



HUMAN  
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WATCH

# “Our Time to Sing and Play”

Child marriage in Nepal





# **“Our Time to Sing and Play”**

Child Marriage in Nepal

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# “Our Time to Sing and Play”

## Child Marriage in Nepal

<b>Map .....</b>	<b>1</b>
<b>Summary .....</b>	<b>1</b>
<b>Methodology.....</b>	<b>19</b>
<b>Terminology.....</b>	<b>22</b>
<b>I. Background.....</b>	<b>23</b>
Weak Enforcement and a Weak Law .....	25
International Context.....	27
<b>II. Factors Driving Child Marriages .....</b>	<b>29</b>
Love Marriages .....	30
Poverty and Food Insecurity .....	30
Lack of Access to Education.....	32
Child Labor.....	37
Social Pressures and Harmful Practices .....	40
Escaping Deprivation or Abuse at Home.....	48
Dowry.....	49
Migration.....	50
<b>III. Consequences of Child Marriage.....</b>	<b>53</b>
Termination of Education .....	53
Early Pregnancy .....	56
Health Consequences of Early Pregnancy .....	59
Domestic Violence and Abandonment.....	63
Sexual Violence.....	67
<b>IV. Government Actions to Combat Child Marriage.....</b>	<b>69</b>
Providing Universal Access to Education .....	72
Access to Information about Sexual and Reproductive Health .....	76
Access to Health Care .....	79
Efforts by Law Enforcement to Prevent Child Marriage .....	84

Marriage and Birth Registration .....	91
Compliance with the Law by Religious Leaders.....	93
<b>V. Nepal’s National and International Legal Obligations .....</b>	<b>95</b>
Right to Equality and Non-Discrimination .....	96
Right to Marriage, Choose a Spouse, and Minimum Age of Marriage .....	97
Right to Education .....	99
Right to be Free from Physical, Mental, and Sexual Violence.....	101
Right to Health.....	103
Right of Children to Express Their Views Freely .....	104
<b>VI. Recommendations.....</b>	<b>106</b>
To the Prime Minister.....	106
To the Ministry of Women, Child and Social Welfare .....	108
To the Ministry of Health and Population.....	109
To the Ministry of Education.....	110
To the Nepal Police .....	113
To the Ministry of Law and Justice .....	113
To the Ministry of Federal Affairs and Local Development .....	114
To International Donors and the United Nations .....	115
<b>Acknowledgements .....</b>	<b>117</b>
<b>Annex: Letter to the Nepal Government .....</b>	<b>119</b>

# Map







# SUMMARY AND RECOMMENDATIONS





A girl plays in a public park in Patan, Nepal. Thirty-seven percent of girls in Nepal marry before age 18, and 10 percent are married by age 15. The minimum age of marriage under Nepali law is 20 years of age. April 24, 2016.

**Thirty-seven percent of girls in Nepal marry before age 18 and 10 percent are married by age 15, in spite of the fact that the minimum age of marriage under Nepali law is 20 years of age. Boys also often marry young in Nepal, though in lower numbers than girls. UNICEF data indicates that Nepal has the third highest rate of child marriage in Asia, after Bangladesh and India.**

In interviewing dozens of children and young people, Human Rights Watch learned that these marriages result from a web of factors including poverty, lack of access to education, child labor, social pressures, and harmful practices. Cutting across all of these is entrenched gender inequality, and damaging social norms that make girls less valued than boys in Nepali society.

Many of the marriages we heard about were arranged—and, often, forced—by girls’ parents, or other family members. In some areas of the country, families marry girls at ages as young as one and half years old. We heard some children describe their unions as “love marriages.” In Nepal, the term love marriage is commonly used to refer to a marriage not arranged by the bride and groom’s families. Usually it refers to a situation where the two spouses have decided themselves to get married, sometimes over the opposition of one or both of their families. Although different from arranged marriages, love marriages among children are often triggered by the same social and economic factors.

The consequences of child marriage amongst those we interviewed are deeply harmful. Married children usually dropped out of school. Married girls had babies early, sometimes because they did not have information about and access to contraception, and sometimes because their in-laws and husbands pressured them to give birth as soon, and as frequently, as possible.

Early childbearing is risky for both mother and child, and many girls and their babies suffer devastating health consequences. Six of the young women we interviewed had babies that had died, and two of them had each endured the death of two of their children.



**Tilmaya M., 18, eloped and married a 20-year-old man when she was 15. Her husband comes from her village in Chitwan, Nepal. Tilmaya said when she was 11 years old, her father took her out of school and sent her to Pokhara to work as a domestic worker. April 11, 2016.**

Our interviews also echoed what research has shown globally: girls who marry as children are more likely to be victims of domestic violence than women who marry later. We interviewed girls who endure constant beatings and verbal abuse at the hands of their husbands and in-laws, girls who are raped repeatedly by their husbands, girls who are forced to work constantly, and girls who have been abandoned by their husbands and in-laws.

The Nepal government has taken some action to stop the practice of child marriage, but not enough. A national plan to reduce child marriage has met with long delays. Protective factors, such as access to quality schools and health information and services, remain out of reach for many children.

This report is based primarily on interviews with 104 children and young adults who married as children, as well as interviews with parents, teachers, health care workers, police officers, government officials, activists, and experts.



We conducted interviews across Nepal. While the majority of interviewees were Hindu, we also interviewed people from Nepal’s Buddhist, Muslim, and Christian communities. Although our interviewees came from a range of ethnic and caste backgrounds, the majority of the married children we interviewed were from Nepal’s Dalit or indigenous communities, a reflection of the fact that child marriage is more prevalent in marginalized and lower caste communities. Due to entrenched and dehumanizing discriminatory practices by both state and non-state actors, Dalit and Janjati communities, as indigenous groups are called in Nepal, are deprived of their basic civil, political, economic, social, and cultural rights. Affected communities face severe restrictions and limited access to resources, services, and development, keeping most in severe poverty.

We sat with woman and girls who had married as children—in their homes, under trees, in the fields where they were working—and asked them to tell us about how they ended up marrying as children, and why, and how it affected their

**A five-year-old girl sits in a nursery school, which she is attending with a scholarship funded by a private sponsor. Quality education provides protection from child marriage—girls who are in school are less likely to marry.**

**April 12, 2016.**

lives. We also interviewed family members of married children, educators, health workers, police officers, community leaders, and experts from NGOs working to end child marriage.

Dalit, Tharu, and other indigenous women and girls are particularly disadvantaged in Nepal due to the intersectional discrimination of caste and gender. They suffer from multiple forms of discrimination based on caste, gender and poverty, which make them highly vulnerable to physical assaults, including rape and sexual exploitation, and other crimes which often go unpunished.

Child marriage in Nepal is driven by a complex web of factors, but key among them is gender discrimination, especially when combined with poverty. Discriminatory social norms mean that girls are often seen as a “burden” to be unloaded as early as possible through marriage. This perception is driven by the convention that sons stay with, and financially support, their parents throughout their lives, while girls go to live with and “belong to” their husband and in-laws. This practice creates clear financial incentives for a family to prioritize education and even basic survival needs, such as food, for boys over girls.

## Economic and Social Pressures

Poverty was a theme in many of these girls’ lives; many described going hungry, and some parents said they had married off girls because they could not feed them. Some girls said they welcomed a child marriage because they hoped it might mean they had more to eat, a hope that was not always fulfilled.

Social pressures often encourage child marriage. In some communities it is seen as “normal” for girls to marry immediately after they reach puberty; in some areas girls marry even earlier. The payment of dowry, by a bride’s family to a husband’s family, remains widespread, although it is illegal; the expectation that a bride’s family will pay a higher dowry in return for a better-educated husband, or to marry off an older girl, creates financial incentives for child marriage.

In some communities in Nepal, marriages happen in two stages, with a marriage ceremony taking place first, followed some years later by a ceremony called a gauna, which marks the moment when the bride goes to live with her husband and in-laws. This practice is common in communities where children are married prior to puberty; the gauna often takes place after the child reaches puberty. In these situations, however, the first ceremony is not an engagement—it is a marriage, and can be as difficult to dissolve as any other marriage. Children who have married and are awaiting their



Lalita B., 17, had an arranged marriage at the age of 12 with a 37-year-old man. She became pregnant soon after marriage, and two of her newborns died. Lalita’s third child survived. Lalita’s husband abandoned her in 2015 and married another woman.

April 25, 2016.





17-year-old Anjana M., married at 14, sits outside her home with her two-year-old daughter Ishita. Anjana's aunt and uncle pressured her to marry her husband because of rumors about her relationship with him. Anjana's father sent her to Pokhara when she was seven years old to do domestic work.

April 11, 2016.

gauna often described their entire childhood being altered by the knowledge that they were already married, and the gauna often took place while they were still far too young for marriage.

Many girls are married off just after—or sometimes just before—they begin menstruating. Some parents and grandparents believe that they will go to heaven if they marry off girls prior to menstruation. Many more believe that when a girl menstruates for the first time, she is ready for marriage, and that it is in the family's interest to get her married as quickly as possible to avoid the risk of her engaging in a premarital relationship. Other girls—and boys—marry later in their teens, still too young to physically and emotionally bear the burdens of marriage.





## Lack of Access to Education

Quality education provides protection from child marriage—girls who are in school are less likely to marry—but education is a distant dream for many girls. A majority of the married girls we interviewed had little or no education. Often this was because they had been forced to work instead of going to school. Some worked in their family’s homes, but many worked outside the home in paid labor, usually as agricultural or domestic workers, often from the age of eight or nine or even earlier.

Parents are deterred from sending their children to school because the schools are often physically inaccessible as well as perceived as being of poor quality. While the Nepal government aims to make primary education compulsory, and basic education is compulsory according to the constitution, the government does not have adequate mechanisms in place to compel children to attend school. Gender discrimination means that in some communities

**Pavitra M., 16, eloped and married at the age of 15 to escape extreme poverty at her parent’s home. Pavitra now lives with her in-laws, and cooks for all the members of the large family. Her husband lives in India and works as a cook.**

**April 25, 2016.**





Ganga M., 17, sits inside her home in Kailali, Nepal. Ganga had an arranged marriage at the age of 16 and was five months pregnant when this photograph was taken. Her husband works as a cook in India. April 25, 2016.

Human Rights Watch visited, parents often send sons to school, but not daughters, or send only their sons to higher-quality private schools.

The lack of education about sexual and reproductive health is a particular problem. Many of the married girls we interviewed said they had no information about contraception. This lack of knowledge sometimes prompts child marriage. As one activist told Human Rights Watch, girls often rush to marry because they are worried they will become pregnant once they are in a relationship, “even by holding hands.”

## Love Marriages

A growing number of children are marrying spouses of their own choosing, sometimes at young ages. We met girls as young as 12 who said they had eloped. Some children interviewed for this report said they chose a so-called love marriage to escape difficult or abusive circumstances.

Others said they eloped because they knew that they were about to be forced into an arranged marriage. These children said they preferred to choose their own spouse but they said their first preference would have been to delay marriage entirely.

Many girls said they faced such deprivation—including hunger—at home that they looked for a husband they thought could feed them. Often, boys and young men seem to have been encouraged to secure a willing young bride by parents who want a new daughter-in-law as an unpaid domestic worker in their home.

Girls who had love marriages also described the impact of rumors and gossip on their choice to marry. When rumors spread about a pair being in a relationship—particularly if the relationship is rumored to be sexual—girls and boys often feel they have no choice but to marry immediately. In some cases, even mistaken rumors prompted a rushed marriage.

Girls who had been sexually active sometimes fell pregnant, or even just feared pregnancy, and rushed into marriages they felt were the only way to salvage their future. With little access to information about sexuality and contraception, especially for children not in school, girls have little ability to understand, let alone control, their own reproductive choices.



Lalita B., 17, with her mother Rajmati B. and daughter outside their home in Kailali, Nepal. Lalita had an arranged marriage at age 12 with a 37-year-old man. She became pregnant soon after marriage, and two of her newborns died. Lalita's third child survived. Lalita's husband abandoned her in 2015 and married another woman.  
April 25, 2016.

## Government Action to End Child Marriage

At the July 2014 international “Girl Summit” in London, Nepal’s Minister of Women, Children, and Social Welfare pledged to strive to end child marriage by 2020. By the time the Nepal government held its own national “Girl Summit” in Kathmandu in March 2016, this goal had shifted to ending child marriage by 2030, to align with the 2030 end date of the global Sustainable Development Goals.

At the 2014 summit, the minister presented a five-point plan for how Nepal would achieve this goal. Nepal, like all other UN member states, is also committed to implement the Sustainable Development Goals during the period from 2016 to 2030, which include a target of eliminating “all harmful practices, such as child, early and forced marriage and female genital mutilations.”

The government has worked with partners, including the United Nations and NGOs, to develop a National Strategy to End Child Marriage, intended to be a foundation for a



detailed National Plan of Action to End Child Marriage with funds budgeted for its implementation. The planned launch of the strategy has been postponed, however, in part because of the disruption caused by the April 2015 earthquake. At the time of writing, it has not yet been launched, although the government “endorsed” the strategy at the March 23, 2016 Nepal “Girl Summit.”

While the Nepal government has taken some important steps to increase access to education and healthcare, the adolescent girls most at risk of child marriage often have little or no contact with the educational and health systems. The government does not have a functioning system to ensure that all children attend primary school. Rates of school attendance, especially for girls, are low in many of the communities we visited, and in spite of government data indicating high rates of enrollment and attendance, a large proportion of the married girls we interviewed had had little or no education. Government health facilities provide free family planning services, but fail to reach many young

Sarita M., 17, with her infant daughter at her home in Chitwan, Nepal. Sarita eloped and married an 18-year-old man at the age of 15. Her husband works as a laborer in India.  
April 12, 2016.

people—married and unmarried—who need information and supplies. Schools are supposed to teach a module about sexual and reproductive health, but this information fails to reach many of the children most at risk for child marriage—children who are out of school or behind in school.

The government needs to do much more to prevent child marriage and to help married children. It should make good quality education accessible to all children and enforce the constitutional provision making primary education compulsory. Government schools and health workers should work to prevent child marriage, by intervening in specific cases, raising awareness, and equipping children with the information they need to make informed choices about sex and reproduction. Local government offices should play an active role in raising awareness about the law regarding child marriage and preventing child marriages.

Child marriage is illegal in Nepal and has been since 1963. The current law sets the minimum age of marriage at 20 for both men and women. Under the law, adults who marry children, family members and other adults who arrange marriages of children, and religious leaders who perform child marriages are all committing crimes and are subject to prosecution. Arranging a child marriage or marrying a child is punishable by imprisonment and fines, which vary depending on the age and gender of the child involved. These range from six months to three years in prison and a fine of 1,000 to 10,000 rupees (US\$9-\$94) if the case involves a girl under the age of ten. The lowest penalty under the law is a fine of up to 700 rupees (\$6.60) for a person who has finalized arrangements for a child marriage which has not yet taken place.

In many of the communities we visited, however, we saw little evidence of the government working effectively to try to prevent child marriage or mitigate the harm that married children experience. There were few programs to promote public awareness of the problem and where they existed they were often the work of NGOs rather than the government. Police rarely intervene to prevent child marriages, and appear to almost never do so in the absence of a complaint. Local government officials only sometimes refuse to register under-age marriages.

Nepal has pledged to end child marriage and taken steps toward developing a national plan to achieve this goal. But it is time for action. Any effective strategy should address the root causes of child marriage, especially gender discrimination, which is embedded in both social structures and the legal system.

This report, which appears as the government is set to develop its plan to combat child marriage, seeks to support that process with recommendations drawn directly from the experiences of the married children we interviewed.



Nine-year-old Selina T. helps her friend Bipana L., 11, wash dishes and utensils in Lalitpur, Nepal where both girls live and work. Both girls work in a brick kiln to help their parents. Bipana attended school for only one day; Selina is still in school, but works during her school break. Child labor is common in Nepal, with about 40 percent of children working. Two-thirds of working children are below the age of 14, and half are working in hazardous occupations likely to interfere with their education. Girls are more likely to work than boys (48 percent versus 36 percent) and 60 percent of children in hazardous work are girls.

April 27, 2016.









Pavitra M., 16, and Kalpana T., 19, both eloped and married at the age of 15 to get away from extreme poverty at their parents' homes. Both of their husbands live and work in India.

April 25, 2016.



Sharmila G., 14, and Sharda D., 15, stand together in Kailali, Nepal. Sharda is still in school and does not want to marry, like many of the other girls in her community. Sharmila eloped and married at 12 and was seven months pregnant when this photograph was taken. Sharmila said she regrets marrying early and is not ready to have a child.

April 25, 2016.

# RECOMMENDATIONS

Prevention of child marriage should go hand in hand with broader efforts to empower women and girls, end domestic violence and child labor, and increase access to education and health services. The government should incorporate prevention of child marriage into its efforts to reduce poverty, and take steps to end caste and ethnicity-based discrimination that plays a key role in driving girls into marriage. The government should ensure that all interventions to prevent child marriage and assist married children put the best interests of the child first and never leave children worse off.

## TO THE GOVERNMENT OF NEPAL

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- Reform Nepal's law prohibiting child marriage to make it more effective. Reforms should: 1) include tougher punishments for those who arrange or conduct child marriages; 2) remove provisions that discriminate based on gender; 3) establish a requirement that anyone conducting or registering a marriage verify the age of the spouses; 4) provide support services and compensation to victims of child marriage; and 5) increase the statute of limitations for legal action regarding a child marriage until the married child reaches at least the age of 21.
- Ensure that national law upholds international rights and standards regarding child marriage and that these laws are fully implemented by police, courts, and other government officials.
- Prioritize Nepal's achievement of the target on ending child marriage by 2030 under goal 5 on gender equity and empowering all women and girls in the post-2015 Sustainable Development Goals.
- As a follow up to the National Strategy to End Child Marriage, develop and implement the planned National Plan of Action to End Child Marriage through a consultative process with all relevant parts of government and with civil society, community leaders, Dalit and indigenous peoples' rights groups, faith-based leaders, and young people. Ensure that the plan encompasses prevention of both arranged and love marriage, and consists of detailed plans with clear lines of responsibility across different government institutions, adequate resources, and time-bound and measurable intermediary benchmarks to track progress toward meeting the government's goal of ending child marriage by 2030.
- Raise awareness of the law regarding child marriage and the harm caused by child marriage, enlist religious, political, and local leaders as partners in preventing child marriage, and take specific actions at the community level to end child marriage.
- Implement a system of universal compulsory birth and marriage registration, ensure registration records are accessible throughout the country, and hold officials responsible if they knowingly permit or register child marriages.
- Ensure that children, especially girls, have access to good quality education and remain in education for as many years as possible.
- Take urgent steps to make primary education compulsory in practice.
- Improve and expand the teaching of education modules for all school children on sexual and reproductive health, and establish programs in all schools to prevent child marriage and keep married children in school.
- Provide necessary information about sexual and reproductive health and risks of child marriage to out-of-school children, especially in marginalized communities.

## Methodology

This report is primarily based on research conducted in Nepal in March, April, and September 2015. The report is based on 149 interviews, the majority of them with married children or young adults who had married as children. Using best estimates in cases where interviewees did not know their age, our research included interviews with 38 married children who were still under the age of 18 and 66 young adults under the age of 25 who had married as children. The majority of interviewees were girls and young women, but these numbers include eight married boys and young men who married as boys.

Many interviewees did not know how old they were, or at what age they had married. In these cases, we asked female interviewees when their marriage occurred in relation to the onset of their menstruation, which research suggests is, on average, around age 12 to 13.<sup>1</sup> Girls usually remembered this, even if they didn't know their age, and it provided clues to the approximate age of marriage for these girls.

Human Rights Watch conducted interviews in 14 districts—Banke, Bara, Chitwan, Gorkha, Kailali, Kathmandu, Morang, Nawalparasi, Rupandehi, Saptari, Sarlahi, Sindhupalchuk, Siraha, and Sunsari. The majority of the districts are in the Terai region, but we also conducted interviews in two districts in the north of country. These districts were chosen to include interviewees from different regions, and to provide a good sampling across the Terai, where a large proportion of Nepal's population lives close to the porous border with India. While the majority of the married children we interviewed were from Dalit and indigenous communities, we also interviewed some girls across different religions, ethnic groups, and castes. The majority of interviewees lived in rural and sometimes remote areas, but we also interviewed residents of towns and cities. We also conducted interviews with family members of married children.

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<sup>1</sup> Shamima Akter, Subrina Jesmin, Mazedul Islam, Sayeeda Nusrat Sultana, Osamu Okazaki, Michiaki Hiroe, Masao Moroi, and Taro Mizutani, "Association of age at menarche with metabolic syndrome and its components in rural Bangladeshi women," *Nutrition and Metabolism*, 2012; 9: 99, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3541253/> (accessed March 22, 2016).

A Human Rights Watch researcher conducted interviews with married children and family members in local languages, including Nepali, Hindi, Tamang, Awadhi, Maithli, and Tharu, through a female interpreter. In a few cases, difficulties in interpretation required the use of two interpreters, one from the local language into Nepali and another from Nepali to English.

All interviewees were advised of the purpose of the research and how the information would be used. We explained the voluntary nature of the interview and that they could refuse to be interviewed, refuse to answer any question, and terminate the interview at any point. The majority of interviews were recorded, with the interviewees' consent, for later reference; all interviewees were given the choice to refuse having the interview recorded. Interviewees did not receive any compensation.

The interviews were usually conducted at the interviewee's home. They were almost always conducted with only the interviewee, translator(s), and Human Rights Watch researcher(s) present, except in cases when the interviewee's young child or children were present at the interviewee's request. In a small number of cases, the interviewee asked to have another person present, a request we accommodated, or a family member insisted on being present. In the latter situations, we modified the interview and did not ask about more sensitive topics, such as family violence or issues relating to sexual and reproductive health.

We identified interviewees and interview locations with assistance from NGOs working in these communities. The presence of these NGOs meant that interviewees were already connected with NGOs with some capacity to assist with obtaining legal, medical, and social services where needed. Many of the married children Human Rights Watch interviewed lacked basic information about family planning and contraception. For these interviewees, Human Rights Watch, in the course of the interview, provided basic information about the types of contraception available through government health posts and referred the interviewee to seek advice and services at the nearest health post.

Twenty-eight additional interviews with government and private health workers and school officials, police, activists, NGO workers, and representatives of the National Human Rights Commission, local and international NGOs, and international organizations provided context and background information. These interviews were conducted in many of the same districts, as well as in Kathmandu. Some were conducted in English; the rest in local languages through an interpreter.

The names of the married children and family members have been changed to pseudonyms to protect their privacy. We have, however, for the most part chosen pseudonyms that match the caste or ethnic identities of the interviewees. The names of other interviewees have sometimes been withheld at their request.

In this report, “child” and “children” are used to refer to anyone under the age of 18, consistent with usage under international law.

The exchange rate at the time of the research was US\$1 = 106 Nepali rupees; this rate has been used for conversions in the text, which have sometimes been rounded to the nearest dollar.

## Terminology

This report distinguishes between arranged child marriages and so-called “love marriages”:

**Arranged marriages:** Typically, arranged marriages are agreed between the parents and other family members of the children, who often have little or no say over whether or to whom they get married.

**Love marriages:** In Nepal, the term “love marriage” is commonly used to refer to a marriage not arranged by the bride and groom’s families. It refers to a situation where the two spouses have decided themselves to get married, sometimes over the opposition of one or both of their families.

In practice, distinctions between arranged marriages and love marriages are often blurred, and often the same factors trigger both.

# I. Background

This is the time for us to sing and play—not look after the house. So I was not happy.

—Mangala Maji, age 16 or 17, and 3 months pregnant, discussing her arranged marriage 6 months earlier.<sup>2</sup>

Globally, 700 million women alive today married as children.<sup>3</sup> One-third of these married before the age of 15.<sup>4</sup> Almost half of all child brides globally live in South Asia.<sup>5</sup> Nepal has the third highest rate of child marriage in Asia, after Bangladesh and India.<sup>6</sup>

In Nepal, both girls and boys are at risk of child marriage, although girls are more likely to be married as children. According to UNICEF, 37 percent of girls in Nepal marry before age 18. Ten percent are married by age 15.<sup>7</sup> A 2012 NGO study found that 34 percent of boys marry before age 19.<sup>9</sup>

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<sup>2</sup> Human Rights Watch interview with Mangala Maji, Rupandehi district, September 22, 2015.

<sup>3</sup> UNICEF, “Ending Child Marriage: Progress and Prospects,” 2014, [www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR..pdf](http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf) (accessed January 25, 2016), p. 2.

<sup>4</sup> UNICEF, “Ending Child Marriage: Progress and Prospects,” 2014, [www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR..pdf](http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf) (accessed January 25, 2016), p. 2.

<sup>5</sup> UNICEF, “Ending Child Marriage: Progress and Prospects,” 2014, [www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR..pdf](http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf) (accessed January 25, 2016), p. 2.

<sup>6</sup> UNICEF, “Ending Child Marriage: Progress and Prospects,” 2014, [www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR..pdf](http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf) (accessed January 25, 2016), p. 2.

<sup>7</sup> UNICEF, State of the World’s Children data, <http://data.unicef.org/child-protection/child-marriage.html> (accessed July 29, 2016.) This data reflects the percentage of women age 20-24 who were married or in a union before ages 15 and 18. A 2012 study by Save the Children, World Vision International, and Plan International found that among people age 20 to 24 at the time of the study, the rate of marriage before the age of 19 was 52 percent for girls and 34 percent for boys. Save the Children, World Vision International, and Plan International, “Child Marriage in Nepal: Research Report,” 2012, <http://resourcecentre.savethechildren.se/library/child-marriage-nepal-research-report> (accessed December 11, 2015), p. 20-21.

<sup>8</sup> These figures refer to the prevalence of marriage before the age of 19 among people who were age 20-24 at the time that they were surveyed.

<sup>9</sup> Save the Children, World Vision International, and Plan International, “Child Marriage in Nepal: Research Report,” 2012, <http://resourcecentre.savethechildren.se/library/child-marriage-nepal-research-report> (accessed December 11, 2015), p. 20-21. This figure refers to the prevalence of child marriage among men who were age 20-24 at the time that they were surveyed. See also, CARE, “Child Grooms of Nepal Forced to be Dads Too Soon, CARE Finds in Father’s Day Report,” June 15, 2015, <http://www.care.org/newsroom/press/press-releases/child-grooms-nepal-forced-be-dads-too-soon-care-finds-fathers-day> (accessed March 23, 2016).

The prevalence of child marriage varies significantly among Nepal's many ethnic, religious, and caste groups, with rate of child marriage highest among marginalized and lower caste communities; a 2012 study found that among the disadvantaged Dalit caste, the rate of marriage before the age of 19 is 87 percent in Nepal's Terai region, and 65 percent in the hills region.<sup>10</sup> Rates of child marriage are also higher among people who have spent fewer years in education, and higher among Muslims and Hindus than Buddhists and Christians.<sup>11</sup>

There are some indications that child marriage amongst some age groups for girls is declining in Nepal. A review of the government's data, collected through Demographic and Health Surveys, found that between 1995 to 2007, marriage of girls under the age of 14 declined by 57 percent, and by 27 percent amongst girls age 14 and 15 years. The study found that marriage of girls age 16 to 17 increased by 11 percent. These figures combined accounted for an overall decline of 15 percent between 1995 and 2007 in the number of girls marrying before the age of 18.<sup>12</sup>

There are worrying signs, however, that progress toward ending child marriage may be in jeopardy. A 2012 study by Save the Children, World Vision International, and Plan International qualitatively found that some respondents reported that child marriage was on the rise in their area, a change some attributed to the increasing number of love marriages.<sup>13</sup> So striking was this finding that the researchers referred to it as a "paradigm shift." In the same study, among those who had married early, 15 percent of female respondents and 14 percent of male respondents cited "self desire," which the report also describes as "love and fulfillment of sexual desire," as a cause of child marriage. Thirty-two percent of heads of households said that "willingness of children/self desire" was a reason for child marriages occurring in their household.

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<sup>10</sup> Save the Children, World Vision International, and Plan International, "Child Marriage in Nepal: Research Report," 2012, <http://resourcecentre.savethechildren.se/library/child-marriage-nepal-research-report> (accessed December 11, 2015), p. 21.

<sup>11</sup> Save the Children, World Vision International, and Plan International, "Child Marriage in Nepal: Research Report," 2012, <http://resourcecentre.savethechildren.se/library/child-marriage-nepal-research-report> (accessed December 11, 2015), p. 18, 20.

