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Practices, Legal, and Practical Barriers to Birth Registration in Nepal

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Abstract

Introduction

Nepal, as a party to the United Nations Economic and Social Commission for Asia and Pacific (UN ESCAP) Ministerial Declaration, is dedicated to accomplishing its three objectives (achieving universal civil registration, accepting civil registration as a legal document to assert identity, ensuring that everyone has access to civil status, and producing and publishing timely and complete vital statistics). Several international human rights instruments mentioned in the above section obligate Nepal to ensure birth registration for every child. The Constitution of Nepal has recognized the right to birth registration as a fundamental right. Several federal legislations have encompassed various provisions to ensure birth registration.

Against this backdrop, by 2030, the Sustainable Development Goal (SDG) 16.9 and the 15th periodic plan aspire to guarantee legal identification. As a result, under the Status and Roadmap of SDG, the National Planning Commission has acknowledged the "Proportion of children below five years whose births have been recorded with registrars, by age" as one of the signifiers under Target 16.9 of the SDGs. Moreover, Nepal has made progress on the registration of birth. For instance, the birth registration rate in Nepal has significantly increased from 35 percent in 2006 to 77 percent in 2019 for children below five years of age. Nevertheless, the SGD roadmap and the 15th Periodic Plan's goal of 100 percent birth registration confront several impediments.

In this context, we conducted a study to identify the bottlenecks and feasible measures to address the same to achieve the 100% birth registration target envisaged by SDG by 2030.

Objectives

The overall aim of the study was to strengthen interventions on increasing childbirth registration in Nepal to reach 100 percent, as targeted by the 15th periodic plan and SDG. The following are the specific objectives:

- To identify cultural, political, geographical, and perceptual barriers that prevent one from accessing and receiving birth registration.
- To provide a list of practical solutions and recommendations for legal reforms, capacity enhancement, incentive and motivational schemes, and other programs at the local level.

Methodology

The study adopted a mixed-method strategy, including qualitative and quantitative research methodology for data collection and analysis. Data were collected from primary and secondary sources using a multidimensional approach. Desk review, Focused Group Discussion (FGD),

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Consultations, and In-person Surveys were conducted for primary data. Likewise, the secondary data were collected through a desk review.

Research methods and tools were devised to reach out to women, marginalized and disadvantaged clusters, i.e., geographically backward, Dalits, and ethnic minority groups, to obtain practical information about their experiences.

Findings

The existing legal provisions cannot facilitate birth registration as it does not address the practical difficulties of children born to single women. Local registrars impose additional standards under their discretion, which are not outlined by legislation, leading to inconsistent implementation.

Due to their preconceived notion regarding vulnerable groups, that amounts to cultural and perception barriers to birth registration.

Conclusion

Several bottlenecks exist in achieving 100% birth registration, among which social and legal barriers are significant.