



Fastenaktion

SITUATION ANALYSIS OF CHILD MARRIAGE IN KARNALI PROVINCE, NEPAL

(A qualitative study report)

Aawaaj

in collaboration with

21 civil society organizations based in 10 districts of Karnali province

Submitted by:

Devsuits, Kathmandu and
Gender Resource Development, Kathmandu

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A study report on situation analysis of child marriage in Karnali province, Nepal

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ACRONYMS

CAED	Center for Agro-Ecology and Development
CDS-PARK	Center for Karnali Rural Promote and Society Development
CEDAW	Convention on the Elimination of All forms of Violence Against Women
CEFM	Child, Early and Forced Marriage
CRC	Convention on the Rights of the Child
DDS	Dalit Development Society
DSN	Development Society Nepal
FCHVs	Female Community Health Volunteers
FEDO	Feminist Dalit Organization
FGD	Focus Group Discussion
GESI	Gender equality and social inclusion
GoN	Government of Nepal
GRD	Gender Resource Development
HBS	Himal Bal Samaj
HuRENDEC	Human Rights and Environment Development Center
HRDC	Hilly Region Development Campaign
HRPLSC	Human Rights Protection and Legal Service Center
IDI	In-depth Interview
INSEC	Informal Sector Service Center
KII	Key Informant Interview
KIRDARC	Karnali Integrated Rural Development and Research Center
NGO	Non-Governmental Organization
OCMC	One-stop Crisis Management Center
O&M	Organization and Management
PACE Nepal	Partnership Aid Center Nepal
PSC	Public Service Centre
PTYSM	Panch Tara Yuwa Samrakshak Manch
RWDC	Rural Women Development Center
SAC	Social Awareness Center
SAIEVAC	South Asian Initiative to End Violence Against Children
SGBV	Sexual and Gender Based Violence

SOSEC	Social Service Center
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
VAWG	Violence Against Women and Girls
WEC	Women Empowerment Center

EXECUTIVE SUMMARY

This report presents a summary of causes and consequences of child marriage in Karnali province; community perceptions and realities about child marriage, policy responses, practices of local governments and partnerships to end child marriage in Karnali.

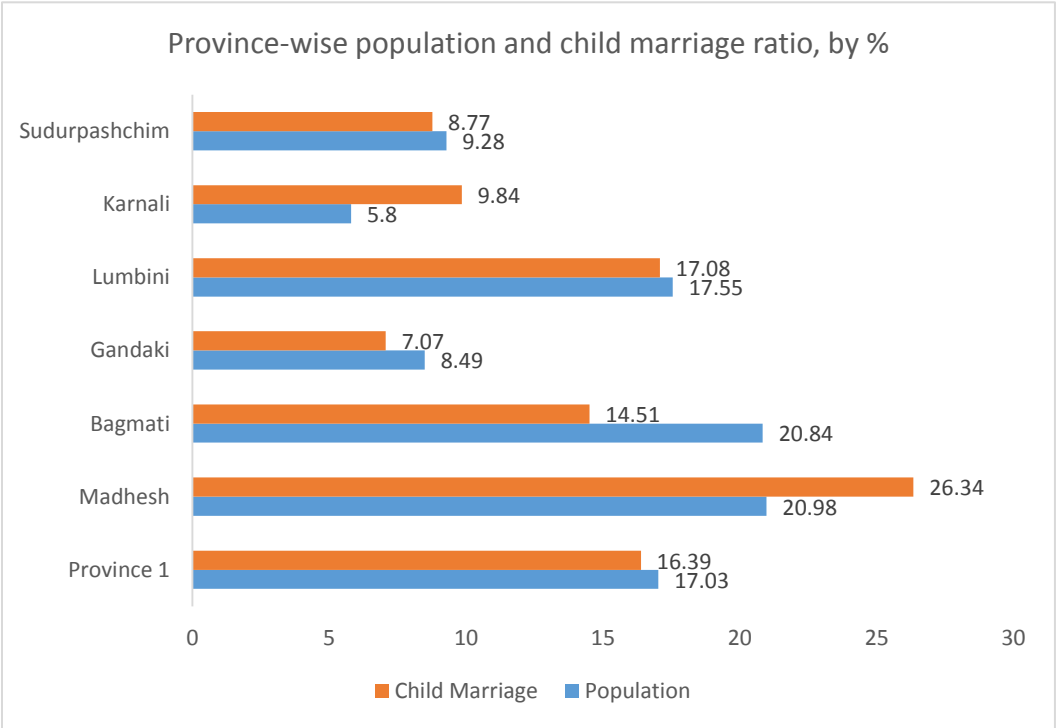
Child marriage contradicts with provisions of several human rights instruments including Universal Declaration of Human Rights, Convention on the Elimination of All forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages and more. A UNICEF report in 2018 estimated that there are 650 million child brides worldwide who got married before they turned 18. South Asia is home to nearly 45% of child brides. Nepal has also recorded high child marriages and so has done the Karnali province.

The National Civil Code 2017, has specified 20 years as marriageable age and the marriage before it is illegal and punishable. Local Governments Operation Act (2074) obligates local governments to adopt necessary measures to end child marriage and other inhuman practices.

Many reports documented alarmingly high number of child marriages, a form of systematic violence against girls, in the districts of Karnali province. The state structure has changed from a unitary to a federal system, resulting in changes in the mandates of federal, provincial and local governments. It is also found that various local organizations have been working on the issue of early and child marriage through advocacy, empowering communities, coordinating with local duty-bearers, however there is lack of coordinated efforts among those organizations.

Devsuits and Gender Resource Development (GRD) jointly carried out the situation analysis of child marriage in all 10 districts of Karnali province to identify the situation, causes, consequences of early and child marriage (ECM), partnerships against and public response to child marriage in Karnali province through a participatory approach using thematic analysis and interpretative phenomenological analysis methods. Aawaaj and 21 civil society organizations from 10 districts of Karnali province were involved in conducting the research. This study primarily employed qualitative methodology using FGDs, KIIs and IDIs. Out of 79 Palikas of Karnali province, 23 (15 Municipalities and 8 Rural Municipalities) were reached through Field Researchers for FGDs, KIIs and IDIs and 56 were reached by Aawaaj remotely with an information template to be filled out by concerned officials.

The study found out that child marriage continues in Karnali; child marriage is done in different forms; girls are married off as early as 13 years of age; society accepts child marriages and child marriage is higher in Dalit communities. According to the census 2021, Karnali province has the lowest population (5.8%) and as per the labour force survey, 2018, it has the highest proportion (9.84%) of child marriage as compared to its population.



Source: CBS, Labour Force Survey, 2018 and Census, 2021

As per a recent report of UNICEF (2022), Karnali and Madhesh provinces have the highest prevalence of child marriage in Nepal, ranging from 41 to 50 percent respectively.

The causes are reported as state apathy and inability to respond; lack of parental care and support; lack of knowledge about reproductive health; poverty and unemployment; lack of information and education; need of extra hands for farms and household chores; difficulty in registering cases of child marriage at police; political interference over access to justice; fear of social exclusion; child labor; social acceptance of child marriage; and access to social media and spread of COVID-19.

Some of the consequences of child marriage are named as increase in school drop outs; perpetuating poverty; increase in domestic violence; weak health, prolapsed uterus, fistula and

nutrition of women and girls; family and social conflicts; human rights violation. In terms of responses to end child marriage, the provincial government has initiated a '*Bank khata chhoriko, suraksha jeevan bhariko* program; and local governments have initiated GBV emergency fund; laws and strategies and some reactive preventive and reactive actions. However, there is a lack of coordination among various actors to ending child marriage; issue of child marriage is sidelined. There is an appetite for collaboration among the CSOs though.

Lack of availability of survivors' information, lack of information sharing by stakeholders, lack of awareness among adolescents about their rights and among families of survivors about case filing were reported as the major gaps by all the 22 organisations that were part of this study. Lack of coordination between development partners, local government bodies and justice administration agencies is also an existing gap highlighted by the CSOs. Similarly, the local elected representatives are said to be less responsive towards child marriage, lack of collective actions, lack of resources, lack of survivor protection mechanism, lack of lifeskill sessions for girls and boys, lack of safe houses and emergency responses, lack of counseling services, lack of reintegration support are some other gaps highlighted in the study.

Based on the situation of child marriage in Karnali province, the recommendations are made for policy and program levels. There are different age thresholds for securing a citizenship certificate, securing voting rights and getting married. This creates confusion among the general public and it should be addressed by legislative measures. Collaborative planning, adequate budgeting, strong database system are also required to end child marriage. Partnership with OCMCs, awareness on child marriage policies and laws at all levels, engaging men and boys, introducing lifeskills packages for adolescents are some other action points to end child marriage. Networking among the CSOs for collective actions is also necessary as isolated actions of individuals or individual organizations are less effective and may invite reprisals from perpetrators.

The provincial government should formulate policies to end child marriage; introduce supportive programs, such as scholarships, awareness raising activities; strengthen OCMCs and establish a strong database system to track ward-wise child marriage incidences. The local governments should encourage delayed marriages by introducing locally developed schemes (as one size does not fit all); sensitize local political parties not to interfere with child marriage cases; operationalize GBF emergency fund; introduce social security for minors who are survivors of child marriage; engage with development partners for advice on policies, programs and

international state obligations; develop and implement school curriculum against child marriage; engage with wider alliance and deliberate multi sectoral approach to end child marriage.

The law enforcement agencies - police, government attorney and the court - should seriously look into child marriage cases, investigate and prosecute. Community-police partnership should also be expanded and some emblematic cases need to be established so that some examples are set. The CSOs and development partners should consider building an alliance; launch/continue awareness programs; conduct parent education; file cases against child marriage; carry out action research on the issue; work with schools; provide life skill training to children; increase rehabilitative and counseling services to survivors advocate and follow-up with governments on the formulation of necessary programs and implementation of policies and recommendations made.

CHAPTER 1: INTRODUCTION

This report presents a summary of causes and consequences of, community perceptions and realities about, policy responses and partnerships to end child marriage in Karnali province. The study was conducted in all 79 Palikas (local governments) of Karnali province over a period of six months.

1.1 Definition of key terms

1.1.1 Marriage

Marriage is a way of establishing bonding between persons. In societal sense, it is the way of commencing social relationship between persons that are bounded by legal, religious and cultural practices of a society.

The marital practices vary among societies in time and space. The legal, religious and cultural practices, which are also changeable, shape the marital practices of the various societies with time.

1.1.2 Child marriage

In the context of Nepal, the marriageable age defined by laws has been changed over the period. Section 70 of the National Civil Code 2017 has specified 20 years as marriageable age for both sexes and the marriage before 20 is considered child marriage, is illegal and punishable whereas the previous laws had specified 18 years for girls and 20 years for boys as marriageable age. Despite the legal provisions and initiatives to reform, the practice of child marriage continues.

1.1.3 SGBV

As per the UN Declaration on the Elimination of Violence against Women (CEDAW, 1993) sexual and gender based violence (SGBV) includes:

Article 1: Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life.

Article 2 of the Declaration states that the definition should encompass, but not be limited to, acts of physical, sexual, and psychological violence in the family, community, or perpetrated or condoned by the State, wherever it occurs. These acts include: spousal battery; sexual abuse, including of female children; dowry-related violence; rape, including marital rape; female genital mutilation/cutting and other traditional practices harmful to women; non-spousal violence; sexual

violence related to exploitation; sexual harassment and intimidation at work, in school and elsewhere; trafficking in women; and forced prostitution.

1.1.4 Gender

Gender is referred as the social attributes and opportunities associated with being a male and a female in a society. These attributes, relationships and opportunities can be acknowledged through socialization process that is changeable within time and context. Mostly, the inequality is recognized between men and women in terms of assigning responsibilities, activities, access to take control over resources as well as decision-making opportunities. Equality between women and men (gender equality) refers to equal rights, responsibilities and opportunities of women and men and girls and boys (UN Women, n.d).

1.1.5 Gender equality and social inclusion

Gender equality and social inclusion (GESI) refers to a concept that addresses “unequal power relations between women and men and between different social groups, it focuses on the need for action to re-balance these power relations and ensures equal rights, opportunities and respect for all individuals regardless of their social identity.”

1.2 Context overview

1.2.1 Global instruments and situation

The international charters and conventions which directly and indirectly forbid child marriage, degrading and mistreatment of girls' condition, inter alia, are:

- Universal Declaration of Human Rights¹
- Convention on the Elimination of All forms of Discrimination Against Women²
- Convention on the Rights of the Child³

¹ In Article 16 the Universal Declaration of Human Rights (UDHR)¹ states, (1) men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution; (2) marriage shall be entered into only with the free and full consent of the intending spouses. This provision of the UDHR forbids the parental initiation and persuasion by others for child marriage prevalent in the global south.

² The Convention on the Elimination of All forms of Discrimination Against Women (1979)² in Article 16 (2) states that the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and it emphasizes the attainment of minimum age to marry and forbids the child marriage as illegal.

³ The Convention on the Rights of the Child (1989)³ in Article 37 (a) states that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen

- International Covenant on Economic, Social and Cultural Rights⁴
- International Covenant on Civil and Political Rights⁵
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.⁶

Similarly, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child recommend the minimum age to be 18. These committees also define child marriage, as early marriage, is any marriage where at least one of the parties is under 18 years of age. The overwhelming majority of child marriages, both formal and informal, involve girls, although at times their spouses are also under the age of 18. A child marriage is considered as a form of forced marriage given that one or both parties have not expressed their full, free and informed consent (cited in UNICEF et al.)⁷

(UNICEF, 2014) expressed that child marriage is the reflection of gender inequality, revealing the societal norms that maintain discrimination against girls. This report found that worldwide, more than 700 million women alive today were married before their 18th birthday. Among them one in three entered into bond of marriage before age 15. The highest prevalence of child marriage is reported in Niger where 77 percent of women aged 20 to 49 were married before age 18 whereas only 5 percent of men in the same age group. This gender difference is also found in those countries where child marriage is less common by citing an example of the Republic of Moldova, the report states that 15 per cent of women aged 20 to 49 were married

years of age. By stating that, it defines the age of maturity and requires state parties to ensure the protection of child from the child marriage.