<sup>12</sup> Anita Raj, PhD, MS; Lotus McDougal, MPH; Melanie L. A. Rusch, PhD, MSc, "Changes in Prevalence of Girl Child Marriage in South Asia," *Journal of the American Medical Association*, May 16, 2012; 307(19):2027-2029, <http://jama.jamanetwork.com/article.aspx?articleid=1157484> (accessed January 26, 2016).

<sup>13</sup> Save the Children, World Vision International, and Plan International, "Child Marriage in Nepal: Research Report," 2012, <http://resourcecentre.savethechildren.se/library/child-marriage-nepal-research-report> (accessed December 11, 2015), p. 16-17.



One of the particularly concerning findings of the 2012 report is that when respondents reported their own age of marriage, marriage before the age of 19 was higher among men age 20-24 than among older men, suggesting that marriages of boys may be increasing. For women, while the rate of marriage before the age of 19 was lower among women age 20-24 than for many of the older categories, there were exceptions; women age 25-29 and age 40-44 had married later than women age 20-24.<sup>14</sup>

## Weak Enforcement and a Weak Law

The government needs to be strong. I never heard of a single arrest or of police intervening to prevent a child marriage.

—Primary school principal in Sunsari district.<sup>15</sup>

Child marriage is illegal in Nepal and has been since 1963.<sup>16</sup> The child marriage provisions of Nepal's general code (the Muluki Ain) were amended in 2002 and 2015 and currently set the age of marriage at 20 for women and men.<sup>17</sup>

Arranging a child marriage or marrying a child is a crime punishable by imprisonment and fines; the law does not distinguish between those who arrange marriages (such as parents and other family members or matchmakers) and those who conduct marriages such as religious leaders. The most serious penalty—for the marriage of a girl under the age of ten—is six months' to three years' imprisonment and a fine of up to 10,000 rupees (US\$94).<sup>18</sup> The lowest penalty under the law is a fine of up to 700 rupees (\$6.60) for a person who has finalized arrangements for a child marriage which has not yet taken place.<sup>19</sup> The law does not impose penalties on officials who register child marriages.

The law provides that any marriage arranged or solemnized without the consent of both spouses shall be void.<sup>20</sup> It also provides that if a girl or boy married under the age of 18 and

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<sup>14</sup> Save the Children, World Vision International, and Plan International, "Child Marriage in Nepal: Research Report," 2012, <http://resourcecentre.savethechildren.se/library/child-marriage-nepal-research-report> (accessed December 11, 2015), p. 21.

<sup>15</sup> Human Rights Watch interview with primary school principal, Sunsari district, name withheld, September 17, 2015.

<sup>16</sup> The Muluki Ain [Country Code], pt. 4, chap. 17, no. 2 (1963, amended in 2002 and 2015).

<sup>17</sup> The 2002 law permitted women and men age 18 to 20 to marry with the consent of their guardian, but that exception was removed by a subsequent amendment to the Muluki Ain in 2015.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> The Muluki Ain [Country Code], pt. 4, chap. 17, no. 7 (1963, amended in 2002).

no children have been born from the marriage, she or he may ask to have the marriage declared void when she or he reaches the age of 18.<sup>21</sup>

Despite legal provisions prohibiting child marriage, enforcement of the law is weak, as attested to by the continued prevalence of the practice.

The problem is not just one of enforcement. In a 2007 joint analysis of Nepal's law and approach to child marriage, UNIFEM and the Forum for Women, Law and Development identified a number of gaps in Nepal's legal framework for preventing child marriage. These included: 1) inappropriately low punishments for the crime of child marriage; 2) wide discretionary power for the courts in determining punishment for child marriage; 3) inconsistent definitions of the term "child" across different laws; 4) discriminatory provisions in the Muluki Ain which set punishments differently depending on the gender of the married child; 5) no requirement that those solemnizing marriages determine the ages of the spouses or at least use reasonable efforts to do so; 6) lack of assistance to married children aside from criminal prosecution of those responsible for the marriage; low compensation to victims of child marriage; and 7) an unfairly short statute of limitations permitting prosecution only when cases are brought within three months of the marriage.<sup>22</sup>

### *Dalit and Indigenous Peoples' Rights in Nepal*

Dalit and indigenous communities face severe restrictions and limited access to resources, services, and development, keeping most in severe poverty. As socially and economically excluded and marginalized communities, the rights of these communities are also compromised including their rights to health, education, water and sanitation, security, political representation, and access to decision-making in state and private institutions.<sup>23</sup>

In Nepal, descent-based discrimination has persisted for centuries, with marginalized communities not just denied fair access to resources, but excluded through practices of untouchability and bias. A decade-long Maoist insurgency from 1996 to 2006 sought, in part, to end entrenched feudal practices. After the conflict ended, political parties

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<sup>21</sup> The Muluki Ain [Country Code], pt. 4, chap. 17, no. 2 (1963, amended in 2002 and 2015).

<sup>22</sup> UNIFEM and Forum for Women, Law and Development, "Child Marriage: Legal Responses," 2007, p. 54-56.

<sup>23</sup> For example, see Human Rights Watch, "Ending discrimination based on caste and descent" (written submission to United Nations Human Rights Council), February 22, 2016, UN Doc. A/HRC/31/NGO/140, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/HRC/31/NGO/140](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/31/NGO/140) (accessed April 28, 2016).

committed to reform and an end to discrimination, but years passed without agreement on a new constitution.

Following devastating earthquakes in 2015, on April 25 and May 12, the four main ruling political parties announced that they had broken through a more than six-year deadlock on the formation of a new constitution. The draft constitution, however, was finalized after only one week of public consultation, and failed to address the central concerns of those living in Nepal's southern Terai region, historically the country's most marginalized communities, leading to months of protests and violence there.

The new constitution does, however, provide for quotas to assist Dalit and marginalized groups. Implementing policies to end discrimination, and ensuring that those most in need benefit, still remains a challenge.

## International Context

Globally, there has been increasing attention in recent years to the need to end child marriage. Child marriage, along with female genital mutilation, was the subject of a "Girl Summit" in the United Kingdom in July 2013, and resolutions on child marriage in the United Nations Human Rights Council and the General Assembly helped pave the way for a successful push by activists to make ending child marriage a specific target in the 2016-2030 United Nations Sustainable Development Goals.

Sustainable Development Goal Five, "Achieve gender equality and empower all women and girls," includes nine targets, one of which is, "Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation."<sup>24</sup> The Sustainable Development Goals represent an agreement by all countries to strive to achieve the goals and to make it a priority to do so.

The growing attention to child marriage has been accompanied by greater donor support for work to end child marriage, and a mobilization of aid and civil society organizations working to support this effort. A number of countries with high rates of child marriage, including Nepal, have made commitments to reform. At the 2014 London "Girl Summit," Nepal pledged to strive to end child marriage by 2020 and has subsequently worked to

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<sup>24</sup> United Nations Sustainable Development Goals website, <http://www.un.org/sustainabledevelopment/gender-equality/> (accessed January 26, 2016).

develop a strategy to achieve this goal.<sup>25</sup> This goal was later changed to ending child marriage by 2030.<sup>26</sup>

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<sup>25</sup> Girls Not Brides, “Lessons Learned from Selected National Initiatives to End Child Marriage,” July 2015, <http://www.girlsnotbrides.org/reports-and-publications/lessons-learned-from-selected-national-initiatives-to-end-child-marriage/> (accessed January 26, 2016), p. 5.

<sup>26</sup> UNICEF, “Nepal hosts its first Girl Summit to end Child, Early and Forced Marriage,” March 23, 2016, <http://unicef.org.np/blogs/2016/03/23/nepal-hosts-its-first-girl-summit-to-end-child-early-and-forced-marriage> (accessed March 30, 2016).

## II. Factors Driving Child Marriages

In some cases where a girl is 13, she asks her parents, ‘Will you get me married, or shall I elope?’

—NGO worker, Morang district.<sup>27</sup>

Poverty, lack of access to education, child labor, social pressures, lack of access to family planning information and contraceptive supplies,<sup>28</sup> and harmful practices including dowry and beliefs about menstruation and virginity typically drive child marriage in Nepal. Many people in Nepal draw a distinction between arranged marriages and love marriages, based on whether the spouse is chosen by the parents or by the child or children. When it comes to the effect on the child, however, as well as the factors driving the marriage, this distinction is often irrelevant.

Many of the factors that trigger love marriages also encourage children to agree to or ask for an arranged child marriage. Across dozens of interviews Human Rights Watch conducted with children who had had love marriages, the picture that emerged was one where the impetus to marry was often abuse, poverty, or coercion. Most importantly, children who choose their own spouses typically experience the same harms as children who have arranged or forced marriages.

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<sup>27</sup> Human Rights Watch interview with NGO worker, name withheld, Morang district, September 15, 2015.

<sup>28</sup> While the term “family planning” can also include treatment for infertility treatment, in this report we are using this term to refer to both contraceptive methods and traditional means of spacing children.

## Love Marriages

Human Rights Watch asked many interviewees for their views on the causes of the increased number of love marriages of children. Many blamed modern technology—including mobile phones and Facebook—saying that technology encouraged romantic relationships between children that would not have happened previously. Some saw increased school attendance as giving children more ways to meet potential romantic partners, with love marriages a result.

“Now kids just run away. They don’t stay home. They go to school and fall in love and elope,” said an elderly woman in Gorkha, who had married at age 12. “Kids are very free these days. Before they were obedient to what their parents said.”

Some children told Human Rights Watch they enter into love marriages because they know that their parents will marry them soon anyway, but they prefer to choose their own spouse. These children said, while they may prefer the spouse they chose to one chosen by their parents, their first preference would have been to delay marriage entirely.

“My parents were searching, searching for a groom, and I was in love with someone, so I eloped,” Sunita Lam said. She married at age 16 to a man who was 19 or 20 who she had met over the phone a year earlier when he dialed a wrong number and reached her by accident. “The first time I met him was at our marriage,” she said. Sunita did not tell her family that she was getting married. “They would scold me. My parents wanted me to marry someone they had chosen. There were two or three proposals. My parents liked them, but I didn’t.”

## Poverty and Food Insecurity

We were very poor. We had difficulty finding two meals every day. I was made to work when it was my age to study.

—Ramita T., eloped at age 12.<sup>29</sup>

Many girls interviewed by Human Rights Watch described growing up in poverty so severe that their families sometimes saw child marriage—marrying off their daughters as early as possible—as a means to try to ensure the survival of the rest of the family in the face of

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<sup>29</sup> Human Rights Watch interview with Ramita T., Banke district, September 23, 2015.

hunger. “People have a lot of kids,” an NGO worker in Morang district said. “They think it’s better to get her married, not keep her here and have to feed her.”<sup>30</sup>

“My daughters were okay with getting married because our situation was not good at home,” Rama Bajgain said, discussing why she arranged marriages for her daughters when they were 15 and 16 years old. “They thought they might get a better life with proper food and clothing after marriage. It was not forced marriage. There was no income, only expenditures in the form of four kids. I would work for 12 and a half rupees (US 12 cents) per day. When I fell sick they would all go hungry. Everyone saw what I went through.”

Human Rights Watch interviewed Rama next to the ruins of her house, which she said had taken her 31 years to build; it was destroyed in the April 2015 earthquake. Rama doesn’t think they’ll be able to rebuild it. She and her husband and their two sons are now living in a shed with the family’s buffalo.<sup>31</sup>

Some of the girls interviewed who had entered into love marriages said they had done so as an economic survival strategy.

For some girls, marriage did mean they were more likely to have enough to eat. “Life is better here,” Khushi Sarki said about her in-laws’ house. She is 15 or 16 years old, has been married for five years and has two children. “At my parents’ house, there was not enough food. We were very poor. Here we have some land to cultivate so at least we can eat.”<sup>32</sup>

Although tradition typically dictates that a bride goes to live with her husband and his family, in some situations a child marriage can be a way to bring another wage-earner into the home. Khushbu Kumari married at the age of 13. She is the oldest of six girls. Her father is a rickshaw puller and was struggling to support the family. “My husband’s parents were dead. He came to this village and looked for a wife by himself. My parents said, ‘We are already poor,’ but he said, ‘I will work and give you what I earn’” Khushbu said. Khushbu’s husband works as a laborer; his wages have helped keep the family afloat.<sup>33</sup>

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<sup>30</sup> Human Rights Watch interview with NGO worker, name withheld, Morang district, September 15, 2015.

<sup>31</sup> Human Rights Watch interview with Rama Bajgain, Gorkha district, September 28, 2015.

<sup>32</sup> Human Rights Watch interview with Khushi Sarki, Siraha district, September 18, 2015.

<sup>33</sup> Human Rights Watch interview with Khushbu Kumari, Saptari district, September 17, 2015.

Parents sometimes saw marriage as a way to protect their daughters when illness or other life circumstances threatened the family's financial situation.

"I did not want to get married, but I had to because there was no one to take care of me," Babita Tharu said. "My mother went to live with her second husband and his first wife, so she couldn't keep me along," Babita said. "So my father married me off. We had no food and no proper clothes to wear." Babita married at age 13 to a man who was about 19. He and his parents are abusive to her.<sup>34</sup>

Even love marriages are sometimes prompted by a parent's illness. "My father-in-law was sick—that's why he wanted to get his son married as soon as possible," said Sarala Pariyar, who was about 16 and in class eight when she married a boy she had met through her sister. The couple eloped after Sarala's parents refused to let her marry.<sup>35</sup>

## Lack of Access to Education

"I didn't want to get married—I wept a lot when my father said I was getting married. But there was no education. My father had a lot of goats and those goats were our only education."

—Rama Bajgain, married at age 16.<sup>36</sup>

Research in 18 of the 20 countries with the highest rates of child marriage has shown that a girl's level of education is the strongest predictor of her age of marriage.<sup>37</sup> Around the world, girls with more education are less likely to marry as children; for example, girls with secondary schooling are up to six times less likely to marry as children than girls with little or no education.<sup>38</sup>

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<sup>34</sup> Human Rights Watch interview with Babita Tharu, Kailali district, September 24, 2015.

<sup>35</sup> Human Rights Watch interview with Sarala Pariyar, Gorkha district, September 29, 2015.

<sup>36</sup> Human Rights Watch interview with Rama Bajgain, Gorkha district, September 28, 2015.

<sup>37</sup> International Center for Research on Women, "Factsheet: Child Marriage and Education," 2006, [www.icrw.org/files/images/Child-Marriage-Fact-Sheet-Education.pdf](http://www.icrw.org/files/images/Child-Marriage-Fact-Sheet-Education.pdf) (accessed January 27, 2016).

<sup>38</sup> International Center for Research on Women, "Factsheet: Child Marriage and Education," 2006, [www.icrw.org/files/images/Child-Marriage-Fact-Sheet-Education.pdf](http://www.icrw.org/files/images/Child-Marriage-Fact-Sheet-Education.pdf) (accessed January 27, 2016).



Nepal has historically had low rates of education and literacy. The government says that 44 percent of women and 23 percent of men never attended school.<sup>39</sup> Fifty-six percent of women and 28 percent of men lack the education to read a simple sentence, according to the government.<sup>40</sup>

The situation is improving, but for children growing up today access to education remains limited. Although Nepal's constitution states that "Every citizen shall have the right to get compulsory and free education up to the basic level and free education up to the secondary level from the State," there are no effective mechanisms to compel children to attend school. According to one set of Nepali government data, over 95 percent of children enroll in primary school, but in another set of data from 2010/2011, the enrollment level is significantly lower at 78 percent.<sup>41</sup> Government data indicates that 70 percent of children who enroll in school complete primary education, and 60 percent of children attend secondary school.<sup>42</sup> Poorer children were more likely to be deprived of education, with 76 percent enrollment in the poorest quintile versus 83 percent in the richest.<sup>43</sup> Children in the Terai (72 percent enrollment) were more disadvantaged than children in the mountains (88 percent) and hills (85 percent).<sup>44</sup>

The World Bank raised some doubts about the accuracy of government data in its 2015 review of the government's education reform program, writing, "Verification of the current system suggests irregularities in reporting data...the incentive to over-report enrollment data has increased with the introduction of per capita financing."<sup>45</sup>

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<sup>39</sup> Ministry of Education and UNESCO, "Education for All: National Review Report, 2001-2015," July 2015, <http://unesdoc.unesco.org/images/0023/002327/232769E.pdf> (accessed March 22, 2016), p. 6.

<sup>40</sup> Ministry of Education and UNESCO, "Education for All: National Review Report, 2001-2015," July 2015, <http://unesdoc.unesco.org/images/0023/002327/232769E.pdf> (accessed March 22, 2016), p. 6.

<sup>41</sup> Ministry of Education and UNESCO, "Education for All: National Review Report, 2001-2015," July 2015, <http://unesdoc.unesco.org/images/0023/002327/232769E.pdf> (accessed March 22, 2016), p. 23.

<sup>42</sup> UNESCO Institute of Statistics, "Country Profiles: Nepal," <http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=NPL&regioncode=40535> (accessed March 24, 2016).

<sup>43</sup> Ministry of Education and UNESCO, "Education for All: National Review Report, 2001-2015," July 2015, <http://unesdoc.unesco.org/images/0023/002327/232769E.pdf> (accessed March 22, 2016), p. 23.

<sup>44</sup> Ministry of Education and UNESCO, "Education for All: National Review Report, 2001-2015," July 2015, <http://unesdoc.unesco.org/images/0023/002327/232769E.pdf> (accessed March 22, 2016), p. 23.

<sup>45</sup> World Bank, "Nepal-Education for All Project abstract," December 22, 2015, <http://documents.worldbank.org/curated/en/2016/02/25804387/nepal-education-all-project> (accessed March 24, 2016).

Many married girls described the connection between leaving school and getting married. “I had stopped going to school and was just staying at home,” Sitara Thapa, who had an arranged marriage at age 15 said. “So my parents thought why have her just stay home, and married me off. I didn’t want to get married.”<sup>46</sup>

Girls who had love marriages also often pointed to lack of access to education as a cause of their decision to marry early. “If I had studied I would have known better—I would have known about marriage and everything,” said Kamal Kumari Pariyar, who was forced to leave school at age 10 to become a domestic worker and then eloped at age 13.<sup>47</sup> A large proportion of the married girls interviewed for this report had little or no education. The most common reason for not attending school was that poverty had forced them to work instead. Other reasons that interviewees gave for girls not going to school included discrimination against girls within both families and schools, poor quality education in government schools, corporal punishment in schools, costs associated with education, and lack of water and sanitation facilities in schools.

### *Poor Quality Education and the Impact of Gender Discrimination*

Many parents cited what they saw as poor quality of education in government schools as a reason that they—or their children—had not attended. The perception that government schools do not deliver adequate education drove some parents to make great efforts to try to pay for their children to attend private school instead, particularly in favor of boys.

“Children don’t actually learn anything in government school,” said Sitara Thapa, who left school at 13 and married at 15, explaining why she and her husband, who works as a cook in India, are struggling to raise the money to send their young daughter to private school.<sup>48</sup>

The government’s own assessment supports this view. In 2015, the Ministry of Education wrote that “key quality concerns” included “poor infrastructure, poor and unprofessional management, lack of learning, resources (even textbooks are not available on time), diversity of student background in terms of culture, language, economic conditions, discriminatory social contexts in terms of caste and ethnicity, and most importantly lack of

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<sup>46</sup> Human Rights Watch interview with Sitara Thapa, Gorkha district, September 28, 2015.

<sup>47</sup> Human Rights Watch interview with Kamala Kumari Pariyar, Nawalparasi district, September 21, 2015.

<sup>48</sup> Human Rights Watch interview with Sitara Thapa, Gorkha district, September 28, 2015.

child friendly environment... [S]erious problems and challenges stand in the form of grade repetition, drop out, cycle completion, and learning achievement.”<sup>49</sup>

A number of the married girls interviewed by Human Rights Watch said that they had attended school briefly—sometimes for as little as one day—and then left because they had been hit and beaten with sticks by teachers.

Parvati Satar said she went to school for only two or three days. “My teacher beat me, so I ran away,” she said. “I never went back. My dad used to say, ‘Go to school, go to school.’ But I never went. My dad beat me, but even then I didn’t go.”<sup>50</sup>

Discrimination against girls means that often boys have more access to education than girls. “Only my brothers went to school,” said Sapana K., who married at age 10 or 11. “I never went to school—not for one day. My family was poor so I had to look after the home.”<sup>51</sup>

Gender discrimination also means that when girls have access to education, it is often of poorer quality than that provided to boys. “My brother studied in private school. Me and my sister went to government school, because of discrimination between sons and daughters,” Shabnam Poudel, who had a forced marriage at age 18, said.<sup>52</sup>

A headmaster of a government school in Sindhupalchuk said that girls outnumbered boys in his school significantly, with girls making up 58 percent of the students from nursery to class ten. He explained, however, that this should not be seen as a mark of progress for girls, but actually the opposite. “It is our tradition to give more importance to boys, so they go to private school and to Kathmandu to study,” he said. “So it’s the girls who are left in the local government school.”

The government’s failure to provide good quality public education for all children, and the resulting desire by parents to try to send their children to private school even if doing so is

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<sup>49</sup> Ministry of Education and UNESCO, “Education for All: National Review Report, 2001-2015,” July 2015, <http://unesdoc.unesco.org/images/0023/002327/232769E.pdf> (accessed March 22, 2016), p. 45.

<sup>50</sup> Human Rights Watch interview with Parvati Satar, Siraha district, September 18, 2015.

<sup>51</sup> Human Rights Watch interview with Sapana K., Saptari district, September 18, 2015.

<sup>52</sup> Human Rights Watch interview with Shabnam Poudel, Gorkha district, September 28, 2015.

beyond their financial means, exacerbates disparities between the quality of education received by girls and boys.

There was some optimism that these disparities are declining over time. The principal of a private primary school in Sunsari district said that in the ten years that his school had operated, the number of girls attending had increased over time from zero to currently 40 percent of the student body. “People thought spending money on girls’ education is spending money on nothing,” he said. “But slowly people are becoming aware of girls’ value and the value of education for girls.”

### *Costs Associated with Government Schooling*

Some families also struggled to meet costs associated with sending a child to a government school, in spite of the fact that under government law and policy, as well as international law, primary education is meant to be free.

“My father stopped my schooling because he could not afford my fees, stationery, and uniform,” Kalika Majhgainya, age 16, who studied to class 6, said. She said she asked her father not to get her married and offered to stay at home and work if she could not go to school, but he refused. She married at age 14.<sup>53</sup>

“The school asks for money for everything—for enrolment, for stationery,” said Antara Chamar, who decided not to send her seven children to school. “There is no facility in the school, no education, no clothes, so no incentive to go.”<sup>54</sup>

### *Managing Menstrual Hygiene*

When girls do attend school, they are at increased risk of dropping out as they reach adolescence. One reason for this may be stigma attached to menstruation, and a lack of water and sanitation facilities at schools that would make it easier for girls manage their hygiene during menstruation without missing school days. Research suggests that in some areas up to thirty percent of girls in Nepal do not attend school during their menstrual periods, creating major and repeated gaps in their attendance and making them more

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<sup>53</sup> Human Rights Watch interview with Kalika Majhgainya, Banke district, September 23, 2015.

<sup>54</sup> Human Rights Watch interview with Antara Chamar, Bara district, September 19, 2015.

likely to leave school entirely.<sup>55</sup> Only 36 percent of schools in Nepal have separate toilets for girls.<sup>56</sup>

“The government should build toilets in schools,” said Chandni Rai, age 19. “We had a toilet, but it was not good. If there are proper toilets, girls will feel better when they are on their periods and have to change their pads. Many girls stay home during their periods. They were marked absent and wouldn’t be able to learn. They couldn’t catch up because the course would have moved on. They would try to sit with their friends and catch up, but the teacher wouldn’t repeat [information]. Some of them left school because of this. Some got married then, some did not.”<sup>57</sup>

Nepal also has harmful practices associated with menstruation that contribute to pushing girls out of school. Traditionally, girls and women during menstruation are considered unclean and are forbidden from touching or mingling with other people. In some communities in the far- and mid-western regions of the country, a more extreme version of this exclusionary tradition is practiced. As many as 95 percent of families in these regions practice *chaupadi*, where women and girls are confined to a shed during menstruation. In addition to often being banned from the home entirely, women and girls in families that practice *chaupadi* face many other restrictions during menstruation, sometimes including being barred from school. Even when not barred, girls often face social and family pressures to stay home during menstruation.<sup>58</sup>

## Child Labor

The most common reason married children gave for having not attended school was that they had to work instead. “Parents ask their kids to go and earn rather than study,” a NGO worker in Kailali said.<sup>59</sup>

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<sup>55</sup> Her Turn, “Menstruation and Sanitation in Schools,” 2014, <http://www.her-turn.org/wp-content/uploads/2014/11/3-infographic-toilet.png> (accessed March 23, 2016). Another study in Chitwan district analyzed links between menstruation and school attendance and found a much lower correlation. Emily Oster and Rebecca Thornton, “Menstruation, Sanitary Products and School Attendance: Evidence from a Randomized Evaluation,” *American Economic Journal: Applied Economics*, April 27, 2010, <http://faculty.chicagobooth.edu/emily.oster/papers/menseduc.pdf> (accessed April 14, 2016).

<sup>56</sup> Her Turn, “Menstruation and Sanitation in Schools,” 2014, <http://www.her-turn.org/wp-content/uploads/2014/11/3-infographic-toilet.png> (accessed March 23, 2016).

<sup>57</sup> Human Rights Watch interview with Chandni Rai, Gorkha district, September 28, 2015.

<sup>58</sup> Hannah Robinson, “Chaupadi: The affliction of menses in Nepal,” *International Journal of Women’s Dermatology*, December 2015, <http://www.sciencedirect.com/science/article/pii/S2352647515000623> (accessed March 23, 2016).

<sup>59</sup> Human Rights Watch interview with activist, name withheld, Kailali district, September 24, 2015.

Child labor is common in Nepal, with about 40 percent of children working, the great majority in rural areas.<sup>60</sup> While not all work by older children is harmful or illegal, in Nepal two-thirds of working children are below the age of 14, and half of working children are in occupations likely to interfere with their education or be harmful to them.<sup>61</sup> Girls are more likely to work than boys (48 percent versus 36 percent) and 60 percent of children in hazardous work are girls.<sup>62</sup>

“I could have gone to school and understood [the lessons] if I wasn’t so tired from working,” Lalita Thapa, age 17, said. She married at age 15 or 16, and left school at age 14. “When you’re a girl, you have to work. I started working at age 12.”<sup>63</sup>

Many girls were kept at home to do housework and look after siblings.

“I was a good student—I never failed in class,” said Sovita Pariyar, age 17, who left school when she was in class 5. “But I couldn’t continue as my mother was ill and my sisters were married. I had the responsibility of the house.” Sovita never returned to school and she eloped when she was about 15 years old and was eight months pregnant at the time of the interview. “I feel sad when I see children going to school,” she said. “I wish I could go to school.”<sup>64</sup>

Other girls were sent out to do agricultural work for often little pay from young ages. Some were only paid in crops. “I had to work from quite young as a farm hand—from age six or seven,” Khushi Sarki, who never went to school and married at age 10 or 11, said. “I was paid in rice—one day [of work] for one kilogram of rice.”<sup>65</sup>

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<sup>60</sup> International Labor Organization, “Ending Child Labor in Nepal: Facts, figures, commitments and action,” undated (but cites 2010 sources), [www.ilo.org/wcmsp5/groups/public/@asia/@ro.../wcms\\_182777.pdf](http://www.ilo.org/wcmsp5/groups/public/@asia/@ro.../wcms_182777.pdf) (accessed December 18, 2015), p.1. Child labor in Nepal includes bonded labor, which persists in spite of having been outlawed. For girls, this takes forms including the exploitation of so-called “kamlaris” who are forced to work as domestic workers. Subina Shrestha, “Nepal’s slave girls,” Al Jazeera 101 East, September 28, 2013, <http://www.aljazeera.com/programmes/101east/2013/09/20139249536331927.html> (accessed April 15, 2016).

<sup>61</sup> International Labour Organization, “Ending Child Labor in Nepal: Facts, figures, commitments and action,” undated (but cites 2010 sources), [www.ilo.org/wcmsp5/groups/public/@asia/@ro.../wcms\\_182777.pdf](http://www.ilo.org/wcmsp5/groups/public/@asia/@ro.../wcms_182777.pdf) (accessed December 18, 2015), p.1.

