

# To Register or Not to Register?

*An ADB study tries to identify the benefits of establishing one's legal identity.*

By Jet Damazo

**ONLY THREE** years ago in Cambodia, just 1 out of every 20 births were registered with the Government. At the close of August this year, however, about 85% of Cambodians were already in possession of a birth certificate.

This change is brought about by the country's new Civil Code that made birth registration mandatory, and made possible by mobile registration teams that have been bringing free birth registrations to people's doorsteps since March 2004. More than just being a piece of paper, this certificate – proof of their legal identity – is supposed to make easier things such as school enrollment, employment authorization and marriage certification.

Prior to all this, though, an alternative system that consisted of family books, lodging books and National Identity Cards somewhat answered the need for establishing one's identity. While it lacks coordination among the various methods present, the old system being far more familiar and accepted keeps some Cambodians from seeing the benefits of the new one.

Does legal identity then, defined as an official, state issued document that includes basic information attesting to the holder's identity, status, and legal relationships, really matter? According to article 7 of the Convention on the Rights of the Child, "The child shall be registered immediately after birth and shall have the right from birth to a name [and] the right to acquire a nationality." Is there more to legal identity than a name and nationality?

An ADB technical assistance (TA) project approved in 2004, financed by the United Kingdom's Poverty Reduction Cooperation Fund, sought to answer questions over the role legal identity actually plays and the practical difference it makes in the lives of people. Covering Bangladesh, Cambodia, and Nepal – chosen on the basis of their having limited birth registration – the TA aims to increase the understanding and awareness of the nexus between legal identity and poverty.

"Poverty is not always simply the result of a lack of resources; it can equally be the result of the lack of effective access to existing resources, services, and opportunities, or of a lack of protection against harmful or illegal practices. Both access and protection often require proof of legal identity and age," says Caroline Vandenabeele, an ADB Senior Counsel and team leader for the project.

A report produced by the TA, prepared by the ADB in partnership with the Asia Foundation and which will be released in December 2006, found that legal identity is a critical and multifaceted issue. "Legal identity has wide reaching implications, for citizens individual rights and access to basic services are at stake," the report says.

For instance, in Nepal, citizenship, and proof of it, is necessary for virtually all government services, whether civil, criminal, or military. In Bangladesh, legal identity can



help prevent the exploitation of children in factories. Child trafficking and forced prostitution, which are often facilitated by the endemic lack of legal identity documents specifying age and parentage, can also be minimized, if not prevented altogether.

For governments, a civil registration system can also serve an essential function in collecting demographic data, which can be used by both government agencies and donor organizations in policy planning and defining development priorities.

But these benefits do not automatically come with a piece of paper containing one's name and nationality. Without complementary reforms, establishing legal identity will neither be effective or beneficial.

To begin with, a civil registration system needs an actively involved citizenry that understands and sees the need to have a legal identity. At the same time, registration has to be made accessible and affordable, and perceived benefits have to be expanded and realized.

In Cambodia, for example, while registration is easy and free, people still place little priority on obtaining legal identification documents because of the availability of substitutes and lack of perceived real benefits associated with it.

"The value of a civil registration document is only as far reaching as the state's capacity to provide services and enforce laws intended to protect citizens' rights," the TA report says.

At the same time, the report points out the need to carefully take into consideration the context of each country to understand how legal identity can play a role in the lives of its citizens.

The study shows that while legal identity is not that much of an issue today in Cambodia, it is a need for Nepalese to access the most basic of services. On the other hand, in Bangladesh, the Government wants to make it beneficial and essential, but doesn't have the resources to even begin registering the estimated 93% of the population without birth records.

The report emphasizes, though, that as long as needed complementary reforms are undertaken, establishing legal identity can be a concrete, strategic, and practical intervention to promote legal empowerment strategies, advocate for improved governance, and ultimately reduce poverty. #