⁴ The International Covenant on Economic, Social and Cultural Rights (1966)⁴ in Article 10 (1) states that the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

⁵ International Covenant on Civil and Political Rights (1966)⁵ in Article 23(2) states that the right of men and women of marriageable age to marry and to found a family shall be recognized. Likewise, Article 23(3) it states that no marriage shall be entered into without the free and full consent of the intending spouses.

⁶ Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)⁶ without stating the legal age at marriage recommends for full and free consent of both parties to enter into marital bond as it states in Article 1 that no marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.

Similarly, it recommends for the legislative action to specify a minimum age for marriage by stating it in the Article 2 which reads that parties shall take legislative action to specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.

⁷ <https://www.unicef.org/lac/media/9441/file/PDF%20Reforming%20the%20legislation%20on%20the%20age%20of%20marriage.pdf>

before the age of 18 compared to 2 percent of men. This report also identifies age difference between the spouses as girls are often married to considerably older men.

There is an estimate (UNICEF, 2018) that there are 650 million child brides worldwide, including girls under age 18 who are already married, and adult women who got married in childhood. On the positive side, this report also identifies that the practice of child marriage has gradually been declining around the world. During the last decade, the proportion of young women who were married as children decreased by 15 per cent, which also signifies the reduction from 1 in 4 (25%) to approximately 1 in 5 (21%).

1.2.2 South Asia situation

South Asian region is still the home to the largest number of child brides where both girls and boys are highly affected by the child marriage but it adversely affects girls disproportionately. According to a study (UNICEF, 2021) South Asia has the highest prevalence of child marriage in the world where nearly half (45%) of all women aged 20 - 49 years reported being married before their 18th birthday and nearly one in five girls (17%) are married before the age of 15. Bangladesh has the highest prevalence of child marriage in Asia and fourth highest rate of prevalence in the world. Nepal also has one of the highest rates of child marriage in Asia for both boys and girls. In another study (UNICEF, 2014) it is found that Bangladesh has the highest rate of marriage involving girls under age 15 in the world. It also states that South Asia is home to nearly half (45 percent) of all child brides worldwide and India has the largest rate of child marriage in the world that accounts for one third of the global total.

There is a claim (UNICEF, 2014) that the practice of child marriage is declining in South Asia as it declined from 63% in 1985 to 45% in 2010. It also notes that there is significant downturn of child marriage of girls under 15 year which is from 32% in 1985 to 17% in 2010. In apropos to the child marriage of girls between 15-18 years is not found to be declined as of under 15 year. UNICEF has recognized the complex nature of the problem and the various socio-cultural and structural factors are underpinning the highest prevalence of child marriage in South Asia. It states that it is the result of the interplay of economic and social forces and the problem is part of social norms and attitudes that reflect the low value accorded to the human rights of girls.

1.2.3 Nepal and its legal obligations

Several international human rights treaties and conventions, to which Nepal is a party, condemn the higher prevalence and practice of child marriage. The Constitution of Nepal⁸ in article 51(b) (3) provisions that the state has an obligation to implementing international treaties and conventions to which Nepal is a party. Similarly, The Nepal Treaty Act, 1990, states that when any provisions of a treaty to which Nepal is a party conflicts with the provisions of existing Nepalese laws, the former assumes primacy over Nepalese law.

The United Nations Human Rights Treaty Bodies monitor the implementation of the core international human rights treaties and Universal Periodic Review, which involves a review of the human rights records of all UN Member States, has regularly reminded Nepal of its obligation to eliminate child marriage and other inhuman practices related to child. Few of these reminders are as listed below:

1. Committee on the Rights of the Child (CRC) has frequently reminded the Government of Nepal (GoN) to take active initiation to eliminate child marriage in 2005, 2012 and 2016. In 2016, the Committee⁹ urged the GoN to ensure that the minimum age of marriage set in the Constitution is applied. It also recommends the GoN to develop awareness-raising campaigns and programs on the harmful effects of early marriage on the physical and mental health as well as overall well-being of girls, targeting households, local authorities, religious leaders, judges and prosecutors, and to establish protection and support schemes for children wishing to void their marriage, particularly those who file a complaint. In addition, it also urged to undertake an assessment of the impact of the 2015 earthquakes on girls' vulnerability to child marriage and to address the increased risk of child marriages.
2. Human Rights Committee (HRC) has frequently reminded the GoN about the state of child marriage in 1994 and 2014. In 2014, the committee¹⁰ regrets the prevalence of harmful traditional practices such as child marriage and recommended to take appropriate measures to explicitly prohibit all forms of harmful traditional practices in domestic law and ensure their effective implementation in practice.

⁸ The Constitution of Nepal 2015

⁹ CRC Committee, Concluding observations on the third to fifth periodic reports of Nepal, para. 40, U.N. Doc CRC/C/NPL/CO/3-5 (2016).

¹⁰ HRC, concluding observations of the second periodic report of Nepal, para. 8, U.N. Doc CCPR/C/NPL/CO/2 (2014).

3. In 2018, Committee on the Elimination of Discrimination against Women (CEDAW Committee)¹¹ in paragraph 18(b) urged the GoN to adopt a bill to amend some acts relating to country codes to repeal provisions of the Civil Code that are inconsistent with the Criminal Code. These inconsistencies, which undermine the state party's efforts to stop child marriage and impede access for victims to legal remedies, remains pending. Similarly, in paragraph 42(c) it also recommended that child marriages remain widespread, given that the Civil Code is not in line with the provision of the Criminal Code declaring child marriages null and void, and that section 173 (1) and (3) of the Criminal Code imposes punishments on children in early marriages.
4. In 2014, Committee on Economic, Social and Cultural Rights (ESCR Committee)¹² expressed concern in paragraph 14 that deep-rooted stereotypes and patriarchal attitudes that discriminate against women and girls continue to be prevalent in society. It also underscored that women and girls, particularly of Dalit origin, continued to suffer from harmful traditional practices such as forced and early marriages and urged to effectively implement measures to eradicate harmful traditional practices.
5. In November 2015, the Universal Periodic Review (UPR)¹³ recommended to take actions to end child marriage, to eliminate harmful practices against women and children and to combat violence against children. In paragraph 123.20, it recommended stepping up efforts to eliminate gender inequity and implement the national strategy on ending child marriages. Similarly, in paragraph 123.24, it recommended to eliminate harmful practices against women and children and in paragraph 124.47, it recommended for strengthening measures to combat violence against children, particularly with regard to the prevention of early and forced child marriages through awareness-raising campaigns among families.

The Constitution of Nepal, 2015, prohibits child marriage as it is against the fundamental rights of child¹⁴ and a punishable offence and it establishes victims have a right to be compensated by the perpetrator.¹⁵ Under the Article for rights of women, the Constitution provisions that safe

¹¹ CEDAW Committee, concluding observations on the Sixth Periodic Report of Nepal para. 18 & 42, U.N. Doc CEDAW/C/NPL/6 (2018).

¹² ESCR Committee, Concluding observations on the third periodic report of Nepal para.14 , U.N. Doc E/C.12/NPL/CO/3 (2014)

¹³ Human Rights Council, Report of the Working Group on the Universal Periodic Review, Draft Report of the working group on the universal periodic review of Nepal, para. 123.20, U.N. Doc A/HRC/WG.6/23/L.6 (2015).

¹⁴ The Constitution of Nepal, 2072 (2015), Article 39(5)

¹⁵ Ibid., Article 39(10)

motherhood and reproductive health as a fundamental right¹⁶ and ensures that women have a right to be free from all forms of violence and victims have right to be compensated by the perpetrator.¹⁷ Article 51 ensures paying primary attention to the utmost interest of children under the State's policy.¹⁸ The other provisions in the Constitution such as right to live with dignity, the right to equality and non-discrimination, and right to protection from exploitation are also related to child marriage.

The National Civil Code 2017, has specified 20 years as marriageable age and the marriage before it is illegal and punishable¹⁹ which is a better step in the context of countries having higher prevalence of child marriage. Before that, Civil Code of 1963 (11th amendment) fixed that the legal age for marriage has to be 20 but with parental consent the marriageable age for girls was 18 and for boys was 20 years. The National Penal (Code) Act, 2017²⁰ imposes penalty on child marriages and prohibits child marriage. The offence of child marriage is considered as an offence against the State²¹ which is included in the State cases and the cases of child marriage can be reported against either in a written form or verbally.

The Act Relating to Children, 2075 (2018) defines²² "Children" as persons who have not completed the age of eighteen years and prohibits²³ child marriage as a punishable offence against the child. This act establishes the right to live with dignity,²⁴ right against discrimination from parents,²⁵ right to protection from parents, family, guardian and State.²⁶ It also entrusts the federal, provincial and local governments to take necessary measures and make and implement the standards for the protection of children.²⁷ The Children Rules 2051 (1995) provisions the Central Children Welfare Committee with a responsibility to identify and establish the measures to eliminate child marriage in collaboration with government and non-governmental organizations.²⁸

Local Governments Operation Act (2074)²⁹ obligates local governments to adopt necessary measures to end child marriage and other inhuman practices. The adoption of model laws for

¹⁶ Ibid., Article 38(2)

¹⁷ Ibid., Article 38(3)

¹⁸ Ibid., Article 51(J) 5

¹⁹ The National Civil Code 2017, Section 70

²⁰ The National Penal (Code) Act, 2017, section 173 (1) & (3)

²¹ The National Criminal Procedure (Code) Act, 2017

²² The Act Relating to Children, 2018, Section 2 (j)

²³ Ibid., Section 66, (2)

²⁴ Ibid., Section 3, (1)

²⁵ Ibid., Section 5

²⁶ Ibid., Section 7

²⁷ Ibid., Section 7 (10)

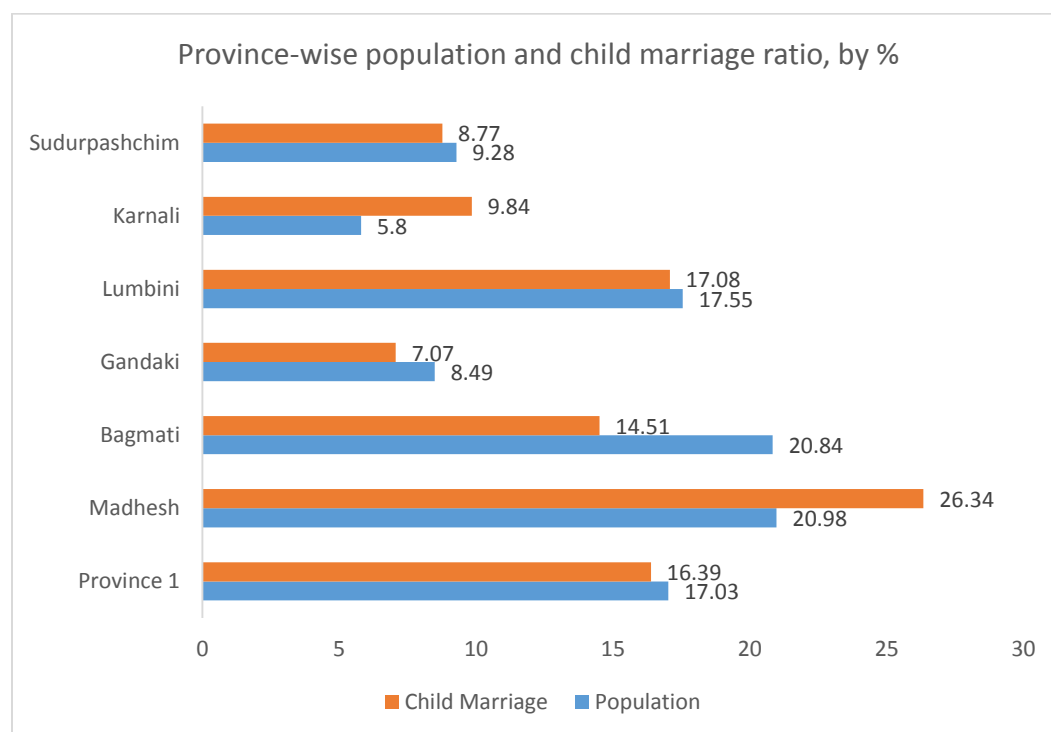
²⁸ The Children Rules 2051 (2055)

²⁹ Local Governments Operation Act (2074) Section 12 (c) (32)

the program operation expenditure procedure against child marriage 2055³⁰ establishes the local government’s duty to incorporate the programs against child marriage into its periodic and annual planning and program with priority. The adoption of National Child Policy 2012 and National Strategy to End Child Marriage 2015, publication of State of Children in Nepal, and joint initiatives in SAIEVAC and Kathmandu Call for Action to End Child Marriage in South Asia are the other remarkable initiatives taken by the government to address child marriage.

1.2.4 Karnali context

Child marriage is one of the major child protection issues in Karnali province. According to the census 2021, Karnali province has the lowest population (5.8%) and as per the labour force survey, 2018, it has the highest proportion (9.84%) of child marriage as compared to its population.



Source: CBS, Labour Force Survey, 2018 and Census, 2021

As per a recent report of (UNICEF, 2022), Karnali and Madhesh provinces have the highest prevalence of child marriage in Nepal, ranging from 41 to 50 percent respectively. The practice

³⁰ <https://mofaga.gov.np/model-laws> (last accessed date 15 June, 2021)

of child marriage is quite high in Karnali province but the data of reported child marriage cases to the police office in the last three fiscal years is dramatically low. According to the provincial police office of Karnali province, there were 4 cases registered in fiscal year 2017/18, 19 cases in fiscal year 2018/19 and 12 cases in fiscal year 2019/20.

The records of a civil society organization reveal that there were a total of 42 reported cases of child marriages in Karnali from 2018 to 2020 due to which 35 girls and 7 boys became survivors. Out of that 35 (83.3%) survivors were girls and 7 (16.6%) were boys. These figures represent only the reported number of cases but not the whole picture of child marriage in Karnali province.

