



Submission of Her Turn to the Office of the United Nations High
Commissioner for Human Rights Study on preventing and eliminating
child, early and forced marriage.

In accordance with Human Rights Council resolution A/HRC/RES/24/23 (2013)
Strengthening efforts to prevent and eliminate child, early and forced marriage:
challenges, achievements, best practices and implementation gaps

December 2013

Aleksandra Perczynska, Danielle Preiss, Daniel Coyle,
Her Turn

Child marriage in Nepal – introduction

In Nepal, as in many other parts of the world, girls as young as six are sometimes arranged to be married by their families in child marriages – unions where one or both of participants are aged below 18. According to the Nepal Demographic and Health Survey, as many as 41 per cent of girls are married off before they turn 18.¹ Globally, this makes Nepal the 17th highest country for child marriages.² While rates of child marriage are slowly decreasing, it is still “a pervasive and widespread crisis”³ that needs to be prioritized and addressed. Recently, there is growing awareness surrounding impact child marriage has on girls, their families, communities, and their countries.

The causes and consequences of child marriage have been widely researched and we now understand how interrelated child marriage is with a wide range of issues that girls and women face: low education levels, low social status of girls and women, cultural norms that value boys over girls, poverty, and traditions such as dowry. Child marriage has been found to affect girls disproportionately because girls are often married off to men older than the age of 18, so the number of child brides is higher than child grooms. They are also expected to relocate to their husband's home, and to bear children (in Nepal, preferably sons), as soon as possible. The majority of these girls have no control over their reproductive rights or access to reproductive health; they have little knowledge of birth control, prenatal care, and other basic reproductive and health necessities for women. Complications related to pregnancy and childbirth are the leading cause of death in girls aged between 15 and 19 worldwide.⁴ Early pregnancy and inadequate child spacing is also related to debilitating health problems, such as uterine prolapse⁵ and, perhaps the most devastating, obstetric fistula.⁶ Many girls and women suffer from these conditions and the stigma attached for the rest of their lives, as in rural and impoverished areas, access to health care is difficult, if not impossible, to obtain.

On top of serious health consequences, child marriage has widespread social impacts. When a girl is married off, she traditionally moves to her husband's household. There, she is expected to perform domestic labor and take care of her in-laws. She is vulnerable to domestic and sexual violence,⁷ she often has no access to resources or security providers and, in many cases, no control over her mobility outside of her home: one study revealed that 78 per cent of women require permission of her husband or his parents to leave the home.⁸ Research also shows strong correlation between child marriage and number, mortality and morbidity of young wives' children and their poverty levels – child brides are less likely to

¹ Ministry of Health and Population, 2012, *Nepal Demographic and Health Survey 2011*. Kathmandu, Nepal: Ministry of Health and Population, New ERA, and ICF International, Calverton, Maryland

² UNICEF State of the World's Children, 2013 - data from UNICEF Multiple Indicator Cluster Surveys (MICS), Demographic and Health Surveys (DHS) and other national surveys, and refers to the most recent year available during the period 2002-2011, available at: <http://www.icrw.org/child-marriage-facts-and-figures>

³ Center for Reproductive Rights, 2013, *Accountability for Child Marriage. Key U.N Recommendations to Governments in South Asia on Reproductive Health and Sexual Violence*. New York

⁴ World Health Organization, 2012, *Adolescent Pregnancy. Fact Sheet no 364*, available at: <http://www.who.int/mediacentre/factsheets/fs364/en/>

⁵ IRINNEWS, 2007, *NEPAL: More than 600,000 women suffer uterine prolapses*, available at: <http://www.irinnews.org/report/71244/nepal-more-than-600-000-women-suffer-uterine-prolapses>

⁶ United Nations Nepal Information Platform, 2013, *Obstetric Fistula: Hidden tragedy of Nepalese Women*, available at: <http://www.un.org.np/headlines/obstetric-fistula-hidden-tragedy-nepalese-women>

⁷ Child Marriage Fact Sheets, 2007, International Center for Research on Women

⁸ Office of the Prime Minister and Council of Ministers, 2012, *A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal*, Singha Durbar, Kathmandu, Nepal

have access to jobs.⁹ Considering the high prevalence of this practice in Nepal and its devastating social and health consequences, child marriage represents a serious human rights crisis.

