corporation, Passport Authority, or other relevant offices.

How Clients Learned of Paralegals



Paralegals Nahid and Shabnaj accompany clients to apply.

At the government offices, the paralegal supports the client to go through the application process. Sometimes the paralegal's presence alone will make an official think twice before making extra-legal requests, such as extra documentation or a bribe. And when an official delays or denies a client's application for an identity document, the paralegal is there to use the law in negotiations and follow the case through to a fair resolution.

Results and Findings to Date

Community demand has far exceeded initial expectations for the program. In just the first 14 months, these 10 paralegals mobilized hundreds of camp residents to attempt applications, opened 1475 cases, and assisted over 1370 of those clients to reach the desired resolution. These successes include issuance of birth certificates, commissioner's certificates, passports, trade licenses, and national ID cards.

² While most outreach is conducted inside Urdu-speaking camp communities, and the vast majority (95%) of clients are Urdu-speakers, the paralegals provide assistance to anyone who comes into the center with issues related to legal identity. Clients have included Bengali camp residents as well as Urdu speakers who reside outside of camps.

In Khulna, community members are increasingly taking action on their own initiative. Dozens of camp residents have approached the local paralegal to report they took the information he provided and successfully applied for and received birth certificates for their children.

Yet the program is not just about securing proof of nationality or improving access to legal identity documents. The paralegals are empowering their fellow community members to believe they have rights, to take action to claim those rights, to successfully interact with government, and to build their knowledge of law and confidence as citizens. This is transformational for many members of the Urdu-speaking community in Bangladesh.

The paralegals are rigorously tracking every case to establish an empirical understanding of how Urdu-speaking clients experience these administrative processes and how the relevant legal framework, including the 2008 court judgment, is implemented in practice. The data is compiled into an electronic database, run through the online Salesforce platform, for record keeping and analysis.

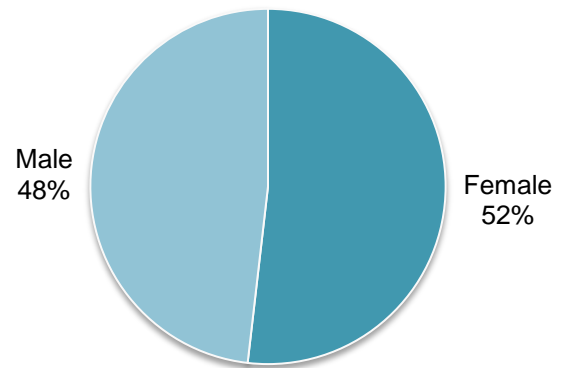
By analyzing hundreds of cases, the data depicts the current situation – client demographics, length of time required to issue a document, common requests made of clients, corruption – and can be used for high-level advocacy. Improvements to the law and practice can create change not only for all Urdu-speaking Bangladeshis, but potentially ease access to legal identity documents and related services for all citizens in the country.

The most common case type handled by the paralegals thus far has been birth certificate applications – explaining why the majority of clients have been children. Not only have more than half of clients been female, but it is most often mothers who bring in their children, male or female, for birth certificates. As paralegals empower clients through building their legal knowledge and confidence, Urdu-speaking women stand to benefit in particular.

Of all cases closed to date, 96 percent were resolved successfully – the client received the document that they were seeking. However, despite the best efforts of the paralegals to negotiate with government authorities, some clients have been denied legal identity documents.

Although clients in Syedpur, Mymensingh, and Khulna obtained passports with the assistance of a paralegal, in both the Mohammadpur and Mirpur areas of Dhaka, clients have been rejected during the passport application process. The rejection tends to happen during the background investigation carried out by Special Branch, upon the officer’s realization that the client’s listed address is inside a camp. However, clients outside Dhaka have received passports issued with their camp address listed inside.

Clients by Gender



Clients by Age Group

Age Group	% of Clients
Under 5	47%
5 to 10	19%
10 to 15	10%
15 to 20	11%
20 to 30	8%
30 to 40	2%
40 to 50	1%
50+	2%

Closed Cases: Resolved and Denied Rates Across Document Types and Cities							
Case Type	Result	Chittagong	Dhaka (Mohammadpur)	Dhaka (Mirpur)	Khulna	Mymensingh	Syedpur
Birth Certificate	Resolved	188	399	63	154	78	347
	Denied	0	0	53	0	2	0
Commissioner's Cert.	Resolved	10	8	1	77	6	2
National ID Card	Resolved	4	0	0	2	5	0
Passport	Resolved	0	4	0	3	2	4
	Denied	0	3	2	0	0	0
Trade License	Resolved	0	0	0	10	3	0
Totals		202	414	119	246	96	353

Similarly, hundreds of birth certificates – the most common case type across all five cities – have been issued to Urdu-speaking camp dwellers since the paralegal program started. However, starting in late 2013, clients in Mirpur started facing rejection at the City Corporation office. Authorities have cited several reasons for their decision – including internal instructions that prevent the issuance of birth certificates to “non-Bengalis” or the client’s lack of proof of address, as camp residents do not have electricity bills or other common modes of proof. Corruption is also pervasive in the Mirpur office. Some clients have been encouraged to pay extra for an urgent applications, since “normal” processing may take up to six months. For children who need a birth certificate to enroll in school, they often cannot wait half a year for their document.

However, with data from other paralegal centers, these justifications can be refuted. First, the distribution of denials clearly follows a geographic pattern – other than two denials in Mymensingh, all camp-dwelling clients in all locations other than Mirpur have received birth certificates. Second, we can see the average processing time for a successful birth certificate application for Urdu-speaking camp residents is 17 days across the locations in which there are paralegal centers. In addition, once this data on resolved cases is disaggregated by city, it is clear that in most places, the government processes birth certificate applications in just a few days, with the under-resourced Municipality Office in Syedpur as an outlier.

Government Processing Time	
Case Type	Average Time Applied to Issued (Days)
Birth Certificate	16
Commissioner's Cert.	3
National ID Card	14
Passport	2
Trade License	1

Birth Certificate Applications	
City	Average Time Applied to Issued (Days)
Chittagong	2
Dhaka - Mohammadpur	2
Khulna	<1
Mymensingh	4
Syedpur	54

Overall, the data shows that implementation of law and policy is not consistent from city to city. More sensitization for both community members and government officials may be needed to increase understanding of the 2008 High Court judgment and ensure Urdu-speaking camp residents proper access to proof of nationality accordingly.

Next Steps

With the growing amount of data that paralegals have collected on their cases, the Council of Minorities and Namati are starting an advocacy strategy – first to tackle the denials of passports and birth certificates, and then to make recommendations for other ways the systems might be made more accessible. Building coalitions with like-minded organizations concerned about citizenship rights is an essential component of the advocacy strategy.

In addition to tracking cases for advocacy, the Council of Minorities and Namati are planning an upcoming project evaluation, which will follow-up with past clients to capture empowerment effects, attitudes towards government, actions taken with their new document, and overall impact of the paralegal services.

The paralegals are continuing to educate and support camp residents acquire and use legal identity. As community members come with additional requests – help obtaining an ID card during the recent application window, or using such documents to apply for a bank account – the paralegals adjust their work to meet these needs.



For more information on the paralegal program, please contact Council of Minorities at Khalid.aygusc@gmail.com and Namati at LauraGoodwin@namati.org