Yearly record of child marriage in Karnali province

SN	District	2018 ³¹		2019 ³²		2020 ³³		Total	
		Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy
1	Jumla	0	1	0	0	0	0	0	1
2	Dailekh	6	0	2	1	7	0	15	1
3	Salyan	0	0	3	1	4	2	7	3
4	Surkhet	0	0	2	2	1	0	3	2
5	Jajarkot	1	0	0	0	0	0	1	0
6	Rukum West	1	0	1	0	1	0	3	0
7	Kalikot	0	0	0	0	3	0	3	0
8	Mugu	0	0	1	0	1	0	2	0
9	Humla	0	0	0	0	0	0	0	0
10	Dolpa	1	0	0	0	0	0	1	0
	Total	9	1	9	4	17	2	35	7

Source: Nepal Human Rights Yearbooks, 2019, 2020 and 2021, INSEC

1.2.5 Political commitments

In 2014, as a part of South Asian Initiative to End Violence Against Children (SAIEVAC), Nepal adopted the Regional Action Plan to End Child Marriage in South Asia. Nepal along with other South Asian countries has made the commitment to end the child marriage by addressing the seven main areas of focus. Among the seven areas of focus, two main commitments³⁴ were to effectively enacting, enforcing and using national legal and policy instruments to increase the

³¹ Nepal Human Rights Yearbook 2019-English. INSEC

³² Nepal Human Rights Yearbook 2020-English. INSEC

³³ Nepal Human Rights Yearbook 2021-English. INSEC

³⁴ South Asia Initiative to End Violence Against Children (SAIEVAC), Regional Action Plan to End Child Marriage in South Asia (2015-2018).

minimum age of marriage to 18 for both boys and girls, and addressing its root causes and creating alternative social, economic and civic opportunities for girls. In September of the same year, Nepal hosted the first Regional Convening on Using Law to Promote Accountability to End Child Marriage, which concluded with the adoption of Kathmandu Call for Action (KCA) to End Child Marriage in South Asia.³⁵ The KCA incorporates the concrete steps to harmonize national laws and policies relating to child marriage in line with constitutional guarantees of fundamental rights, ensure access to information and services for girls and boys to inform them about the risks of early marriage, and to ensure access to legal remedies for child marriage.

Nepal organized the Nepal Girl Summit in 2016 as a follow up of the first Girl Summit held in London in 2014. The Government of Nepal (GoN), following the commitment of 2014 summit, made commitment to end child marriage by 2030 by stepping in changing gender relations in the country and empowering women and girls to unlock their potential and adopting the National Child Marriage Strategy.

In 2015, Nepal committed to achieving the Sustainable Development Goals (SDGs)³⁶ which envisions the elimination of child marriage as a part of SDGs. Under the SDG goal no 5 it aims to achieve gender equality and empowerment of all women and girls through eliminating all harmful practices, such as child, early and forced marriage.

1.3 Objectives of the study

- To identify major factors influencing child marriage in Karnali;
- To identify the situation, causes and consequences of child marriage in selected districts of Karnali province;
- To identify best practices and gaps in relation to tackling child marriage;
- To recommend policy and practice based intervention to tackle child marriage in Karnali.

1.4 Key research questions

- What is happening in Karnali in relation to child marriage? What is the degree, trend in child marriage? Whether or not there are any pockets with high prevalence of child marriage? If yes, which ones?
- What are the causes of child marriage?

³⁵ Center for Reproductive Rights, Kathmandu Call for Action to End Child Marriage in South Asia (2014).

³⁶ https://www.un.org/pga/wp-content/uploads/sites/3/2015/08/120815_outcome-document-of-Summit-for-adoption-of-the-post-2015-development-agenda.pdf

- What are the consequences of child marriage?
- Who are the actors - to prevent or continue or remain neutral in relation to child marriage?
- What are the pull or push factors in increasing or decreasing child marriage?
- What are policies and practices in relation to child marriage?
- What are policy related gaps/practice related gaps, if any?
- Whether there are any examples of best practices to end child marriage?

1.5 Rational of the study

Various study reports documented alarmingly high number of child marriages, a form of systematic violence against girls, in the districts of Karnali province. But this is already a decade old data and there is no fresh data available to develop policy and programmes to address this rampant situation of early and child marriage in Karnali province. On the other hand, the state structure has changed from a unitary to a federal system, resulting in changes in the mandates of federal, provincial and local governments. It is also found that various local organizations have been working on the issue of early and child marriage through advocacy, empowering communities, coordinating with local duty-bearers, however there is lack of coordinated efforts among those organizations. It is also realized that Karnali province needs a foundational document that can guide or synchronize the provincial and local initiatives of Karnali. In this backdrop, this situation analysis was carried out.

1.6 Scope of the study

Geographically, the situation analysis covered all 79 Palikas of 10 districts in Karnali province through 22 CSO partners. In terms of the contents, the study focused on the degree of prevalence of child marriage, causes and consequences of child marriage, community knowledge, attitude and practice on child marriage. It also tried to explore any collaborative responses and good practices to end child marriage and policy responses of local governments to address child marriage.

CHAPTER 2: METHODOLOGY

Devsuits and GRD jointly carried out the situation analysis of child marriage in all 10 districts of Karnali province. The purpose of the situation analysis was to identify the situation, causes, consequences of child marriage, public responses and partnerships to end child marriage in Karnali province. The methodology used for this study was primarily a qualitative one with some elements of quantitative study. Based on the research questions, thematic analysis of causes, consequences of and responses to child marriage was done and interpretative phenomenological analysis method was used to analyze the views and experiences of key stakeholders in child marriage. Therefore, it can be called a mixed method. At the operational level, Aawaaj and 21 civil society organizations from 10 districts of Karnali province were involved in conducting the research.

2.1. Design of the study

This study primarily employed qualitative methodology using FGDs, KIIs and IDIs. Out of 79 Palikas of Karnali province, 23 (15 Municipalities and 8 Rural Municipalities) were purposively selected in consultation with the participating organizations from all 10 districts. There were a total of 82 FGDs and 238 KIIs and IDIs carried out. Field Researchers were assigned by the respective organizations to collect data from those *Palikas* using tools developed by the study team. In addition, two additional templates were developed to collect information from other 56 Palikas, police, health institutions, district attorney offices and NGOs/CSOs.

2.2. Tools and techniques for the study

2.2.1 Consultation with Aawaaj team

Series of consultative meetings were organized among consultants and Aawaaj team to clarify the purpose, scope and finalize the study design, methodology and tools of the study.

2.2.2 Desk review

The study team reviewed relevant documents related to child marriage globally, regionally, nationally and in Karnali province. The reviewed documents included existing laws and strategies at the provincial and local levels. The first five year periodic plan (FY-2076-077 to 2080-081) of Karnali province, the Fiscal Year 2078-079 annual budget and guidelines for **Bank Khata Chhoriko, Surakshya Jeevan Bhariko** (Bank Account for Daughters, Security for Lifetime).

During the desk review, study team reviewed the Constitution (2015), National Civil (Code) Act-2017, National Civil Procedure (Code) Act-2017, Criminal (Code) Act- 2017, National Criminal Procedure (Code) Act-2017, National Strategy on Ending Child Marriage (2016), provincial laws/policies/strategies, local laws/policies/strategies, decisions of Supreme Court as well as the concluding observations of CEDAW and Recommendations of 3rd Round of UPR, concluding observations of CRC.

2.2.3 Development of tools

For the situation analysis, four types of tools were developed such as guiding questions for FGDs, KIIs and IDIs and templates for quantitative information collection. These tools were finalized in consultation with Aawaaj team. The following tools were developed for this study:

- i) Semi-structured guiding questions for FGDs (Annex- 2)
- ii) Semi-structured guiding questions for KIIs and IDIs (Annex- 2)
- iii) Tables to collect data from Municipalities, Rural Municipalities, local units of police and other stakeholders (Annex- 2)

2.3. Training to field researchers

On 27-28 August 2021, the study team organized one and a half-day training in Surkhet for 23 field researchers who were nominated by NGOs/CSOs of 10 districts working in the issues of women's rights and child marriage. For this, related NGOs/CSOs were asked to nominate their staff or board members to support as field researchers as well as with the aim to garner their organizational ownership for future possible alliance to act against child marriage. Training was facilitated by Devsuits, GRD and Aawaaj teams. Training content was focused on familiarity of tools and process to collect and document data, transcribe and provide to Aawaaj then to Devsuits. In this training, the respondents of FGDs and KIIs, the dates for data collection, ways to communicate with Aawaaj and study team were discussed and finalized. The list of Field Researchers and their corresponding organizations is given in Annex 4.

2.4. Key informant interviews (KIIs) and in-depth interviews (IDIs)

A set of semi-structured questions were developed to carry out interviews. A total of 238 key informants were reached including Mayors, Deputy Mayors, Chairpersons, Vice-Chairpersons of Palikas, representatives of NGO Federation, female teachers of high schools, health post in charges, heads of women police cells at District Police Offices, faith-based leaders, Female Community Health Volunteers (FCHVs). In-Depth Interviews were carried out with male and female survivors of child marriage (see Annex- 6 for details).

2.5. Focus Group Discussions (FGDs)

The situation analysis used FGDs as a key tool and methodology for qualitative data collection. The study team conducted a total of 82 FGDs (861 participants) that included 23 with mothers (276 participants) of child marriage survivors, 23 FGDs with child marriage survivors (245 participants), 16 FGDs with boys or men survivors (146 participants), 20 FGDs with representatives of NGOs/CSOs that were engaged in women rights including child marriage issues (194 participants). The FGDs were conducted in order to assess the opinion, perceptions and feelings of diverse stakeholders regarding the situation, causes and consequences of child marriage in Karnali province.

2.6. Province level consultative meeting

One provincial level consultative meeting was organized in Surkhet on 29 August 2021 that was participated by 39 persons including the representatives of provincial parliament, provincial planning commission, National child rights council representative, Nepal Police, CSOs and media.

2.7. Data collection, quality control and analysis

The data collection from all of the 23 Municipalities and Rural Municipalities was done in September-October months. The field researchers were primarily responsible for collecting and sharing data with the study team via Aawaaj. Aawaaj team checked the quality and adequacy of data and provided immediate feedback to Field Researchers if any errors were detected. The study team analysed the data provided by Aawaaj. The data gathered by researchers through Aawaaj were coded in standard check lists developed in excel sheets. The data were triangulated with the information collected from provincial level consultative meetings and other sources. The data were analyzed and interpreted against the study objectives.

The quality of data provided by Field Researchers was checked by a team at Aawaaj and by the consultant team.

2.8. Study ethics and consent procedures

All the field researchers were oriented on the rights of the respondents whether or not to participate in the research and the researchers' obligations to honour their rights. The FGD, KII and IDI participants were informed about the purpose of the study, potential use of the information given by them, possible consequences of such use and their responsibility before conducting the interviews or discussions. The field researchers also made it clear to the respondents that the organizations or individuals commissioning or conducting the research do

not have any obligations as a result of the research. Free, prior and informed consent from the participants was obtained by the field researchers during the information gathering process.

The research team has used pseudonyms where needed and has avoided personally identifiable data while quoting sensitive information.

2.9. COVID-19 precautions

The field researchers were oriented on the mandatory precautions to keep themselves and the communities safe from ongoing COVID-19 pandemic during the field work. All field researchers used masks, sanitizers and maintained physical distance among the participants during FGDs, KIs and IDIs. Mini-FGDs of smaller number of participants and use of open spaces for such discussions were also used by the field researchers as far as possible.

2.10. Study limitations

This study was not free of limitations. Some limitations and risks encountered were as follows:

- i. The situation analysis was done through qualitative method only hence it was not possible to accurately interpret the quantitative degree of problems. Hence, the findings of the study are mostly informative and analytical rather than quantitative.
- ii. The collection of general information from 56 local governments was delayed due to major festivals in between and widely scattered area in remote hill and mountainous region.
- iii. Study team tried to get copies of policies/strategies related to end child marriage but authorities in most of the Palikas were not available to contact so it was difficult to analyze those policies/strategies.

CHAPTER 3: KEY FINDINGS AND DISCUSSIONS

This Chapter summarizes key findings of the study and discusses the interconnectedness of various factors impacting on the phenomenon.

3.1 Situation of child marriage

Child marriage has been practiced for generations in Nepal though it is legally a criminal offense. This situation analysis also found that child marriage exists in all 10 districts of Karnali province in different degrees. Most of the participants reported that child marriage has increased in the society, but in Jajarkot and Mugu, participants reported that child marriage has decreased. In Kalikot, it was reported that the child marriage has increased in practice but the registration of marriages has decreased. Child marriage is found to be higher among Dalit and economically marginalized communities. Almost all of the respondents of FGDs agreed Dalit are most affected community from child marriage. As per the FGD respondents of CSOs (Narayan Municipality & Bhairabi Rural Municipality, Dailekh, Barahatal Rural Municipality, Surkhet), CSO respondents from Birendranagar and Gurbakot Municipality Sukhet said that Dalit and Janajati communities are affected more by child marriage. One participant in Salyan said that lack of complaint against child marriage has encouraged people to continue child marriages. This information was also confirmed through KIIs with stakeholders. The FGD respondents of CSOs and survivor women/girl said that child marriage in Badi communities of Rukum West and Salyan is higher than elsewhere. One participant of FGD in Soru Rural Municipality of Mugu said that poor Brahmin community is also affected by child marriage.

People do not complain about child marriage in their community to authority, which encourages people to continue child marriage.

- A youth, FGD participant, Kapurkot RM, Salyan

People have become more aware about the vices of child marriage and more cases are reported to authorities. Therefore, it may appear that a rise in child marriage cases has occurred but it's in fact rise in the reporting only.

- A female official, KII participant, OCMC, Surkhet

3.1.1 Child marriage continues in Karnali

Almost all of the respondents of study (FGDs and KIIs) claimed that child marriage continues in most of the places of Karnali province though it is decreased to some extent. Out of 82 FGDs, participants of 43 FGDs (52.4%) said that child marriage is increased while participants of 34 FGDs (41.5%) opined that child marriage is decreased to some extent and participants of 5 FGDs (6.1%) expressed that child marriage continues but is neither increased nor decreased. In some districts like Dailekh, Salyan, Rukum West, Humla, Jumla and Dolpa, child marriages have slightly increased specially during the lockdown, when students and migrant workers returned to Nepal due to COVID-19. During the lockdown many students returned home from different places and got married. Hence, NGOs and CBOs said that child marriage was increased during the latter period.

3.1.2 Child marriage is done in different forms

In FGDs, most of the respondents said that the number of 'eloping' children is on the rise lately. Boys and girls get connected through mobile and social media, fall in love and get married early. Respondents of FGD with mothers of child married girl in Kaike Rural Municipality said that there is still a culture of *Tani Bibaha* (where a boy pulls a girl they like irrespective of age) which is also a cause of child marriage and forced marriage. Participants of FGD with men/youth in Bhairavi Rural Municipality, Dailekh said that to escape from the culture of marriage of a girl with her paternal aunt's son, girls tend to marry boys they like at an early age. Similarly, it is reported that some newly married girls do not wear *Sindur Pote* and do not register marriage but live in the family of boy as a daughter-in-law, give birth to children until they attain 20 years. In such cases, there is always a problem to register children's birth and mother's marriage. In many cases, these type of married couples go to India or urban cities to escape from legal actions.

