## The end of Bihari statelessness

Khalid Hussain

Approximately 160,000 stateless Biharis live in 116 makeshift settlements in Bangladesh. Despite recent developments in voter and ID registration, they continue to live in slum-like conditions, facing regular discrimination.

The people known in Bangladesh as ‘Biharis’ or ‘stranded Pakistanis’ are the Urdu-speaking descendants of Muslims who lived in different Indian provinces but mostly in Bihar and who, at India’s partition in 1947, moved to what became East Pakistan. Following the war between West Pakistan and East Pakistan, when East Pakistan became Bangladesh in 1971 the Biharis were left behind. As many of them were thought to have supported West Pakistan in the war, they were unwelcome in Bangladesh, were treated as stateless and have faced discrimination ever since.

The Bihari camps are mainly in urban areas and are beset by severe overcrowding, poor sanitation and lack of basic facilities. The slum-like conditions in these settlements have worsened over the years as the population has grown. With inadequate provision for clean water, waste disposal and sewage systems, there are chronic hygiene problems. Camp residents face discrimination in the job market and a severe lack of education and health-care facilities hampers community development.

Some of the camp residents, particularly the younger ones, have been struggling for years to be recognised as Bangladeshi citizens. Over the last eight years they have filed two petitions with the High Court demanding voting rights. Ten young residents of Geneva Camp filed the first petition in 2001. The High Court declared them to be Bangladeshi citizens and directed the national Election Commission to include their names in the list of voters. Subsequently, the Election Commission included not only the names of the original ten on the list but also the names of residents of other camps. After 1 January 2007, when a new caretaker government was formed in Bangladesh, that list was declared null and void and a newly reconstituted Election Commission was given responsibility for preparing a fresh list of those eligible to vote and for issuing national identity cards – for Bangladesh citizens – giving access to 22 basic services.

A three-member delegation from the camps, including a member of the Association of Young Generation of Urdu-Speaking Community, Geneva Camp, met the Chief Election Commissioner of Bangladesh in July 2007 and submitted a petition for the inclusion of camp residents in the new list of voters. On 6 September 2007, the government agreed to give citizenship to those Urdu-speaking Biharis born after 1971 or who were under 18 years at the date of the creation of Bangladesh. In November 2007, twenty-three eminent academics, journalists, lawyers and human rights activists, in a joint statement, urged the government to offer citizenship rights, in line with the country’s constitution, to all Urdu-speaking people in camps in Bangladesh.

In August 2008, the Election Commission began a drive to register the Urdu-speaking communities in the settlements around Bangladesh. This was an important first step towards integrating these minority communities into Bangladeshi society. Over several days, the Commission employed enumerators to take forms from door to door, registering hundreds of people each day. Now all camp residents are Bangladeshi citizens and all of them have National ID cards.

### Unmet needs

Despite recent progress in voter and ID registration, however, 37 years of non-recognition have left the Biharis living in abject poverty and vulnerable to discrimination. They are still denied access to a Bangladeshi passport. Mustakin, a resident of Geneva Camp, explained: “Last September, I paid 2000 Taka [US$29] for a passport but I wasn’t given it, even after showing my national ID card.” In response, Abdur Rab Hawlader, director general of the Department of Immigration and Passports, said that his department “did not receive any instruction from the...
authorities on issuing passport to Biharis.” Living conditions remain overcrowded, with five to 15 people sharing one or two rooms. The threat of eviction and the need for education, skills training and employment are our chief concerns.

The government has initiated various development programmes for poverty reduction in accordance with its Poverty Reduction Strategy Paper (PRSP) but these do not address the needs of the Urdu-speaking community. How and when will the poverty-related challenges of this community be incorporated into the PRSP?

No NGOs or UN agencies have taken the initiative to collect comprehensive baseline data from which to develop both short- and long-term programmes for the social and economic rehabilitation of this community. Some argue that rehabilitating 160,000 camp dwellers would require a huge amount of funds and a range of well-planned strategies that Bangladesh, a poor country, is ill-equipped to provide without support from the UN and other international donor agencies.

We propose that the government of Bangladesh establish a rehabilitation trust fund to mobilise funding from international Islamic organisations, bilateral donors and other national and international donor agencies in order to ensure a safe and secure future for future generations of Urdu-speakers in Bangladesh.

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1. See Policy Brief by the Refugee and Migratory Movement Research Unit (RMMR) http://rmmru.net/Policy_Brief/Policy_brief_ISSUE_2.pdf

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**Childhood statelessness**

Maureen Lynch and Melanie Teff

Statelessness – the non-acquisition of citizenship – can blight a child’s prospects throughout life.

Stateless infants, children and youth, through no fault of their own, inherit circumstances that limit their potential and provide, at best, an uncertain future. They are born, live and, unless they can resolve their situation, die as almost invisible people. Statelessness can also lead to poor home environments and to family separation, two important factors affecting child development.

Apart from the ways in which any person can become stateless, a child in particular can become stateless when a family migrates away from a country where citizenship is conveyed by *jus sanguinis*; a child has the right to citizenship of the parents’ country of origin but cannot always access it and may instead become *de facto* stateless in the country where they grow up. Lack of birth registration can cause statelessness. Children may not be registered because parents fear drawing attention to their own status. A child can also become stateless when a birth record is destroyed or lost and there is no other means to link them with a particular country.

Inequitable laws also create childhood statelessness. Although in the last 25 years, at least 20 countries have changed their laws to give women the right to pass their nationality to their children, the nationality of a child born to parents from different countries is still a concern when laws treat men and women differently. Where citizenship is determined exclusively by the father’s nationality, stateless fathers, single women, or women living apart from their husbands face numerous barriers to registering their children. If a woman is unable to extend citizenship to her spouse, statelessness may be imposed on her and the children. Whether parents are married or not may also determine a child’s nationality. For example, one legacy of UN peacekeeping is fatherless children – and the citizenship rights of children born to UN troops and female nationals are not always clear.

In the end, perhaps the most obvious reason why children become stateless is that they cannot act for themselves.

**Protection and rights**

Birth registration is the official record of a child’s birth by the state and a government’s first acknowledgement of a child’s existence. It is crucial to ensuring a culture of protection. Consider the following examples.

On the day that the child of a Burmese asylum seeker is born in a Thai hospital, the birth record is removed. The Burmese government also disavows responsibility. Not recognised by either Burma or Thailand, this child is stateless.

Children of Mauritanian refugees born in Senegal have the right to be registered as Senegalese citizens but some parents are unwilling for this to happen. They prefer to wait until they can return to Mauritania and register their children there.

Children of a Kuwaiti mother and a Bidoon – stateless – father are also Bidoon. Since a child of a divorced Kuwaiti woman or widow can theoretically acquire citizenship, there is an incentive to divorce for the sake of the child.

At a briefing on stateless children the US Congress was told about the case of a stateless family whose asylum appeal was denied was related. The five-year-old daughter was placed in a cell with her mother. The eight- and 14-year-old sisters were detained together elsewhere. The 15-year-old son was held alone. The father was separated from his family by hundreds of miles. The three-year-old was not held because she is a US citizen.

Being stateless also means not being able to access many other rights available to citizens. For stateless children, medical care