Existing research

Since child marriage is deeply rooted in local conditions, research is crucial in order to understand its underlying social, cultural, political and economic contexts. Global research points to several factors that correlate with the practice: poverty, lack of education, and a low social status of women and girls.

There have been numerous researches of child marriage specifically in Nepal. Their statistics surrounding the prevalence of child marriage differ according to geography, location, ethnicity and other factors. One study of three southern districts estimated 46 per cent of children were married before the age of 18 with 52 per cent of girls and 34 of boys; another study conducted in Rupandehi district found that 89 per cent of children were married before 18. Nationally however, Ministry of Health and Population's estimates the rate of child marriage to be 41 per cent.¹⁰ The rate is higher in the southern belt of Nepal where it coincides with an overall lower average age of marriage.¹¹ Researches also point to a higher prevalence among Dalit ("untouchable" in the Hindu caste system) and Janajati (indigenous) groups and highlights a link between a families' food security – also related to poverty – and child marriage.¹² In many cases, early marriage of daughters is seen as a parents' duty to protect the "chastity" of the daughter¹³ and many families report social pressure from their communities to fulfill this obligation. These findings point to an important factor underlying the practice: the strong cultural understanding that the "honor" of the family (*ijjat*) depends on women's and girls' compliance with social expectations and norms regarding their sexual behaviors.¹⁴

Globally, education has been demonstrated as one of the most important preventive measure against child marriage.¹⁵ In the context of Nepal, a son's education is often prioritized over that of a daughter. Household roles are clearly gendered, and in many communities the expectation remains that girls and women will conduct household chores, instead of working outside the home. As education is not considered necessary to perform domestic duties, the need for a daughter's education is perceived as a wasted investment.

Research on Nepal also points to an important shift in the decision making process regarding marriages. While previously parents and community members predominantly forced girls and boys into early marriages, today studies and anecdotal evidence reveals that adolescents themselves wish to marry early and elope at higher and increasingly higher rates.¹⁶ This is largely attributed to the growing

⁹ Child Marriage Fact Sheets, 2007, International Center for Research on Women

¹⁰ Ministry of Health and Population (MOHP) [Nepal], New ERA, and ICF International Inc. 2012. Nepal Demographic and Health Survey 2011. Kathmandu, Nepal: Ministry of Health and Population, New ERA, and ICF International, Calverton, Maryland

¹¹ Prof Dr R.K. Maharjan, Dr K.B. Karki, Dr T.M. Shakya, B. Aryal, 2012, *Child Marriage in Nepal Research Report*, Plan Nepal, Save the Children, World Vision International Nepal

¹² *ibid.*

¹³ R. Verma., T. Sinha, T. Khanna, 2013, *Asia Child Marriage Initiative: Summary of Research in Bangladesh, India and Nepal*, Plan Asia Regional Office

¹⁴ M. Liechty, 2010, '*Paying for Modernity: Women and the Discourse of Freedom in Kathmandu*', Out Here in Kathmandu, Kathmandu: Martin Chautari Press: pp 307-342

¹⁵ *ibid.*

¹⁶ Prof Dr R.K. Maharjan, Dr K.B. Karki, Dr T.M. Shakya, B. Aryal, 2012, *Child Marriage in Nepal Research Report*, Plan Nepal, Save the Children, World Vision International Nepal

influence of mass media and the “modern values” they bring, popularity of mobile phones which facilitate peer communication and changes in understandings of marriage in general.

As the issue of child marriage gains priority on the international development agenda, a rigorous evaluation of existing programs is necessary to determine what works to delay age at marriage. In 2011, the International Center for Research on Women conducted a systematic evaluation of 23 programs that addressed child marriage implemented between 1973 and 2010 across the globe, including one from Nepal.¹⁷ The study measured different programs' success by the overall changes in age at marriage, the number of girls married before they turned 18, increased knowledge of the negative impact child marriage can have, the increase in the perceived ideal age at marriage for girls, and “more supportive attitudes for girls having a decision-making role in marriage”. The findings suggest that the strongest results were achieved by programs that equip girls with skills, knowledge and resources that empower them to prevent being married before they are ready, as opposed to macro level approaches that focus on the legal age of marriage or solely community based initiatives.