Most of the marriages are arranged by parents and relatives but '*Tani Bibaha*' is also common.

- *A mother of survivor, FGD participant in Kaike Rural Municipality-4, Tuptara, Dolpa*

Now-a-days, self-initiated marriages are in increasing trend, children fall in love with each other and girls get married at the age of 15 or so.

- *An FGD participant, a mother of child marriage survivors, Koldanda, Birendranagar-2, Surkhet*

In the provincial level consultative meeting, the participants stated that in rural areas, child marriage is mainly initiated by parents but in urban areas, child marriage is done by the children themselves. Similarly, with time, the trend has changed. Friends and peers are involved in child marriages these days instead of the parents or relatives who used to get involved in the past.

3.1.3 Girls are married off as early as 13 years of age

A higher proportion of respondents said that the most common age of marriage for girls is 16 years, followed by 17 years and 15 years. There are some marriages at an age of 14, some respondents in Soru Rural Municipality of Mugu district said that child marriage starts at the age of 13 for girls.

Child marriage starts at the age of 13 to 19 for girls.

- *A KII respondent, Municipality's elected representative in Sharada Municipality, Salyan*
I and my wife had love marriage when I was 15 and my wife was only 14. Due to child marriage I could not complete my education and hence I am going for foreign employment for family livelihood.

- *A KII respondent youth, 28, Narayan Municipality-6, Kadachaur, Dailekh*

3.1.4 Society accepts child marriages

Child marriage is easily accepted in the society. Due to its long practice, child marriage has been evolved as a part of culture. In most cases, there is high participation of people even in child marriages. One participant of FGD in Surkhet said that some people are not even aware of legal and other consequences of child marriage. Child marriage is also linked with some religions and traditional thinking at the grassroots level, for example, marrying off a girl at a young age opens the door for parents to heaven.

The age for marriage is from 10 to 20 as understood by society and above 20 years by law. Due to the child marriage, health of both mother and child worsens and they face a multitude of lifelong health problems.

- *A KII respondent, female teacher of a secondary school, Naraharinath Rural Municipality, Kalikot*

3.1.5 Child marriage is higher in Dalit communities

Information from FGDs and KIIs have indicated that child marriage is found more common among Dalit communities. FGD respondents in Kalikot and Mugu said that child marriage is higher in Brahmin/Chhetris after Dalit while in other districts, respondents said child marriage is higher among Janajatis after Dalit. Badi community is said to be the most affected among Dalits. All the participants of the FGDs, KIIs and IDIs stated that Dalit communities are much affected from child marriage in all districts of Karnali province. Most of the respondents said that the economically weak and less educated families are prone to child marriage irrespective of their caste or ethnicity.

Child marriage is happening more in Dalit communities, child marriage starts from 12-13 years age of both girls and boys and they give birth to child by 14-15 years. Almost half of the child marriage in Dalit community are arranged by parents and relatives while about half of child marriages are done by girls and boys themselves. Child marriage is higher in Badi community among Dalits.

- *A Dalit female teacher of secondary school, Kumakh Rural Municipality-7, Salyan*

Child marriage is found more in Dalit communities. Parents are reluctant to complain to Police. Police has Helpline 100, SMS services, police-community partnership program, street drama, radio program for awareness and reporting but I think child marriage is in increasing trend.

- *A police officer, KII respondent from women and children cell, Dailekh*

Badi Sarokar Manch was established in 2016. It has been in operation since then in all Karnali province. At present, Manch is providing shelter and education to 120 Badi girls from different districts of Karnali province. In Karnali, child marriage is common among Badi community, I estimate about 75% marriages in Badi community are child marriages. The age of girls for marriage is about 14-15 years and boys about 17-18 years and the girls give birth to their first child by 16-17 years of age.

- *Chairperson of Badi Sarokar Manch, Surkhet*

Child marriage ruined my life

Deepa Badi (name changed), now 21, from Basi, Dailekh district married with Nara Bahadur Nepali when she was student of class 7. It was their love marriage so they flew to India for work. In India they worked in construction site as labor so life was very difficult. They worked there for about one year and returned back to Nepal. Her husband died of sickness about 2 years before. Her already worse economic condition further worsened with the death of her husband. Later she came in contact to a social organization 'Badi Sarokar Manch Nepal' in Surkhet where she had opportunity to continue her study. At present she is preparing for her SEE exam. After marriage she

Now, Deepa regrets that her life is ruined due to child marriage. She said *"I could not complete my education, I was humiliated by friends and relatives. I had suffered very hard in life. I wish no girl in future do child marriage and suffer like me. I want to study hard and become a nurse in future."*

3.2 Causes of child marriage

Despite the legal and institutional improvements for the protection and promotion of women's and girls' rights including for ending child marriages, they continue to be practiced in Karnali province mostly because of the following reasons:

3.2.1 State apathy and inability to respond

Child marriages are taking place not because of the absence of legal provisions but because of state's apathy and inability to effectively implement the laws. Almost all participants of the FGDs stated that despite higher incidences of child marriages, with few exceptions there is lack of acceptance of complaints, investigation and prosecution to perpetrators. In most cases, police invites families of both girl and boy, counsel them to marry after they attain 20 years of age and handovers them to their respective parents and families. Police is reluctant to register the child marriage complaints, investigate and punish the involved persons.

Situation of child marriage is rampant in Dailekh district though slightly reduced than before. Local politicians and elected representatives themselves play a key role to protect perpetrators of child and early marriages hence we tried but our rural municipality could not adopt any law or guideline to control child and early marriage. Child marriage in our rural municipality starts at the age of 13-14 for girls and 16-17 for boys. So far, no incident of child marriage complaint has come to our Judicial Committee. However, our rural municipality has run awareness raising activities against child marriage.

- *A KII participant, female vice chairperson of one Rural Municipality in Dailekh*

Furthermore, the status of Nepali women, many of whom are victims of child marriage, still remains vulnerable due to weak enforcement of laws, policies and plan of action, and poor performance of state mechanisms. It is partly happening due to lack of infrastructure, resources and responsible governance, but mostly because of state's unwillingness to invest enough resources for the protection of women and their rights. When no one is punished for child marriage, people lack the confidence to lodge complaints against perpetrators and lack of prosecution has encouraged people to continue child marriage.

3.2.2 Lack of parental care and support

Lack of good parenting is said to be one of the key causes for the continuation of child marriage in Karnali province. Most participants of focus group discussions (FGDs) and also the participants of province level consultation workshop pointed to the fact that many parents think that marrying their children is accomplishing their main responsibility. They hardly care about the age of their children. Similarly, girls are misbehaved or overburdened with household chores in the families, which makes them think that marrying might solve their problem. Therefore, the girls voluntarily get married at an early age.

3.2.3 Lack of knowledge about reproductive health

Generally, there is a lack of knowledge regarding the relationship between child marriage and reproductive health specially of girls and women. This leads the girls, boys and their parents to ignore the lasting adverse consequences of child marriage.

3.2.4 Poverty and unemployment

Many parents consider their daughters as financial liabilities. Due to big family size and hardship to take care of many children, parents want to marry their daughters off even if they are underage for marriage.

Married to an older man for food

Kamala Bhat (name changed), 37, from Surkhet now a respected lady in the community as she manages various community level organizations, explains her marriage and its consequent lessons on child marriage.

Today, I run various community organization, and am recognized by the community. However, as a child, I was very shy and felt scared to say anything in front of people. My father passed away when I was 10 years old. Due to my mother being tortured by my

grandfather and uncle, she ran off with another man, taking both my brothers with her. She left me at my uncles. My uncle would make me work in the fields, and never let me study, saying “What has education done for anyone, in the end no matter what you study, you end up working in these fields anyway”.

One day, I ran off to my relative (Sister like). When I was staying there, a stranger roaming the village for election promotion, convinced me to get married to another man. I was only 16 years old, and unaware of situations and basis of life. I agreed because I felt that at least I would have a proper meal to eat. This was one of the factors convinced to me when the marriage proposal came from the stranger.

Prior to the marriage, I had heard that the man I was going to marry had another wife who was disabled, but as a 16 year old, I was not in a position to understand such things or the consequences. I was convinced that I would have a good life and good food, and that’s all that mattered to me. After marriage, I found out that my husband’s first wife had 2 children and she was not disabled. I couldn’t bear children, as I had uterus operation.

In life we cannot always take a U-turn. I later realized that I was married off to a man who was 24 years older to me, so that I could take care of him, and his other wife could take care of his parents. Nothing can be changed now, we have to live with what we have, but stopping early child marriage will eradicate many stories like mine.

In all ten districts during the discussions in FGDs and KIIs, it was found that poverty was a key cause of child marriage. Many respondents recalled their status of not getting enough food in family and working hard in either family or outside to earn the subsistence living for their family. So, they did not want to become more burdens to their parents’ home and when they met the boys they liked or when parent proposed the marriage relationship with boys with higher education and age than them, they got married. In addition, due to lack of adequate housing, some families have to live/adjust in a small house/hut so that it is difficult to maintain confidentiality and privacy. Grown up girls and boys are exposed to and attracted to sexual activities, leading to child marriages.

3.2.5 Lack of information and education

Many participants think that illiteracy and poverty are the key causes of continuation of child marriage. People have no proper knowledge on the continuum of harms on women and girls’ health, well-being, economy and other aspects of life caused by child marriage. On the other

hand they have no proper information of legal standards and punishments for perpetrators of child marriage.

The poor and socially excluded families are found not to have awareness about the importance of education and that lead to child marriage. When they are not studying, they are getting married. During the interviews with survivors of child marriage, majority of the girls said they attended their school until they got married. During the KII it has been found the young girls who get drop out from the school or had no interest or little interest on study or had to discontinue education due to poverty or distance of school, get married early.

Adolescent girls and boys, who do not have adequate information or education about the changes in themselves, develop attraction towards each other as a result of hormonal growth in their body. The attraction turns into long-term relationship and a 'child marriage'.

3.2.6 Need of extra hands for farms and household chores

Respondents of FGDs with a group of mothers in Mugu said that child marriage is happening to fulfil the lack of human resources at home. Because most of the young boys and males from Karnali migrate to India to earn for livelihoods so there is lack of human resource to look after farms and household chores. Hence, child marriage is also associated with child labour. Among the boys who got married early, the reasons of child marriage were family pressure.

3.2.7 Difficulty in registering cases of child marriage at police

Participants in all districts commented that women and marginalized communities face huge challenges to access justice in cases of child marriage. Most of the incidents of child marriage are solved at the local level. It is also because it is hard to register such incidents at the police offices. In most of the cases girls and boys are sent back to their homes with parents without legal actions. FGD participants in Dailekh said that now-a-days police helps parents to search and find newly married girls and boys but hands over to parents as a means to stop child marriage without registering and investigating the cases. In some cases, police registered child marriage cases but they were reluctant to investigate, as a result perpetrators are not prosecuted. Since parents, relatives and society members are generally involved in arranged child marriages, they are reluctant to register cases of child marriage.

3.2.8 Political interference over access to justice

The political interference by the local political leaders is a key barrier to register child marriages. The local political pressure on police not to register but mediate the cases hinders access to justice for the victims of child marriage. This also increases impunity related to child marriage.

FGD participants in Mugu raised this issue seriously. Hence, most of the child marriages end up without entering into formal justice process.

3.2.9 Child labour

During the FGD and KII, many of the children have worked as child laborers in different places before getting married. The most common reason for this was that the respondents were drop out of the school or they were not attending school as they had to work for living. It has been observed in some cases when the girls were dropped out of the school at home, they had to work on daily household chores and unpaid care work. During the KII, it was also found after being employed at one of the jobs such as domestic worker or daily wage labourers, majority of the respondents did self-initiated marriage.

3.2.10 Social acceptance of child marriage

According to the respondents, the society still accepts the child marriage when both parties to the marriage has the same or 'compatible' caste or had no family conflict regarding the marriage. In Dailekh, some of the families still believed that marrying off their daughter before mensuration could bring in good luck to the family.

3.2.11 Access to social media and spread of COVID-19

Access to internet and social media has dramatically increased in recent days. Some of the districts like Surkhet, Dailekh, Jajarkot said they had good internet access and boys and girls got connected via social media. Similarly, FGD participants from CSOs highlighted that during the lockdowns and restrictions imposed to curb the spread of COVID-19, child marriages increased.

During COVID-19, children are taking online classes. At the same time, they are using social media more, getting connected with each other and getting married early.

- A local government representative, KII participant, Dailekh

3.3 Consequences of child marriage

3.3.1 Increase in school drop outs

After child marriage, girls drop out from schools to look after the household chores and boys drop out from schools to earn money to take care of their wives and families. Boys mostly migrate to India for low paid jobs. It is also found that after marriage, girls are not allowed by husbands' families to continue study. Because of the drop outs, the girls lose their opportunity to become educated, employed and to make informed decisions about their life.

'I won't let my children repeat my mistake'

Chandra Kami, 26, from Simikot-5, Humla got married when he was just 18. His parents forced him to marry as it was a common practice in his locality. He couldn't continue his study beyond grade 10 as he had to take care of his family.

He didn't know the cost of early marriage until he realized that his class mates in the school had been in government jobs and were respected by his community.

He says, 'I made the mistake but I won't let my two children repeat the same mistake. I will educate them and will make sure that they get married after they complete their education. I am spreading this message in my community as well.'

3.3.2 Perpetuating poverty

Newly married couples of child marriage have generally big family size or higher number of children. Due to lack of education and skills, they have less opportunities to get good earning jobs or source of earning to take care of their families and teach their children. Thus the cycle of poverty perpetuates with child marriage. During the KIIs, it was found that the occupations of children after marriage were mostly housewife managing the household chores and care giving roles. The marital relationship brought new responsibilities to both boys and girls. In case of women working outside the home, the inadequate educational qualification and physical weakness have made them work in low paying jobs and in an unsafe work environment that further have led to low health and economic status. Likewise, in case of boys also, they are either jobless or working as wage labors and some are seeking foreign employment. During the FGDs with men and women, they mentioned that they couldn't complete their education due to child marriage, hence they lacked necessary education and skills for reputable jobs.