<sup>62</sup> International Labour Organization, “Ending Child Labor in Nepal: Facts, figures, commitments and action,” undated (but cites 2010 sources), [www.ilo.org/wcmsp5/groups/public/@asia/@ro.../wcms\\_182777.pdf](http://www.ilo.org/wcmsp5/groups/public/@asia/@ro.../wcms_182777.pdf) (accessed December 18, 2015), p.1.

<sup>63</sup> Human Rights Watch interview with Lalita Thapa, Gorkha district, September 28, 2015.

<sup>64</sup> Human Rights Watch interview with Sovita Pariyar, Chitwan district, September 20, 2015.

<sup>65</sup> Human Rights Watch interview with Khushi Sarki, Siraha district, September 18, 2015.

Other children were sent to be domestic workers, sometimes far from home. "We were so poor I worked as a servant just to feed myself," said Babita T., who married at age 11. "I started working when I was eight or nine. I looked after a baby. [My employers] said I could go to school too. But when I got there they never sent me." Babita earned 400 rupees (US \$3.77) a month, which she gave to her father, who did not work.<sup>66</sup>

A daughter-in-law is often seen as a free domestic worker, and with depressing frequency girls who said they had entered love marriages described their husband's parents urging their son to secure a bride to do the work in the home. Women and girls often bear all or most of the responsibility for domestic labor in the household, including cooking, cleaning, caregiving, fetching water, washing clothes, and other work that is typically time-consuming, unpaid, and undervalued. Domestic work can be particularly backbreaking in rural areas with few facilities, such as running water. In many Nepali families, the brunt of domestic work customarily falls to young daughters-in-law.

"I used to go to my father-in-law's house to cook for them, because they had no one to help them," said Rita Tharu, age 17, who eloped at age 16, with a man who was 21 years old. "When I came back, my father said, 'I won't let you go there again,' so I had to run away. My mother-in-law used to go and work in the daytime, and my husband only had a younger brother, so my husband's family was looking for a daughter-in-law. I eloped and he brought me to his house. I was in class five, but I left because I got married—I had to work in the house."<sup>67</sup>

For some girls, their family's livelihood was produced in the home and they participated from a young age.

Rojina Chamar said she started helping to weave baskets when she was three or four years old. "Within two or three years, we are handed the knives to start working," she said. She grew up as one of eight children in a family of basket weavers. She doesn't know when she married, but her *gauna* [a ritual marking the moment when a girl goes to live with her husband] was when she was nine or ten years old. She said: "They never sent me to

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<sup>66</sup> Human Rights Watch interview with Babita T., Banke district, September 23, 2015.

<sup>67</sup> Human Rights Watch interview with Rita Tharu, Kailali district, September 24, 2015.

school. They tossed me this bamboo weaving and we were poor, so I learned this rather than going to school.”<sup>68</sup>

Children who were orphaned or abandoned by their parents were especially likely to have to work from an early age. Nikita B. began working as a domestic worker at age eight, after her mother died and her father remarried, leaving Nikita to care for her two younger brothers. “I was paid 500 rupees (\$4.72) per month,” Nikita said. “My father took that. I took my brothers wherever I worked.” Nikita never attended school. When she was 13, her maternal aunt arranged a marriage for her to a man about ten years older than her.<sup>69</sup>

For some girls Human Rights Watch interviewed, marriage seemed like the best option to escape harmful labor. “My father used to drink a lot and used to tell me to go and work in bad places and I used to refuse because it was dangerous and I could be raped,” Kamala Kumari Pariyar said. Her parents forced her to leave school and work as a domestic worker at age 10. At age 13 she eloped.<sup>70</sup>

## Social Pressures and Harmful Practices

My parents were afraid I would run away—or that people would talk and say ‘She’s grown up.’ Parents think if girls grow up [without getting married] they run away or get pregnant. If parents are educated and girls are also educated, it will help in this matter.<sup>71</sup>

—Binita Khan, who married after her first menstrual period.

Discriminatory gender roles and social pressures drive child marriage and are an obstacle to ending it. Tradition usually dictates that boys remain with—and financially support—their parents, while girls who marry join their husbands’ family. This tradition encourages families to prioritize education, support, even food, for sons over daughters, and even to try to avoid having daughters.

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<sup>68</sup> Human Rights Watch interview with Rojina Chamar, Bara district, September 19, 2015.

<sup>69</sup> Human Rights Watch interview with Nikita B., Chitwan province, September 20, 2015.

<sup>70</sup> Human Rights Watch interview with Kamala Kumari Pariyar, Nawalparasi district, September 21, 2015.

<sup>71</sup> Human Rights Watch interview with Binita Khan, Saptari district, September 18, 2015.



## *Marriage Immediately or Soon After Puberty*

As soon as a girl grows up, she has to be married off—as soon as she has her period.

—Sarika Khatun, who had an arranged marriage after her fourth or fifth menstrual period.<sup>72</sup>

There is a perception in some families and some communities that the onset of puberty means that it is time for a girl to marry and many girls are married soon after they begin menstruation. Often, parents see marriage as a way to prevent risks they associate with the onset of their daughter's puberty, for example that she will form a romantic relationship, have sex, become pregnant, or elope. "In my society if a girl is young, people think she might elope or do something wrong, so she should get married," said Jyoti Atri, who had an arranged marriage at age 17.

Sometimes the choice of a child bride is explicitly about ensuring virginity of the bride.<sup>73</sup> Rekha Kamat accepted a proposal from a 25-year-old neighbor to marry her 14-year-old daughter. "He said his parents were pressuring him to marry and had even found some girls," Rekha said. "But they were older and might have had an affair or even been engaged before or had an abortion. So he wanted a younger girl. We got her married because it would be easier for her future—so she wouldn't have any affair or elope. I'm satisfied that I managed to prevent her from having an affair."<sup>74</sup>

The stigma attached to premarital romances is accompanied by even deeper stigma regarding premarital sex. In this environment, unmarried girls and boys have great difficulty obtaining the information and contraception they need to prevent pregnancy, and when girls become pregnant, they often feel they have no choice but to marry immediately.

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<sup>72</sup> Human Rights Watch interview with Sarika Khatun, Saptari district, September 19, 2015.

<sup>73</sup> Beliefs about the value of a child bride, the importance of virginity, and the significance of menstruation are for many Nepalis connected with the national worship of the Kumari. Nepal at any time has a handful of prepubescent girls who have been chosen through an elaborate process to be a Kumari, a "living goddess" who is worshipped, believed to possess special powers, and live a life characterized by both ritual and restriction (for example, the Kumari can leave her home only for religious festivals and when she does so she must be carried at all times). These girls lose their position as a Kumari immediately upon the onset of menstruation, when they are replaced by a new girl. For example, see Sonia Narang, "Nepal's living goddess who still has to do homework," BBC Magazine, June 18, 2014, <http://www.bbc.co.uk/news/magazine-27885141> (accessed March 23, 2016).

<sup>74</sup> Human Rights Watch interview with Rekha Kamat, Gorkha district, September 29, 2015.

Ritu Malik had a love marriage with a classmate when she was 15 years old and three months pregnant. “I hadn’t even thought about marriage—I got married because I was pregnant. I had studied a unit in school on family planning, but I had no idea how to do it. We were taken to the hospital for a demonstration [of family planning] but I didn’t go because I felt ashamed. If I could have avoided getting pregnant, I would still be studying.”<sup>75</sup>

So urgent is the rush to marry in the event of a suspected pregnancy, that a couple may not even take the time to confirm it. Purushottam N., age 18 or 19, had eloped a year earlier with a girl who was 15. “There were rumors in the village and it could be a problem for the girl’s family,” he said. “The girl said to me that she was pregnant—it was a lie. So we had to run away. Four or five days after we ran away I knew she wasn’t pregnant. I didn’t want to get married, but the conditions made me.”<sup>76</sup>

Young people also sometimes see early marriage as a necessary—and desirable—step to allow them to deal with sexual urges. “People listen to their friends and run away,” said Rita Pariyar, whose parents agreed to her marriage at age 17 to a boy that she had chosen herself. “Friends say, ‘If you marry you can run away and have sex with your husband and it’s so good.’”<sup>77</sup>

Beliefs about the “right” age to marry can also affect boys. Naveen A. married at age 13 to a bride about a year younger. “I did not want to get married and I told them that, but they got me married,” he said. “It’s like this in our community. I was the only son and my parents were getting old. They said they wouldn’t want to die without seeing their daughter-in-law.”<sup>78</sup>

Beliefs about the impact of puberty on a girl’s behavior and a view that marriage is a way to prevent girls from bringing shame to their family are sometimes mixed with religious beliefs.

“Older people think they will go to heaven when young people get married,” said Ramila Kumari, who married at about age 12 to a man who was 22. “My grandmother’s wish was to

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<sup>75</sup> Human Rights Watch interview with Ritu Malik, Gorkha district, September 29, 2015.

<sup>76</sup> Human Rights Watch interview with Purushottam N., Banke district, September 23, 2015.

<sup>77</sup> Human Rights Watch interview with Rita Pariyar, Chitwan district, September 20, 2015.

<sup>78</sup> Human Rights Watch interview with Naveen A., Rupandehi district, September 22, 2015.

see her oldest grandchild married before she died. She thought she would die [soon]. My grandmother really forced my parents to get me married.”<sup>79</sup>

Even adults who said that they opposed child marriage often meant only the marriage of young children, and advocated that girls be allowed to marry well below age 18. A community leader who proudly described his work to try to prevent child marriage told Human Rights Watch, “I personally tell every village that to marry at age 12 to 14 is child marriage. It’s okay to marry at 15—you are no longer a child then. The right age of marriage is 20 for boys and 15 for girls.”<sup>80</sup>

### *Marriage Before Puberty*

My parents kept telling me I was married—and also to be careful because I was married. They meant to warn me not to like other boys.

—Pinky Kumari, married at age three or four years old.<sup>81</sup>

Some children in Nepal are married when they are still small children. These marriages may be motivated by a desire to avoid dowry, a fear that it may be difficult to find a husband for a daughter later on, or by social pressures in communities where this practice is common.<sup>82</sup> While we encountered only a few of these cases in our research, they were some of the most shocking examples of how harmful practices relating to marriage can rob children not only of their freedom and safety from early adolescence on, but also throughout their entire childhood.

“I don’t even remember when I was married,” said Kanchan Kumari. She is 15 or 16 years old now, and married at age three or four. She came to live with her husband after a *gauna* when she was nine or ten years old, and has two children and was seven months pregnant with a third at the time of the interview.<sup>83</sup>

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<sup>79</sup> Human Rights Watch interview with Ramila Kumari, Sunsari district, September 17, 2015.

<sup>80</sup> Human Rights Watch interview with political party district leader, name withheld, Morang district, September 16, 2015.

<sup>81</sup> Human Rights Watch interview with Pinky Kumari, Bara district, September 19, 2015.

<sup>82</sup> IRIN News, “Child marriage still common in rural southwest,” October 19, 2006, <http://www.irinnews.org/report/61758/nepal-child-marriage-still-common-rural-southwest> (accessed June 28, 2016).

<sup>83</sup> Human Rights Watch interview with Kanchan Kumari, Bara district, September 19, 2015.

“My mother told me I was crying a lot at my bride’s house [the day of my wedding],” Narendra Chamar said. “People brought me to [my mother to] breastfeed and then took me back to get married.” Narendra was one and half years old at the time of his wedding and his wife was six months old. “It’s a tradition in this caste to get married very early,” he said. Narendra said he was ten years old before he understood he was married. When he was 16, his bride came to live with him and they met for the first time since the wedding. “I was scared,” he said. “The bride came in, and I ran away to Delhi for three or four months. But then family and friends said, ‘You are married. You can’t get another wife. You have to come back.’ So I did.”<sup>84</sup>

Sometimes the same rationale that is used to justify marrying a girl as soon as she reaches puberty—that she might have a relationship or elope—is used to justify marriages of girls approaching puberty. “Whoever has a daughter in their house has to worry,” said Kamlesh Devi Sarki, whose parents arranged a marriage for her almost two years before she began menstruating. “Parents are afraid that she would run away with a guy.”<sup>85</sup>

Although children who are married early often do not begin living together until the bride has commenced menstruation, the fact that they are married typically casts a shadow over their entire childhood. “My parents kept telling me I was already married, so it stuck in my head,” Sushma Devi C. who married when she was four years old said.

In some communities, families believe that there are spiritual benefits to marrying girls before they reach puberty.<sup>86</sup> “In my culture, there is a norm that if you get married before you get your period, you will go to heaven,” said Pramila Pandey, whose marriage at age 14 was arranged by her parents.<sup>87</sup> “I married at age 13 because it’s a tradition in my caste—giving away a virginal girl,” said Ranjita Bishwokarma, who began menstruating a year

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<sup>84</sup> Human Rights Watch interview with Narendra Chamar, Saptari district, September 18, 2015.

<sup>85</sup> Human Rights Watch interview with Kamlesh Devi Sarki, Siraha district, September 19, 2015.

<sup>86</sup> The origin of this belief is a Hindu practice known as kanyadan, also referred to as “gift of a maiden,” which involves giving a girl in marriage prior to puberty to ensure her “purity.” While the practice is dying out, it was earlier seen as one of the highest religious duties parents could perform, and one that would secure them a place in heaven. E.g. Nelly P. Stromquist, “Women in the Third World: An Encyclopedia of Contemporary Issues,” Routledge, 1998. In an effort to disabuse people of this belief, religious leaders worked with UNICEF and UNFPA through the National Inter Religious Network to prepare a video of religious leaders of all of Nepal’s major faiths explaining why child marriage is counter to religious tenets. UNICEF Nepal, “PSA with religious leaders on child marriage,” YouTube, September 16, 2013, [https://www.youtube.com/watch?v=KNVKzU\\_h94c](https://www.youtube.com/watch?v=KNVKzU_h94c) (accessed March 23, 2016).

<sup>87</sup> Human Rights Watch interview with Pramila Pandey, Rupandehi district, September 22, 2015.

after her marriage. “Then [my father] becomes eligible for heaven. He has to do this with all of his daughters.”<sup>88</sup>

The social pressure in communities where early marriage is practiced means that girls sometimes believe that early marriages are to their benefit.

Antara Chamar, age 45, is the mother of 7 children, ranging in age from 10 to 28 years old. She married off all of her children at ages ranging from 2 to 5 years old, as was normal in her community. She says these early marriages were stopped, however, starting about five years ago. “We have a committee that has prohibited us from getting married early—they issued an order,” she said. “A journalist came and got some people arrested for child marriage. Now they get married at 28 or 30 years old.” Antara welcomes the change. “My kids got married early, but my grandkids will not get married early,” she said. “One of my daughters got married and her husband left her. If they were older, they could talk and solve problems.”<sup>89</sup>

A health worker in Sarlahi district said that early marriages had been a regular practice in the community his hospital serves, but they were becoming less common. “People are still getting married very young, but even for them it has changed. They used to get married at birth or just after. Now it is a bit later—but still too early.”<sup>90</sup>

### *Quashing Rumors and Gossip*

Stigma regarding pre-marital sex in Nepal, especially for girls, means that families can be deeply invested in controlling girls’ sexuality, and rumors can have enormous destructive power in shaping a girl’s future.

A number of girls who had love marriages described the impact of rumors and gossip on their choice to marry. “My mother-in-law spread rumors about me. She wanted someone to work in the house. I refused my husband’s advances, so she thought by spreading rumors, I’d be forced to marry him,” said Rajita T., who had what she described as a love marriage when she was 12 or 13 and her husband was about 18 years old. Rajita said that her

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<sup>88</sup> Human Rights Watch interview with Ranjita Bishwokarma, Rupandehi district, September 22, 2015.

<sup>89</sup> Human Rights Watch interview with Antara Chamar, Bara district, September 19, 2015.

<sup>90</sup> Human Rights Watch interview with health assistant, name withheld, Sarlahi district, September 19, 2015.

marriage has been difficult and her mother-in-law abusive. “I would not have married him at any cost ever if that rumor had not spread,” she said.<sup>91</sup>

Even a friendship between a girl and a boy can lead to gossip and abuse. Sanjita Pariyar was friends with a boy a year older than her. She is high caste and he is lower caste. “The teachers would call me out of class and say, ‘He’s lower caste—you shouldn’t talk with him or be seen with him.’ They used to beat me with sticks and pull me out of morning assembly and beat me in front of my friends. They said, ‘We’re doing it for her own good because she’s going around with a lower class boy.’” Sanjita said that when this abuse started, she and the boy were only friends, but over time they became romantically involved and decided they needed to elope. “My future changed because of these teachers. I don’t wish this on anyone else.” Sanjita was 15 when she married and said if she hadn’t felt pressured to marry and harassed in school, she would have waited to marry until after she had completed all of her studies and become financially independent—and she suspects she would have married someone else she met in the course of her studies, not her present husband.<sup>92</sup>

Many young people described carrying on relationships secretly, but when others become aware of, suspect, or even spread false rumors of a relationship, young people sometimes feel they have no choice but to swiftly marry.

Parbati Rai struck up a gradual romance with the pastor of a church she attended where she also did volunteer work. “I used to come and help out and slowly he started liking me and the way I worked,” she said about her husband. Parbati was 17 and her husband 22 at the time of marriage. “We were not actually prepared to get married then,” Parbati said. “But I was visiting this place frequently and rumors were starting and my brother said we should get married.”<sup>93</sup>

The ease with which rumors spread, and the harm they can do, especially to a girl’s reputation, mean that gossip can easily be deployed maliciously. In some cases, even mistaken rumors prompted a rushed marriage. “There was a lot of gossip of an affair that I

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<sup>91</sup> Human Rights Watch interview with Rajita T., Kailali district, September 24, 2015.

<sup>92</sup> Human Rights Watch interview with Sanjita Pariyar, Gorkha district, September 29, 2015.

<sup>93</sup> Human Rights Watch interview with Parbati Rai, Gorkha district, September 28, 2015.

was not having,” said Aarati BK, age 18, who married at age 16. “I was angry. I was angry with everyone.” While battling false rumors, Aarati met a boy she liked. “As soon as I met this guy, I ran away. We got married two days after we met. I eloped to his home.”<sup>94</sup>

### *Caste and Child marriage*

Nepal’s entrenched caste system and discriminatory attitudes based on caste have a significant impact on marriage decisions, including situations where parents cite the necessity of finding a husband of a desirable caste as a justification for a child marriage. “My daughter was 14 years old, and had started going out with friends and some of the friends had boyfriends and some were lower caste boys,” said Rekha Kamat, who arranged for her daughter, at age 14, to marry a 25-year-old neighbor. “I was afraid she would also go out with a lower caste boy and we are high caste and I can’t allow that. So when this proposal came and this boy is high caste and lives nearby, I thought it’s good—she can be safely married, and I can always have my daughter in front of my eyes.”<sup>95</sup>

Some interviewees said the increase in love marriages among children related to growing numbers of relationships between young people of different castes, with children eloping due to their parents’ caste-based opposition to the relationship. Others cited a preference by parents in some areas for their children to marry a spouse from a different village, which leads them to oppose relationships with neighbors or classmates. They said children sometimes eloped in response to this opposition.<sup>96</sup>

### *Exchange Marriages*

In some communities, in both mountainous and plains regions of Nepal, child marriages occasionally happen through what are known as “exchange marriages” where a boy and girl from one family marry a boy and girl from another family.<sup>97</sup>

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<sup>94</sup> Human Rights Watch interview with Aarati BK, Chitwan district, September 20, 2015.

<sup>95</sup> Human Rights Watch interview with Rekha Kamat, Gorkha district, September 29, 2015.

<sup>96</sup> Human Rights Watch interview with FCHV worker, name withheld, Rupandehi district, September 22, 2015.

<sup>97</sup> Marriage practices in Nepal also, in some communities, include kidnapping of brides, and the practice of one girl or woman marrying two brothers. AFP, “Kidnapped at 13: Nepal’s Dalit child brides,” February 4, 2015, <http://www.dailymail.co.uk/wires/afp/article-2938991/Kidnapped-13-Nepals-Dalit-child-brides.html> (accessed April 15, 2016); AFP, “Brothers sharing a wife aids survival in Nepalese villages,” September 28, 2012, <http://www.scmp.com/news/asia/article/1048903/brothers-sharing-wife-aids-survival-nepalese-villages> (accessed April 15, 2016). Polygamy also continues to occur in Nepal. Himalayan Times, “Kathmandu sees rise in polygamy cases,” August 22, 2015, <https://thehimalayantimes.com/kathmandu/kathmandu-sees-rise-in-polygamy-cases/> (accessed April 20, 2016).

“I was exchanged,” said Babita Tharu, who married at age 11 to a man about 8 years older than her. “That means my brother married a girl from this village and I married my brother’s wife’s brother.... Because we were so poor, no one would give their hand to us. Because we were so poor we couldn’t pay for any wedding party or anything.”<sup>98</sup>

## Escaping Deprivation or Abuse at Home

Some girls entered into child marriages as a means to escape an abusive home. “My dad used to drink a lot. He didn’t own anything and we didn’t have enough to eat, so I had to run away,” said Priyanka Tharu, who eloped at age 14.<sup>99</sup>

“All my troubles started after my mother remarried,” Ramita T. said, explaining why she had a love marriage when she was 12 and her husband was 15. “I would not have married early [otherwise]. My stepfather used to beat me often.”<sup>100</sup>

Parents sometimes abused girls specifically in response to the girl having a romantic relationship—often causing her to flee. “My parents would shout and scream at me about this relationship, because he was lower caste. They used to beat me as well to try to get me to give him up. They beat me more times than I can count,” Rita Malik said. “He lived nearby. Everyone knew about it, and they told my parents,” she said. The couple eloped to Kathmandu when Ritu was 15. “If my parents hadn’t scolded and beaten me so much, I could still be home studying.”<sup>101</sup>

Several girls said their marriages were prompted by their having been abused for attending school instead of working in order to contribute to the family income. “When I used to come back from school I had to work every day. And every day my mother was drinking and would say, ‘Everyone’s daughters are working but you just go to school and don’t work.’ And she would scold so there was a lot of tension,” said Sharmila Bote, who eloped at age 16 with her next-door neighbor.<sup>102</sup>

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<sup>98</sup> Human Rights Watch interview with Babita T., Banke district, September 23, 2015.

<sup>99</sup> Human Rights Watch interview with Priyanka Tharu, Kailali district, September 24, 2015.

<sup>100</sup> Human Rights Watch interview with Ramita T., Banke district, September 23, 2015.

<sup>101</sup> Human Rights Watch interview with Ritu Malik, Gorkha district, September 29, 2015.

<sup>102</sup> Human Rights Watch interview with Sharmila Bote, Chitwan district, September 20, 2015.



## Dowry

I want to get my dowry back, but whenever I go there, I'm beaten up.

—Priti Devi Satar, married at 15, and thrown out with her baby son by her in-laws after complaints that the dowry paid by her family—an ox, a bicycle, and home utensils—was insufficient.<sup>103</sup>

While dowry is not practiced across all communities in Nepal, and is illegal under Nepali law, it is common in some communities that a bride's family will provide household goods, cash, jewelry, or other items to the family of their daughter's new husband at the time of the marriage.<sup>104</sup> For families from communities where dowry is practiced, the need to pay dowry can be a substantial and, for poor families, a sometimes crippling burden.

Parents sometimes feel compelled to go to great lengths to pay the dowry necessary to secure a son-in-law that they feel matches their family's status. "The amount of dowry has to do with the boy's achievements," an NGO worker in the Terai said. "It might be double what the boy's parents spent on the boy's education. Parents sell land, take loans with bad interest rates—they spend their lives trying to repay [what they owe for dowry]."<sup>105</sup>

Dowry can be a factor encouraging early arranged child marriages. In some communities, dowry increases as a girl gets older. "If parents find a suitable boy they get their daughter married," a social mobilizer in Rupandehi said. "Because after two or three years the dowry will go up."<sup>106</sup>

"My parents were afraid that I would run away, get pregnant, or they will have to give a lot of dowry," said Priti Devi Satar, who married at age 15. "So they married me early."<sup>107</sup>

"My daughters-in-law were poor, so we didn't ask for any dowry," said Noori Ansari, a mother of five children, including two married sons. "But some guys came to see my

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<sup>103</sup> Human Rights Watch interview with Priti Devi Satar, Saptari district, September 18, 2015.

<sup>104</sup> Dowry is often seen in Nepal as a practice that has spread to Nepal from India, and which is becoming increasingly common—and troublesome, due to links between dowry expectations and violence against women—in Nepal. For example, see Pragati Shahi, "Concern, anguish as dowry-related abuse rises in Nepal: Nation holds first mass wedding to try and combat the outlawed practice," *UCA News*, February 11, 2015, <http://www.ucanews.com/news/concern-anguish-as-dowry-related-abuse-rises-in-nepal/72973> (accessed January 26, 2016).

<sup>105</sup> Human Rights Watch interview with NGO worker, name withheld, Morang district, September 15, 2015.

<sup>106</sup> Human Rights Watch interview with Hemlata Tharu, Rupandehi district, September 22, 2015.

<sup>107</sup> Human Rights Watch interview with Priti Devi Satar, Saptari district, September 18, 2015.

daughter and asked for 200,000 rupees (\$1,887). Even if I sell this house I won't get that. Without dowry a guy won't accept my daughter. She should get married now." Noori's daughter is 16 years old.<sup>108</sup>

Dowry practices may also play a role in encouraging child love marriages. Dowry is not expected in cases of love marriage—a factor that may decrease parental objections to such marriages and even lead to parents encouraging them.<sup>109</sup> "There was no dowry because it was an elopement," said Sarala Pariyar, who eloped at age 16. "Otherwise we have a tradition of giving dowry."<sup>110</sup>

Parvati Satar married three or four years after she began menstruating. She describes her marriage as a love marriage, but her parents agreed to the marriage. "If I had married another groom he would have demanded dowry, but because my husband is from here and he liked me, there was no dowry," Lakshmi said. "My parents were happy about this."<sup>111</sup> While many girls who had love marriages said that their parents had objected to their marriages, the ability to forego paying dowry also provides a significant incentive not to stand in the way.

## Migration

He couldn't find work here. This is the first time he worked overseas. I'm all alone. I live with my mother-in-law—she's barely breathing, she's so sick.

—Rita Pariyar, married at 17 and mother of a one-and-a-half-year-old daughter, whose husband left three months earlier for a three-year contract in a factory in Malaysia.<sup>112</sup>

Nepal has become a major sending country of migrant workers. Between 2008/2009 and 2013/2014, over 2.2 million Nepali workers obtained permits for overseas employment, a staggering eight percent of the country's population.<sup>113</sup> The movement of workers in and out

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<sup>108</sup> Human Rights Watch interview with Noori Ansari, Sunsari district, September 16, 2015.

<sup>109</sup> Anita Ghimire & Fiona Samuels, "Change and continuity in social norms and practices around marriage and education in Nepal, Overseas Development Institute, September 2014, <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9181.pdf>, p. 39, (accessed December 14, 2015).

<sup>110</sup> Human Rights Watch interview with Sarala Pariyar, Gorkha district, September 29, 2015.

<sup>111</sup> Human Rights Watch interview with Parvati Satar, Siraha district, September 18, 2015.

<sup>112</sup> Human Rights Watch interview with Rita Pariyar, Chitwan district, September 20, 2015.

<sup>113</sup> Government of Nepal Ministry of Labour and Employment, "Labour Migration for Employment: A Status Report for Nepal 2013/2014," [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms\\_312137.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms_312137.pdf), p. 19 (accessed December 15, 2015).

of the country, and the stress on families who have members away for extended periods, has led families to adapt in ways that sometimes affect decisions about child marriage.

“My father wanted to go abroad, and he thought he couldn’t leave me alone with my mother,” said Jyoti Atri. “He thought, ‘She should get married.’” Jyoti married at age 17 to a husband her parents chose, and her father left to go to Punjab, India for 3 years to work as a laborer in a rice meal factory.<sup>114</sup>

“My husband was planning to go for foreign employment and my parents were going to look for a husband for me,” Sarmila BK, age 17, said, explaining why she eloped with her 19-year-old husband 4 months after they met. Her husband went to Qatar after the marriage to work in a glass factory. It was his first time going to work overseas; he signed a contract for three years and will not be able to come back to Nepal during that period. Meanwhile Sarmila is living with her husband’s parents. She says life is more difficult there than it was with her parents, as she has to work more, and she is estranged from her parents because her father is so angry that she eloped. “My father thought he would marry me off, and I did it myself,” she said. “He would have married me at age 20 or 21. My husband wanted to get married before he went overseas because he was afraid I would marry someone else while he was away.” Sarmila was in school until she married but has now quit and hopes to learn her in-laws’ profession, tailoring, instead.<sup>115</sup>

For other families, though, migration for employment seemed to potentially delay marriage. “People’s economic status has improved because of remittances from the Gulf, Korea, Malaysia, India, Japan, Hong Kong,” the head of a private hospital in Nawalparasi said. “At least one or two men from each household have gone for foreign employment.... Men want to earn first and then marry, and girls prefer men who have already earned, so this is causing later marriages. Lots of women are also going for international jobs—they are mostly unmarried.”<sup>116</sup>

Many of the married girls Human Rights Watch interviewed were married to men working overseas. Most seemed not to mind their husbands’ absence—and some, particularly those

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<sup>114</sup> Human Rights Watch interview with Jyoti Atri, Morang district, September 16, 2015.