The impact of child marriage on human rights

Child marriage causes a “continuum of harms”¹⁸ that girls and women suffer, that include health, social, and economic consequences. Recognized globally as a public health problem, child marriage is also widely understood as a grave violation of human rights. Article 16 of the The Universal Declaration of Human Rights specifies that individuals *of full age* have the right to marry, and that marriage shall be entered into *only with the free and full consent* of the intending spouses. Child brides are twice as vulnerable to domestic violence and three times more to sexual violence than women who marry later. Many child brides in Nepal suffer from “dowry crimes”;¹⁹ in this context, child marriage is also a violation of Article 3, the right to life, liberty and security of person, and Article 4, which states that no one shall be held in slavery or servitude. As such, it also violates the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, *The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, *The Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriage*, *International Convention on Civil and Political Rights* and other international legal provisions. Considering the low mobility of girl brides without the consent of their husbands and in-laws²⁰, child marriage in many cases violates Article 13 of the Universal Declaration of Human Rights: the right to freedom of movement and residence. With a majority of child brides dropping out of school, the practice undermines Article 26, which states that everyone has the right to education. It also impedes the achievement of Millennium Development Goals, particularly the ones that relate to eradication poverty, providing universal access to education, empowerment of women, reducing child mortality and improving maternal health. Lastly, child marriage undermines several rights guaranteed by the Convention on the Rights of the Child, including “the right to education (article 28), to be protected from all forms of physical or mental violence, injury or abuse, including sexual abuse (article 19) and from all forms of sexual exploitation (article 34), to protection

¹⁷ A. Malhotra, A. Warner, A. McGonagle, S. Lee-Rife, 2011, *Solutions to End Child Marriage. What the Evidence Shows*, 2011, International Center for Research on Women

¹⁸ Center for Reproductive Rights, 2013, *Child Marriage in South Asia. International and Constitutional Legal Standards and Jurisprudence for Promoting Accountability and Change*, New York

¹⁹ IRINNEWS, 2012, NEPAL: The hidden costs of early marriage, available at: <http://www.irinnews.org/report/95654/nepal-the-hidden-costs-of-early-marriage>

²⁰ Office of the Prime Minister and Council of Ministers, 2012, *A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal*, Singha Durbar, Kathmandu, Nepal

against all forms of exploitation affecting any aspect of the child's welfare (article 36)... [and] the right to the enjoyment of the highest attainable standard of health (article 24)."

Achievements and challenges in implementing national obligations regarding child, early and forced marriage

Nepal is struggling to implement its obligations under international human rights conventions and human rights treaties regarding child, early and forced marriages. Though the country has recently raised the legal age of marriage for women to 20 or 18 with parental consent, the updated policy strongly lacks enforcement. Because the problem of child, early and forced marriage is so strongly connected with specific socio-cultural contexts, it needs elaborate national and localized solutions and coordination between many state actors and civil society institutions. Some steps have been taken to prohibit these practices at the local level, but very little action has been taken at the national level to actually enforce policy.

While little has been done at the national level, other stakeholders have begun to develop programs that address the issue. One positive development is the growing media coverage on the problem of child marriage and the awareness brought about by this coverage. The Society for Local Integrated Development (SOLID) Nepal organized a workshop for journalists in 2012 to discuss the role they can play in raising awareness of child marriage.²¹ Local newspapers have begun to take up the issue²² and a radio program that is popular in rural areas recently devoted an episode to it.²³

Equally encouraging, leaders of several major religions produced a video²⁴ condemning child marriage that provides believers with official religious sanction to delay the marriage of their children.²⁵ The opinion of faith leaders is especially important considering the religious support for the practice in some instances. For example, some Islamic practitioners cite the prophet's marriage to a child as support for the practice, and some believe child marriage is sanctioned by ancient Hindu laws. A belief persists among some Hindu practitioners that parents will go to heaven if their daughters are married before puberty and girls are partially undervalued because it is believed that they are unable to preform the necessary funeral rites for their parents.²⁶