3.3.3 Increase in domestic violence

Due to the child marriage, girls give birth to child in early age hence their health gets deteriorated. They suffer from various sexual and reproductive health problems. Polygamy is increased in society because of weak health of first wife hence there is domestic violence against women and girls. Respondents from Dailekh, Surkhet and Salyan said that domestic violence and polygamy is higher in those districts caused by child marriage. There has been increased suffering of women from physical assaults, verbal abuse from husband, mother-in-law and sister-in-law's, higher work load, unsafe abortion, mental torture, ignorance, divorce,

exploitation. Domestic violence and physical assaults are common for women whereas men fall in alcoholism causing further domestic violence against women.

Enduring violence for family reputation

Sita Devi (name changed) from Jajarkot got married at an age of 18. Her father had to take loan for arranging dowry. For outsiders, it was a happy marriage.

She says, 'my in-laws were supportive of me. I could at least voice my concerns when it came to economic decision of the household. I thought I was blessed to have gotten married into such a family, until one day when my husband beat me when I went to visit my relative. I was totally unaware of his violent behavior until this day. Since then, he has shown erratic behavior. I have not talked to my in-laws about it. In front of my in-laws he is decent and does not curse or beat me, but there are times when he comes home and curses me for no reason. If I say I went out to fetch something from the market he shouts at me. I can smell alcohol when he shows such behavior. My father-in-law and mother-in law are unaware of his drinking behavior too. I don't know what I should do. I have only told my mother about this and she says it's wise not to share it with others; the family's name will be tainted and things like these usually happen between husband and wives.'

3.3.4 Weak health and nutrition of women and girls

Due to early pregnancy, girls suffer from different health problems including malnutrition, anaemia, uterine prolapse and other reproductive health complications. Girls and women also become vulnerable to sexually transmitted infections including HIV. Due to early marriage, there is a high chance of maternal mortality and infant mortality

During the discussions with health professionals, it was found that most of the girls married early directly experienced bad health and nutrition. The impacts on health ranged from physical, mental, emotional or psychological, reproductive and sexual health and well-being. The respondents stated that particularly after marriage, they experienced physical weakness such as lower abdominal pain, nausea, headache. Also, some of the respondents stated they had developed anxiety, stress and other mental health problems as they had to go through forceful separation or were neglected by parental home or were being abused at husband's home.

During the KII, health professionals shared that some of the survivors of child marriage attempted to commit suicide due to family conflict.

3.3.5 Family and social conflicts

Respondents in West Rukum reported that child marriages are the sources of disputes in family and society as they have big family and low income. Children's self-initiated marriages without consent of parents invite family disputes and social conflicts. As the child marriages are not often registered, the married girls lack their capability to seek civil and legal remedy. In some cases, the respondents stated that they had to leave her husband's home and stay with their parental home. In other cases, forceful separation or non-acceptance of marriage were observed, especially when either a boy or a girl comes from 'so-called' lower caste groups.

Early marriage, lifetime regret

Niruta Singh (name changed) is a resident of one of the villages in Dailekh. She shares how her life changed its trajectory after she eloped at the early age of 14.

“I was only 14 when I eloped with him. We lived in the same village and I fell in love when I was in school. I was studying in grade 8. We were of different castes. There was no way that our family would approve of our relationship. I eloped with him wishing for a happy life. I had to quit my studies. When our family came to know of our marriage, they reported to the district police. We were taken to the police quarter when it was agreed that I would be married to the same person after I reach the legal age for marriage. I was taken back to my maternal home”.

“One month after this, I ran from my home to be with my husband. I couldn't resist the distance. When I reached his house, he was not there. He went to India in search of employment. His parents did not approve of me, neither did my maternal family after my second run-away. I had no one who would look after me. I did not hear from him for several months. Four months later, I married a soldier from the nearby village. I lost my first husband and love and respect from my family. An immature decision changed my life forever. I would have completed my schooling by now, which is something I regret forever”.

3.3.6 Human rights violation

Child marriage has adverse effect on whole life of girls and women as they have socio-economic challenges. Women and girls who have married early are most likely to be economically dependent and disempowered. This situation compounded with weak health and other forms of violence become grounds of their human rights violation.

3.4 Existing province and local level responses

There is no separate law adopted by Karnali province to address the rampant situation of child marriage. However, there are some actions taken by the provincial and local level governments.

3.4.1 Bank khata chhoriko, suraksha jeevan bhariko

The government of Karnali province has launched its 'Bank Account for Daughters, Security for Lifetime' program that is in operation since 17 July 2019. Karnali province adopted a procedure manual to operate the program. Though not specified in the document, this program aims to prevent marriage before 20 years of age, reduce girl's school drop out rates at the secondary level and give financial security to girls. This program is very important as it has long term impact in the lives of girls by addressing both drop out and child marriage issues.

This is a program running through a procedure guideline which can be changed or cancelled by ministerial level decision later. Hence, considering its long term importance and its possible impact on the overall development of girls, it is essential to upgrade and adopt a separate Act to address the rampant situation of child marriage in Karnali province. This Programme Operation Guidelines has weak provision of monitoring and evaluation, under sub-article (1), in case of local body the concerned local government has to conduct monitoring and evaluation of the program at least once in five years and in case of total program, the Office of Chief Minister and Council of Ministers has to conduct monitoring and evaluation of the program at least once in five years and produce report of its progress and challenges. This provision must be revised making the monitoring and evaluation strong and mandatory to monitor and evaluate at least once a year.

In addition, Karnali province government has been providing 8 kinds of scholarships including Chhori-Buhari Scholarship to encourage girls and married women to continue their studies.

3.4.2 GBV emergency fund

According to the decision taken by Office of Prime Minister and Council of Ministers (OPMCM) on 6 December 2019 (2076/08/20 BS) to establish Local GBV Elimination Fund, the local governments are required to create GBV emergency funds to rescue, to provide relief and rehabilitation services to GBV survivors. Federal government has established fund to provide conditional budget to local governments for this purpose. But most of the local governments in Karnali province have adopted guideline for GBV Emergency Support Funds but funds are not started yet.

Jagadulla Rural Municipality (Dolpa) has created Emergency Fund Operation Guideline but fund itself is not established yet. In Gurvakot Municipality (Surkhet), it has developed Emergency fund to support child marriage survivors but fund is not established yet.

3.4.3 Laws and strategies adopted by local governments

Some local governments have adopted Strategies to End Child Marriages like Jagadulla Rural Municipality in Dolpa and Gurvakot Municipality in Surkhet have developed 'Five Year Strategy' to end child marriage in municipality.

Kushe Rural Municipality in Jajarkot has developed a Strategy to End Child Marriage (2077-2079) and Guideline to Operate Campaign End Child Marriage, 2078; Khandachakra Municipality has adopted Child Protection Policy (2076) with provision (para 10 'A') to address child marriage though it needs to review from international commitments and domestic laws.

District	Dailekh	Dolpa	Humla	Jajarkot	Jumla	Kalikot	Mugu	Rukum West	Salyan	Surkhet	Total
No. of Paliks with specific policies	1	1	0	3	0	1	0	2	0	2	10
No. of Paliks with Provision to reduce child marriage in other policies	2	0	1	0	4	2	0	0	0	2	110
Number of Palikas with no policies	8	7	6	4	4	6	4	4	10	5	58
TOTAL	11	8	7	7	8	9	4	6	10	9	79

3.4.4 Actions of some local governments

Some local governments have adopted strategies to end child marriages. For example, Jagadulla Rural Municipality in Dolpa has developed strategy to end child marriage; Gurvakot Municipality in Surkhet has also developed 'Five Year Strategy' to end child marriage in municipality; Kushe Rural Municipality in Jajarkot has developed Strategy to End Child Marriage (2077-2079) and Guideline to Operate Campaign End Child Marriage, 2078; Khandachakra Municipality has adopted Child Protection Policy (2076) with provision (para 10 'A') to address child marriage and Emergency Child Relief Fund (Operating Guidelines). Similarly, Panchapuri Municipality (Surkhet) has adopted Child Protection Manual, Act to Eliminate Violence against Women.

Furthermore, a few local governments have created mechanisms to promote women's rights including rights against child marriage, such as formation of child protection committee, Judicial Committee, counselling and social campaigns to end child marriage.

CSOs actions against child marriage

In Surkhet, a few CSOs/NGOs have been working to reduce child marriage through awareness raising, in Dailekh Duluu, Aawaaj has been working closely with municipality, children club, youth group, ECM survivor group and parents to end early child marriage since last 5 years and other NGOs are raising awareness through FM radios. Government organizations, youth clubs and child clubs have been jointly working with police to stop child marriages, by managing child helpline, through training and interactions. Last year, police organized a door-to-door awareness raising campaign against child marriage in Sharada Municipality of Salyan; in Jajarkot, Save the Children, youth clubs, child clubs, child protection committees, police and civil society organizations are working against child marriage.

In Kalikot, Plan International, HuRENDEC, SADA, KIRDARC have been working against child marriage. In Mugu district NGOs, local governments and schools have been conducting campaigns against child marriage. In Dolpa, local government, youth clubs, mother groups and police have been engaged in awareness raising activities however they are in very small numbers. Hence, many local initiatives are taken at the local level but they are not enough to cope with the deeply rooted trend of child marriage.

The government of Karnali province has launched its 'Bank Account for Daughters, Security for Lifetime' program that is in operation since 17 July 2019. Karnali province adopted a procedure manual to operate the program. Though not specified in the document, this program aims to prevent marriage before 20 years of age, reduce girl's school drop out rates at the secondary level.

3.5 Institutional arrangements

There are several governmental and non-governmental institutions working towards ending child marriage in Karnali province. However, proper coordination is lacking.

Child marriage is taking place in households and settlements, therefore any intervention to respond to this problem should be closer to these units - families and settlements. The

provincial government can formulate overall policies, plans and programs for the province but the local governments are responsible for effective implementation of those policies, plans and programs.

The study found that the work has started at both the ends - at the province level and at the local level, however, it is imperative to strengthen coordination among the provincial, local governments and civil society organizations.

3.5.1 Lack of coordination

As per the KII and FGD respondents, interventions to end child marriage have too often been developed without coordination between different government ministries and sectors. The complex nexus of causes and consequences of child marriage require sectors to work together. Community engagement, social norm change and protection (including social protection), for example, are essential to support legal reform, education and health interventions. Weak enforcement of law and the perceived financial protection and protection from stranger violence associated with child marriage undermine national laws against the practice.

3.5.2 Issue of child marriage is side-lined

Responsibility for child marriage interventions has typically fallen to low-profile line ministries, like departments of women and children, social development ministry. These ministries tend to lack the convening power, budget and mandate to coordinate cross-government responses. Managing multispectral responses requires engagement by more powerful ministries, particularly ministries of finance, home, to ensure all relevant sectors are fairly and adequately funded to design, influence and deliver their responses as part of a coordinated response.

Child marriage should be at the centre of national development plans and policies and should also be in provincial plans and policies. An action plan to end child marriage and respond to the needs of married girls is critical to enabling different interventions led by different sectors to support one another. Through overseeing funding distribution and human resources, and through providing forums for information sharing, provincial action plans help interventions to be delivered effectively.

3.5.3 CSOs are willing to collaborate

Aawaaj and other NGOs who had involved in research in ten districts have shown a shared commitment to collective actions to end child marriage in Karnali. These organizations have a good reputation to respond to sexual and gender based violence. Aawaaj received request from

elected representatives of ward to support the child marriage/GBV cases they know and also started listening the concern of Aawaaj and its alliance partners.

Eradicating child marriage is one of the important domains of work for Aawaaj and has been working in Dailekh and Bardiya since last 5 years. It is currently working on the situation analysis of child marriage, lobbying for developing strategy to end child marriage, building alliance with like-minded stakeholders in Karnali province. Concurrently, it is working on girl-led project to end child marriage through group development, capacity development and mobilization of girls in Karnali province. Similarly, through change makers it has promoted advocacy to end early and child marriage on radio and online news portals.

Similarly, Aawaaj has key component for the protection of children and women and access all services for survivors and worked on the theme of "We can End all Violence against Women" by setting up 45 district radio listener clubs and developing and mobilizing 2,500 change makers. It has worked on ending GBV against women and children through group development, capacity building and mobilization.

3.6 Gaps in policy and practices

Most of the local government leaders, especially Mayors, Deputy Mayors or Chairpersons, Vice Chairpersons were not aware of CEDAW and government's obligations to eliminate all forms of discrimination against women that are enshrined in the CEDAW.

In this situation analysis, there were total 22 KIIs conducted with local government authorities that included 4 Mayors, 6 Deputy Mayors, 2 Chairpersons, 6 Vice-Chairpersons, 1 Spokesperson and 1 head of women and children department. Out of them, 7 Deputy Mayors and Vice Chairpersons expressed that they never heard of CEDAW, 6 others told that they heard of CEDAW but they didn't know its details while 3 local government officials had good understanding of CEDAW and state obligations under this treaty. Only Mayor of Bheri Municipality of Jajarkot and Chairperson of Tribeni Rural Municipality of West Rukum said that they have prepared Operating Guideline to address women rights which are related with the obligations under CEDAW.

From the KIIs, it was revealed that local government authorities have poor understanding of international human rights standards. Though the Constitution of Nepal (2015) has specified federal government's role to report on international treaties, provincial and local governments have to play significant role to implement those international rights at their jurisdictions.

3.7 Awareness, advocacy and leadership

Ending child marriage is a target under Sustainable Development Goals 5.3 and 16.2 and Karnali government, by default, follows the Nepal Government's National Strategy to End Child Marriage in Nepal by 2030. This is a positive step, but much work needs yet to be done. An action plan to implement the strategy is due and investments along with broader partnerships are required to bring about the necessary changes to end the practice in Karnali province.

During the KII and discussion with media representatives and Aawaaj, there has been an active collaboration between CSOs, local FMs, local media associations and local newspapers in campaigns against child marriage.

The campaign activities have been integrated into the existing programs of some CSOs and supplemented the organizations' on-going work on strengthening systems that protect children, raising awareness and challenging harmful practices.