<sup>115</sup> Human Rights Watch interview with Sarmila BK, Gorkha district, September 27, 2015.

<sup>116</sup> Human Rights Watch interview with Dr. Gopal Khanal, director of Kali Gandaki Health Foundation, Nawalparasi district, September 21, 2015.

in abusive relationships, welcomed it. For some young brides, though, their husband's absence amplified their feeling of isolation and of being forced to grow up too quickly.

Women account for about five percent of Nepal's migrant workers, a proportion that is growing quickly.<sup>117</sup> Seventy-five percent of female migrant workers are married, and women and girls may face pressure not to migrate prior to marriage based on the view that migration may harm their reputation and make it harder for them to marry later.<sup>118</sup>

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<sup>117</sup> Government of Nepal Ministry of Labour and Employment, "Labour Migration for Employment: A Status Report for Nepal 2013/2014," [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms\\_312137.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms_312137.pdf), p. 19 (accessed December 15, 2015).

<sup>118</sup> Chandra Bhadra, "International Labour Migration of Nepalese Women: The Impact of the Remittances on Poverty Reduction," *Asia-Pacific Research and Training Network on Trade*, September 2007, <http://www.unescap.org/sites/default/files/AWP%20No.%2044.pdf> (accessed March 23, 2016), p. 21 and 39.

### III. Consequences of Child Marriage

The United Nations Population Fund recently described the impact of child marriage on girls and their families in the following terms: “Child marriage robs girls of their girlhood, entrenching them and their future families in poverty, limiting their life choices, and generating high development costs for communities.”<sup>119</sup> Married children and adults who had married as children interviewed for this report echoed these findings, speaking poignantly of the harm they had seen in their own lives as a result of child marriage.

#### Termination of Education

“When girls are married they have to stay at home and can’t study. Same with boys—when they get married they have to work. It’s better for both of them if they study and grow up. If they marry early their whole life is spoiled.”

—Pramila Pandey, who had an arranged marriage at age 14.<sup>120</sup>

“Who will work in the home if you go to school?” Prativa Chaudhary’s new in-laws said to her, after she eloped with a man from her village when she was 12 years old. Prativa had been admitted to class seven when the couple eloped. “My parents knew that I was dating him and they scolded me every day,” Prativa said. “My parents would say, ‘Focus on your studies.’ I ran away because they would scold me.” “I feel bad,” Prativa, age 15 at the time of the interview, said about her realization that marrying meant the end of education for her.<sup>121</sup>

Married children face many pressures to leave education and only a few of the married girls Human Rights Watch interviewed had managed to continue studying after marriage. Girls are often expected to work full time doing domestic tasks within their in-laws’ home. When girls become pregnant, they may feel embarrassed to go to school, feel unwelcome in school, or find it physically difficult to reach school, particularly if reaching school involves traveling long distances, especially by foot. Married boys often feel obliged to take on the responsibility of providing financial support for their wife, children, and other family members, and leave school to take full time employment.

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<sup>119</sup> UNFPA, “Marrying Too Young: End Child Marriage,” 2012, <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf> (accessed December 2015), pp. 4 and 11.

<sup>120</sup> Human Rights Watch interview with Pramila Pandey, Rupandehi district, September 22, 2015.

<sup>121</sup> Human Rights Watch interview with Prativa Tharu, Banke district, September 23, 2015.

Among the married children interviewed by Human Rights Watch, children who eloped and had love marriages were more likely to have been in school up until the time of their marriage than children who had arranged marriages. Parents often held the view that if a girl is out of school she may as well marry, while if child is still studying, marriage should be deferred until her studies are complete.

Even girls who delayed pregnancy found it difficult to continue their studies. “I would not have married if I had known the difficulties I would have,” said Prabha Majhi, age 20, who eloped at age 15. She now lives with her in-laws, four houses away from her parents. She and her husband agreed to delay having children, and she is using contraceptive pills. But she still had to leave school as soon as she married. “I had to do a lot of work here, and I couldn’t continue school,” Prabha said, explaining that her in-laws expected her to do all of the housework, including cooking, cleaning and washing, and also looking after the family’s livestock.<sup>122</sup>

Mankumari Chaudhary studied until class seven and was still in school when she eloped with her husband when she was about 15 years old. Her husband had already left school after class six. “My husband wanted me to study [after marriage] but his family did not want me to, so I didn’t go,” she said. “They said it would be very expensive. This is what is written on my fate. But I feel guilty not to have continued my education. I might have been someone great if I had been educated.” At the time of the interview, Mankumari had been married for a year and eight months and had a five-month-old daughter.<sup>123</sup>

“My husband was supportive of me studying, but my mother-in-law became angry, saying, ‘Who will do all the work?’ Jasmina Tharu said.<sup>124</sup> Saroja Halwai had to leave school when she married at age 16 to care for children, first those of her sister-in-law, and then her own. “I had to look after these kids and couldn’t go to school.” Saroja left class eight so abruptly after she married that she couldn’t even sit her end of year exam.<sup>125</sup>

Pregnancy was another trigger for some girls leaving school. “I continued my education after marriage and even sat for the first terminal exam,” said Sunita Lam, who eloped at

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<sup>122</sup> Human Rights Watch interview with Prabha Majhi, Nawalparasi district, September 21, 2015.

<sup>123</sup> Human Rights Watch interview with Mankumari Chaudhary, Rupandehi district, September 22, 2015.

<sup>124</sup> Human Rights Watch interview with Jasmina Tharu, Kailali district, September 24, 2015.

<sup>125</sup> Human Rights Watch interview with Saroja Halwai, Gorkha district, September 29, 2015.

age 16. “But then I got pregnant and stopped because I was ashamed. I thought people would say, ‘What is this pregnant woman doing in school?’ I never went back.”<sup>126</sup> Rewati Humagain was in class eight when she had an arranged marriage at age 16. “I left school because I got pregnant,” she said. “School is a half hour walk away and it became difficult for me. I think my in-laws would allow me to go back to school, but I think I won’t be able to because I’ll have to look after the baby.”<sup>127</sup>

After giving birth, girls typically found that their duties as a parent made it impossible for them to go to school, and facilities did not exist to allow them to place their children in daycare while they studied. “I was in class eight when I eloped, and after eloping I stayed in school for another three or four months,” said Roma Rai. “I felt like going to school after the baby was born but I wasn’t allowed. Who would take care of my baby?” Roma’s husband continued studying until he was 18 and had completed his class ten exams.<sup>128</sup>

Among the married children Human Rights Watch interviewed for this report, the boys were more likely to have continued their education after marriage than the girls. But boys were often also forced to leave school after marriage, under pressure to assume the mantle of adulthood prematurely and to provide for their wife and any children. “My husband also left school after we married—he went to Qatar to work,” said Ritu Malik.<sup>129</sup>

Naveen A. left school immediately after he married at age 13. “If I got married later, I could have studied more,” he said. “I have five younger sisters and my parents were old—I had to take care of them and think about getting my sisters married. After I got married, I thought, ‘I have to support my wife and sisters.’” Naveen said he still resents leaving school. “Sometimes when I’m very angry I scold my wife. I haven’t hit her until now but I say, ‘I had to get married and I couldn’t study.’”<sup>130</sup>

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<sup>126</sup> Human Rights Watch interview with Sunita Lam, Gorkha district, September 28, 2015.

<sup>127</sup> Human Rights Watch interview with Rewati Humagain, Gorkha district, September 28, 2015.

<sup>128</sup> Human Rights Watch interview with Roma Rai, Gorkha district, September 28, 2015.

<sup>129</sup> Human Rights Watch interview with Ritu Malik, Gorkha district, September 29, 2015.

<sup>130</sup> Human Rights Watch interview with Naveen A., Rupandehi district, September 22, 2015.

## Early Pregnancy

I had an arranged marriage and I had no say in that. I had no say in getting pregnant as well.

—Nutan Chamar, age 21, married at age 16, mother of a four-year-old daughter, a year and a half old son, and six months pregnant at the time of the interview, Saptari district.<sup>131</sup>

Married girls often become pregnant long before their bodies are fully matured and able to safely bear children, and may bear multiple children in rapid succession. For some, the decision to get pregnant as quickly as possible is a result of pressure from their in-laws or their husband. Others want to be mothers, or feel that they are expected by others to have children or to demonstrate that they are able to have children. Others wish to delay pregnancy, and sometimes attempt to, but are defeated by a lack of knowledge of contraception or a lack of access to contraceptive supplies. Their stories demonstrate the urgent need for the Nepal government to do more to reach married girls, educate them and their husbands and in-laws about the risks of early pregnancy, and equip them with the knowledge and supplies they need to be able to make their own informed decisions about pregnancy and parenthood.

“I only had my period once at my father’s house,” Geeta K. said. “After marriage I had my period twice. Then I got pregnant. As soon as I got here [to her in-laws’ house] I had to sleep with my husband. I was very young.” Geeta says she was either ten or twelve years old when she got married. After about eight years of marriage, she has a seven-year-old daughter, a five-year-old son, and a three-year-old son.<sup>132</sup>

Husbands and in-laws often demand that child brides have children as quickly as possible, regardless of the girl’s own wishes.<sup>133</sup> “I was not ready to have a child but my in-laws and husband said we want a kid,” said Rosha Devi Satar. She married about two years after she began menstruating. When Human Rights Watch interviewed Rosha, she had been married

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<sup>131</sup> Human Rights Watch interview with Nutan Chamar, Saptari district, September 18, 2015.

<sup>132</sup> Human Rights Watch interview with Geeta K., Saptari district, September 17, 2015

<sup>133</sup> The large number of Nepalis migrating for employment, many of whom are young men, is providing space between marriage and pregnancy, or between pregnancies, for some married girls. For example, Ramila Kumari married at about age 12, but when Human Rights Watch interviewed her, she was 19 and had had her first child 3 months earlier. “My husband went to Malaysia for four years and then came back,” she said. “So I got pregnant after.” He has since gone back to Malaysia. “My husband will come back in three years and then I will have another kid,” Ramila said. Human Rights Watch interview with Ramila Kumari, Sunsari district, September 17, 2015.



for about three years and had a one-year-old daughter and was nine months pregnant with a second child. During her first pregnancy she said that she had stomach pain and weakness, and then had to be rushed to the hospital during labor due to complications including bleeding. Her in-laws and husband want her to have three children.<sup>134</sup>

Girls who do not become pregnant quickly are sometimes threatened with abandonment or divorce. “Two months after we married, my husband said, ‘I want a kid. If you don’t have a kid, I will marry someone else,’” Ratna Satar said.<sup>135</sup> “After eight or nine months, my mother-in-law said, ‘Now I want a kid, otherwise I will get another wife for my son,’” said Kamlesh Devi Sarki.<sup>136</sup>

Some families demand sons. Sulekha Satar is the mother of three children, a four-year old daughter, a three-year old son, and a one-year old daughter. “I only wanted two kids but my mother-in-law said, ‘You’ll have a son again.’ But I had a daughter.” Sulekha says that she does not want to have any more children, but she was not using any form of contraception when Human Rights Watch interviewed her. “I don’t know anything about that,” she said. She said that the nearest government health post was a two-hour drive away and she had never seen health workers visit her village.<sup>137</sup>

The devaluation of girls affects reproductive choices married girls make for themselves, driving many to have more children in an effort to provide their in-laws with sons.

Rajita Atri is 16 years old and mother of two. “I got sick after having kids,” she told Human Rights Watch. “I was feeling so weak. I couldn’t even eat rice.” In spite of this, she plans to have another child. “I have two daughters. All the people in society and my mother-in-law say you have to have a son. My husband says your health is more important—I don’t want to lose you. But I want to have one more.”<sup>138</sup>

“I want a son—two daughters are not enough,” said Sushma Devi C., who married at age four. “My husband says we need a son to carry the family name. Daughters don’t carry the

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<sup>134</sup> Human Rights Watch interview with Roshia Devi Satar, Sunsari district, September 17, 2015.

<sup>135</sup> Human Rights Watch interview with Ratna Satar, Siraha district, September 19, 2015.

<sup>136</sup> Human Rights Watch interview with Kamlesh Devi Sarki, Siraha district, September 19, 2015.

<sup>137</sup> Human Rights Watch interview with Sulekha Satar, Sunsari district, September 17, 2015.

<sup>138</sup> Human Rights Watch interview with Rajita Atri, Morang district, September 16, 2015

blood line. They get married off and belong to someone else.” In addition to her two daughters, Sushma was three months pregnant at the time of the interview. “If this is a daughter, I will try again for a son,” she said.<sup>139</sup>

Even when a girl is not pressured by her husband or in-laws to have children, they often feel pressure from outside the family. “There was no pressure from my family, but in the village if you don’t get pregnant after some time they start talking,” Shanta Mishra told Human Rights Watch.<sup>140</sup> “My sisters-in-law used to taunt me for being a barren woman,” said Nikun B., who married at age 15 and 3 years later has not been able to conceive.<sup>141</sup>

Many married girls said that they intended to—or had intended to—delay pregnancy, yet had no knowledge about birth control and were not using any form contraception in spite of the fact that they often lived near a health post where family planning services are provided. “I didn’t tell my daughters about birth control. It was between husband and wife,” said Rama Bajgain, who arranged marriages for her two daughters at ages 15 and 16.<sup>142</sup>

Sushmita Pariyar, age 15, eloped 8 months earlier. She said she wants to wait until she is 18 or 19 years old to have children. Her husband agrees and there is no pressure from anyone to have children earlier. She lives a five-minute walk from a health post, but did not know about birth control and was not using any form of contraception.<sup>143</sup>

Boys also struggled to access information about contraception. Naveen A. began living with his wife at 16 and was a father by age 18. “I didn’t want kids then, but I didn’t know how to prevent them,” he said.<sup>144</sup>

Other children knew about contraception but had difficulty accessing it. “I didn’t want to have a kid, but it happened,” said Fulmati Tharu, who became pregnant two months after she eloped at age 15. “I knew about birth control. I learned about it in school—the teacher would tell us. But when I came in this village [where my husband lives] I didn’t know

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<sup>139</sup> Human Rights Watch interview with Sushma Devi C., Saptari district, September 18, 2015.

<sup>140</sup> Human Rights Watch interview with Shanta Mishra, Sunsari district, September 16, 2015.

<sup>141</sup> Human Rights Watch interview with Nikun B., Nawalparasi district, September 21, 2015.

<sup>142</sup> Human Rights Watch interview with Rama Bajgain, Gorkha district, September 28, 2015.

<sup>143</sup> Human Rights Watch interview with Sushmita Pariyar, Kailali district, September 24, 2015.

<sup>144</sup> Human Rights Watch interview with Naveen A., Rupandehi district, September 22, 2015.

anyone and I got pregnant right away. The [female community health volunteer] lives far away and the nearest health post is a one hour walk.”<sup>145</sup>

The married girls we interviewed had a huge unmet need for information about, and access to, contraception methods and supplies. Units in the school curriculum on family planning are of crucial importance, but do not reach children who are out of school or in a low class for their age due to late enrollment or delayed advancement. While health posts are a valuable resource, many girls did not know that contraceptive supplies exist and can be obtained at health posts or through village health workers. Research for this report underlined the pressing need for vigorous outreach by community health workers to bring information about contraception and how to obtain contraceptive supplies to girls and boys in their communities.

## Health Consequences of Early Pregnancy

I had three kids. Two died. One is alive.

—Kamala Kumari Pariyar, age 21, who married at age 13.<sup>146</sup>

Early pregnancy can have severe health consequences for both mothers and babies including elevated rates of serious health problems and death.<sup>147</sup> Complications resulting from pregnancy and childbirth are the second highest cause of death globally among adolescent girls aged 15-19 years old.<sup>148</sup> Globally, research shows that girls aged 10-14 are 5 times more likely to die during delivery than mothers aged 20-24; girls aged 15-19 are still twice as likely to die during delivery than women aged 20-24.<sup>149</sup>

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<sup>145</sup> Human Rights Watch interview with Fulmati Tharu, Rupandehi district, September 22, 2015.

<sup>146</sup> Human Rights Watch interview with Lalkumri Maji, Nawalparasi district, September 21, 2015.

<sup>147</sup> UNFPA, “Marrying too Young: End Child Marriage,” 2012, <http://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf> (accessed January 8, 2015).

<sup>148</sup> World Health Organization, “Adolescent pregnancy: Fact sheet N°364,” Updated September 2014, <http://www.who.int/mediacentre/factsheets/fs364/en/> (accessed January 26, 2016).

<sup>149</sup> World Health Organization, “WHO Guidelines on Preventing Early Pregnancy and Poor Reproductive Outcomes Among Adolescents in Developing Countries,” 2011, [http://whqlibdoc.who.int/publications/2011/9789241502214\\_eng.pdf](http://whqlibdoc.who.int/publications/2011/9789241502214_eng.pdf) (accessed January 8, 2014), p. 2. Studies on other countries show that women who marry early have the highest proportion of unfavorable pregnancy outcomes at all stages throughout their childbearing years. S. Shawky and W. Millat, “Early Teenage Marriage and Pregnancy Outcome,” *Eastern Mediterranean Health Journal*, 2000, vol. 6, issue 1, <http://www.emro.who.int/publications/emhj/0601/06.htm> (accessed July 22, 2014), pp. 46-54.

Child marriage is associated with uterine prolapse, a consequence of pregnancy in which the uterine muscles of the mother loosen following pregnancy, meaning the uterus sags or slips from its usual position into the vagina. In its most severe form, uterine prolapse can result in the uterus falling out of the body completely, causing incontinence and frequent infections. The United Nations Population Fund (UNFPA) estimates that 600,000 women in Nepal suffer from uterine prolapse in some degree of severity. “Uterine prolapse can result from prolonged labor, too early or too closely-spaced pregnancies, improper delivery techniques and resuming work too soon after childbirth,” the UNFPA reported in 2009. “All of these conditions are common in rural Nepal, where child marriage is common, family planning use is low, women typically carry firewood and other heavy loads and nine out of ten give birth at home without a skilled birth attendant.”<sup>150</sup>

Due to physical immaturity, young girls are more susceptible to obstructed labor, which is a leading cause of maternal mortality globally.<sup>151</sup> Obstructed labor can cause obstetric fistula, a hole in the birth canal that can leave its victims with urine or fecal incontinence. Studies show that, although factors such as lack of access to timely and adequate maternity care are predisposing factors, physical immaturity is the key risk for developing obstetric fistula for girls under 15.<sup>152</sup> Data on fistula are difficult to collect because of the stigma associated with the condition, and the difficulty of reaching remote areas where many of those with fistula live. Globally, UNFPA estimates that 2 million women are living with obstetric fistula injury, with 50,000 to 100,000 new cases occurring each year, in spite of the fact that the condition is almost entirely preventable through adequate medical care.<sup>153</sup>

“I see a lot of complications in pregnant women,” a health assistant in a birth and antenatal hospital told Human Rights Watch. “Many women come to the clinic with uterine prolapse and fistula. In the last six months, we did a screening at a health camp for uterine prolapse and fistula. We found 30 to 35 cases of uterine prolapse in just four village

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<sup>150</sup> UNFPA, “Fallen Wombs, Broken Lives: Responding to Uterine Prolapse in Nepal,” August 3, 2009, <http://www.unfpa.org/news/fallen-wombs-broken-lives-responding-uterine-prolapse-nepal#sthash.l7ZaZwCP.dpuf> (accessed December 15, 2015).

<sup>151</sup> Nawal Nour, “An Introduction to Maternal Mortality,” *Journal of Obstetrics and Gynecology*, Vol. 1, No. 2 (2008), p. 77-81.

<sup>152</sup> Amy Tsui et al., “The Role of Delayed Childbearing in the Prevention of Obstetric Fistulas,” *International Journal of Gynecology and Obstetrics*, vol. 99 (2007), p. 98; WHO, “Obstetric Fistula: Guiding Principles for Clinical Management and Programme Development,” p.3; and UNFPA, “Marrying too Young: End Child Marriage,” p. 22. Nawal Nour, “An Introduction to Maternal Mortality,” *Journal of Obstetrics and Gynecology*, Vol. 1, No. 2 (2008), p. 12.

<sup>153</sup> UNFPA, “Obstetric Fistula,” undated, <http://www.unfpa.org/obstetric-fistula> (accessed March 16, 2015).

development committees. We found four cases of fistula. The women who had this problem all said they had married early, had kids early, and soon after giving birth had to work hard and carry heavy loads.”<sup>154</sup>

Aside from uterine prolapse and fistula, there are a number of other complications in birth that are associated with early pregnancy. The same health worker said that the most common pregnancy complications seen at his hospital are low birth weight, premature delivery, and post-partum hemorrhage. “The main causes [of these complications] are early marriage, early pregnancy, and poor diet,” he said. “We had three deaths last year because of premature birth and low birth weight. The age of the mothers of the three babies that died were 14, 17, and 23 years old.”<sup>155</sup>

Adolescent girls are at particular risk of malnutrition because they are growing rapidly, and pregnant adolescent girls who are underweight are especially likely to have complications in giving birth.<sup>156</sup> Research suggests that the bodies of a growing adolescent mother and her *in utero* baby may compete for nourishment, raising the risk of low birth weight.<sup>157</sup>

The children of young mothers also face higher mortality rates. According to the World Health Organization, in low- and middle-income countries, babies born to mothers under the age of 20 face a 50 percent higher risk of still birth or dying in the first few weeks of life than those born to mothers aged 20-29.<sup>158</sup>

When born, they are also more likely to be premature and have low birth weight. Babies are at greater risk, the younger the mother.<sup>159</sup> Babies born to adolescent mothers are also

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<sup>154</sup> Human Rights Watch interview with health assistant, name withheld, Sarlahi district, September 19, 2015.

<sup>155</sup> Human Rights Watch interview with health assistant, name withheld, Sarlahi district, September 19, 2015.

<sup>156</sup> Elizabeth I. Ransom & Leslie K. Elder, Nutrition of Women and Adolescent Girls: Why It Matters, Population Reference Bureau, July 2003, <http://www.prb.org/Publications/Articles/2003/NutritionofWomenandAdolescentGirlsWhyItMatters.aspx> (accessed March 23, 2016).

<sup>157</sup> Elizabeth I. Ransom & Leslie K. Elder, Nutrition of Women and Adolescent Girls: Why It Matters, Population Reference Bureau, July 2003, <http://www.prb.org/Publications/Articles/2003/NutritionofWomenandAdolescentGirlsWhyItMatters.aspx> (accessed March 23, 2016).

<sup>158</sup> World Health Organization, “Adolescent pregnancy: Fact sheet N°364,” Updated September 2014, <http://www.who.int/mediacentre/factsheets/fs364/en/> (accessed January 26, 2016).

<sup>159</sup> World Health Organization, “Adolescent pregnancy: Fact sheet N°364,” Updated September 2014, <http://www.who.int/mediacentre/factsheets/fs364/en/> (accessed January 26, 2016).

more likely to have low birth weight and be born premature, both factors associated with increased risks of long-term health and developmental effects.

Of the 96 married girls and young women who married as children that Human Rights Watch interviewed 66 had children, and of these, 6 had babies that had died.<sup>160</sup> Two mothers each had two babies die.

Shruti BK's daughter had died four days earlier, when Human Rights Watch interviewed her. The baby was born in a government hospital, but needed intensive care that was only available at a private hospital. "The ICU cost 5,000 rupees (US \$47) a day, so we could not afford it," Shruti, age 18, said. Instead they brought the baby home, where she died seven days later.<sup>161</sup>

"I had three children—but two have already passed away," Mahek Karn said. She was 19 years old at the time of the interview and had been in an arranged marriage for three years. Her daughter was one month old at the time of the interview, but Mahek had also given birth to two sons, both of whom died. One was born premature at seven months and did not survive; the other was born at full term but died three days later.<sup>162</sup>

Other girls described complications they encountered in giving birth.

Babita Tharu had an arranged marriage at age 13 to a 19-year-old man, and they had a child within a year. "I didn't realize I was pregnant," Babita said. "I didn't want a baby so soon, but my husband did." The family is now struggling to repay a loan for 40,000 rupees (\$377) they took out to pay for medical bills when Babita had to have an emergency C-section and was hospitalized for two weeks, and her son required intensive care for low birth weight. Babita's husband is a laborer in a lumber mill. "I was unconscious until three

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<sup>160</sup> Out of the 96 married girls and young women married as children that we interviewed, 30 did not have children. Of these, eleven were pregnant with their first child at the time of the interview, and nine said they were planning to wait to have children (although a significant number of these were not using any form of contraception). Of the remaining ten, three had married in the last month, one was awaiting her *gauna* and had not gone to live with her husband yet, one had had two miscarriages following beatings by her in-laws, one had been pregnant but forced to have an abortion by her mother-in-law, and four had been living separately from their husbands for reasons including the husband going overseas to work, the marriage breaking down, and the husband going to prison.

<sup>161</sup> Human Rights Watch interview with Shruti BK, Chitwan district, September 20, 2015.

<sup>162</sup> Human Rights Watch interview with Mahek Karn, Kailali district, September 24, 2015.

days after the surgery,” Babita said. “I want another baby. But the doctor has advised me not to. We cannot afford another loan if I have to undergo another surgery.”<sup>163</sup>

Jamuna Malik married three or four months after she began menstruating. She was pregnant a year later and now, at about age 22, has three daughters, and has had three C-sections. ““I cannot work,” she said. “I have weakness and bleeding. I am bleeding right now. The doctor said don’t have more children—I might die. My husband doesn’t want more children because it is affecting my health, but my mother-in-law wants a grandson. She always says, I want a grandson, I want a grandson.”<sup>164</sup>

Some girls and women said that early pregnancies had left them with lingering health problems. “After my last kid I had lots of bleeding,” Geeta K., who married at age 10 or 12, said. “All my body aches, my back, etcetera. I have no appetite. I can’t eat since my third child.”<sup>165</sup>

Health workers are trying to educate families about the risks of early pregnancy, but they often face resistance. “Not all but most people who come here from [a particular community] marry very young,” a health worker said. “[Girls] come here with their parents and I try to tell them that it is because you married her early that she is having these pregnancy-related problems—and you shouldn’t marry your other daughters so early. When I do that they get angry and say, ‘Don’t interfere in our culture. If we wait the child won’t get a proper bride or groom if they get older.’”<sup>166</sup>

## Domestic Violence and Abandonment

I meet my husband once a year only, during Diwali. He hits me, and I think he has a mistress. He stays for one or two weeks and then goes back. We quarrel all the time he is home. I want to leave him, but I can’t because of my son. Had it been a daughter, he would have let her go, but a son is a son.

—Ramita T., age 19, had a love marriage at age 12 to a 15-year-old boy.<sup>167</sup>

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<sup>163</sup> Human Rights Watch interview with Babita Tharu, Kailali district, September 24, 2015.

<sup>164</sup> Human Rights Watch interview with Jamuna Malik, Morang district, September 16, 2015.

<sup>165</sup> Human Rights Watch interview with Geeta K., Saptari district, September 17, 2015.

<sup>166</sup> Human Rights Watch interview with health assistant, name withheld, Sarlahi district, September 19, 2015.

<sup>167</sup> Human Rights Watch interview with Ramita T., Banke district, September 23, 2015.