However while some positive developments have been made, they are isolated incidences of good practices, that do not represent a strategic and coordinated approach to address the issue nor do they represent a unified shift away from the practice of child marriage. Many challenges continue to hinder progress in preventing and eliminating this practice. New research, policy and legislative changes have

²¹ SOLID Nepal, 2012, Finding an ally: Building partnerships with the media on child marriage, Girls Not Brides, available at: <http://www.girlsnotbrides.org/finding-an-ally-building-partnerships-with-the-media-on-child-marriage/>

²² M.K. Das, 2013, *Child marriage rampant in Dom community*, Republica (Kathmandu). Published 8 Dec 2013, available at: http://www.myrepublica.com/portal/index.php?action=news_details&news_id=65836, Post Report, *Unicef says ignorance of effects behind early marriage*, The Kathmandu Post (Kathmandu). Published 5 Sep 2013, available at: <http://www.ekantipur.com/the-kathmandu-post/2013/09/05/nation/unicef-survey-says-ignorance-of-effects-behind-child-marriage/253262.html>, RSS, 2013, *Five VDCs declared child marriage free*, The Himalayan Times (Kathmandu). Published 22 June 2013, available at: <http://www.thehimalayantimes.com/fullNews.php?headline=Five+VDCs+declared+child+marriage+free&NewsID=381002>

²³ *Child Marriage*, Episode #541, Sathi Sanga Manka Kura (Kathmandu), available at: <https://archive.org/details/SathiSangaMankaKuraEpisode541ChildMarriage>

²⁴ Available at: <http://www.youtube.com/watch?v=GzmSFY8ku6k>

²⁵ Himalayan News Service, 2013, *Impact of Child Marriage Discussed*, The Himalayan Times (Kathmandu). Published 16 Dec 2013, available at: <http://www.thehimalayantimes.com/fullNews.php?headline=Impact+of+child+marriage+discussed+&NewsID=390952>

²⁶ W.A. Ryan, 2012, *Empowering girls in Nepal to say 'No' to child marriage*, UNFPA, available at: <http://www.unfpa.org/public/home/news/pid/12167>

not translated to a reduction in rates of this harmful practice. Awareness of the negative effects of child marriage and of the legal provisions forbidding it remains abysmally low, especially at the local level and particularly in rural areas and impoverished households where the practice is more common.

Awareness of legal and other implications is also low among government institutions and security forces. Vast rural areas of the country do not even have access to police and other security providers to enforce the law. Low awareness of existing laws, coupled with few law enforcement and protection mechanisms, severely weakens the impact of policy achievements. Even when laws are enforced, legal consequences can be very minor. For example, the Supreme Court once issued just a three day sentence and a NRS 25 fine (approximately USD 0.25) to a 13-year-old girl's father who married her off, a lighter sentence than the minimum three months' imprisonment established by law.²⁷

Another major challenge is the low priority given to tackling child, early, and forced marriage due to Nepal's severe political instability that inhibits cohesive strategies that address the issue to be developed and deployed. With a failed attempt to write a constitution and national elections occupying much of 2013, child marriage remained behind much of the coverage surrounding the countries' national level politics nor was it included in politicians' agendas.

Policies, projects and measures undertaken by relevant stakeholders to promote the elimination of child, early and forced marriage

There are numerous interventions from various stakeholders that aim to eliminate the practice of child marriage: United Nations agencies such as UNICEF and UNFPA, INGOs such as CARE and Plan Nepal, and smaller national NGOs that often work at a local level.