3.8 Networking and alliance building

During the KIIs, IDIs and FGDs, it was found that most of the stakeholders including civil society members expressed the need of alliance in all ten districts to reduce and control child marriage including gender based violence. But most of the respondents want a systematic and intuitional alliance building mechanism to mainstream all the actors in one platform.

Alliance building is the process of selecting the most effective members for the team and bringing these members together. Alliance members may consist of individuals, organizations, businesses, or other groups.

3.9 Role of stakeholders

Different stakeholders play different roles to reduce and control child marriage in Karnali province. This study tried to reach out to all the stakeholders including Karnali government, planning commission, province police, Municipalities, development partners, CSOs who are working against child marriage, civil society members, media, judiciary and community groups. As the issue is a multi - sectoral one, it needs a corresponding approach. Some examples of current efforts to end or contribute to ending child marriage include:

- As per social development ministry scholarship program has been lunched focusing on girls' higher education with a target to control child marriage;

- Karnali province planning commission give priority on ECM issues in 5 years planning document is developing a child marriage policy and allocated budget for all the ten districts planning;
- Some of the municipalities included child marriage as an issue to be addressed in their plans;
- Community-police collaboration was found to be useful in addressing child marriage and other GBV cases; and
- OCMC is an effective platform to provide a range of emergency services to survivors of GBV including child marriage. (referral, legal, rehabilitation, emergency response and recovery, counseling.)

3.10 Men engage

During this study, FGDs and KIIs were conducted adequately engaging men to discuss and reflect about gender inequities, to think about the ways that women have often been at a disadvantaged position and have often been expected to take sole responsibility for child care and domestic tasks. In the case of child marriage, boys are also victims and they also faced the inequality and injustices from the society. For example, at times, the boys are convicted of rape when they get married at an early age.

Health professionals and CSO representatives highlighted that men and women working together would promote gender equality and could reduce child marriage. Which means men and women sharing equal status and opportunity to realize their human rights and contribute to, and benefit from, all spheres of society (economic, political, social, cultural). For example, some Palikas introduced an affirmative action policy that promotes increased support from men to end violence.

Similarly, during the KIIs with boys married as a child and OCMC staff, it was revealed that the boys received justice and treatment easily from the support of men members of the family.

3.11 Available services

3.11.1 One Stop Crisis Management Center (OCMC)

In Karnali province, Government of Nepal has established a Hospital-based One-Stop Crisis Management Center (OCMC) in Provincial Hospital, Birendranagar and district hospitals in all 10 district of Karnali province with the aim of effectively tackling, treating and addressing the

problems of gender based violence including child marriages in an integrated manner. Those OCMCs have been providing unified services against the incidents of gender-based violence that includes provisions to manage GBVs.

The OCMC in Karnali Province Hospital has been in operation since 17 November 2017. Since its establishment it has been providing the following services to the survivors of gender-based violence including survivors of child marriage that includes:

- Treatment of injuries and medical examination and provides medicines free of cost;
- Psycho-social counseling services to the survivors of GBVs;
- Provides legal counseling and legal aid services to the GBV survivors through concerned District Attorney General, Paralegal or Legal Counselor as required;
- GBV survivors and those affected by GBV are provided further counseling services after completion of their initial treatment. They are provided with temporary safe shelter home services and consumption needs;
- OCMC also takes initiation for creating a favorable environment to rehabilitate the survivor within her family;
- If rehabilitation in her family is not possible, in that case center assists the survivor to become independent and support her rehabilitation in the community; and
- Center maintains security and confidentiality of the GBV survivors.



3.11.2 Psycho-social counselling services

Hospital based One-Stop Crisis Management Centers (OCMCs) provide psycho-social counselling services to the survivors of gender-based violence. At that time, counsellors also provide counselling on negative effects of child marriages but there are no other specific mechanisms or organizations to provide psycho-social counselling to the survivors related to child marriages. OCMC at Birendranagar refers to Aawaaj for psycho-social counselling. Aawaaj provides psycho-social counselling services to survivors of gender-based violence and child marriage.

Large number of women and children have been experiencing various forms of gender based violence (GBV) which has resulted in physical, sexual and psychological damage. Since there has been a lack of unified and effective provisions to address GBVs, it has been difficult to effectively tackle, treat and address the problems in an integrated manner.

3.12 Gaps and issues

- Lack of availability of survivors' information, lack of information sharing by stakeholders, lack of awareness among adolescents about their rights and among families of survivors about case filing were reported as the major gaps by all the 22 organisations that were part of this study.
- Lack of coordination between development partners, local government bodies and justice administration agencies is also an existing gap highlighted by the CSOs.
- Lack of responsiveness from the elected representatives due to political biases is also reported as a gap.
- During the CSOS alliance meeting funding was reported as a major challenge by all the organisations. Additionally, rescuing survivors from the border at midnight by female staffs was also a key challenge.
- There is a lack of large scale awareness programs at every level in schools, women's groups, other CBOs, among the boys and men of the community and in the community itself so everyone knows:
 - What is child marriage as per the law?
 - How to protect oneself - lifeskills?

- What are the legal steps one should take for protection and to get justice?
 - What and where are the available support systems in the community and what is the confidentiality policy that is provided to the victim?
 - What is a safe house and where it is?
 - What kind of emergency response is available to the victim and where and how to avail of it?
- Emergency response: Although all the 22 organizations in this study reported providing some form of emergency response to the survivors, it was not a systematic or strategic response. All the stakeholders in the area need to collaborate on specific emergency response and a funding should be provided for it including health checkup, food and shelter for the victim and their family if any, counselling (legal, psychological and health), livelihood support and other forms of support when and if needed.
 - Reintegration: From this study it was found that only some organizations were working to reintegrate the survivors back into their family and community. This is a very delicate and specific responsibility and one that needs a lot of diplomacy, understanding, confidentiality and patience. Long term regular wellness checks also need to be conducted on the survivor and their family.

Key issues identified

- Most of the child marriage related programs are focused on the federal (central) level and the budget earmarked for the local level-based CSOs are scanty.
- There is a lack of knowledge on planning and budget allocation mechanism in the Municipalities and CSOs level in terms of child marriage as a cross-cutting theme and as a result, some of the key sensitive issues were missed in the planning.
- During the KII and 22 CSOs meeting the gap in child marriage related policy and law implementation has been identified at the local level due to a lack of coordination between Federal, Provincial and Local governments.
- There are a number of school level interventions related to child marriage but the resources allocated for the school intervention program are inadequate.
- The Government set a mandate to establish "GBV Emergency Fund" in each municipality. All the municipalities formed the committee but did not allocate the emergency budget which is mandatory as per the GBV fund strategy. In absence of budget, the committees are dysfunctional.

CHAPTER 4 RECOMMENDATIONS

Child marriage is rampant in Karnali province. Some efforts are being made to address it but they are not adequate. Based on the findings, some recommendations have been made:

Policy, planning and budget allocation

- **Need effective law implementation** related to child marriage /GBV including CEDAW, SDG and other policy and conventions to mobilize the elected local representatives in collaboration with the representative organizations of selected municipalities. There are different age thresholds for securing a citizenship certificate, securing voting rights and getting married. This creates confusion among the general public and it should be addressed by legislative measures.
- **Strong GESI planning is required** CSOs/Development partners/UN systems in collaboration with municipalities and selected organizations to highlight the GESI/child marriage/GBV. The planning will help endure the GESI-friendly and prevention, protection and reintegration friendly mechanism in the municipalities and for CSOs, for OCMC, for women police cell and community police collaborative program. This will also ensure violence-free community inclusion process.
- **Budget allocation** is another salient issue. Above mentioned issues including child marriage/GBV are pre-requisite for achieving the targeted goals of Sajhedari. Therefore, resources need to be provided directly to the concerned stakeholders including separate financial resources (Emergency child marriage/GBV Fund) as well

Program level

- **A strong database system** in concerned in local government bodies will be a significant intervention. There is no recorded data in the selected organization working on child marriage /GBV and other forms of violence. Karnali government also do not have any proper data of victims. Women police cell is the main government organization which compiles the recorded data of victims. However, the compilation of three years' data only have district level data and lacks municipality and local level data.

Implementation level

- **Direct partnership with the One-stop Crisis Management Center (OCMC)** to create a safe and quick supportive environment for the victims as the OCMC provide all the services (counseling, referral, treatment, care and recommendation for reintegration) to the victims in a single platform which is the main government service provider to the victims. Development partner can support emergency response and recovery funds to OCMC for child marriage/GBV because only government fund is not sufficient to cover all the victims in the Karnali Provinces

- As per the findings there is need for more awareness in law and policies to link child marriage /GBV related provisions.
- As per the findings of the KII with Deputy Mayors and judiciary in child marriage /GBV intervention, more advocacies and sensitization programming will be needed in terms of treatment of girls and boys in the society. For this 'Engaging Man and Boys' in CSOs projects as well as development partners and Karnali Governments will be highly effective.
- For the local level intervention, child marriage,GBV/EVAWC friendly **life skill package** for elected local representatives is in high demand.
- Based on the planning, **a separate implementation mechanism** should be developed at the local, provincial and federal levels to ensure ownership for the child marriage/DGBV/GESI friendly implementation by CSOs and municipalities.

Monitoring and networking

- Deputy Mayor Chairs the monitoring and public hearing committee of child marriage/GBV and most of the cases were shorted out after hearing. A strong mandatory case hearing mechanism and code of conduct is needed for case shouted out since most of the victims- women and girls want to separate from their partner after a child marriage /GBV incident.
- Synergy is a key to control child marriage violence cases because family, community and community groups are the main source to expose and report the child marriage/GBV cases. Therefore strong networking mechanism will be should established between all stakeholders like family, community groups, schools, NGOs, CBOs and other relevant stakeholders in coordination with the wards and local government.

The following recommendations are made for various government and non-governmental entities.

Recommendations to the provincial government

The recommendations made here are to address causes and consequences listed in Chapter 3 above. The corresponding causes and situations to be addressed are given in the parentheses after each of the recommendations below although there is no exclusive one-to-one relationship between the causes and recommendations.

1. **Formulate policies:** Province and Nepal government should recognize child marriage as a fundamental rights violation. Keeping child as rights holder, acknowledging the

- capacity and agencies of adolescents the provincial government should formulate, through a consultative process, a policy to end child marriage; (Cause 3.2.1 and 3.2.7)
2. **Introduce supportive programs:** The root causes of child marriages such as (poverty, lack of guardianship - orphan, escaping from violence (physical, sexual) at their home, supporting the economic condition, problem of dowry, social stigma on talking to boys or having relationship, discouraging early marriage) should be addressed through innovative supportive programs, e.g. scholarships to girls, awareness campaigns, rewarding delayed marriages; (Causes 3.2.1 and 3.2.4)
 3. **Strengthen OCMCs:** The concept of OCMCs is largely victim/survivor friendly. However, the lack of resources and capacity to coordinate with concerned stakeholders have limited their effectiveness. The provincial government should carry out an O&M survey and strengthen their capacity; (Consequence 3.3.6)
 4. **Strengthen the database system:** The database of ward-wise child marriage cases, government responses, available services needs to be strengthened for better evidence-based planning, resource allocation, coordination and monitoring; (Cause 3.2.5)

Recommendations to the local governments

5. **Encourage delayed marriages:** Programs should be developed, implemented and propagated to encourage delayed marriages. They may include scholarships or insurance to girls, reward to delayed marriages, cash reward or vouchers to needy parents that have kept their children from child marriage or any other innovative incentives; (Cause 3.1.5)
6. **Hold political parties to account:** The local governments should call upon all political parties not to interfere with child marriage cases and to declare the Palika 'child marriage free Palika' and invite all parties to support. It should also make the political parties accountable to their commitment; (Cause 3.2.8)
7. **Operationalize GBV emergency fund:** The local governments should prepare guidelines to operationalize the GBV emergency fund and mobilize it to support the survivors of child marriage; (Cause 3.2.1)
8. **Introduce social security for minors:** A significant number of orphan or abandoned children or street children are victims of child marriage. Local governments should introduce social security plans for such minors so that they don't become victims of child marriage and are able to unleash their potentials; (Cause 3.2.9, Consequence 3.3.2)

9. **Seek support for policies:** The CSOs and development partners are willing to support local governments. Local governments should pro-actively seek support, if needed, from them on policy formulation and program implementation on child marriage; (Causes 3.2.1 and 3.2.7)
10. **Seek support on international state obligations:** The local governments have the direct interface with the people and they are the vehicles to implement state's international obligations, e.g. the CRC or CEDAW or UPR or SDGs. Local governments should seek support from CSOs and development partners to get oriented on these international obligations and their own potential roles to meet them; (Cause 3.2.4)
11. **Develop and implement school curriculum against child marriage:** Local government have constitutional rights to develop school curriculum. Hence, local governments are recommended to develop and implement school curriculum that raise awareness on health and other adverse effects of child marriage as well as the legal provisions against child marriage. (Cause 3.2.1)
12. **Use multisectoral approach:** The continuation of child marriage is contributed by various aspects hence multi-sectoral approach is need to reduce child marriage. One ministry or one agency can lead but they need to follow multi-sectoral approach to respond of this problem. (Cause 3.1.1 and 3.2.10, Consequence 3.3.4)

Recommendations to the law enforcement agencies

13. **Implement existing laws:** Police should register and investigate into cases of child marriage as per existing laws even based on media reports or verbal complaints received not only from survivors but also from witnesses. The community-police partnership programmes should be expanded to local level; (Cause 3.1.2)
14. **Establish emblematic cases:** It is observed that people are disobeying the laws related with child marriage. The government attorneys and courts with support from the police and CSOs should establish some emblematic cases so that people would take that as an example of effective law enforcement. (Consequence 3.3.6)

Recommendations to the CSOs and development partners

15. **Build alliance and act:** A louder voice is required to eradicate this deep-rooted evil from the society, therefore the CSOs and development partners should form well-coordinated alliances with like-minded organizations and individuals and should act to prevent child marriages; (3.2.10)