Research demonstrates a strong correlation between earlier marriage and greater risk of experiencing spousal violence. A study across seven countries found that girls who married before the age of 15 were more likely to experience spousal abuse than women who married after 25.<sup>168</sup>

Sometimes the abuse is not at the hands of a girl's husband, but from her in-laws. "Life after marriage was not good because my mother-in-law and my husband beat me," said Ashia C., who said that her mother-in-law drinks, and becomes violent and abusive when drunk "Even last night they beat me, and I am bleeding. I am four months pregnant and I am bleeding. When my husband comes home, my mother-in-law says bad things about me, and he beats me—sometimes every day. He uses his hands and he throws me here and there against the walls." Ashia said the violence began about a month after she married. "In the village people ask my mother-in-law, 'Why do you do this? She is pregnant. She might get a miscarriage and it will cost a lot of money [for treatment].' But she will never listen."<sup>169</sup>

"My mother-in-law threatened to poison our buffalo, and she even came with weapons and threatened to kill me," said Rajita T., who said that her mother-in-law started beating her after two weeks of marriage, saying that Rajita was not working hard enough in the home. After an incident where Rajita said her mother-in-law beat her for a whole week, Rajita's husband decided that the two of them would move out and live separately. At that point his parents refused to give them any land and chased them from the community and surrounding area, threatening to kill them.<sup>170</sup>

Some girls said that use of alcohol or drugs was a factor in the abuse they endured. "My husband is not good—he drinks and beats me and takes *ganja*,"<sup>171</sup> said Babita T., who married at age 11 to a man about 8 years older.

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<sup>168</sup> This correlation was clear in all seven countries, but there was significant variation between countries in the extent to which early marriage was linked to greater risk of spousal violence. For example, in India and the Dominican Republic, the two countries with the strongest correlation, women who married before age 15 were more than three times more likely to have experienced spousal abuse in the previous twelve months than women who had married over age 25. (17.3 percent v. 4.4 percent in the Dominican Republic, and 13.6 percent v. 4.2 percent in India). Sunita Kishor & Kiersten Johnson, "Profiling Domestic Violence: A Multi-Country Study," Measure DHS+ ORC Macro, p. 29, <http://dhsprogram.com/pubs/pdf/od31/od31.pdf> (accessed January 13, 2015).

<sup>169</sup> Human Rights Watch interview with Ashia C., Bara district, September 19, 2015.

<sup>170</sup> Human Rights Watch interview with Rajita T., Kailali district, September 24, 2015.

<sup>171</sup> Human Rights Watch interview with Babita T., Banke district, September 23, 2015.



Girls were often expected to work hard in their in-laws' homes and sometimes faced abuse if they were seen as not working hard enough. "I was not treated kindly at my husband's house," said Kopila M., whose marriage at age 13 was arranged by her grandparents. "When I fell sick they would say I was lazy and 'We don't need a daughter-in-law who is lazy and falls sick and lies around all day.'" <sup>172</sup>

Some married girls encountered abuse because they were of a different caste than their in-laws. "My husband is good, but my mother-in-law doesn't like me because I'm lower caste," said Ambika K., age 18, who eloped at age 16. "She used to beat me and wouldn't give me enough food to eat." <sup>173</sup>

Disputes over dowry are sometimes a trigger for violence against a married girl.

"He asked me to bring dowry, but I was poor," said Nikki K., who said she married after her fifth menstrual period. She said that her family paid 5,000 rupees (\$47) dowry, but her husband wanted more. After seven years of marriage, Nikki's husband threw her out. Her father had died and she had no one to turn to. When Human Rights Watch interviewed her, she was sleeping in a mosque where they allowed her to stay in return for her sweeping the floors and washing dishes. <sup>174</sup>

Sarita P. married at age 17. Her in-laws asked for a dowry of 100,000 rupees (\$943); Sarita's parents managed to provide only 8,000 rupees (\$75) plus an array of furnishings, utensils, food, a bicycle, a TV, and a DVD player. "Her mother-in-law tortures her a lot for not bringing enough dowry," Sarita's mother Mallika told Human Rights Watch. "Her mother-in-law tells her husband to beat her and her husband beats her. She has had two miscarriages because of severe beatings."

Mallika said that Sarita's husband once beat her with a big log and she nearly died. After this attack, he was arrested for 24 hours, but was released after paying a 1,200 (\$11.32) rupee fine. At the time of the interview, Sarita was staying with her mother while her husband was away in India working, but Mallika said she would send Sarita back to her husband as soon

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<sup>172</sup> Human Rights Watch interview with Kopila M., Sindhupalchuk district, September 26, 2015.

<sup>173</sup> Human Rights Watch interview with Ambika K., Banke district, September 23, 2015.

<sup>174</sup> Human Rights Watch interview with Nikki K., Banke district, September 23, 2015.

as he came to get her. “I cannot keep my daughter here forever,” Mallika said. “I just stay silent through the ordeal,” Sarita said. “Retaliating might cause more beating.”<sup>175</sup>

Amina H. told Human Rights Watch it was only about a month after she moved in with her in-laws that her husband was arrested and convicted of raping a neighbor. “My in-laws used to love me before, but after my husband went to jail they no longer liked me and they sent me back to my parents’ house,” she said. Amina believes he is innocent, but his parents have rejected her. “They said they cannot take care of me or my expenses,” she said.<sup>176</sup>

Nirmita B., who at age 15 had been married for one year and was separated from her husband said of her in-laws: “They threw me out because I was sick and could not work. I don’t know what I’ll do.”<sup>177</sup>

Children who have married and later face abuse or unhappiness often face great difficulty leaving the marriage—even when it was a love marriage. “Life is equally hard both in my parents as well as my husband’s home,” said Nikun B., age 18, who eloped at age 15, in part to escape deprivation at home. “My husband used to beat me up, saying I wasn’t doing enough work [in the home]. I left home because of my husband’s beatings and stayed at my parents’ home for two months. Then a community meeting was held where my husband promised not to beat me up anymore and I came back.”<sup>178</sup>

Some girls and women faced violence or threats when they tried to leave an abusive marriage. “They really misbehaved,” Niru R. said, of the family she joined as an “exchanged” bride at age 13. “There was not enough food or clothes. I just had to work all the time. My mother-in-law and husband used to beat me.” After one year, Niru ran back to her parents. They took her in, but were angry with her for leaving her husband and scolded her. Four years later, Niru met another man whom she eloped with and married. Her first husband learned of the marriage and came after her, demanding compensation and threatening violence. “If a husband brings a second wife there’s no problem, but if a wife marries another husband she has to pay—this is the tradition in this village,” Niru said. “My husband came with 27 people. They had knives and weapons and they chased my

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<sup>175</sup> Human Rights Watch interview with Sarita and Mallika P., Rupandehi district, September 22, 2015.

<sup>176</sup> Human Rights Watch interview with Amina H., Rupandehi district, September 22, 2015.

<sup>177</sup> Human Rights Watch interview with Nirmita B., Kailali district, September 24, 2015.

<sup>178</sup> Human Rights Watch interview with Nikun B., Nawalparasi district, September 21, 2015.

father. A crowd stopped my first husband from attacking us, but I had to pay money and then he went back.” Niru was forced to pay her first husband 95,000 rupees (\$896).<sup>179</sup>

## Sexual Violence

Research also confirms that married girls, in Nepal and elsewhere, often also experience sexual assault. Nepal’s 2011 National Demographic and Health Survey found that 47 percent of women who had sex for the first time before age 15, and 29 percent of women who had sex for the first time between age 15 and 19 reported that their first experience of sexual intercourse was forced and against their will—and the majority of these assaults happened within marriage.<sup>180</sup> Husbands are reported to be the perpetrators in 90 percent of cases of sexual abuse in Nepal.<sup>181</sup> Marital rape is a crime in Nepal, but few women report marital rape, due a combination of lack of awareness of the law and fear of reprisals.<sup>182</sup> Married girls are almost always expected to have sexual intercourse with their husband, upon demand, as soon as they go to live with their husband. Young, alone, often a long distance from family and friends, lacking information about sexuality and consent, and facing not only demands for sexual intercourse, but often also pressure to become pregnant immediately, girls have little ability to decide for themselves when and whether they will have sex, or how or whether to prevent pregnancies.

“As soon as I got here [to her in-laws’ house] I had to sleep with my husband. I was very young,” Geeta K. said. She was either ten or twelve years old when she got married; her husband was five years older.<sup>183</sup>

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<sup>179</sup> Human Rights Watch interview with Niru R., Sindhupalchuk district, September 26, 2015.

<sup>180</sup> Center for Reproductive Rights, “Nepal Acknowledges Urgent Need to Eliminate Child Marriage and Violence Against Women and Girls at the Human Rights Council,” November 9, 2015, <http://www.reproductiverights.org/press-room/nepal-acknowledges-urgent-need-to-eliminate-child-marriage-and-violence-against-women> (accessed January 27, 2016). These rates fall to 19 percent and 16 percent respectively for women who first have sex at ages 20-24 or 25-29. Ministry of Health and Population, “Nepal Demographic and Health Survey 2011,” March 2012, <http://dhsprogram.com/pubs/pdf/FR257/FR257%5B13April2012%5D.pdf> (accessed March 23, 2016), p. 239.

<sup>181</sup> Center for Reproductive Rights, “Nepal Acknowledges Urgent Need to Eliminate Child Marriage and Violence Against Women and Girls at the Human Rights Council,” November 9, 2015, <http://www.reproductiverights.org/press-room/nepal-acknowledges-urgent-need-to-eliminate-child-marriage-and-violence-against-women> (accessed January 27, 2016).

<sup>182</sup> Tara Bhattarai, “Taboos Undercut Nepal’s Marital Rape Law,” Women’s E-News, January 17, 2012, <http://womensenews.org/2012/01/taboo-undercut-nepals-marital-rape-law/> (accessed March 23, 2016).

<sup>183</sup> Human Rights Watch interview with Geeta K., Saptari district, September 17, 2015.

“I didn’t know anything about what happens with a man and a woman,” Sapana K., who married at age 10 or 11 and went to live with her husband after a *gauna* held one year later, said. “I didn’t like it [sex] when it came.”<sup>184</sup>

Some girls were able to delay sex at least until they began menstruation. “My periods had not started when I got married,” Nikita B., who was married at age 13 to a man about 10 years older, said. “I told my aunt that I hadn’t started my menses and I will not sleep with my husband. My husband was older and I was afraid, but my husband also agreed.” Nikita said that she slept in a bed with her sister-in-law for four or five months until her menstruation began, then she went to sleep with her husband. “It was difficult,” she said.<sup>185</sup>

Other girls were expected to comply with sexual demands regardless of their state of physical maturity. Amina H. is not sure of her age or at what age she married, but says her *gauna* was held three years after her marriage. She went to live with her husband immediately after her *gauna*; she began menstruating two weeks later. She thinks her husband is about ten years older than her. “I had sexual relations with my husband after *gauna*, before my period started,” she said. “It was difficult in the beginning but was okay later.”<sup>186</sup>

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<sup>184</sup> Human Rights Watch interview with Sapana K., Saptari district, September 19, 2015.

<sup>185</sup> Human Rights Watch interview with Nikita B., Chitwan district, September 20, 2015.

<sup>186</sup> Human Rights Watch interview with Amina H., Rupandehi district, September 22, 2015.

## IV. Government Actions to Combat Child Marriage

“Whatever the government is doing is not reaching actual people.”

—Social mobilizer, Rupandehi district.<sup>187</sup>

At the July 2014 “Girl Summit” in London, the government of Nepal pledged to work towards ending child marriage by 2020.<sup>188</sup> But by the time Nepal held its own Girl Summit, in Kathmandu on March 23, 2016, the government was pledging to end child marriage only by 2030.<sup>189</sup>

In 2014, Nepal’s Minister of Women, Children and Social Welfare presented a five-point pledge regarding the steps she said the Nepal government would take to achieve the goal of ending child marriage.<sup>190</sup>

The government has also worked with the UN, NGOs, and other partners to develop a National Strategy to End Child Marriage. This is intended to be a foundation for a detailed National Plan of Action to End Child Marriage with funds budgeted for its implementation.<sup>191</sup> The effort is led by Ministry of Women, Children and Social Welfare (MoWCSW), and a draft strategy was developed between March 2014 and January 2015.<sup>192</sup> The government planned to launch the strategy in fall 2015, but this launch was

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<sup>187</sup> Human Rights Watch interview with social mobilizer, name withheld, Rupandehi district, September 22, 2015.

<sup>188</sup> Girls Not Brides, “Lessons learned from selected national initiatives to end child marriage,” July 2015, [http://www.ungei.org/resources/files/Girls\\_Not\\_Brides.pdf](http://www.ungei.org/resources/files/Girls_Not_Brides.pdf) (accessed December 17, 2015), p. 5.

<sup>189</sup> UNICEF, “Nepal hosts its first Girl Summit to end Child, Early and Forced Marriage,” March 23, 2016, <http://unicef.org.np/blogs/2016/03/23/nepal-hosts-its-first-girl-summit-to-end-child-early-and-forced-marriage> (accessed March 30, 2016).

<sup>190</sup> These steps were: 1) declare child marriage as an unacceptable social practice and a punishable crime; 2) work with adolescent girls and boys in meaningful and innovative ways to inspire a younger generation that actively supports the cause; 3) in recognition of boys and men as integral change-makers, directly engage them in action to end child marriage; 4) work with civil society, private sector, academia, media, community-based organizations, political, religious, cultural, and social groups to call them to commit to ending child marriage; and contribute necessary technical and financial resources towards actions for achieving this goal. UNICEF, “Nepal Commits to End Child Marriage,” July 22, 2014, <http://unicef.org.np/media-centre/press-releases/2014/08/11/nepal-commits-to-end-child-marriage> (accessed December 16, 2015).

<sup>191</sup> UNICEF, “Nepal Commits to End Child Marriage,” July 22, 2014, <http://unicef.org.np/media-centre/press-releases/2014/08/11/nepal-commits-to-end-child-marriage> (accessed December 16, 2015).

<sup>192</sup> Girls Not Brides, “Lessons Learned from Selected National Initiatives to End Child Marriage,” July 2015, <http://www.girlsnotbrides.org/reports-and-publications/lessons-learned-from-selected-national-initiatives-to-end-child-marriage/> (accessed January 26, 2016), p. 5.

postponed, with the delay attributed to the aftermath of the earthquake that struck Nepal in April 2015. At the March 2016 “Girl Summit” in Kathmandu, the government “endorsed” the strategy.

The research conducted for this report suggests that the government has a long way to go to effectively combat child marriage. A few interviewees had positive things to say about the government’s efforts to reduce child marriages. “Some girls are grown up and still not married, so people are learning,” said Pramila Pandey, who had an arranged marriage at age 14. “When they start going to school teachers say, ‘Don’t marry early,’ and radio also says that. In class eight we talked about this.”<sup>193</sup> An NGO director praised the government for supporting the establishment and expansion of a telephone helpline for children providing assistance on matters including child marriage.<sup>194</sup>

More often, however, people interviewed for this report said that the government is failing to enforce its own laws and policies on child marriage.

“The government comes up with rules, but until there is monitoring there will be no implementation,” Shanta Mishra, who married at 16, said, “In cities and towns, people might listen eventually, but in village, never.”<sup>195</sup>

Another woman who had worked for 12 years as a female and child health volunteer in Nawalparasi said: “We still are telling people about the risks of child marriage, and there are advertisements on the TV and radio about this and there is the law against child marriage—but they really have to implement the law strictly.” She said that she had seen little change in the prevalence of child marriage in her area over those years.<sup>196</sup>

Local government has little presence in many remote areas, and when government representatives are present, they are not necessarily prepared to work actively to prevent child marriage. “The government is not serious about [preventing child marriage],” an

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<sup>193</sup> Human Rights Watch interview with Pramila Pandey, Rupandehi district, September 22, 2015.

<sup>194</sup> Human Rights Watch email correspondence with NGO director, name withheld, April 26, 2016.

<sup>195</sup> Human Rights Watch interview with Shanta Mishra, Sunsari district, September 16, 2015.

<sup>196</sup> Human Rights Watch interview with FCHV worker, name withheld, Nawalparasi, September 21, 2015.

activist in Kailali said. “People really look up to the VDC [Village Development Committee], but the VDC does nothing on child marriage.”<sup>197</sup>

A former government doctor confirmed the need for better oversight: “There’s no monitoring. Police and the local administration try to negotiate locally and not take action against people. There are laws and policies, but no implementation.”<sup>198</sup>

There is a particular need for the government to commit to working to prevent child love marriages and develop strategies to do so. At present, government officials often have a particularly hands-off approach to child love marriages, sometimes seeing their role as preventing only arranged child marriages, not child love marriages—or viewing children who elope as responsible for whatever consequences befall them as a result of the marriage.<sup>199</sup>

This approach is misguided. Neither international law nor Nepal’s law make a distinction between different types of child marriages—child marriage is illegal regardless of why it takes place. The reasons for preventing child marriage—protecting children from harm—apply equally to children who marry voluntarily and involuntarily. Preventing child love marriages requires similar strategies to those needed to prevent arranged child marriages, and the government has a duty to develop and implement strategies to prevent all child marriages.

Several girls interviewed by Human Rights Watch who had love marriages said they wished that they had better understood beforehand what the consequences of child marriage were likely to be for them. Some said that if they had had more information and someone to turn

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<sup>197</sup> Human Rights Watch interview with activist, name withheld, Kailali district, September 24, 2015. A VDC is the local branch of the Ministry of Federal Affairs and Local Development in rural areas.

<sup>198</sup> Human Rights Watch interview with Dr. Gopal Khanal, director of Kali Gandaki Health Foundation, Nawalparasi district, September 21, 2015.

<sup>199</sup> For example, a school headmaster told Human Rights Watch that police in his area will intervene in arranged child marriages but are more reluctant to do so in love marriages. Human Rights Watch interview with higher secondary school head master, Sindhupalchok district, September 26, 2015. In regard to love marriages Human Rights Watch encountered several examples of families calling the police; sometimes the police told the child that she was not allowed to marry, but in other cases when the girl said it was her choice they let the marriage go ahead. Human Rights Watch interview with Assistant Sub Inspector Bishnu Kumari Thapa, Rupandehi district, September 21, 2015; Human Rights Watch interview with Roma Rai, Gorkha district, September 28, 2015.

to for advice it would have stopped them from marrying.<sup>200</sup> Others stated plainly that they were coerced.

“If [children] run away as a child, the government should take both families and tell them to get married only after 18 and get education until then. I would be happy if someone had done that with me,” said Junita Chaudhary, age 18, who ran away at age 16 with a boy she had met over the phone; the pair had met only once before they eloped. After marrying, Junita was forced to leave school by her in-laws. She had a daughter soon after. She does not want more children, but her husband is insisting that they have a son. “I don’t feel good after marriage,” Junita said. “Here I work all the time, and have to look after a kid. If you get married at an early age, it is so difficult—it is hell. It is so hard to look after a one-year old baby.”<sup>201</sup>

The following sections discuss specific areas where government efforts are playing—or failing to play—a key role in preventing child marriage and assisting married children.

## Providing Universal Access to Education

Someone from our village took me to school. They wrote my name in class two. I went for just one day and then I left the next day. I didn’t have any notebook, pencil, book, or schoolbag. I had school dress and nothing else.

—Priyanka Tharu, who eloped at age 14.<sup>202</sup>

Access to—and participation in—education is crucially important in preventing child marriage. Married girls and others interviewed for this report described a direct connection between staying in school and being able to avoid being forced into a child marriage.

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<sup>200</sup> Save the Children, World Vision International, and Plan International, in their joint 2012 report on child marriage in Nepal, cited several cases where girls committed suicide after their attempts to elope were blocked. The report says, “These examples prove that it is difficult to stop child marriage by legal action when it is the children themselves who decide to marry at an early age. To some extent, legal action can control cases of child marriage organized through parental pressure, but it cannot prevent love marriages. Forceful actions can bring about many harmful results in the lives of those who marry for love. Instead, educational motivations can work.” Save the Children, World Vision International, and Plan International, “Child Marriage in Nepal: Research Report,” 2012, <http://resourcecentre.savethechildren.se/library/child-marriage-nepal-research-report> (accessed December 11, 2015), p. 43.

<sup>201</sup> Human Rights Watch interview with Junita Chaudhary, Banke district, September 23, 2015.

<sup>202</sup> Human Rights Watch interview with Priyanka Tharu, Kailali district, September 24, 2015.



The Nepal government has implemented several education reforms in recent years, including the 2009-2015 School Sector Reform Plan, the 2003-2015 Education for All National Plan of Action, and the 2014 Consolidated Equity Strategy for the School Education Sector in Nepal.<sup>203</sup> The 2009-2015 reform plan included goals relating to early childhood education and development, basic and secondary education, literacy and lifelong learning, and technical education and vocational training.<sup>204</sup>

The World Bank, which partnered with the government on the 2009-2015 program in 2015 characterized the outcome of the effort as “moderately unsatisfactory.”<sup>205</sup> As the experiences of girls interviewed for this report show, there are serious concerns about access to education overall, and the specific impact of lack of access on child marriage.

While at least on the books, national primary school enrolment rates are high, there are communities where school attendance is low. “About 25 percent of children are going to school now in this area—this is a big improvement,” the principal of a private primary school in Sunsari district told Human Rights Watch. “People are becoming aware.”<sup>206</sup>

High enrolment figures may also be deceptive as they include children who only attended school for a few days or a few weeks, and are thus counted as being enrolled. Many of the married children we interviewed fell into this category, especially in communities that are poor and marginalized by caste and ethnic discrimination.<sup>207</sup>

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<sup>203</sup> Ministry of Education, “School Sector Reform Plan: 2009-2015,” 2009, <http://www.moe.gov.np/article/166/school-sector-reform-plan-ssrp.html> (accessed March 24, 2016); Ministry of Education and Sports, “Education for All National Plan of Action,” 2003, <http://un.org.np/node/10655> (accessed March 24, 2016); Ministry of Education, “Consolidated Equity Strategy for the School Education Sector in Nepal,” 2014, [http://www.doe.gov.np/SoftAdmin/content/Consolidated\\_Equity\\_Strategy\\_20711.pdf](http://www.doe.gov.np/SoftAdmin/content/Consolidated_Equity_Strategy_20711.pdf) (accessed April 15, 2016).

<sup>204</sup> Ministry of Education, “School Sector Reform Plan: 2009-2015,” 2009, <http://www.moe.gov.np/article/166/school-sector-reform-plan-ssrp.html> (accessed March 24, 2016)

<sup>205</sup> World Bank, “Nepal-Education for All Project abstract,” December 22, 2015, <http://documents.worldbank.org/curated/en/2016/02/25804387/nepal-education-all-project> (accessed March 24, 2016).

<sup>206</sup> Human Rights Watch interview with principal of private primary school, Sunsari district, name withheld, September 17, 2015.

<sup>207</sup> The government has made efforts to abolish caste discrimination and increase access to education for children facing caste discrimination, but significant disparities remain. UNICEF, “Dalits in India and Nepal: Policy Options for Improving Social Exclusion in Education,” June 2007, [www.unicef.org/.../Dalits\\_in\\_India\\_and\\_Nepal\\_Policy\\_Options\\_for\\_Imp...](http://www.unicef.org/.../Dalits_in_India_and_Nepal_Policy_Options_for_Imp...) (accessed January 27, 2016).

Nepal's 2015 constitution states, "Every citizen shall have the right to compulsory and free basic education, and free education up to the secondary level."<sup>208</sup> The 2007 interim constitution included a similar provision.<sup>209</sup> The government has also outlined plans to progressively move towards comprehensive, compulsory secondary education.<sup>210</sup>

In spite of this guarantee, however, there appears to be little consistent effort by government officials to compel and encourage children to attend school. "There is a government program that says that everyone has to attend school, but people still don't listen," a government primary school teacher said. "We haven't taken any action—we can't force them. Most parents listen, but they don't hear. There is no local government in this area. The closest government office is the municipality a two hour walk away."<sup>211</sup>

The married children Human Rights Watch interviewed for this report had faced many obstacles to accessing education. One obstacle was simply the distance they must travel to school, with some children travelling up to three hours each way by foot to reach school every day. A head master at a government school in Sindhupalchuk district teaching children from nursery school to class 12 said that of the 650 students who attend his school, about 200 have to walk at least one to one and a half hours each way to get to school. He said that four or five of his students walk three hours each way every day to get to school. "In the villages, most children start school," he said. "But after three or four months when the travel gets hard, they leave."<sup>212</sup>

Another challenge is cost; even when tuition is free, there are costs associated with attending school, and these costs can be insurmountable for poor families.

Manju Devi Gharti, age 19, eloped at age 17 because she didn't want to be a burden to her grandparents, who were struggling and failing to meet the costs of keeping her in school.

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<sup>208</sup> Constitution Bill of Nepal, 2015, article 31.

<sup>209</sup> The Interim Constitution of Nepal 2063 (2007), article 17.

<sup>210</sup> Government of Nepal Ministry of Education and UNESCO Kathmandu Office, "Education for All National Review Report 2001 – 2005," July 2005, <http://unesdoc.unesco.org/images/0023/002327/232769E.pdf> (accessed June 30, 2016), p. 90.

<sup>211</sup> Human Rights Watch interview with teacher in government primary school, name withheld, Nawalparasi district, September 21, 2015.

<sup>212</sup> Human Rights Watch interview with higher secondary school head master, Sindhupalchuk district, September 26, 2015.

“We had to pay for exam fees, an admission fee, dress [uniform], notebooks, books, and pencils,” she said. “People who are orphans like me should get free education.”<sup>213</sup>

While the government has pledged to ensure that families are not charged for registration, tuition, school operation or textbooks, in reality these charges persist and can drive poor students out of school.<sup>214</sup>

“The government should come out with proper schemes. There is free education to standard class ten, but some schools are still charging,” an NGO worker in Kailali said. “And the government should pay 50 percent for those in need after standard class ten. There is nothing for these students now, only very, very rare scholarships for one student in a thousand.”<sup>215</sup>

The government has established a program that provides a stipend for some children who are seen as marginalized, including Dalit children.<sup>216</sup> Research for this report indicated that the stipend amount appears to vary from one area to the next, but is typically a small amount which some parents characterized as not sufficient to be a real incentive. For example, one mother said the family received 100 rupees (US 94 cents) per year, per daughter, when the girl was in class one, 200 rupees (\$1.89) per year, for a daughter in class two, and so on.<sup>217</sup> Another said she received 200 rupees per child, regardless of which class the child was in.<sup>218</sup> But few of the families interviewed for this report had received such a stipend.<sup>219</sup>

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<sup>213</sup> Human Rights Watch interview with Manju Devi Gharti, Kailali district, September 24, 2015.

<sup>214</sup> Ministry of Education and UNESCO, “Education for All: National Review Report, 2001-2015,” July 2015, <http://unesdoc.unesco.org/images/0023/002327/232769E.pdf> (accessed March 22, 2016), p. 62.; Rukmini Foundation, “The high cost of free education in government schools in Nepal,” January 6, 2012, <http://www.rukminifoundation.org/2012/01/06/not-so-free-education/> (accessed March 23, 2016).

<sup>215</sup> Human Rights Watch interview with activist, name withheld, Kailali district, September 24, 2015.

<sup>216</sup> Ministry of Education and UNESCO, “Education for All: National Review Report, 2001-2015,” July 2015, <http://unesdoc.unesco.org/images/0023/002327/232769E.pdf> (accessed March 22, 2016), p. 62.

<sup>217</sup> Human Rights Watch interview with Sushma Devi C., Saptari district, September 18, 2015.

<sup>218</sup> Human Rights Watch interview with Kamlesh Devi Sarki, Siraha district, September 19, 2015.

<sup>219</sup> Human Rights Watch interview with Dipti Atri, Morang district, September 16, 2015.

A lack of monitoring by the government leaves schools largely free from pressure to improve the quality of the education they provide or their retention of students. “There is no monitoring of schools now,” a primary school principal told Human Rights Watch.<sup>220</sup>

A particular challenge is encouraging—or requiring—children who have married to continue their education. The married girls interviewed for this report consistently said that they were permitted to attend school, and there was no requirement that they leave school if they become pregnant, but most left school anyway. The Nepal government has taken a first step, by permitting married children, including pregnant girls, to attend school, but the government should do more to keep married children in school and re-enroll children who have dropped out due to marriage, including through efforts such as incentive programs for schools and specialized outreach programs, as well as enforcing the requirement that all children attend basic education.

Parbati Rai, age 17, had been married for less than a month when Human Rights Watch interviewed her. She was in class 10 and hoped to continue. She said there were two or three other married girls at her school and she did not feel that she or others had faced discrimination, gossip or other problems at school due to their marital status. Ironically, however, she felt that efforts by schools to prevent child marriage could be driving away married girls. “In school teachers tell us regularly that it’s bad to get married early, so maybe that makes [married] girls feel bad,” she said. “Maybe if the government makes policies telling girls even if you’re married you have the right to education that would help.”<sup>221</sup>

## **Access to Information about Sexual and Reproductive Health**

In order to be empowered to make their own decisions about sexuality and reproduction, before and after marriage, young people need practical information about puberty, sexuality, reproduction, and contraception. Nepal has taken positive steps by teaching family planning in schools, but our research documented serious gaps in this approach when it comes to reaching adolescents and children, especially those most at risk of child marriage. The Nepal government should strengthen and build on the family planning

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<sup>220</sup> Human Rights Watch interview with principal of private primary school, Sunsari district, name withheld, September 17, 2015.