CARE's program "Chunauti: Addressing Child Marriage in Nepal through Behavior Change Communication and Social Mobilization" raises awareness of the issue in three districts where child marriage is widely practiced. The program works with schools and local businesses, which include anti child marriage slogans on their products.²⁸ The program combines social mobilization, behavior change communication, public-private partnerships, advocacy, and community-financed social security plans or insurance schemes for girls to convince families to delay their daughters' age of marriage.²⁹

Plan Nepal also runs child, early, and forced marriage interventions that focus more specifically on adolescents. The program also uses a combination of techniques and seeks to prevent child marriage by raising awareness of its negative consequences, mobilizing youth clubs and protection groups, applying community pressure and providing life skill development trainings to youth.³⁰

At the district level, the UNFPA-supported program "Choose Your Future" addresses girls who are not in school and teaches them about health issues and basic life skills³¹. The program's teachers also try to convince parents to allow their daughters to attend school full-time. While this intervention does not explicitly address child or forced marriage, it addresses important socio-cultural issues interwoven with the practice of early marriages. Choose Your Future's implementation also resulted in the scaling of a government-initiated program, Kishori Bikash. Through the program, girls' groups are formed at the

²⁷ Center for Reproductive Rights, 2013, *Child Marriage in South Asia. International and Constitutional Legal Standards and Jurisprudence for Promoting Accountability and Change*, New York

²⁸ M. Tran, 2013, Child marriage campaigners in South Asia receive \$23m cash injection, The Guardian, available at: <http://www.theguardian.com/global-development/2013/aug/23/child-marriage-india-bangladesh-nepal>

²⁹ Governance and Social Development Resource Centre, 2011, Helpdesk Research Report: Evidence-based strategies for preventing child/early marriage, available at: <http://www.gsdr.org/docs/open/HD753.pdf>

³⁰ R. Verma., T. Sinha, T. Khanna, 2013, Asia Child Marriage Initiative: Summary of Research in Bangladesh, India and Nepal, Plan Asia Regional Office

³¹ W.A. Ryan, 2012, Empowering Girls in Nepal to Say 'No' to Child Marriage, UNFPA, available at: <http://www.unfpa.org/public/home/news/pid/12167>

community level, which are connected with women's cooperatives that empower girls through education and vocational training.

Many other projects implemented on local and district levels adopt strategies that have demonstrated effectiveness: changing harmful social norms, supporting community programs, increasing access to girls' education, providing young women with economic opportunities, and addressing the unique needs of child brides.³² As mentioned earlier, the programs that have the strongest results are the ones that combine community mobilization with empowering and equipping girls with skills, knowledge and resources.³³

Recommendations of appropriate measures and strategies to prevent child, early and forced marriage

In order to effectively address the prevalence of early, child, and forced marriage in Nepal, the gaps between research and policy and the reality on the ground must be filled. A major challenge discussed above is the general lack of awareness of both the legal framework criminalizing child marriage, and the negative health, social, and economic consequences of the practice on children, families and communities. Several areas offer space to fill the gap between policy and action.

Education at community level

Education in general is a strong preventive measure against early marriage. Education equips girls with the social capacity to negotiate when and whom they marry and greatly impacts their ability to control and understand their reproduction. Retention and performance of girls at primary and secondary levels should be prioritized because these are years when girls are most likely to drop out of school. However, retention and performance require more than encouragement: girl friendly environments must be created in schools with gender segregated and secure toilets, trained staff that are sensitive to girl specific health and safety issues and improved water and sanitation facilities for girls.

Schools can also play a large role in educating communities about the legal, health, social, and economic consequences of early marriage and potentially convince families to delay their daughters' marriage. Schools have huge potential as an awareness-raising vehicle. Programs like Her Turn and Choose Your Future³⁴ have begun working through schools, using preexisting institutional structures to disseminate information on child marriage and reproductive health. Schools have the greatest contact not only with students but also their parents. As well-respected members of local communities, teachers have considerable ability to inform girls and their parents of the consequences of early marriage. However, many teachers and other school staff are not aware of the legal and other impacts themselves. If trained and supported by government district offices, schools could play a large role raising local awareness of the detriments of early marriage. Gender sensitized and aware teachers in rural schools can monitor at risk girls, intervene and communicate with appropriate law enforcement agents when necessary. Local police (particularly in rural areas), Village Development Committees (VDCs, a lower administrative unit) administration staff, and District Education Office officials, likewise must be made aware of the issue and its consequences, legal and otherwise.