16. **Launch awareness programs:** Amplifying the adverse effects of child marriage on (reproductive) health, education, finances and overall wellbeing, highlighting benefits of delayed marriage and stating the legal provisions related with child marriage, the CSOs and development partners should launch awareness campaigns through radio, TV, street drama, songs in local language and social media. Specifically target Dalit, Badi and poor communities; (Cause 3.1.4, 3.2.5 and 3.2.6)
17. **Conduct parent education:** Parents can shape their children's life. The CSOs should conduct programs that educate parents about their role in nurturing and caretaking their children that contribute to preventing child marriage. The good parenting education should be conducted upto ward levels. parents and teachers need to teach/give idea for positive use of social media and other information technologies to get useful education materials etc. rather than misuse the mobile etc. (Causes 3.1.3 and 3.2.2)
18. **Litigate:** The legal provisions regarding child marriages are only on the paper so far. The CSOs should continue filing criminal cases against such practice so that a stronger message against the practice is spread; (Cause 3.1.4)
19. **Research, document and disseminate:** The CSOs and development partners should select some sites with high incidence of child marriage and carry out longitudinal action researches to find out how child marriages can be eliminated, how social values shift and what factors interplay. Document successes or failures and share them with the government and other organizations; (Cause 3.2.5)
20. **Work with schools:** With extra-curricular activities, sporting events, the CSOs should collaborate with the schools to spread the word about life-long adverse effects of child marriage; child married girls and boys should not be taught together with other students as they share married life with other students/peers in schools so that other students (girls and boys) can be encouraged to do child or early marriage; (Cause 3.1.3, Consequence 3.3.1)
21. **Provide life skill trainings to children:** Children should be provided with life skill trainings as per changes in their life like stress management, emotion management, knowledge about sexual and reproductive health so that they can save them from child marriage, early pregnancy etc. (Cause 3.2.3)
22. **Increase rehabilitation facilities than imprisonment:** The children who committed child marriage should be placed in rehabilitation facilities rather than imprisonment. There is risk that children learn criminal activities in jail from other imprisoned persons they are already there. (Consequence 3.3.3)

23. **Provide psychosocial counseling services:** The CSOs should build on their experiences of providing psychosocial counseling services and expand it to the survivors or potential victims or perpetrators of child marriage; (Consequence 3.3.5)
24. **Advocate:** The CSOs should follow-up with the provincial and local governments on how they are discharging their responsibilities to end child marriages and to implement recommendations of CSOs. (Cause 3.2.1)

ANNEXES

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Annex 2: Tools Used for Information Collection

Template to gather ECM related information from Palikas

District:

Name of Palika:

Date:

Responsible person:

Questions	Yes or No	Additional Answer (Evidence)	Remarks
1. How is the situation of child marriage in your Palika? (What is age of child marriage, which community is more affected, it is increasing or decreasing trend ? etc.)			
2. Which law, policy, strategy your Palika has developed or adopted? How much budget was			
3. What are the programmes/activities that have been implementing by government and non-government organizations to end child marriage? How Palikas are collaborating with NGOs/CSOs?			
4. What types of incidents of child marriage come to Palika? How they are resolved? To whom (police, court, district attorney, mediators etc.) those incidents are referred to for solution? How effective are those referral system?			
5. Are emergency services provided to survivors of child marriage? Is emergency fund established? If yes, how those funds are not mobilized?			
6. What challenges are there to end child marriage? What measures are taken to resolve those challenges?			

Template to compile child marriage related information related to child marriage?

District:

Name of Palika :

Date:

Prepared by:

Position :

SN	Fiscal Year	Budget allocated and expenditure in the area of child marriage			Number of Incidents complained to this organization	Number of incidents registered	Minimum and Maximum age of girls	Number of incidents prosecuted	Number of incidents referred	Number of rehabilitation centres	Please mention, if the Palikas have formulated policies, laws, strategies on child marriage
		= Allocated budget NPR.	Expenditure NPR.	% of Annual Budget							
A) Data to be taken from the Palika's department related to women											
1.	FY-2074/075										
2.	FY-2075/076										
3.	FY-2076/077										
B) Data to be taken from Health Post											
1.	FY-2074/075										
2.	FY-2075/076										
3.	FY-2076/077										
C) Data to be taken from local police unit											
1.	FY-2074/075										
2.	FY-										

	2075/076										
3.	FY- 2076/077										
A) Data to be taken from district attorney office											
1.	FY- 2074/075										
2.	FY- 2075/076										
3.	FY- 2076/077										
A) Data to be taken from local NGOs (Mention name of NGOs.....)											
1.	FY- 2074/075										
2.	FY- 2075/076										
3.	FY- 2076/077										

Annex 3: List of People Consulted

S. N.	Name	Sex	Position, organization	Contact details	Mode of interaction, place and date
1.	Dr. Sarba Raj Khadka	M	Vice-Chairperson, Karnali Province Planning Commission (KPPC)	9858045201	KII at KPPC Office held on 28 August 2021
2.	Ms. Kalpana Thapa	F	Hospital Nursing Med and Focal Person of OCMC, Provincial Hospital, Birendranagar	9851066818	KII at Provincial Hospital, Birendranagar on 29 August 2021
3.	Ms. Mohan Maya Dhakal (Bandari)	F	Deputy Mayor, Birendranagar Municipality, Surkhet		KII with Dy. Mayor at Municipality Office held on 30 August 2021
4.	Mr. Samrat Katwal	M	Programme Coordinator - Nepal, Fastenaktion		KII, Kathmandu, 3 September 2021
5.	Ms. Anita Gyawali	F	Ministry of Social Development, Karnali Province		KII
6.	Mr. Dambar Rokaya	M	Child Development Division, Ministry of Social Development, Karnali Province		KII
7.	Mr. Ganesh Bam	M	Deputy Superintendent of Police, Women and Children Cell, Nepal Police, Karnali		KII
8.	Ms. Irada Gautam	F	President, Aawaaj	9851062124	KII, Kathmandu

Annex 4: List of Field Researchers

S.N	Name of District Organizations	Name of Data Collectors	Name of Palika	Sex	Contact Number
Kalikot District					
1.	Feminist Dalit Organization (FEDO)	Rajkumar Pariyar	Khandachakra Municipality	Male	9848375360
2.	HuRENDEC	Ganesh Bista	Narharinath Rural Municipality	Male	9867871726
Jajarkot District					
3.	Hilly Region Development Campaign (HRDC)	Prabati Mahatara	Bheri Municipality	Female	9868003322
4.	Paachatarata Yuba Sanrakshan Manch	Prem Rawal	Chhedagaad Municipality	Male	9868224026
Salyan District					
5.	Dalit Development Society (DDS)	Dorna Kumar Yari	Bangad Kupinde Municipality	Male	9868231255
6.	Rural Women Development Centre	Sindhu Hamal	Sharada Municipality	Female	9810898210
7.	Development Society Nepal	Tulsa Rawat	Kapurkot Municipality	Female	9866749018
West Rukum District					
8.	INSEC Nepal	Nisha Rawal	Musikot Municipality	Female	9847934613
9.	HRPLSC Nepal	Maya Bohara	Tribeni Rural Municipality	Female	9844949530
Jumla District					
10.	PACE Nepal	Keshab Raj Pant	Chandannatha Municipality		9848803110
11.	KIRDARC	Kiran Paudel	Sinja Rural Municipality	Male	9848461277
Humla District					
12.	Aadhar	Pema Thilai Lama	Namkha Rural Municipality	Male	9868342964
13.	Himal Bal Samaj	Garmu Lama	Simkot Rural Municipality	Male	9868301652
Dailekh District					
14.	SOSEC	Nirmala Nepali	Bhairabi Rural Municipality	Female	9848116966

15.	Aawaaj	Prem Menal	Dullu Municipality	Male	9868035389
16.	Everest Club	Mina Thapa	Narayan Municipality	Female	9848057150
Mugu District					
17.	CDS-PARK	Harilal Nepali	Chhayanath Rara Municipality	Male	9840522044
18.	Public Service Center (PSC)	Santosh Kumar Malla	Soru Rural Municipality	Male	9848308324
Dolpa District					
19.	Women Empowerment Centre	Urmila BK	Thuli Bheri Municipality	Female	9858035510
	CAED	Jayendra BK	Kaike Municipality	Male	9861094204
Surkhet District					
20.	Aawaaj	Nikita Chhetri	Birendranagar Municipality	Female	9865941938
21.	SAC	Khim Bahadur Khatri	Gurbakot Municipality	Male	9848283356
22.	FEDO	Safalta Nepali	Barahtal Rural Municipality	Female	9860808055

Annex 5: Review of Key Legislations on VAWG and CEFM

This section reviews the key legislations on VAWG and CEFM and presents the challenges, and recommendations for the same.

Nepal has recognized and guaranteed the rights of women and children. Article 38 of the Constitution guarantees the rights of women as fundamental right. The provision is as follows:

Rights of women: (1) Every woman shall have equal lineage right without gender based discrimination. (2) Every woman shall have the right to safe motherhood and reproductive health. (3) No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law. (4) Women shall have the right to participate in all bodies of the State on the basis of the principle of proportional inclusion. (5) Women shall have the right to obtain special opportunity in education, health, employment and social security, on the basis of positive discrimination. (6) The spouse shall have the equal right to property and family affairs.

Likewise, Article 39 guarantees the rights of children. The provision is as follows: **Rights of the**

child: (1) Every child shall have the right to name and birth registration along with his or her identity. (2) Every child shall have the right to education, health, maintenance, proper care, sports, entertainment and overall personality development from the families and the State. (3) Every child shall have the right to elementary child development and child participation. (4) No child shall be employed to work in any factory, mine or engaged in similar other hazardous work. (5) No child shall be subjected to child marriage, transported illegally, abducted/kidnapped or taken in hostage. (6) No child shall be recruited or used in army, police or any armed group, or be subjected, in the name of cultural or religious traditions, to abuse, exclusion or physical, mental, sexual or other form of exploitation or improper use by any means or in any manner. (7) No child shall be subjected to physical, mental or any other form of torture in home, school or other place and situation whatsoever. (8) Every child shall have the right to juvenile friendly justice. (9) The child who is helpless, orphan, with disabilities, conflict victim, displaced or vulnerable shall have the right to special protection and facilities from the State. (10) Any act contrary to in clauses (4), (5), (6) and (7) shall be punishable by law, and a child who is the victim of such act shall have the right to obtain compensation from the perpetrator, in accordance with law.

Given the high prevalence of domestic violence, it is suggestive that the project should prioritize the law concerning domestic violence. Domestic Violence Act defines "Domestic Violence" as any form of physical, mental, sexual and economic harm perpetrated by person to a person with whom he/she has a family relationship and this word also includes any acts of reprimand or emotional harm. The Act further defines "Domestic relationship" as a relationship between two or more persons who are living together in a shared household and are related by descent (consanguinity), marriage, and adoption or are family.

There is a provision for lodging a written or oral complaint, setting out the details thereof with the Police Office, National Women Commission, Local Body, and the Court. However, there are problems with the reporting and filing of the cases since there are several instances where oral complaints were not registered or filed or complainant had a confusion if to file complain with police or Women Commission.

The law contains no additional provision that facilitates the filing of a complaint directly with the court, nor procedures to be followed in collecting evidence and prosecuting the perpetrator. The provisions prevents the detention of the perpetrator either in police or judicial custody until settlement is reached or an interim order is issued by the court This threatens the very basis of access to justice for women because they may be rendered further vulnerable to violence upon having lodged a complaint.

Concerning child marriage, the legal age of marriage is 20 for both men and women, according to the Nepalese Country Code. The law states that punishment for child marriage is imprisonment for up to three years and a fine of up to 10,000 rupees. If marriage is concluded between the person below 18 years and male or female who is below the age of 18 may get such a marriage declared void if he or she does not agree with such a marriage upon having attained the age of 18 years. Boys and girls below 18 are not mostly in a position to defy the marriage owing it to unawareness and fear of retribution from the family. The law does not make child marriage ipso facto void (void in itself). Furthermore, there is no provision of punishment to the match maker, accomplice and priest solemnizing the marriage. Such provision would discourage the practice of child and early marriage.

Policy matrix

1. Name of policy/law	2. Type and content of the law/policy	3. Strengths of the law/policy	4. Shortcomings of the law/policy and its implementation	5. Proposed recommendation	6. Development of the law/policy	7. Prospective benefits and beneficiaries

Domestic Violence (Offence and Punishment) Act, 2006 Section 4(1) and Section 5	According to the provision of section 4 (1) the victim can file complaint to a police station, National Women Commission or local body and Section 5 provides that the victim directly file complaint to the court	The law states the provision of the bodies for filing complaint	It has created confusion to the victim to file complaint. There is no provision to directly file complain to court There is no provision of detention of perpetrator	Make provision for filing complaint either to the police or local body Police should have an authority to detain for investigation	Right activists lobbying and advocacy	Victims: Making easier to the victim for filing complaint Perpetrator: Since the provision lack detention for investigation , there is a room for perpetrator to flee
No 2 (9) of Chapter on Marriage	If marriage is concluded between the person below 18 years, he/she get such a marriage declared void if they don't approve of it.	It has provided right to the party of child marriage to declare the marriage void	It has not made child marriage ipso facto void There is no provision of punishment to the match maker, accomplice and priest solemnizing the marriage	Make provision of declaring the marriage under 18 years ipso facto void Make provision for punishing the match maker, accomplice and priests solemnizing second marriage	Right activist	Protect the children from child marriage Fulfilment of the objective of law and protection of society from evil practice

Violence is the product of social structure. It can be seen family, societal and national level. Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Violence against women encompasses but is not limited to the following³⁷:

- a. Physical , sexual psychological and economic violence occurring in the family such as denying a partner control over basic resources, battering, sexual abuse of female children in the household, marital rape, dowry related violence, female

³⁷ UNICEF, 2000 and Beijing Platform for Action, 1995

genital mutilation and other traditional practices harmful to women, non spousal violence and violence related to exploitation;

- b. Physical, sexual and psychological violence occurring within the general community, such as rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- c. Physical, sexual and psychological violence perpetrated or condoned by the State and/or non -state entities wherever it occurs.

In Nepal there are various forms of violence against women are prevalent. Divorce, polygamy, child marriage, dowry practices, physical assault, scolding, disrespect, torture, contempt, accusation of practicing witchcraft, rape, marital rape etc. Violence against women and children is prevalent in every society in Nepal. They are in risk of violence although the constitution of Nepal has recognized and guaranteed the rights of women and children. The Approach Paper of the 14th plan has

Article 38 of the Constitution guarantees the rights of women as fundamental right. The provision is as follows:

Rights of women: (1) Every woman shall have equal lineage right without gender based discrimination. (2) Every woman shall have the right to safe motherhood and reproductive health. (3) No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law. (4) Women shall have the right to participate in all bodies of the State on the basis of the principle of proportional inclusion. (5) Women shall have the right to obtain special opportunity in education, health, employment and social security, on the basis of positive discrimination. (6) The spouse shall have the equal right to property and family affairs.