<sup>221</sup> Human Rights Watch interview with Parbati Rai, Gorkha district, September 28, 2015.

education it already delivers, in order to ensure that all children have full and practical information about sexual and reproductive health.

The Nepal government school curriculum includes a module on sexual and reproductive health which is supposed to be taught starting in class eight, when students would normally be 13 or 14 years old.<sup>222</sup> But service providers said some schools and teachers are reluctant to teach this module. Even when it is taught, many children at risk of child marriage never reach class eight because they drop out of school or are far behind the grade level normally appropriate for their age. Other children have already reached puberty, are already married, or are already sexually active before reaching the age at which this module is taught. Age-appropriate information about sexual and reproductive health needs to be provided repeatedly and reinforced at regular intervals, to children both in and out of school, beginning at about age eight—before the age at which children begin to experience the onset of puberty.

The content of the information the government provides on sexual and reproductive health should also be reformed. When children do receive the government’s school module, it may not provide the information they need; many interviewees criticized it as being academic and lacking in practical information. “On reproductive health, the textbook says you should marry after age 20, have children after age 20, and eat nutritious food,” an NGO worker in Kailali said. “On family planning it says have two kids and boys and girls are equal. That’s all it says.” She said it does include a chapter of methods of family planning, but this chapter lacks practical information like how to use a condom. “This would be taught only in upper classes for students studying for a BA in health,” she said.<sup>223</sup>

The Ministry of Health and Population Control and the Ministry of Education should work together to improve education modules for school children on sexual and reproductive health and to develop materials for out-of-school children with the same content. This information should be linked with access to contraceptive supplies, and should include the following topics: puberty education, methods of hygienic menstrual management, practical information about how to obtain and use different forms of contraception, how to access safe abortion, information about sexually transmitted diseases, the detrimental

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<sup>222</sup> Human Rights Watch interview with activist, name withheld, Kailali district, September 24, 2015.

<sup>223</sup> Human Rights Watch interview with activist, name withheld, Kailali district, September 24, 2015.

effects of child marriage including child love marriage, health problems associated with early pregnancy, family planning and birth spacing, and the importance of antenatal care, skilled delivery, and post-partum recovery.

The government urgently needs a strategy to deliver sexual and reproductive health information to children who are not in school. The network of female community health volunteers (FCHV) plays a crucial role in helping married women access health care including family planning services, but it is less helpful to unmarried girls, and does not target outreach to boys. The government should build on the strengths of the FCHV model by developing a new initiative to have FCHV workers do targeted outreach to children on sexual and reproductive health, train children as peer educators on sexual and reproductive health, and hold group and individual sessions on sexual and reproductive health with out-of-school children, especially in marginalized communities.

Within schools, the government should reform the way in which the curriculum on sexual and reproductive health is taught, so that age-appropriate information about sexual and reproductive health is taught each year for all students age eight years and older. Modules on sexual and reproductive health should be provided to students based on their age, not their grade level; students who are older than other students in their class should be provided with the information appropriate to their age through extra-curricular education and outreach. Sexual and reproductive health should be a mandatory examinable subject for all children from age eight on.

Schools should reinforce messages about sexual and reproductive health for all children, beyond the standard curriculum. A paramedic at a health post in the district of Gorkha said that health post had previously had a program to train a teacher and two students in each class to supplement the school unit on sexual and reproductive health with an additional training providing more practical information. This program was for students in class eight as well. “But now those two students [per class] and that teacher are all gone, so it is not being done anymore.”<sup>224</sup> The government should sustain and expand strategies like this, which empower children to educate and advocate for their peers.

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<sup>224</sup> Human Rights Watch interview with health post paramedic, name withheld, Gorkha district, September 28, 2015.

Social values may also make it difficult for children, especially girls, to participate during classes where sexual and reproductive health is discussed. “Girls feel very awkward in these classes—they don’t look up,” an NGO worker said.<sup>225</sup> “Girls come back home whenever this is taught because they don’t want to hear this,” a social mobilizer told Human Rights Watch. “It would be better to create awareness programs and compulsory training at the village level.”<sup>226</sup> An NGO worker said the schools have faced opposition from parents sometimes when they try to teach more practical information about contraception. “In poor local communities, people think this shouldn’t be taught. They accuse them of ruining their children.”<sup>227</sup>

The government should work to build community acceptance of teaching children about sexual and reproductive health by also doing outreach to parents and community leaders, explaining the purpose of teaching children this information and sharing the same information with adults, with an emphasis on the health risks associated with early pregnancy and lack of birth spacing, antenatal care, skilled delivery, and post-partum recovery.

## Access to Health Care

Had I known that I would lose my children, I would not have had kids. If my husband wants a son and pressures me to have many children, I’ll ask him to marry another woman to have more kids.

—Mahek Karn, age 19, mother of a one-month-old daughter and two sons that died soon after birth.<sup>228</sup>

Even the best designed and well delivered school or community curriculum on sexual and reproductive health needs to be complemented by adolescent-friendly means for young people to access family planning information and advice, and contraceptive supplies. Nepal’s 2015 Constitution states, “Every citizen shall have the right to free basic health services from the State, and no one shall be deprived of emergency health services.”<sup>229</sup> The constitution also says, “Every woman shall have the right to safe motherhood and

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<sup>225</sup> Human Rights Watch interview with activist, name withheld, Kailali district, September 24, 2015.

<sup>226</sup> Human Rights Watch interview with Hemlata Tharu, Rupandehi district, September 22, 2015.

<sup>227</sup> Human Rights Watch interview with activist, name withheld, Kailali district, September 24, 2015.

<sup>228</sup> Human Rights Watch interview with Mahek Karn, Kailali district, September 24, 2015

<sup>229</sup> Constitution of Nepal, 2015, article 35.

reproductive health.”<sup>230</sup> The previous constitution also contained a right to basic health care. In spite of this, only 62 percent of Nepali households have access to a health facility within 30 minutes.<sup>231</sup>

Nepal’s government health facilities, including health posts, provide various family planning options including tubal ligation for women. Nationwide, however, 27 percent of married women in Nepal have an unmet need for family planning.<sup>232</sup> The government cites availability and capacity of service providers, availability of contraceptive supplies, social and cultural beliefs, and accessibility of health facilities as key barriers to access to family planning services.<sup>233</sup>

Married girls are even less likely to have sufficient access to family planning information and supplies; this figure reaches 42 percent among married 15 to 19 year olds.<sup>234</sup> Human Rights Watch interviewed dozens of married girls who said they did not know about contraception and were not using contraceptive methods, in spite of the fact that many of them were hoping to delay pregnancy.

Even access to a health post may not ensure that a young person is able to effectively make reproductive choices. “The problem is not so much the school but the health post,” an NGO worker said. “They don’t explain how to use birth control. If you ask for it, they just give it [with no explanation]. There should be a group for young people to teach them.”<sup>235</sup> Health posts dispensing contraceptive supplies should take time with each patient, especially young patients, including patients who have been seen previously, to ensure that she or he understands the full range of contraceptive options available, has made an informed decision about which one to use, and is fully aware of how to correctly use the supplies.

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<sup>230</sup> Constitution of Nepal, 2015, article 38.

<sup>231</sup> Shiva Raj Mishra<sup>1</sup>, Pratik Khanal, Deepak Kumar Karki, Per Kallestrup, and Ulrika Enemark, “National health insurance policy in Nepal: challenges for implementation,” *Global Health Action*, August 21, 2015, <http://www.globalhealthaction.net/index.php/gha/article/view/28763> (accessed March 29, 2016).

<sup>232</sup> “Analysis: Nepal’s maternal mortality decline paradox,” *IRIN News*, March 18, 2013, <http://www.irinnews.org/report/97667/analysis-nepal-s-maternal-mortality-decline-paradox> (accessed January 27, 2016).

<sup>233</sup> Ministry of health and Population, “National Family Planning Costed Implementation Plan 2015-2020,” November 2015, <http://nepal.unfpa.org/publications/national-family-planning-costed-implementation-plan-2015-2020#sthash.zHxFEBRQ.dpuf> (accessed March 29, 2016), p. 3.

<sup>234</sup> *Ibid.*

<sup>235</sup> Human Rights Watch interview with activist, name withheld, Kailali district, September 24, 2015.



The government's network of health posts brings health services closer to communities, but there were concerns about the quality of the services these posts provide. "There are health posts, but there are no health workers because they don't stay and the government doesn't monitor the health posts," a doctor who worked for 30 years for the government health service said.<sup>236</sup> Another challenge is ensuring that the health services being provided are accessible to and accessed by adolescents; Nepal has worked to increase access to health care for adolescents through a number of health service reform efforts, but it is clear that further reform is needed.<sup>237</sup>

The same doctor emphasized the importance of community-level health workers in spreading information about sexual and reproductive health. "There are two ways to do awareness of sexual and reproductive health: for the health services to be at the grassroots, and through the media."<sup>238</sup>

The government's main effort to bring health information to women and girls in remote areas is through the Female Community Health Volunteers (FCHV) program. The FCHV program started over twenty years ago, and exists across the country. It works by identifying one woman per village to participate as a volunteer, with the women often identified through "mothers' groups" which exist in many villages. The volunteers receive training both initially and then on an on-going basis three times a year. Their responsibilities include administering immunizations and vitamin A supplements, encouraging pregnant women and girls to obtain ante-natal care and give birth in health facilities, providing advice on family planning and distributing birth control pills and condoms. The volunteers are unpaid, but receive small incentive payments for reporting births and conducting immunizations.

An FCHV worker in Rupandehi district described her work. "I check up on pregnant women, oversee delivery, give information regarding family planning, give iron pills during

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<sup>236</sup> Human Rights Watch interview with Dr. Gopal Khanal, director of Kali Gandaki Health Foundation, Nawalparasi district, September 21, 2015.

<sup>237</sup> Naresh Khatiwada, Pushkar Raj Silwal, Dr. Rajendra Bhadra, and Tirtha Man Tamang, "Sexual and Reproductive Health of Adolescents and Youth in Nepal: Trends and Determinants, Further Analysis of the 2011 Nepal Demographic and Health Survey," Ministry of Health and Population, USAID, UKAID, UNFPA, and New ERA, <https://dhsprogram.com/pubs/pdf/FA76/FA76.pdf> (accessed April 15, 2016), p. 2-3.

<sup>238</sup> Human Rights Watch interview with Dr. Gopal Khanal, director of Kali Gandaki Health Foundation, Nawalparasi district, September 21, 2015.

pregnancy, and give condoms to men.” She said that she sometimes delivers babies herself, as the nearest healthcare facility is a half hour drive away.<sup>239</sup> She said that she felt that the FCHV program had had a significant impact in her village. “There has been a lot of change. Now everyone goes for polio immunizations and check-ups of kids.” She said she hadn’t seen much change in terms of reducing child marriage, but felt that pregnant married girls were more likely to go for prenatal care than previously.

There were varying opinions among those interviewed by Human Rights Watch about the efficacy of the FCHV program in discouraging child marriage and early pregnancy, and helping girls and women cope with the consequences of early pregnancy. In 2014, a team of researchers wrote that the program “has been described as an exemplary public-sector community health worker program. However, despite its merits, the program still struggles to provide high-quality, accessible services nation-wide. Both in Nepal and globally, best practices for community health worker program implementation are not yet known: there is a dearth of empiric research, and the research that has been done has shown inconsistent results.” These researchers, summarizing previous research, wrote that there was a need to improve the consistency and quality of service delivery within the FCHV program, and cited the lack of financial compensation for the workers as one of the factors potentially undermining its effectiveness.<sup>240</sup>

Interviews by Human Rights Watch with a number of FCHV workers across the country echoed this view. The presence of these workers is of great importance as they may be the only health worker community members encounter, especially in remote or marginalized communities. The lack of financial compensation, however, meant that some FCHV workers felt frustrated and unmotivated.

They also seemed to be taking on a huge task with few resources. “It is functioning well where it reaches,” one health worker said about the FCHV program. “But 26 years ago the ratio of FCHVs to the population was much better. They need to increase the number of

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<sup>239</sup> Human Rights Watch interview with FCHV worker, name withheld, Rupandehi district, September 22, 2015.

<sup>240</sup> Dan Schwarz, Ranju Sharma, Chhitij Bashyal, Ryan Schwarz, Ashma Baruwal, Gregory Karelak, Bibhusan Basnet, Nirajan Khadka, Jesse Brady, Zach Silver, Joia Mukherjee, Jason Andrews, and Duncan Smith-Rohrberg Maru, “Strengthening Nepal’s Female Community Health Volunteer network: a qualitative study of experiences at two years,” *BMC Health Services Research*, October 9, 2014, <http://bmchealthservres.biomedcentral.com/articles/10.1186/1472-6963-14-473> (accessed March 29, 2016).

FCHVs to reflect the increase in the population.”<sup>241</sup> “The FCHV volunteers aren’t educated themselves,” a former government doctor said. “So it’s good, but it’s not sufficient.”<sup>242</sup>

FCHV workers, with their presence in and knowledge of communities at the village level, could play a huge role in preventing child marriage, by providing timely and accurate information at a community level about the negative health impacts of child marriage. This seemed however, to largely be a missed opportunity, as FCHV workers told Human Rights Watch that preventing child marriage was not among their core responsibilities.

One FCHV said she had tried without success to prevent several child marriages, but had more success at encouraging married girls to delay pregnancy. “Two or three years ago there were three child marriages at 15 or 16 in my village,” she said. “The police didn’t come. I went to those girls and said, ‘You shouldn’t have gotten married, but you did. But now don’t have kids and they listened to me and up to now they didn’t have kids.’”<sup>243</sup>

Pregnant girls urgently need access to good quality medical care during their pregnancy and during and after birth, due to the heightened risks they face. Nepal has had considerable success in reducing maternal mortality in recent years.<sup>244</sup> But our research showed that pregnant married girls, especially those living in remote or marginalized communities, sometimes struggle to access maternal health services.

Many of the girls and women Human Rights Watch interviewed for this report had given birth at home unattended by a health professional, in spite of government efforts to discourage home birth.<sup>245</sup> They described difficulty in travelling to a hospital because of distance or expense, and sometimes saw a hospital as only appropriate for a birth involving complications.

A few married girls described being turned away from government health facilities. Kanchan Kumari, a 16-year-old mother of two from a family of basket makers, was in labor when she went to her local government hospital, planning to give birth there. “They told

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<sup>241</sup> Human Rights Watch interview with health assistant, name withheld, Sarlahi district, September 19, 2015.

<sup>242</sup> Human Rights Watch interview with Dr. Gopal Khanal, director of Kali Gandaki Health Foundation, Nawalparasi district, September 21, 2015.

<sup>243</sup> Human Rights Watch interview with FCHV worker, name withheld, Nawalparasi, September 21, 2015.

<sup>244</sup> “Analysis: Nepal’s maternal mortality decline paradox,” IRIN News, March 18, 2013, <http://www.irinnews.org/report/97667/analysis-nepal-s-maternal-mortality-decline-paradox> (accessed January 27, 2016).

<sup>245</sup> Human Rights Watch interview with health assistant, name withheld, Sarlahi district, September 19, 2015.

me, ‘It won’t happen here—go to a private hospital.’ They had asked me for money. I said I didn’t have any. I had to go to a private hospital because the government hospital refused me. It cost 10,000 rupees. We had to pay. We asked in each shop for donations and the shop keepers were generous enough to give 100 rupees. We begged.” Kanchan said the same thing happened with both of her births and to her sister in law as well. She was seven months pregnant with her third child at the time of the interview.<sup>246</sup>

A doctor who had worked for 30 years in the government health system drew a link between programs offering incentive payments to pregnant women who attend prenatal checkups and give birth in health centers and government hospital workers demanding unauthorized fees from women. “When women go for delivery the government provides them an incentive,” Dr. Gopal Khanal said. “In the Terai women get 1,000 rupees, in the hills 1,500, in the mountains 3,000. When staff send women away they are saying indirectly that they also need an incentive.” Dr. Khanal also said that some government health workers collect kickbacks from private hospitals in return for directing patients there. “[These government health workers] also have links with private hospitals and get incentives from them for sending patients.”<sup>247</sup>

## Efforts by Law Enforcement to Prevent Child Marriage

“I’ve been a police officer for 18 years. I’ve seen the police get involved in a case of child marriage once.”

—Head of the women’s cell at a police station in the Terai.<sup>248</sup>

As well as being a concern for those involved in the provision of social services, health and education, child marriage in Nepal is also matter for the police and courts. Nepali law states:

While contracting a marriage, no one shall arrange to marry nor cause to be married where the male and the female have not completed the age of twenty years. The persons having attained majority, out of those who marry or cause to be married in violation of this provision, shall be punished as follows...<sup>249</sup>

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<sup>246</sup> Human Rights Watch interview with Kanchan Kumari, Bara district, September 19, 2015.

<sup>247</sup> Human Rights Watch interview with Dr. Gopal Khanal, director of Kali Gandaki Health Foundation, Nawalparasi district, September 21, 2015.

<sup>248</sup> Human Rights Watch interview with female police officer, name withheld, Terai, September 21, 2015.

<sup>249</sup> The Muluki Ain [Country Code], pt. 4, chap. 17, no. 2 (1963, amended in 2002 and 2015).

Under this law, adults who marry children, family members and other adults who arrange marriages of children, and religious leaders who perform child marriages have all committed crimes and are subject to prosecution. Arranging a forced marriage is also an offense, under a separate provision:

No marriage shall be solemnized or arranged without the consent of both the male and the female parties thereto. If a marriage is solemnized or arranged by force without consent, such a marriage shall be void. One who concludes or arranges such a marriage shall be punished liable to punishment of imprisonment for a term not exceeding two years.<sup>250</sup>

The law also provides for wedding arrangements to be cancelled:

Notwithstanding anything contained in the above-mentioned Sections of this Number, if solemnization of marriage has not been completed but arrangement of marriage has been finalized in accordance with the rites, the main person finalizing such arrangement of marriage shall be punished with a fine of a maximum of seven hundred rupees and such finalized arrangement of marriage shall be set aside... Even after the completion of formalities by exchanging moneys or rites in accordance with the tradition of one's clan for a marriage, the parties thereto shall not be obliged to solemnize the marriage if they do not so desire.<sup>251</sup>

The law provides for child marriages to be annulled:

In case either a male or a female below the age of Eighteen years is married and no offspring has been born from the marriage, the male or female who is below the age of Eighteen years may get such a marriage declared void if he or she does not agree with such a marriage upon having attained the age of Eighteen years.<sup>252</sup>

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<sup>250</sup> The Muluki Ain [Country Code], pt. 4, chap. 17, no. 7 (1963).

<sup>251</sup> The Muluki Ain [Country Code], pt. 4, chap. 17, no. 2-3 (1963, amended in 2001 and 2015).

<sup>252</sup> The Muluki Ain [Country Code], pt. 4, chap. 17, no. 2 (1963, amended in 2002 and 2015).

However, the law also sets an unrealistically short period—three months—within which action must be brought to annul the marriage.<sup>253</sup>

In a 2007 joint analysis, UNIFEM and the Forum for Women, Law and Development identified a number of gaps in Nepal’s legal framework for preventing child marriage. These included: 1) inappropriately low punishments for the crime of child marriage; 2) wide discretionary power for the courts in determining punishment for child marriage; 3) inconsistent definitions of the term “child” across different laws; 4) discriminatory provisions in the Muluki Ain [Country Code] which set punishments differently depending on the gender of the married child; 5) no requirement that those solemnizing marriages determine the ages of the spouses or at least use reasonable efforts to do so; 6) lack of assistance to married children aside from criminal prosecution of those responsible for the marriage; low compensation to victims of child marriage; and 7) an unfairly short statute of limitations permitting prosecution only when cases are brought within three months of the marriage.<sup>254</sup>

But even the best crafted legal provisions are of little help to children at risk of child marriage and married children unless the police are prepared to uphold the law, and Human Rights Watch’s research suggests that police rarely take any action to prevent child marriage.

“The police can stop a child marriage but they usually won’t act,” a worker with an NGO in Morang district told Human Rights Watch. “Out of ten cases they act in one or two. Police try to mediate. They tell the groom, ‘Don’t have a procession—do it [the wedding] quietly.’ They never actually prevent the marriage.” The worker said his NGO used to go to the police to try to get them to stop child marriages, but they rarely do so any more. “Once we got the police to come with us. The marriage went ahead anyway. Why go to the police if they do nothing?”<sup>255</sup>

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<sup>253</sup> “If a suit is not filed within Three months after the commission of any act mentioned in Number 7 of this Chapter and after the date of knowledge of the matter in the case of the other matters, the suit shall not be entertained.” The Muluki Ain [General Code], pt. 4, chap. 17, no. 11 (1963, amended in 2002).

<sup>254</sup> UNIFEM and Forum for Women, Law and Development, “Child Marriage: Legal Responses,” 2007, p. 54-56.

<sup>255</sup> Human Rights Watch interview with NGO worker, name withheld, Morang district, September 15, 2015.

A doctor in Nawalparasi had similar experiences: “There’s no monitoring. Police and the local administration try to negotiate locally and not take action against people. There are laws and policies, but no implementation.”<sup>256</sup>

According to Nepal Police crime statistics, the police handled 17 cases of child marriage in the Nepali fiscal year 2070-2071 [2013-2014], only the third year that these statistics indicate that the number of child marriage cases went above 10.<sup>257</sup> A 2013 evaluation of a program to enhance police services to women and children in five districts listed child marriage as an offense targeted by the initiative but contained no examples of child marriage cases investigated or resolved.<sup>258</sup>

Police officers, as well as educators and health workers, consistently told Human Rights Watch that the police will not act in a case of child marriage unless someone makes a complaint asking them to take action.<sup>259</sup> This is a policy decision, not a legal requirement. The Muluki Ain does not require a complaint for police to take action following a crime, and makes no distinction between different types of crimes in regard to whether police are required to await a complaint.

Police officers interviewed for this report consistently told Human Rights Watch that the Nepal police currently have a policy of acting only in response to a complaint not only in child marriage cases but in regard to other forms of violence against woman and girls. A 2013 training manual on gender responsive investigation and counseling for senior police officers outlines only procedures for dealing with a complaint regarding violence against women or girls, and does not appear to contemplate police-initiated action in such cases.<sup>260</sup>

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<sup>256</sup> Human Rights Watch interview with Dr. Gopal Khanal, director of Kali Gandaki Health Foundation, Nawalparasi district, September 21, 2015.

<sup>257</sup> Nepal Police website, Women and Children Service Directorate, “18 Years crime data related to women and children,” <http://cid.nepalpolice.gov.np/index.php/cid-wings/women-children-service-directorate> (accessed March 30, 2016).

<sup>258</sup> Business Promotion Research and Communication Pvt. Ltd., “Impact Evaluation Survey of the ADB/JFPR 9135—NEP Project: Establishing Women and Children Service Centers, Final Report,” December 2013, <http://cid.nepalpolice.gov.np/images/women-children/impact-evaluation-2071-01-15.pdf> (accessed March 30, 2016).

<sup>259</sup> E.g. Human Rights Watch interview with female police officer, name withheld, Terai region, September 21, 2015.

<sup>260</sup> Nepal Police Headquarters, “Training Manual on Gender-Responsive Investigation and Counseling Skills for Senior Police Officers (for Trainers),” 2013, <http://cid.nepalpolice.gov.np/images/women-children/trainers-manual-2071-01-15.pdf> (accessed March 30, 2016), p. 50-51, 88.

A police inspector in Sindhupalchuk explained why he thought requiring a complaint was the best approach. “For heinous crimes we can interrupt ourselves, with no complaint, but with social crimes like child marriage, it is difficult to intervene without a complaint first. I think if we intervene without a complaint there might be other consequences, for example suicide if the couple is separated and don’t have any family support. At least if the family complained there will be support from the family even if [the couple] don’t like being separated.”<sup>261</sup>

Complaints are few and far between according to the police Human Rights Watch interviewed, as children being forced into marriage are unlikely to feel able to complain, and family members will typically complain only in cases where they oppose a marriage, for example when a couple elope. “I have never heard of anyone being arrested for child marriage,” a district political party leader in Morang district said. “No one will complain. The police will never know that child marriage is happening.”<sup>262</sup>

Some victims of child marriage said they would welcome police intervention. “The government should have arrested my uncle and put him in jail for one or two years,” Rewati Humagain said, in reference to her uncle’s having forced her to marry at age 16.<sup>263</sup>

Other community members also urged a greater role for the police. “The government should be strict regarding implementing the law—they should arrest people and send them to jail, make an example of them,” a primary school principal in Sunsari said. “But this isn’t happening.”<sup>264</sup> A health worker in Siraha district said, “There is a fear of police arrest, but I don’t know of anyone actually being arrested,” he said.<sup>265</sup>

There was great pessimism, however, about whether police really would enforce the law. Nagina Chamar, who married at age 10, said she had heard of only one case where police had arrested someone for child marriage in her district of Sunsari. “I heard he gave money to the police and he was released,” she said.<sup>266</sup>

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<sup>261</sup> Human Rights Watch with Chandra Bahadur Thapa, Inspector, Melamchi police station, Sindhupalchuk district, September 26, 2015.

<sup>262</sup> Human Rights Watch interview with political party district leader, name withheld, Morang district, September 16, 2015.

<sup>263</sup> Human Rights Watch interview with Rewati Humagain, Gorkha district, September 28, 2015.

<sup>264</sup> Human Rights Watch interview with principal of private primary school, Sunsari district, name withheld, September 17, 2015.

<sup>265</sup> Human Rights Watch interview with health assistant, name withheld, Sarlahi district, September 19, 2015.

<sup>266</sup> Human Rights Watch interview with Nagina Chamar, Sunsari district, September 16, 2015.



Research confirms that when victims of child marriage and other forms of gender-based violence do bring complaints, they are unlikely to lead to prosecution. A 2013 report commissioned by the Nepal Police documents a practice of up to 100 percent of domestic violence and “social violence” cases being resolved through mediation in some districts, with only 3.1 percent of domestic violence cases and 2.4 percent of “social violence” cases leading to court proceedings.<sup>267</sup>

Even when police do agree to take some action to prevent child marriages, they appear to be even less willing to intervene in cases of love marriage.

In Sindhupalchuk, a headmaster said that police do prevent some child marriages. “One out of every five or six children [in my school] has an arranged marriage,” he said. “If parents arrange the marriage when the child is underage the police come, so now it is mostly love marriages [that involve underage children].”<sup>268</sup>

Roma Rai’s mother went to the police and filed a complaint two days after Roma, at age 16, eloped with her classmate. “Everyone told me to say I went of my own free will,” said Roma, who told Human Rights Watch she had chosen herself to elope. “It was true—I eloped to my husband’s home. When I said I went on my own will the police just let me go and I went back to my husband.”<sup>269</sup>

Human Rights Watch found only a few examples of police intervening to prevent child marriage.

Shital Majhi’s parents took her to a police station themselves the third time she ran away with the same boy, at age 15. The first two times they had found her and taken her back themselves. This time they filed a police report. “My parents and my husband were there,” Shital said. “They all agreed: ‘You are a child and can’t get married yet.’ But I didn’t agree, and ran away a fourth time.” The fourth time, Shital and her husband ran away to his

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<sup>267</sup> Business Promotion Research and Communication Pvt. Ltd., “Impact Evaluation Survey of the ADB/JFPR 9135–NEP Project: Establishing Women and Children Service Centers, Final Report,” December 2013, <http://cid.nepalpolice.gov.np/images/women-children/impact-evaluation-2071-01-15.pdf> (accessed March 30, 2016), p. 35-36.

<sup>268</sup> Human Rights Watch interview with higher secondary school head master, Sindhupalchuk district, September 26, 2015.