³² International Center for Research on Women, 2007, *How to End Child Marriage Action Strategies for Prevention and Protection*, Washington DC

³³ A. Malhotra, A. Warner, A. McGonagle, S. Lee-Rife, 2011, *Solutions to End Child Marriage. What the Evidence Shows*, 2011, International Center for Research on Women

³⁴ W.A. Ryan, 2012, *Empowering girls in Nepal to say 'No' to child marriage*, UNFPA, available at: <http://www.unfpa.org/public/home/news/pid/12167>

Economic

Poverty is a strong risk factor for early marriage. Many parents view their daughter's marriage as a form economic relief; with a daughter married into another family there is "one less mouth to feed." Younger girls also require lower dowries, which indirectly promotes early marriage through social values. The government of Nepal currently provides financial incentives for inter-caste and widow marriages; new policies that provide incentives for legal-aged marriages could be implemented in highly affected districts. Since the documented link between poverty and child marriage is so strong, poverty reduction and job creation programs can also contribute to delaying marriages.

Cultural

Another factor that plays an enormous role in perpetuating child marriage are the cultural and social norms surrounding girls' roles and actions. Local community and religious leaders should be trained on the social and economic impacts child marriage has on girls, their families, and their communities. These leaders have the power to shape cultural practices regarding child marriage and are often sought to condone or condemn certain pairings. If convinced that early marriages are detrimental to the community, leaders could refuse to approve marriage ceremonies for under-aged parties, thus preventing the practice through socio-cultural mechanisms.

Women's organizations and other pre-existing mechanisms that promote women's leadership can also be mobilized to address the issue of child marriage. Ama Samuha, or Mothers' Groups, are local voluntary women's organizations widespread throughout the country. Having already been involved in the promotion of social issues such as child care, primary health care, nutrition, sanitation, and family planning³⁵ and tackled issues like alcohol abuse,³⁶ Ama Samuha could be trained and mobilized to campaign against and report child marriage.

State level advocacy

While local level interventions are required to create long lasting change, state level advocacy is also necessary. Debates on discrimination against women often cover topics such as domestic violence or human trafficking but rarely address the issue of child marriage despite its widespread prevalence. A tacit acceptance of the status quo creates a reluctance to take strong measures to address the issue in larger initiatives and strategies. Stronger collaboration and coordination between relevant state and local authorities, women's organizations, and the media is required to raise awareness and change prevailing attitudes of acceptance. NGOs also need to be mobilized to monitor the issue, evaluate their interventions, and develop new strategies and programs that address the particularities of various cultural contexts.

Girl brides

While delaying marriage should be a priority, girls who have already been married must also not be neglected and should be included in strategies that address the solution for and impact of the issue. They are the most vulnerable and carry many of the aforementioned health and social burdens, and hence should be included in local level interventions. Many women who underwent child marriages speak against the practice and could be mobilized to campaign locally and nationally against it. Their needs are

³⁵ P.K. Kingden, 2009, *Energizing social mobilization of women through Aama Samuha (Mother's Groups): A case of Morang district*, Social Inclusion Research Fund, available at: <http://www.socialinclusion.org.np/researchdetail-126.html>

³⁶ K.B. Bhattachan, 2012, *Traditional local governance in Nepal*, Paper presented in a national seminar on Strengthening Decentralization and Good Governance in Nepal organized by the Political Science Association of Nepal (POLSAN) and Friedrich-Ebert-Stiftung (FES), Kathmandu, April 21, 2002, available at: http://www.nepaldemocracy.org/institutions/traditional_local-governance.htm

different than those of unmarried girls include access to informal and formal education, access to birth control, access to health care facilities, and enhanced negotiating power in their marital households.

Because adolescent mothers have a higher risk of pregnancy related problems, their access to antenatal, childbirth and postnatal care should be prioritized and include emergency obstetric care. It is also vital to raise their awareness concerning the risks they and their children face during and after early pregnancy, so that they can prevent them.