<sup>269</sup> Human Rights Watch interview with Roma Rai, Gorkha district, September 28, 2015.

cousin's house a three-hour drive away. After 15 days, Shital's parents and in-laws called to say they would accept the marriage, and the couple returned to live with his parents.<sup>270</sup>

A police inspector, Chandra Bahadur Thapa, in Sindhupalchuk, described two cases where police had intervened in child marriages. "The first case was brought to the police by a children's club," he said. "It involved a 14-year-old girl and a 21-year-old man. We were informed the night before the ceremony." The children's club had tried to prevent the marriage themselves but turned to police when their efforts failed. "We informed the area police. I had to be very tough with them. I said, 'If you do not stop this marriage then you will be arrested yourself.'" The local police went to the groom's home and told his parents to stop the marriage or face arrest, and the parents agreed. "But then the boy's family consulted local leaders who said, 'Go ahead—the police won't do anything.' So they went ahead at 2 a.m. with the procession." Thapa said the family held the wedding procession in the middle of the night to escape police detection, but police learned that it was happening after the wedding ceremony was finished and the procession had begun. They rushed to the scene and arrested not only the groom, his parents and the bride's parents, but many guests as well—a total of over 70 people. In the end, the prosecutor filed charges only against the groom and both sets of parents.

At the time of the interview the case was still pending in the court awaiting trial; Thapa thought a sentence of around six months for each defendant was likely, which he thought was too light. He said that there is no way for the marriage to be annulled but that the bride is now back at home with her parents and will decide for herself when she's 18 whether she wishes to remain in the marriage or not. According to Thapa, this was the first child marriage case to reach the courts in that district, and another case had been reported a week later, as a result, in his view, of publicity surrounding the arrests. In the second case the police were able to prevent the marriage by warning both sets of parents beforehand. "We have to do like this—we have to arrest people who commit this crime, and we have to make people aware," Thapa said.<sup>271</sup>

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<sup>270</sup> Human Rights Watch interview with Shital Majhi, Banke district, September 23, 2015.

<sup>271</sup> Human Rights Watch interview with Chandra Bahadur Thapa, Inspector, Melamchi police station, Sindhupalchuk district, September 26, 2015.

Nepal's police have specialized "women's cells" in area and district police stations, a structure established in the last ten years to make it easier for women to report crimes.<sup>272</sup> The cells are part of the criminal investigations department and are meant to be staffed solely by female police officers, although their ability to function effectively is hampered by a shortage of female officers in the police force.<sup>273</sup> They focus primarily on assisting women who have been victims of violence, including domestic violence. "It's a very good initiative. Women can't share problems with male police; this way they can," the head of a women's cell told Human Rights Watch.<sup>274</sup> The women's cells provide a resource that could be used more effectively to enforce Nepal's law against child marriage.

There are also opportunities for police to collaborate more closely with community groups and service providers in the effort to prevent child marriages. Children's clubs can play a crucial role in notifying police of an impending child marriage, as the children's club in Sindhupalchuk did in the case described above. Some communities also host watch groups that monitor gender-based violence and girls' groups. These should also be key allies for police in preventing child marriages. Police should also reach out to educators, health care providers especially FCHVs, civil society organizations, and community leaders to seek cooperation in identifying children at risk of child marriage and preventing marriages.

The government should instruct all police officers that they not only have a duty to swiftly respond to complaints regarding child marriage, but also to pro-actively work to detect child marriages in the absence of a complaint and act to prevent and investigate them. Police officers who fail to act in response to child marriage should be subject to disciplinary sanctions including dismissal.

## Marriage and Birth Registration

One effective strategy used in many countries to prevent child marriage is compulsory birth and marriage registration. In 1981, the Nepal government made registration of vital events, including marriage, mandatory.<sup>275</sup>

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<sup>272</sup> Human Rights Watch interview with female police officer, name withheld, Terai region, September 21, 2015.

<sup>273</sup> Renu Kshetry, "Women Still Struggling to Gain Equal Foothold in Nepal," Inter Press Service, April, 7 2015, <http://www.ipsnews.net/2015/04/women-still-struggling-to-gain-equal-foothold-in-nepal/> (accessed March 30, 2016).

<sup>274</sup> Human Rights Watch interview with female police officer, name withheld, Terai region, September 21, 2015.

<sup>275</sup> Save the Children, World Vision International, and Plan International, "Child Marriage in Nepal: Research Report," 2012, <http://resourcecentre.savethechildren.se/library/child-marriage-nepal-research-report> (accessed December 11, 2015), p. 44.

In spite of this, failure to register births and marriages remains a major gap in the government's effort to prevent child marriage, due to failure by the government to enforce its own registration requirements.<sup>276</sup> Only about 60 percent of births in Nepal are registered, which means that there may be no way to determine the age of spouses seeking to register a marriage. In addition, only 57 percent of marriages are registered.<sup>277</sup> Many interviewees who considered themselves married had not registered their marriages. Those who had registered their marriages had often done so many years after the marriage took place.<sup>278</sup>

When couples who married when at least one of them was a child do seek to register their marriages, they are sometimes sent away and told to return when they are older. "We went before but they refused to register our marriage because I was too young," said Binita Khan, who was married within a month of her first menstrual period to a man who was 20 or 21 at the time. "So we only went now—we just recently registered after I turned 18."<sup>279</sup> Similarly, Ram Kumari Chaudhary married at age 14. Six months prior to being interviewed by Human Rights Watch, when she and her husband were about age 16 and 18 respectively, they went to the local VDC to register their marriage. They were told that they could not register because of Ram's age, and were told to return in two to three years.<sup>280</sup>

In other cases, local government offices were willing to register child marriages when the children were still underage. "We registered our marriage about two to four months after

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<sup>276</sup> In addition to failing to register births and marriages, the Nepal government has also, through the 2015 constitution, adopted provisions which discriminate against women in regard to citizenship. The new constitution restricts the ability of Nepali women to pass on their nationality to their children. Tricia Taormina, "Nepal's Constitution Maintains Fatherhood Bias," Women's E-News, October 7, 2015, <http://womensnews.org/2015/10/nepals-constitution-maintains-fatherhood-bias/> (accessed March 30, 2016).

<sup>277</sup> Nicolette Panta, "Danger of an invisible generation in Nepal," Plan International, July 11, 2015, <https://plan-international.org/blog/2015/08/danger-invisible-generation-nepal> (accessed December 17, 2015); Save the Children, World Vision International, and Plan International, "Child Marriage in Nepal: Research Report," 2012, <http://resourcecentre.savethechildren.se/library/child-marriage-nepal-research-report> (accessed December 11, 2015), p. 44. The Nepal government 2012 report to the CRC Committee cited a 2006 Nepal Demographic and Health Survey finding that only 35 percent of births were registered. CRC Committee, "Third to fifth periodic reports of States parties due in 2010: Nepal," December 23, 2013, CRC/C/NPL/3-5, para 99.

<sup>278</sup> There was some suggestion that the large number of Nepalis migrating for employment has driven an increase in marriage registration, as having proof of marriage, and a spouse and family remaining in Nepal, may make it easier for migrating workers to obtain a visa some countries where employment is available for migrant workers.

<sup>279</sup> Human Rights Watch interview with Binita Khan, Saptari district, September 18, 2015.

<sup>280</sup> Human Rights Watch interview with Kalika Majhgaiya, Banke district, September 23, 2015.

we got married,” said Shanta Mishra, who married at age 16. “When we registered I was still underage, but we didn’t have any problems.”<sup>281</sup>

Ramila Kumari married at about age 12. She and her husband registered their marriage at their village district council (VDC) soon after the wedding. “We had to show citizenship documents for both my husband and me and our parents’ citizenship.” Ramila said the official at the VDC asked about her age. “He said, ‘You are just a kid.’ But my husband said, ‘I’m going abroad so please register this,’ and they did.”<sup>282</sup>

The Nepal government should reform its system for registering births and marriages, and use this as a means to prevent and detect child marriage. Efforts to prevent child marriage through universal birth and marriage registration need to be sensitively designed and implemented so that they do not impose punitive measures on married children. They should prioritize ensuring universal registration of both births and marriages, and an effort by a child or children to register their child marriage should prompt assistance to the married child. In reality, though, interviewees told Human Rights Watch that in many rural areas, there is little government presence, so implementing these reforms would need to be part of a broader effort to strengthen local governance.

The government should work to create incentives to register birth and marriage, structures to ensure registration, and sanctions for those who fail to register. Local government officials should receive clear guidance that they may not register child marriages and when they become aware of child marriages, they must link the married child with social services and report the marriage to law enforcement. Local government officials who register child marriages should be subject to disciplinary sanctions.

## Compliance with the Law by Religious Leaders

Religious leaders who conduct a child marriage are committing a crime punishable by imprisonment under Nepali law.<sup>283</sup> However, interviewees told Human Rights Watch that

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<sup>281</sup> Human Rights Watch interview with Shanta Mishra, Sunsari district, September 16, 2015.

<sup>282</sup> Human Rights Watch interview with Ramila Kumari, Sunsari district, September 17, 2015.

<sup>283</sup> One of the challenges of preventing child marriage in Nepal is that many marriages, especially love marriages, take place informally, meaning that they do not involve a ceremony conducted by a religious leader and they are registered only later if at all. Religious leaders do have an important role to play, however, both through the decisions they make regarding

religious leaders frequently did not ask about the age of the children marrying, even when they were obviously underage, or if they asked, were easily convinced to go ahead with the ceremony despite their age. “He didn’t ask my age. In our community, they don’t ask,” said Sitara Thapa, who was married by a Hindu priest when she was 15.<sup>284</sup>

When religious leaders do ask about a bride’s age, they often ask her parents rather than talking to the girl herself. Rajita Atri said, “There was a Hindu priest. He asked my age, but he asked my parents, not me. My parents said it’s time to marry—she is marriageable age. The priest accepted what my parents said and performed the ritual.”<sup>285</sup> Pabitra Lohar married after she’d had four or five menstrual periods. The priest who performed the marriage asked her how old she was. “I was too shy to talk,” she said. “He talked to my mom. She said, ‘My husband is no more, and that’s why we’re getting her married.’ After that the priest agreed to do the marriage.”<sup>286</sup>

In some cases, religious leaders know a child is underage, but go ahead with the marriage anyway based on what they see as consent by the child. Kamala Satar married about two years before she began menstruating. A Hindu priest performed the ceremony. “He asked my age and then asked me: ‘Are you marrying at your wish or at your parents’ wish?’ I said I am marrying at my parents’ wish. I can’t remember what he said then, but he did the ceremony.”<sup>287</sup>

Some religious leaders try to convince families not to go ahead with a child marriage, but are not prepared to actually refuse to perform the ceremony if the family insists. “The priest asked my age,” said Ramila Kumari. “I said I was 15.” In reality, based on how long Ramila had been married and her current age, she was probably closer to 12. “The priest said to my parents, ‘She is still a child. Why are you getting her married?’ My parents said my grandmother might die and she is insisting. The priest tried to convince my grandmother, but she said, ‘What if I die tomorrow?’ She wouldn’t listen. So the priest did the ceremony.”<sup>288</sup>

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marriage ceremonies they conduct, as well as their broader influence on communities. As part of its efforts to end child marriage, the government should develop systems to ensure that marriages are more consistently formalized and registered.

<sup>284</sup> Human Rights Watch interview with Sitara Thapa, Gorkha district, September 28, 2015.

<sup>285</sup> Human Rights Watch interview with Rajita Atri, Morang district, September 16, 2015.

<sup>286</sup> Human Rights Watch interview with Pabitra Lohar, Saptari district, September 17, 2015.

<sup>287</sup> Human Rights Watch interview with Kamala Satar, Sunsari district, September 16, 2015.

<sup>288</sup> Human Rights Watch interview with Ramila Kumari, Sunsari district, September 17, 2015.

## V. Nepal's National and International Legal Obligations

The government of Nepal has obligations under international and regional human rights law to protect the rights of children. These include the rights to equality and non-discrimination, to the highest attainable standard of health, to education, to information, to free and full consent to marriage, to choose one's spouse, and to be free from physical, mental, and sexual violence. Those whose rights are violated are entitled to an effective remedy. Child marriage in Nepal can result in the inadequate fulfilment and protection of these rights, and the failure to protect these rights can also increase the risk of child marriage.

Nepal is a party to the core international treaties that protect women's and girls' human rights. Nepal has ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC).<sup>289</sup>

International human rights law recognizes state accountability for abuses by private actors and requires governments to show due diligence in preventing and responding to human rights violations. According to the CEDAW Committee, which monitors government compliance with CEDAW, "States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence."<sup>290</sup> Under international law, governments are obligated to work towards eliminating

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<sup>289</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A.Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S.171, entered into force March 23, 1976. Nepal acceded to the ICCPR on May 14, 1991; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A(XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976. Nepal acceded to the ICESCR on May 14, 1991; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc.A/34/46, entered into force September 3, 1981, ratified by Nepal on April 22, 1991.; Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Nepal on September 4, 1990.

<sup>290</sup> Committee on the Elimination of Violence Against Women (CEDAW Committee), General Recommendation No. 19, Violence against women, (Eleventh session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI\GEN\1\Rev.1 at 84 (1994), (contained in document A/47/38), para. 9. See also, UN Human Rights Committee, General Comment 31, Nature of the general legal obligation on states parties to the Covenant, para. 8, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004); UN Committee Against Torture, General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008.CAT/C/GC/2. Regarding the responsibility of states extending to all within their jurisdiction.

harmful traditional beliefs, values, stereotypes, or practices that contravene human rights. They must not invoke “traditional values” to justify violations of human rights.<sup>291</sup>

CEDAW explicitly acknowledges social and cultural norms as the sources of many women’s rights abuses, and requires governments to take appropriate measures to address such abuses. Governments need to “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”<sup>292</sup>

The argument that some practices are cultural norms and thus impervious to alteration cannot justify a government’s failure to address discriminatory practices. The Human Rights Committee, which monitors compliance with the ICCPR, affirms that governments “should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women’s right to equality before the law and to equal enjoyment of all Covenant rights.”<sup>293</sup>

## Right to Equality and Non-Discrimination

Nepal has obligations under international law to ensure girls’ and women’s rights to equality and non-discrimination. The ICCPR calls for “the equal right of men and women to the enjoyment of all civil and political rights,” including the right to birth registration, to free and full consent to marriage, to equality of rights and responsibilities of spouses during marriage and at its dissolution, to life, to liberty and security of the person, and to

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<sup>291</sup> Human Rights Council Resolution 16/3, “Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind,” A/HRC/RES/16/3, April 8, 2011, <http://daccess-ddsny.un.org/doc/RESOLUTION/GEN/G11/124/92/PDF/G1112492.pdf?OpenElement> (accessed September 23, 2014), p.2. See also, Sexual Rights Initiative, “Submission Regarding Best Practices in The Application of Traditional Values While Promoting and Protecting Human Rights and Upholding Human Dignity,” <http://www.ohchr.org/documents/issues/hrvalues/sri%20.pdf> (accessed September 23 2014), p. 1.

<sup>292</sup> CEDAW, art. 5.

<sup>293</sup> UN Human Rights Committee, General Comment No. 28, para. 5. See also UN General Assembly, Report of the Special Rapporteur in the field of cultural rights. A/67/287. New York, UN General Assembly, August 10, 2012, [http://www.unesco.lacult.org/docc/2012\\_Cultural\\_Rights\\_A\\_67\\_287\\_eng.pdf](http://www.unesco.lacult.org/docc/2012_Cultural_Rights_A_67_287_eng.pdf) (accessed July 22, 2014), p. 4. The UN special rapporteur on cultural rights reiterated in 2012 that: “Many practices and norms that discriminate against women are justified by reference to culture, religion and tradition,” and recommended that states ensure “The freedom of women to refuse to participate in traditions, customs and practices that infringe upon human dignity and rights, to critique existing cultural norms and traditional practices and to create new cultural meanings and norms of behavior.”



freedom of expression.<sup>294</sup> The ICESCR includes similar provisions.<sup>295</sup> The CRC recognizes the right of children to be free from discrimination, including on the grounds of sex.<sup>296</sup>

The CEDAW Committee has explained that “[I]nherent to the principle of equality between men and women, or gender equality, is the concept that all human beings, regardless of sex, are free to develop their personal abilities, pursue their professional careers and make choices without the limitations set by stereotypes, rigid gender roles and prejudices.”<sup>297</sup> Child marriage disproportionately affects girls, and negatively impacts the realization of many of girls’ and women’s other human rights. The impact of these violations is felt by women throughout their lives, and extends to their families and societies.

Because polygamy continues to be practiced in Nepal, there is a risk that child brides could be forced into polygamous marriages thereby undermining their right to equality and non-discrimination. CEDAW, in its General Recommendation No. 21 on Equality in Marriage and Family Relations, explains that “polygamous marriage contravenes a woman’s right to equality with men and can have such serious emotional and financial consequences for her and her dependents” and ought to be discouraged and prohibited.<sup>298</sup> The CEDAW Committee has expressed concern about “the persistence of harmful traditional practices” in Nepal, including polygamy, and “the existence of contradictory legal provisions on bigamy, that both recognize and criminalize bigamy.”<sup>299</sup>

## Right to Marriage, Choose a Spouse, and Minimum Age of Marriage

The right to marriage based on “full and free consent” of the spouses is recognized in several international instruments.<sup>300</sup> CEDAW upholds the equal right of men and women to

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<sup>294</sup> ICCPR, arts. 3, 6, 9, 19, 23, and 24.

<sup>295</sup> ICESCR, art. 3.

<sup>296</sup> CRC, art. 2.

<sup>297</sup> CEDAW Committee, General Recommendation No. 28: the core obligations of states parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 47th Sess., U.N. Doc. CEDAW/C/GC/28, 2010, <http://www.iwraw-ap.org/convention/details28.htm> (accessed September 21, 2014), paras. 9 and 22.

<sup>298</sup> CEDAW Committee, General Recommendation No. 21, Equality in Marriage and Family Relations, UN CEDAWOR, 13<sup>th</sup> Sess., UN Doc. A/47/38, (1994), para. 14.

<sup>299</sup> CEDAW Committee, “Concluding observations of the Committee on the Elimination of Discrimination against Women: Nepal,” July 29, 2011, CEDAW/C/NPL/CO/4-5, para 17, 43.

<sup>300</sup> See Universal Declaration on Human Rights, adopted December 10, 1948, G.A. Res. 217A(III), U. N. Doc. A/810 at 71 (1948), art. 16, ICCPR, art. 23, and ICESCR, art. 10 (1).

enter into marriage, and the Convention on the Consent to Marriage further specifies that each spouse must give his or her consent “in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses as prescribed by law.”<sup>301</sup> The CRC Committee has repeatedly addressed the need for countries to establish a definition of a child in all domestic legislation that is consistent with the provisions of the CRC.<sup>302</sup> It has also taken a clear position on 18 as the minimum age for marriage, regardless of parental consent.<sup>303</sup>

The UN Human Rights Committee clarified in General Comment No. 19 that the marriageable age for both men and women shall be based on the ability of both spouses to give their full and free consent.<sup>304</sup> In its General Comment No. 28, the committee affirms the obligation of governments to treat men and women equally with regard to marriage.<sup>305</sup> CEDAW General Comment No. 21 on the right to marriage reiterates men’s and women’s equal right to enter into marriage, conditioned on their free and full consent.<sup>306</sup> Consent cannot be “free and full” when one of the parties involved is not sufficiently mature to make an informed decision about a life partner, or the meaning and responsibility of marriage.<sup>307</sup>

In 2011, the CEDAW Committee wrote, in reference to Nepal, “The Committee is concerned about the persistent practice of early marriage despite legal provisions banning it...The Committee recommends that the State party: (a) Enforce legal minimum age of marriage,

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<sup>301</sup> CEDAW, art. 16. See also Convention on the Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages, art. 1. Nepal has not signed the Convention on the Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages.

<sup>302</sup> CRC Committee, Concluding observations of the Committee on the Rights of the Child: Bangladesh, UN. Doc. CRC/C/BGD/CO/4 (2009), para 30-31.

<sup>303</sup> See, for example, CRC Committee, General Comment No. 4, Adolescent Health and Development in the Context of the Convention on the Rights of the Child, (Thirty-third session, 2003), para. 20. There is an evolving consensus in international law that 18 should be the minimum age for marriage.

<sup>304</sup> UN Human Rights Committee, General Comment No. 19 (The Family), Protection of the Family, the Right to Marriage and Equality of the Spouses, (Article 23), (Thirty-ninth session, 1990), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty bodies, UN Doc. HRI/Gen/1/Rev.7 (2004), para. 4.

<sup>305</sup> General Comment No. 16 of the Committee on Economic, Social and Cultural Rights, which oversees implementation of the ICESCR, para. 27, sets out obligations of governments to “ensure that men and women have an equal right to choose if, whom, and when to marry.”

<sup>306</sup> CEDAW Committee, General Recommendation No. 21, Equality in Marriage and Family Relations, (Thirteenth Session, 1994), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc.HRI/GEN/1/Rev.1(2004), paras. 16, 1 (a) and (b).

<sup>307</sup> General Comment No. 16 of the Committee on Economic, Social and Cultural Rights, which oversees implementation of the ICESCR, para 27, sets out governments’ obligations to “ensure that men and women have an equal right to choose if, whom, and when to marry.” It notes that “the legal age of marriage for men and women should be the same, and boys and girls should be protected equally from practices that promote child marriage.”

which is set at 20, and undertake awareness-raising measures throughout the country on negative effects of early marriage on women's enjoyment of their human rights, especially their rights to health and education.”<sup>308</sup>

The accounts in this report indicate that many girls felt that they had no ability to object to a marriage. Many were also unaware of the implications of marriage and the responsibilities that come with it. These forms of marriage generally disregard the free and full consent and wishes of the girls involved, thus placing them at high risk of violence and other forms of abuse and exploitation.

## Right to Education

The interviews conducted for this report suggested a strong link between school attendance and girls' ability to avoid child marriage. International law provides that everyone has the right to education and the right to equal opportunity in education.<sup>309</sup> International human rights law makes clear that all children have a right to free, compulsory, primary education, free from discrimination.<sup>310</sup> State Parties should also ensure different forms of secondary education are available and accessible to every child, and take appropriate measures, such as the progressive introduction of free education<sup>311</sup> and offering financial assistance in case of need.<sup>312</sup>

The 2005 CRC Committee's General Comment No. 7 on implementing child rights in early childhood interprets the right to education during early childhood as beginning at birth and closely linked to young children's right to maximum development.<sup>313</sup>

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<sup>308</sup> CEDAW Committee, General observations: Nepal, CEDAW/C/NPL/CO/4-5 (2011), para 43-44.

<sup>309</sup> ICESCR, art. 13, CRC, art. 28, African Charter, art. 17, Maputo Protocol, art. 12, ACRWC, art. 11. ESCR Committee, General Comment No. 13, The Right to Education (article 13 of the Covenant), E/C.12/1999/10 (1999), para. 57. Providing education is a core obligation for governments.

<sup>310</sup> United Nations Economic and Social Council, "Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with Commission on Human Rights resolution 1998/33," E/CN.4/1999/49, 13 January 1999, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G99/101/34/PDF/G9910134.pdf?OpenElement> (accessed May 11, 2016).

<sup>311</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 13(2) (b).

<sup>312</sup> Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 28(1)(b); African Charter on the Rights and Welfare of the Child, OAU Doc.CAB/LEG/24.9/49 (1990), entered into force November 29, 1999, art. 11(3) (b).

<sup>313</sup> CRC Committee, General Comment No. 7, U.N. Doc. CRC/C/GC/7/Rev.1 (2006), para. 28.

Secondary education, including vocational education training, must be “available and accessible to every child” and States must “take appropriate measures such as the introduction of free education and offering financial assistance in case of need.”<sup>314</sup> The ESCR Committee, which monitors state compliance with the ICESCR, has similarly stated that governments have “an obligation to take concrete steps towards achieving free secondary and higher education.”<sup>315</sup> According to the Committee, secondary education must not be dependent on a student’s apparent capacity or ability, and should be distributed throughout the country in such a way that it is available on the same basis to all.<sup>316</sup>

Nepal’s constitution states that “Every citizen shall have the right to compulsory and free basic education, and free education up to the secondary level,” but the government lacks effective mechanisms to enforce the requirement that children attend school. In 2014, the ESCR Committee wrote, regarding Nepal:

The Committee is concerned that primary education is not yet compulsory in law and that the State party does not guarantee free secondary schooling. It is also concerned about the high school dropout rate of girls, in particular during the transition between the primary and the secondary levels, and at the secondary level, owing, inter alia, to the unavailability of an adequate sanitary infrastructure.<sup>317</sup>

The CEDAW Committee has highlighted the need for Nepal to do more to ensure access to education for children, especially girls, writing:

While welcoming the overall increase in gender parity in primary and secondary education, the Committee is concerned about the minimal increase in female enrolment, the extremely high drop-out rate for girls, the urban/rural disparities in access to education and illiteracy rates, and the low literacy rate for female adults. The Committee is further

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<sup>314</sup> CRC, art. 28(b).

<sup>315</sup> ESCR Committee, General Comment No. 13, The Right to Education (article 13 of the Covenant), E/C.12/1999/10 (1999), para. 14.

<sup>316</sup> ESCR Committee, General Comment No. 13, The Right to Education (article 13 of the Covenant), E/C.12/1999/10 (1999), para. 13.

<sup>317</sup> ESCR Committee, Concluding Observations: Nepal, UN Doc E/C.12/NPL/CO/3 (2014), para 28.

concerned about the extremely low number of female teachers at all levels of education.<sup>318</sup>

The UN Independent expert on the right to water and sanitation has noted that where schools do not have sex-segregated toilets, girls often drop out of school, notably at the age of menstruation.<sup>319</sup> The ESCR Committee identified the issue in its 2014 review of Nepal.<sup>320</sup> The UN special rapporteur on the right to education has recommended that states, to increase the availability of schools, “establish efficient mechanisms for supplying sanitary towels to adolescent girls who so wish, especially in rural areas, and ensure they can always have the use of the sanitation facilities they need.”<sup>321</sup>

## Right to be Free from Physical, Mental, and Sexual Violence

Many of the married girls interviewed for this report had experienced physical, mental, and sexual violence following child marriage. Under international law, the government of Nepal has an obligation to prevent, investigate, prosecute, and punish violence against girls and women.<sup>322</sup> The responsibility is grounded in the rights of non-discrimination and equality, security of person, health, and freedom from torture and other ill-treatment provided in treaties that Nepal has ratified.

The CRC obligates governments to protect children from physical, mental, and sexual abuse or exploitation through legislation and other social and educational measures. The obligation to protect children from violence includes protection from parents or other caregivers.<sup>323</sup> The CRC also sets out the obligation of governments to protect children from sexual exploitation and abuse.<sup>324</sup>

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<sup>318</sup> CEDAW Committee, General observations: Nepal, UN Doc CEDAW/C/NPL/CO/4-5 (2011), para 27.

<sup>319</sup> Human Rights Council, Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, July 1, 2009, UN Doc. A/HRC/12/24, para. 30.

<sup>320</sup> ESCR Committee, Concluding Observations: Nepal, UN Doc E/C.12/NPL/CO/3 (2014), para 28.

<sup>321</sup> Commission on Human Rights, Report of the special rapporteur on the right to education, February 8, 2006, UN Doc. E/CN.4/2006/45, para. 132.

<sup>322</sup> Human Rights Committee, General Comment 31, Nature of the general legal obligation on states parties to the Covenant (hereinafter "General Comment 31"), para. 8, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004); UN Committee Against Torture (CAT), General Comment No. 2: Implementation of Article 2 by States Parties, January 24, 2008. CAT/C/GC/2.

<sup>323</sup> CRC, art. 19.

<sup>324</sup> *Ibid.*, art. 34.

The CEDAW Committee has identified key steps necessary to combat violence against women and girls, among them: effective legal measures, including penal sanctions, civil remedies, and compensatory provisions; preventive measures, including public information and education programs to change attitudes about the roles and status of men and women; and protective measures, including shelters, counselling, rehabilitation, and support services.<sup>325</sup>

Violence targeting women and girls prevents them from enjoying a host of other rights. These rights include the right not to be subject to cruel, inhuman, or degrading treatment or punishment, security of person, and at times, the right to life.<sup>326</sup>

The CEDAW Committee has also noted that “gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on the basis of equality with men,” including “the right to the highest attainable standard of physical and mental health.”<sup>327</sup> As this report shows, girls in Nepal who are subjected to child marriage may experience violence from their spouses, in-laws, and other family members. This includes physical, verbal, sexual, and psychological abuse. Girls and women often do not report violence to the authorities due to a number of cultural and legal barriers as noted.

Nepal’s obligations to prevent, investigate, prosecute, and punish violence against girls and women includes ensuring that state actors, such as the police, the justice system, and customary processes, take all reasonable steps to provide everyone within its territory with effective protection against violence by private parties. Governments should also address the barriers that deter women and girls from reporting abuse and accessing protection—to better prevent abuse in the first place—and to change discriminatory attitudes. This includes effectively investigating such violence in a manner capable of leading to the identification, prosecution, and punishment of those responsible.<sup>328</sup>

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<sup>325</sup> CEDAW Committee, General Recommendation No. 19, Violence against Women, (Eleventh session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI\GEN\1\Rev.1 (1994), paras. 9 and 24.

<sup>326</sup> ICCPR, arts. 6, 7, and 9.

<sup>327</sup> CEDAW Committee, General Recommendation No. 19, paras. 1 and 7 (g).

<sup>328</sup> See generally, European Court of Human Rights, *Kaya v. Turkey*, judgment of February 19, 1998, Reports of Judgments and Decisions 1998-I, p. 324; *Jordan v. the United Kingdom*, No. 24746/94, judgment of May 4, 2001; *Finucane v. the United Kingdom*, No. 29178/95, judgment of July 1 2003; *Isayeva v. Russia*, 57950/00, judgment of July 27, 2004; *Adali v. Turkey*, 38187/97, judgment of March 31, 2005.

The inaction of government authorities, police, prosecutors, and customary bodies in the face of violence against women and girls creates an atmosphere of impunity facilitating further abuse, and dissuades women and girls from seeking help. Their failure to act exposes girls and women to further violence.

## Right to Health

Child marriage—in Nepal and elsewhere—brings with it a great risk of health problems associated with early pregnancy. The right to health is enshrined in numerous international treaties. The ICESCR specifies that everyone has a right “to the enjoyment of the highest attainable standard of physical and mental health,” and obligates governments to implement the right without discrimination on the basis of sex, age, or other prohibited grounds.<sup>329</sup>

The CRC recognizes children’s rights to health and to access health services, and notably the right to be protected from traditional practices prejudicial to the health of the child.<sup>330</sup> CEDAW obligates governments to take all appropriate measures to eliminate discrimination against women in the field of health.<sup>331</sup> The Human Rights Council has said that if resource constraints prevent states from immediately fulfilling women’s rights to sexual and reproductive health, the state “must demonstrate that it has used all the resources at its disposal to do so as a matter of priority.”<sup>332</sup> It also notes that some obligations, “including obligations related to a national plan of action, and the elimination of harmful practices and discrimination,” are “not subject to resource availability.”<sup>333</sup>

The CRC Committee has called on governments to reduce child mortality and to raise the age of sexual consent to prevent forced marriage and ensure the health of children.<sup>334</sup>

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<sup>329</sup> ICESCR, art. 12.

<sup>330</sup> CRC, art. 24; See also ESCR Committee, General Comment No. 14, para. 22.

<sup>331</sup> CEDAW, art. 12(1).

<sup>332</sup> Human Rights Council, Technical guidance on the application of a human rights-based approach to the implementation of policies and programs to reduce preventable maternal morbidity and mortality: Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/21/22 (2009), para 21.

<sup>333</sup> *Ibid.*

<sup>334</sup> CRC Committee, Concluding Observations: Costa Rica, U.N. Doc CRC/C/CRI/CO/4 (2011), paras. 27, 28.

The CEDAW Committee wrote in 2011 that is was:

[D]eeply concerned about the low access to basic medical care, in particular by women living in poverty, rural women and women with disabilities; the persistence of an extremely high maternal mortality and morbidity rate, in particular among rural, poor and young mothers; the challenges in accessing delivery services, especially emergency obstetric care; poor nutrition, which is strongly correlated with higher risks of maternal mortality and morbidity; the high prevalence of uterine prolapse despite efforts of the State party to provide corrective surgery; the high rate of unsafe abortion, in particular for women living in poverty, women from rural villages and women from marginalized communities within urban areas, in spite of the legalization of abortion in 2002; the lack of access to family planning and the unmet need for contraception, in particular among rural women, adolescents, poor women and women with disabilities; and the lack of data on HIV prevalence among pregnant women.<sup>335</sup>

One of the factors leading to early pregnancy and childbearing is the lack of accurate reproductive health knowledge. The girls interviewed for this report appeared to have little access to information on reproductive health provided by the Nepal government, and only the patchiest of assistance from other sources.

## Right of Children to Express Their Views Freely

Married girls interviewed for this report often said that they had not wanted to marry, but they felt that they had no right to oppose a marriage chosen for them by their family. The right of children to express their views is set out in the CRC, which provides that they have this right in all matters affecting them, according to their age and maturity.<sup>336</sup> The CRC Committee's General Comment No. 12 on the right of the child to be heard affirms this right in any judicial or administrative proceeding affecting their well-being.<sup>337</sup> In its comment, the Committee goes on to set out the obligations of governments to establish reporting mechanisms, such as telephone help lines and support mechanisms, to assist children in

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<sup>335</sup> CEDAW Committee, General observations: Nepal, CEDAW/C/NPL/CO/4-5 (2011), para 31.

<sup>336</sup> CRC, art. 12.

<sup>337</sup> CRC Committee, General Comment No. 12, The Right of the Child to Be Heard, U.N. Doc.CRC/C/GC/12(2009), para.3.



expressing their views. This includes access to doctors and to teachers who can offer a safe space for children to express their views freely or to seek help in any matter related to their well-being.<sup>338</sup>

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<sup>338</sup> Ibid, para. 49.

## VI. Recommendations

Prevention of child marriage should go hand in hand with broader efforts to empower women and girls, end domestic violence and child labor, and increase access to education and health services. The government should incorporate prevention of child marriage into its efforts to reduce poverty, and take steps to end caste or ethnicity based discrimination which plays a key role in driving girls into marriage. The government should ensure that all interventions to prevent child marriage and assist married children put the best interests of the child first and do not under any circumstances leave children worse off.

The recommendations below build on the steps the Nepal government has already committed to, which include the target on ending child marriage under goal 5 on gender equity in the post-2015 Sustainable Development Goals. Another important source of momentum is the goal Nepal announced at the March 2016 Girl Summit in Kathmandu, to end child marriage by 2030. The government also made commitments under the 2014 Kathmandu Call for Action to End Child Marriage in South Asia. The steps the Minister of Women, Children and Social Welfare presented at the 2014 London Girl Summit to achieve Nepal's goal of ending child marriage should inform this effort, and the National Strategy to End Child Marriage should help drive it forward.

The Nepal government has an opportunity to seize the momentum created by these commitments by honoring them and becoming an example of a country working effectively to end child marriage.

### To the Prime Minister

#### *Move Forward in Developing a National Plan of Action to End Child Marriage*

- Develop and implement the planned National Plan of Action to End Child Marriage through a consultative process with all relevant parts of government and with civil society, community leaders, faith-based leaders, and young people to develop the plan of action.

- Ensure the plan of action encompasses prevention of all child marriage, whether considered an “arranged” or “love” marriage, protection and access to services, including for married adolescents, and accountability mechanisms.
- Include a monitoring and evaluation component to identify lessons learned from policy implementation, campaigns, and service provision, including effective models for replication and expansion.
- Implement recommendations outlined in UN General Assembly resolution 69/156 and the April 2014 OHCHR report on preventing and eliminating child, early, and forced marriage.
- Ensure that the National Plan of Action to End Child Marriage includes:
  - An analysis of and plan to reform government laws and policies that discriminate against girls and women or permit discrimination to go unchallenged;
  - Detailed planning with time bound and measurable intermediary benchmarks to track progress towards meeting the 2030 target;
  - Assigned responsibilities for implementation across all relevant ministries and a mechanism to ensure coordination between them;
  - Integration of the activities into local planning processes and resource allocation;
  - Consultation and collaboration with all stakeholders within and outside government;
  - Allocation of adequate resources—budgetary, human, and programmatic—to undertake all planned activities, at all levels of government, down to the VDC level;
  - Coordination with and support from the United Nations and donors to achieve the government’s goal of ending child marriage by 2030;
  - Support from political leadership from the highest levels to the local level, including political parties if possible, through public statements and support to the initiatives in the National Plan of Action;
  - Mechanisms to increase research and facilitate learning about what works to end child marriage.

## To the Ministry of Women, Child and Social Welfare

### *Take Steps to Prevent Child Marriage*

- Work with the Ministry of Finance and the National Planning Commission to provide funding to and partner with nongovernmental organizations to implement programs to better understand the root causes of child marriage in Nepal, and to monitor and evaluate the effectiveness of programs addressing child marriage and to use this information to improve programming.
- Develop and implement, in partnership with civil society organizations, nationwide programming to empower girls and boys to refuse child marriage and discourage child love marriage.
- Building on best practices, design programs that equip girls and boys with information about the harmfulness and illegality of child marriage, support networks, skills training, career guidance, and awareness about children's rights and sexual and reproductive health.
- Support and expand initiatives like the Child Helpline that assist individual children who are being pressured to marry.
- Partner with the Ministry of Federal Affairs and Local Development to mobilize district and local government to raise awareness of and prevent child marriage.

### *Assist Married Children*

- Provide legal assistance and counselling to married children, both through shelters and through other walk-in programs.
- Raise awareness of the provision in the law which permits married children to have their marriage declared void when they reach the age of 18, and provide legal assistance to those who wish to pursue this option.

### *Ensure that Mechanisms to Fight Domestic Violence Are Accessible to Girls*

- Take steps to fully enforce the Domestic Violence (Crime and Punishment) Act of 2009, with specific attention to the unique situation of married girls who often have less information about their rights and less mobility and access to services.

## To the Ministry of Health and Population

- Work with the Ministry of Education to improve and expand the teaching of education modules for all school children on sexual and reproductive health. These modules should be taught from early grades in school as part of the mandatory curriculum, should be linked with access to contraceptive supplies, and should include the following topics:
  - Puberty education;
  - Methods of hygienic menstrual management;
  - The detrimental effects of child marriage, including child love marriage;
  - Health problems associated with early pregnancy;
  - Family planning, birth spacing, contraception, and safe abortion;
  - The importance of antenatal care, skilled delivery and post-partum recovery;
  - Healthy relationships and recognizing and responding to domestic violence.
- Expand outreach by health posts, female community health volunteers, and other government health services, to both schools and communities, teaching girls and boys about sexual and reproductive health with a priority on poor communities and children in, or at risk of, a child marriage.
- Play a lead role in bringing necessary information about sexual and reproductive health and child marriage to out-of-school children, by holding group and individual sessions with out-of-school children, especially in marginalized communities. These sessions should educate children about topics listed above.
- Community outreach sessions should include detailed discussion of the pressures on teenagers that encourage child love marriage, including social stigma and parental opposition attached to premarital relationships, fear of pregnancy, and the possibility that a romantic relationship will prompt parents to rush to arrange a marriage. Groups should discuss solutions for children in this situation, including seeking help from a trusted adult such as a teacher in mediating with parents, practicing safe sex and access to abortion, and seeking police assistance in avoiding a forced child marriage.
- Outreach workers should also convene parents of children approaching and in their adolescent years to discuss child arranged and love marriages, and educate parents about the law against child marriage, the punishment for arranging a child marriage, and strategies they can use to try to prevent their children from eloping,

including open communication, discussing the disadvantages of child marriage, tolerating children's premarital romances, and helping children understand and access contraception.

- Expand community outreach efforts to specifically target married girls and their husbands and in-laws, to educate them about the importance of family planning and contraception, antenatal care and attended birth, and link them with antenatal services.
- Work with the Ministry of Law and Justice to implement a system of universal compulsory birth and marriage registration.
- Implement a large-scale national outreach program to raise awareness about the benefits and compulsory nature of birth and marriage registration.
- Establish mechanisms to enforce the requirement that births and marriages be registered.
- Create digital records that are accessible throughout the country as proof of birth and marriage, and use these records to ensure that all registered marriages are of adults.

## To the Ministry of Education

### *Ensure Girls Receive Quality Primary and Secondary Education*

- Make primary education compulsory and free in law and practice, including through inspections and deploying workers responsible for reaching out and securing the attendance of all out-of-school children.
- Commit the resources necessary to guarantee access to free primary education, including by removing registration and exam fees and associated expenses.
- Define a timeframe to make secondary education free for all, including providing financial assistance for all children who, without the provision of free education or financial assistance, would otherwise be unable to access it.
- Progressively raise the grade level to which education is compulsory, in order to make full completion of secondary education compulsory by 2030.
- Establish mechanisms to regularly track enrolment, attendance, and drop-outs in primary and secondary school.
- Explore measures to offset the associated costs of sending girls from low-income households to school, and ensure all children from poor households receive school supplies, uniforms and hot meals, if required.

- Expand and strengthen financial incentive programs and develop new incentive programs, including providing food to families through schools, that specifically target girls from low-income households and from marginalized communities.

### *Keep Girls in School*

- Prohibit corporal punishment in all schools, and investigate and take action against school employees who hit or mistreat students.
- Ensure girls have access to safe, private latrines and appropriate materials needed to manage their menstrual hygiene in school.
- Require every school and local education officers to do outreach to students who have poor attendance or have dropped out to determine the cause of their absence and try to re-engage them.
- Develop programs through schools and communities to do outreach to, and seek to enrol or re-enrol, married and pregnant children, including through providing early childhood care and development services to their children in order to permit mothers to continue their studies.
- Take steps to support married and pregnant students so that they can remain or re-enrol in school and are not discriminated against.
- Strengthen systems for recruiting, training, and retaining teachers, and ensuring high quality performance by teachers, especially in marginalized areas of the country.
- Conduct regular inspections in schools, especially in marginalized communities and poorly performing schools, to monitor learning conditions, teacher attendance and instruction, which include mandatory consultations with students and their parents.

### *Mobilize Schools to Play a Leading Role in Fighting Child Marriage*

- Add to the compulsory education curriculum comprehensive lessons on the harmfulness and illegality of child marriage (including love marriage), beginning when students are at an early age.
- Establish programs in all schools, including training of teachers and school administrators, to raise awareness about the harm and illegality of child marriage (including child love marriage), and to monitor the student body for girls at risk of child marriage, and immediately raise this with parents.

- Collaborate with mothers' groups and female community health volunteers in monitoring the community and taking action to prevent individual child marriages.
- Institute a policy requiring every school to designate for students a specific staff member responsible for counselling and assisting individual students at risk of both arranged and love child marriage. Provide these staff members with additional training in counselling, relevant law, and negotiation and mediation skills.

### *Empower Girls*

- Improve and expand the content and delivery of the existing module on sexual and reproductive health in the national curriculum, making it an examinable, independent subject taught in all schools across multiple years and beginning in the final years of primary school.
- Teach the sexual and reproductive health curriculum by age, not by class level; children who are in lower grades but who are age eight or over should participate in age-appropriate sexual and reproductive health classes, regardless of their grade level.
- Link lessons on sexual and reproductive health with access to contraceptive supplies.
- Include in the curriculum on sexual and reproductive health explicit and detailed discussion of the pressures on teenagers that encourage child love marriage, including social stigma and parental opposition attached to premarital relationships, fear of pregnancy, and the possibility that a romantic relationship will prompt parents to rush to arrange a marriage. Discuss solutions for children in this situation, including seeking help from a trusted adult such as a teacher in mediating with parents, practicing safe sex and access to abortion, and seeking police assistance in avoiding a forced child marriage.
- Convene parents of children approaching and in their adolescent years to discuss both arranged and love child marriages, and educate parents about the law against child marriage, the punishment for arranging a child marriage, and strategies they can use to try to prevent their children from eloping, including open communication, discussing the disadvantages of child marriage, tolerating children's premarital romances, and helping children understand and access contraception.
- Facilitate access to contraceptive supplies for children by partnering with the Ministry of Health to bring staff from government health facilities to schools on a regular basis to provide individual advice and distribute contraceptive supplies, and develop arrangements for students to access these services in a confidential manner.



## To the Nepal Police

- Investigate all complaints of child marriage promptly.
- Instruct police to pro-actively seek to detect cases of child marriage, without waiting for complaints, including through liaising with children's clubs, girls' groups, gender-based violence watch groups, women's organizations, civil society organizations, schools, health workers, political parties, and community leaders, and work to prevent child marriages in collaboration with these actors.
- Train police officers regarding their duty to detect and investigate cases of child marriage.
- Intervene to prevent child marriage, including child love marriage, whenever possible.
- Refer for prosecution anyone who has committed a crime in relation to a child marriage, including parents, adult spouses, and religious leaders who solemnize child marriages.
- Work with the Ministry of Women, Children and Social Welfare and the Ministry of Law and Justice to ensure full enforcement of the Domestic Violence (Crime and Punishment) Act of 2009, and laws designed to prevent and punish dowry and polygamy.

## To the Ministry of Law and Justice

- Reform the Muluki Ain's provisions on child marriage to make the law a more effective tool in preventing child marriage. Reforms should include: 1) tougher punishments for child marriage; 2) reduced discretion for judges in child marriage cases; 3) replace provisions that discriminate based on gender with gender neutral provisions; 4) establish a requirement that anyone conducting or registering a marriage verify the age of the spouses; 5) provide support services and compensation to victims of child marriage; and 6) increase the statute of limitations for prosecution of a child marriage until the married child reaches the age of 21.
- Establish an obligation for government officials who become aware of a child marriage to report the marriage to both the police and social services.
- Pass legislation to fully enforce the constitution's requirement that primary education be compulsory. This law should include provisions: 1) requiring that free primary education be available to all and accessible throughout Nepal; 2) making education compulsory up to a specific age, an age which should be

progressively raised; 3) setting out clear responsibility as to who should ensure children attend school; 4) making it a criminal offense to prevent children from attending school; 5) make it clear that marriage or parenthood does not end the obligation to attend school up to the compulsory age; and 6) creating mechanisms within local government responsible for identifying and ensuring attendance of out-of-school children.

- Reform the law to make it easier for a married child or an adult who married as a child to exercise their own decision-making in determining whether to annul a child marriage, and to ensure that the rights of women and girls who married as children to child support, alimony, and fair division of marital property are protected in the event of annulment, divorce, or abandonment, whether or not the marriage was registered.
- Develop and fully enforce tougher laws to prevent and punish the practice of dowry.

### **To the Ministry of Federal Affairs and Local Development**

- Raise awareness of the law regarding child marriage and the harm caused by child marriage, and to take specific actions at the community level to end child marriage. This should be done in partnership with the Ministry of Women, Children and Social Welfare, and include directing and supporting each district development committee to develop and implement on-going outreach tailored to the communities in that district, in partnership with civil society organizations, children’s clubs, girls’ groups, educators and healthcare providers.
- Provide clear guidance to local government officials regarding their responsibility to proactively enforce the law prohibiting child marriage.
- Establish a mechanism to receive and investigate reports of local government officials permitting or registering child marriages, and develop and enforce sanctions against officials who do so and a requirement that officials who become aware of a child marriage report it to law enforcement and social services.
- Establish mechanisms to enforce the requirement that all births and marriages are registered, and impose sanctions against government officials who fail to enforce these requirements.
- On a local level, coordinate with school principals and teachers, community leaders, NGOs, and police to proactively identify, prevent and report planned child marriages before they happen, including identifying people who have come from other areas to get married because they have been prevented from marrying elsewhere.

- Through village development councils and municipalities, work with local religious leaders to raise their awareness about the harmful impact of child marriage and the law regarding child marriage and engage them in helping to prevent child marriage.

## To International Donors and the United Nations

### *Urge the Nepal Government to Take Action*

- Prioritize ending child marriage by negotiating with the Nepal government specific indicators toward achieving goal 5 on gender equity and empowering all women in the post-2015 Sustainable Development Goals.
- Encourage the Nepal government to develop a comprehensive national plan of action to end child marriage through a broad consultative process, participate in its development, and support its implementation.
- Include scrutiny of Nepal's efforts to end child, early, and forced marriage in human rights monitoring, reporting, and bilateral and multilateral dialogues.

### *Support the Global Effort to End Child Marriage*

- Urge close monitoring of steps by states, especially states with high rates of child marriage, to achieve the target on ending child marriage under goal 5 on gender equity and empowering all women and girls in the post-2015 Sustainable Development Goals.
- Establish or strengthen financing and technical support for ending child, early, and forced marriage in high-prevalence countries, including Nepal, and ensure it is integrated as a cross-cutting issue in other donor assistance, including on education, health, natural disaster management, and economic development.
- Support collaboration among different stakeholders working to address child marriage.

### *Support Programming on Preventing Child Marriage*

- Integrate strategies to prevent child, early, and forced marriage and to support married girls into assistance programs.
- Support the Nepal government in efforts to integrate preventing child marriage and assisting married children across the work of all relevant ministries.
- Support the Nepal government in its efforts to increase access to quality education for girls, especially within marginalized communities, and ensure such measures

- are adequately resourced in future education sector plans financed by international education donors, including the Global Partnership for Education.
- Urge and support the Nepal government to strengthen its efforts to provide comprehensive sexual and reproductive health education, including by providing puberty education and menstrual hygiene management, in primary and secondary schools that complies with international human rights standards; implement this curriculum as an examinable, independent subject.

### ***Support Research on What Works***

- Research and document the effectiveness of government efforts to end child marriage, including examples of child marriage free VDCs.
- Support nongovernmental organizations to implement programs to better understand the root causes of child and forced marriage in Nepal and actions needed to address it, and to monitor and evaluate the effectiveness of programs addressing child and forced marriage, share information about effective approaches, and use this information to improve programming.

## Acknowledgements

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Sano Paila; Save the Children; Terai Justice Center; THRD Alliance; UNICEF; Wateraid; and World Vision International.

We benefitted enormously from the expertise of many organizations and experts in preparing this report. The contents of the report, however, are solely the views of Human Rights Watch, and should not be attributed to any of the organizations thanked here.

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## Annex: Letter to the Nepal Government

August 16, 2016

Prime Minister Pushpa Kamal Dahal  
Singh Durbar  
Kathmandu, Nepal

Via fax: xxxxxxxxxxxxxxxx

Via email: xxxxxxxxxxxxxxxx

Re: Child marriage in Nepal

Dear Prime Minister Dahal:

Please accept my regards on behalf of Human Rights Watch, an independent nongovernmental organization that monitors and reports on human rights in more than 90 countries world-wide.

I am writing to you on an issue of great shared concern—the prevalence of child marriage in Nepal, and the government's efforts to end child marriage. The Nepali government has taken important steps to end child marriage, including hosting a "Girl Summit," developing a strategy on ending child marriage, and pledging to end child marriage by 2030, as required by the Sustainable Development Goals.

Human Rights Watch has recently undertaken research on the topic of child marriage in Nepal, including interviewing children and young people who have been the victims of child marriage, as well as activists, service providers, health care workers, educators, police, and experts. Although our interviewees came from a range of ethnic and caste backgrounds, the majority of the married children we interviewed were from Nepal's Dalit or



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indigenous communities, a reflection of the fact that child marriage is more prevalent in marginalized and lower caste communities.

I am writing to share with you preliminary findings of our research and to request information that can help us ensure that we accurately and fairly reflect the current situation and the Nepali government's efforts in our reporting on this issue. We would be grateful if you could facilitate a response to this information request from the various ministries involved in addressing child marriage by August 24, 2016.

We conducted research across many districts in the Terai, as well as in Gorkha and Sindhupalchok. We interviewed many girls who had married at ages as young as three or four years old. A large proportion of the married girls we interviewed had married at the age of 11 or 12 years old, immediately after, or sometimes before, menarche. We also interviewed a number of married boys and young men who had married as children.

In many of the locations we visited, child marriage appeared to be not only accepted, but actually expected. The situation is further complicated by what appears in many areas to be the growing prevalence of "love marriages," in which children choose child marriage themselves, including at ages as young as 12 or 13 years old. Our research suggested that these marriages are often prompted by deprivation or abuse at home, a desire to avoid a forced child marriage to a less-favored partner, lack of information about and access to contraception, and social pressures.

We identified a number of factors that seemed to drive very high rates of child marriage in these communities, including:

**Poverty and food insecurity:** Poverty was a theme in many of these girls' lives; many described going hungry and some parents said they had married off girls because they could not feed them. Some girls said they welcomed a child marriage because they hoped it might mean they had more to eat, a hope that was not always fulfilled.

**Lack of access to education:** A majority of the married girls we interviewed had little or no education. Parents said they were deterred from sending their children to school because the schools are often physically inaccessible as well as perceived as being of poor quality. While we appreciate that the Nepali government aims to make primary education



compulsory, and basic education is compulsory according to the constitution, our research indicated that the government does not have adequate mechanisms in place to compel children to attend school. In addition, gender discrimination means that in some communities Human Rights Watch visited, parents often send sons to school, but not daughters.

**Child labor:** A major cause of the married girls we interviewed having missed school was child labor—that they had been forced to work instead of going to school. Some worked in their family’s homes, but many worked outside the home in paid labor, usually as agricultural or domestic workers, often from the age of eight or nine or even earlier.

**Social pressures and harmful practices:** Social pressures often encourage child marriage. In some communities it is seen as “normal” for girls to marry immediately after they reach puberty; in some areas girls marry even earlier. Many girls are married off just after—or sometimes just before—menarche. Some parents and grandparents believe that they will go to heaven if they marry off girls prior to menstruation. Many more believe that when a girl menstruates for the first time, she is ready for marriage, and that it is in the family’s interest to get her married as quickly as possible to avoid the risk of her engaging in a premarital relationship.

**Dowry:** The payment of dowry, by a bride’s family to a husband’s family, remains widespread, although it is illegal; the expectation that a bride’s family will pay a higher dowry in return for a better-educated husband, or to marry off an older girl, creates financial incentives for child marriage.

**Inadequate government response to child marriage:** While the Nepali government has taken some important steps to increase access to education and healthcare, the adolescent girls most at risk of child marriage often have little or no contact with the educational and health systems. The government does not have a functioning system to ensure that all children attend primary school. Rates of school attendance, especially for girls, are low in many of the communities we visited. Government health facilities provide free family planning services, but fail to reach many young people—married and unmarried—who need information and supplies. In some cases, distance to a health post is a barrier, but even when health posts are nearby, girls said they did not know they could go there for contraceptive supplies and other reproductive health services. Schools are

supposed to teach a module about sexual and reproductive health, but this information fails to reach many of the children most at risk for child marriage—children who are out of school or behind in school. In many of the communities we visited, we saw little evidence of the government working effectively to try to prevent child marriage or mitigate the harm that married children experience. There were few programs to promote public awareness of the problem and where they existed, they were often the work of NGOs rather than the government. Police rarely intervene to prevent child marriages, and appear to almost never do so in the absence of a complaint. Local government officials only sometimes refuse to register under-age marriages, as required by law.

In light of these findings, we would be very grateful for your responses to the following questions:

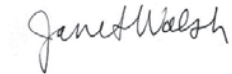
1. What is the current status of the government’s planned development of a National Plan of Action to End Child Marriage?
2. Does the Nepali government plan to reform the provisions of the Muluki Ain which relate to child marriage to make the law more effective, and if so, what reforms are planned and when?
3. What plans does the government have to increase police efforts to prevent and detect child marriages?
4. Does the government have plans to strengthen its systems of birth and marriage registration, and to use these systems as a mechanism for preventing child marriage?
5. Does the government have plans to put mechanisms in place to enforce the requirement that all children attend primary school?
6. Does the government have plans to expand the reach and provision of sexual and health education, and access to contraceptive supplies?

We also welcome any other responses or information or information you are prepared to share on this topic.

The findings of our research will be published in the coming months in a Human Rights Watch report. We would gladly include any response you provide to this letter, but to do so, we would need to receive the response by August 24, 2016. Please feel free to contact me at xxxxxxxxxxxxxxxx.

We sincerely hope that you and the Nepali government will engage in a dialogue with us about the crucial issue of child marriage. We would be grateful for the opportunity to work together with you to try to end child marriage and improve the lives of young people in Nepal.

Sincerely,



Janet Walsh  
Acting Director, Women's Rights Division

Cc:

Ministry of Women, Children, and Social Welfare, via email: xxxxxxxxxxxxxxxx, via fax: xxxxxxxxxxxxxxxx

Ministry of Health and Population, via email: xxxxxxxxxxxxxxxx

Ministry of Education, via email: xxxxxxxxxxxxxxxx, via fax: xxxxxxxxxxxxxxxx

Nepal Police, via email: xxxxxxxxxxxxxxxx

Ministry of Law and Justice, via email: xxxxxxxxxxxxxxxx, via fax: xxxxxxxxxxxxxxxx Ministry of Federal Affairs and Local Development, via email: xxxxxxxxxxxxxxxx