Likewise Article 39 guarantees the rights of children.

39. Rights of the child: (1) Every child shall have the right to name and birth registration along with his or her identity. (2) Every child shall have the right to education, health, maintenance, proper care, sports, entertainment and overall personality development from the families and the State. (3) Every child shall have the right to elementary child development and child participation. (4) No child shall be employed to work in any factory, mine or engaged in similar other hazardous work. (5) No child shall be subjected to child marriage, transported illegally, abducted/kidnapped or taken in hostage. (6) No child shall be recruited or used in army, police or any armed group, or be subjected, in the name of cultural or religious traditions, to abuse, exclusion or physical, mental, sexual or other form of exploitation or improper use by any means or

in any manner. (7) No child shall be subjected to physical, mental or any other form of torture in home, school or other place and situation whatsoever. (8) Every child shall have the right to juvenile friendly justice. (9) The child who is helpless, orphan, with disabilities, conflict victim, displaced or vulnerable shall have the right to special protection and facilities from the State. (10) Any act contrary to in clauses (4), (5), (6) and (7) shall be punishable by law, and a child who is the victim of such act shall have the right to obtain compensation from the perpetrator, in accordance with law.

The violence against women and children has created barrier to equality, development and peace. Realizing this reality, after the political change of 1990 various measures to end violence and inequality against women have been adopted by the state. Various new laws have been formulated and existing legal provisions have been amendment to end discrimination against women and children. The Supreme Court of Nepal has played crucial role in the end of discrimination and violence by issuing writs and directive orders to the Government of Nepal to present bills in the legislature parliament for the formulation of new laws or amendment of discriminatory laws. However, the incidents of violence against women and children have not been stopped. Since violence against women is the result of historically unequal power relation between man and women which has prevented for her full advancement, the state has to continuously work for ending inequality and violence against women.

Policy Analysis Matrix

1. Name of policy/law	2. Type and content of the law/policy	3. Strengths of the law/policy	4. Shortcomings of the law/policy and its implementation	5. Proposed recommendations	6. Development of the law/policy	7. Prospective benefits and beneficiaries
No 7 of the Chapter on Kidnapping and hostage taking of Muluki Ain	Prescribes additional punishment for kidnapping and hostage taking by an organized group	Additional punishment for organized criminal group for kidnapping and hostage taking	No additional punishment for taking hostage of women, children or differently able persons.	Additional punishment for taking hostage of women, children and differently able persons.	Law developed for controlling the offence of kidnapping and hostage taken especially after the kidnapping and murder of school child Bibek Luitel and pressure from civil society.	Deterrent effect of law to the crime of kidnapping and hostage taking targeting women and children
No 1 of Chapter of Rape of Muluki Ain	Made definition of rape	Included one's own wife as victim	Not included 3 rd gender	Include person of 3 rd gender under definition	The provision amended after the ruling of the Supreme Court on Meera Dhungana case and women right activists lobbying.	Protection of 3 rd gender by criminalizing the act of abuse against them
No 3 of chapter on Rape	Prescribed punishment based on the age of the victim	Prescribed punishment based on the age of the victim and made it more serious crime to commit rape against the child	Has not prescribed punishment based on the condition of the victim at the of commission of the offence, the circumstance and social, economic harm incurred on the victim	Prescribe severe punishment based on the condition of the victim at the of commission of the offence, the circumstance and social, economic harm incurred on the victim	Protection of child from sexual offences and make it compatible with international practice	Provide security to women and persons of 3 rd with special condition and protect against socio economic loss caused by sexual offence

No 3(6) of the Chapter on Rape	Prescribed punishment for perpetrator of marital rape	Prescribed proportionate punishment to rapist husband	It has not provided clear provision for perpetrator of statutory rape of the victim under child marriage	Make clear provision of punishment for rape against the victim under child marriage	The provision amended after the ruling of the Supreme Court on Meera Dhungana case and women right activists lobbying.	Clear provision of punishment for the offence of rape under child marriage and protection of the victim of child marriage
No 5 of the Chapter on Rape	Punishment for attempted rape	Prescribed half of the punishment that is imposed against the rapist	Only prescribed punishment but has not provided for compensation to the victim, has not prescribed additional punishment for attempted rape	Make provision of compensation to be provided to the victim of attempted rape and prescribe additional punishment for the perpetrator of gang offence or attempted rape against disabled persons		Victim of attempted rape would get compensation and offer protection to the person of special condition
No 8 of the Chapter on Rape	Provision of self defense for an act committed for saving chastity	Provided self defense for killing the perpetrator for saving chastity and also removed the time limit for	It has provided the defense to the victim only not to the person who does some act to save the chastity of women	Make provision for providing full or partial defense to the person who does some act to save the chastity of others	Removed the time limit for utilizing that right by the Act for maintaining gender equality Act, 2072, as result of the women right advocates lobbying.	
No 9A of Chapter on Rape	Included unnatural sexual intercourse with children as pedophile	It has criminalized the sexual abuse of children and widened the definition of sexual abuse against children	It is substantial offence in itself but the provision has made it as predicate offence and prescribed additional punishment to be inflicted for rape	Made substantive offence and prescribe separate independent punishment.	11 th amend (2058) criminalized the act and amendment for maintaining gender equality, 2072 made it wider, It is the result of Nepal's	Any type of sexual abuse against children would be criminalized

					accession to CRC and child rights activist lobbying	
No 10 of Chapter on Rape	Provide for compensation to the victim of rape	Provide for compensation to the victim of rape. Earlier there was the provision of providing half portion of property of the perpetrator	It has not provided the compensation to the victim of attempted rape	Make provision for providing reasonable compensation to the victim of attempted rape	Right activists lobbying	Provide economic security to the victim of attempted rape
No 2 (9) of Chapter on Marriage	If marriage is concluded between the person below 18 years and 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 year	It has provided right to the party of child marriage to declare the marriage void	It has not made child marriage ipso facto void	Make provision of declaring the marriage under 18 years ipso fact void		Protect the children from child marriage
No provision of law			There is no provision of law for providing compensation to the victim of child marriage	Make provision for providing compensation to the victims of child marriage	Not any	Protection of economic and social interest of the children victim of child marriage.

No provision of law			There is no provision of punishment to the match maker, accomplice and priest solemnizing the second marriage	Make provision for punishing the match maker, accomplice and priests solemnizing second marriage	Recommended for making accomplice responsible	Fulfillment of the objective of law and protection of society from evil practice
No 5 of Chapter on Decency/A dal	Provision for punishment for committing custodial sexual intercourse	It has prescribed punishment to custodial sexual intercourse	It has not been included under rape	Make separate provision for criminalizing and punishing custodial rape under the chapter on Rape		Protection of person in custody
Section 4 of the Human Trafficking and Transportation Act,	Criminalized the act of using someone into prostitution and going for prostitution	It has criminalized and prescribed punishment of sexual exploitation of others	It has not defined the act of going for prostitution	Provide definition of going for prostitution	Nepal's accession to CEDAW and right activists voices	Fulfillment of the objective law and protection of society from immoral act
Section 6 of the Human Trafficking and Transportation Act, 2064	Provision of certifying of the victim's statement if the victim her/himself has filed FIR and admissibility of such statement as evidence	Provision of certifying the statement of the victim by the court and admitting such statement as evidence even if the victim does not appear in the court for giving testimony	It has not made clear provision of certifying the statement of the victim if the FIR is filed by the person other than the victim	Make clear provision of recording the victim's statement and certifying thereof and admitting it as evidence	Realizing vulnerability of the victim of trafficking and the threat incurred to them from the perpetrators	Protection of the victim
No 10 the Human Trafficking and Transportation Act, 2064	Provision of appointing separate legal practitioner by the victim her/himself	Empowered the victim to appoint separate legal practitioner	It has not provided for compulsory free legal aid to the victim	There should be the provision that if a victim wishes to keep an additional law practitioner to represent his/her case during court hearings, free	CEDAW and right activist voices	Protection and representation of the victim

				legal aid will be provided to her/him		
Domestic Violence (Offence and Punishment) Act, 2006 Section 4(1) and Section 5	According to the provision of section 4 (1) the victim can file complaint to a police station, National Women Commission or local body and Section 5 provides that the victim directly file complaint to the court	Provision of the bodies for filing complaint	It has created confusion to the victim to file complaint	Make provision for filing complaint either to the police or local body	Right activities lobbying and advocacy	Making easier to the victim for filing complaint
Section 7 of Domestic Violence Act, 2006	In camera proceeding on request of the victim	Provision of in camera hearing on the request of the victim	No compulsory provision for in camera hearing	There should be provision of compulsory in camera hearing of such cases	Accession to CEDAW and women right activist advocacy	For the protection of privacy of domestic affairs
Schedule 1 of the State Cases Act, 1992	Listed some of the offences under Schedule 1 of the State Cases Act, 1992	Some of the offences fall under the schedule 1 of the State Cases Act, 1992 and initiated by the Prosecutor	Not all the cases under Domestic Violence Act, 2008 fall under State Cases and it has created confusion	All the cases under Domestic violence should be listed under the schedule 1 of the State Cases Act, 1992	Right activists advocacy	For the protection of the victim
No provision				Make the provision of additional punishment for inflicting domestic violence to the person with disability, insane and person under custody		Protection of the person of special condition
Sexual Harassment Act	Defined the offence of sexual	Defined the offence of sexual	Not covered the sexual harassment	Criminalize the act of sexual harassment by	Not any	For protection from sexual

Workplace (elimination) Act, 2014, Section 4	harassment at workplace	harassment at workplace and prescribed punishment for it for the protection person working in public and private institutions	causing intoxicated	causing someone intoxicated		harassment by causing intoxicated
Not provided				Make a provision to not to give pardon or make compromise more than once		For the protection of workers from causing repeatedly harassed.
Witchcraft Act, 2015, Section	The Act prohibits accusing and assaulting women on charge of practicing witchcraft and prescribes punishment thereof	The Act prohibits accusing or assaulting a women on charge of practicing witchcraft and stipulates a jail term for five to ten years and a fine of Rs 50,000 if a person is found guilty of the offence and provision of compensation to the victim			CEDAW and right activist advocacy. Because of reporting of more cases of accusation of witchcraft	
Section 9 of the Witchcraft Act	Provision of allowing the victim to appoint separate legal professionals	Allows the victim to appoint separate lawyer for effective representation	No compulsory provision for providing free legal aid by the government	There should be compulsory provision for providing free legal aid through separate lawyer to represent the law		For effective representation of the victim
Section 18 of the Witchcraft Act	Provision in camera hearing	There is provision of in camera hearing on the request	No compulsory provisions of in camera hearing	There should be provision of compulsory in camera hearing of the cases	CEDAW and right activists voices	For the protection of the confidentiality for the

		of the victim		related to witchcraft		victim
Rule 23 C of the District Court Rules, 1995	Provision of continuous hearing	Speedy settlement of cases involving women and children	This provision is made by District Court Rule, 1995 not by general law	No 11 A has to be added in the Chapter on Court procedure and provide for continuous hearing	Supreme Court order on Uma Tamang Case, advocacy and CEDAW	Ensuring the right to speedy trial in all cases involving women and children by substantive law

Annex 6: Checklist of questions used for the FGDs, KIIs and IDIs

(Questions for each individual or group were customized as per their scope.)

General

1. How is the situation of child marriage in your Palika?
2. Why do you think child marriage continues in the society? What are the reasons of child marriage?
3. Do the children or guardians decide in child marriages?
4. What are the effects of child marriage in women's health, education, economic condition and human rights. Give some examples.
5. Which community in your Palika is most affected by child marriage? How many child marriages took place in your Palika last year?
6. What are key achievements in preventing, ending child marriage?
7. What are good practices and collaborations of governmental and non-governmental sectors to minimize child marriages?
8. What are key challenges in ending child marriage? What should be done to address them?
9. The government has a goal to end child marriage by 2030. What is the implementation status?
10. How many child marriages get registered, if any? What is the status of community awareness regarding vital registration?

Policies, structures and interventions

11. What policies, laws, guidelines have been formulated by Palikas to end child marriage? Please mention.
12. How has been child marriage addressed in policies and budget allocation? What was the budget size this year for ending child marriage in your Palika?
13. How many cases of child marriage were reported to Judicial Committee in the past three fiscal years? How many perpetrators were punished?
14. What does the Palika do to rescue and rehabilitate survivors of child marriage? Does it run an emergency safe house? If yes, how is this being managed?
15. What mechanisms and programs are active in your Palika to minimize child marriage? Are there child protection committees in your wards or Palikas? If yes, how are they working?
16. Does the Palika have trained psychosocial counsellors? Are they easily accessible? If yes, what is their role in reducing child marriage?
17. Do local governments include children's issues in their participatory planning process? If yes, what percentage of budget is allocated for them? How much was allocated in the current fiscal year? If not, why?
18. How is follow-up and rehabilitation done in cases of child marriage?
19. What do you know about 'zero tolerance' policy?
20. What do you know about the policies, laws, plans of the government in relation to reducing child marriages? Tell us about them and their implementation status.
21. What should Karnali province do to end child marriage?

Coordination and collaboration

22. What are civil society organizations, groups, NGOs, alliances doing to end child marriage? How is the coordination and collaboration between Palikas and them? What do you think should be done to improve coordination and collaboration?
23. How is the collaboration among NGOs, CSOs and other government entities? How effective is their work and advocacy?
24. What should be the role of local governments to end child marriage socially and practically? What should CSOs, media and human rights defenders should do on this?
25. How is the monitoring being done of activities conducted against child marriage? How is the documentation being done of the same?
26. What type of mechanism among CSOs or else is needed to end child marriage? At what level should they be constituted? How should be their structure and working modality?

Consequences of child marriage

27. How are women and girls treated after child marriage by husbands, families, in-laws?
28. What are additional responsibilities and workloads of women after child marriage? How do child marriages affect the lives of child brides?
29. How is the level of knowledge on reproductive health, safe abortion, immunization, government services, family planning among newly wed children?
30. What is the situation of school drop-outs owing to child marriage?
31. How is the situation of domestic violence due to child marriages?
32. What economic repercussions are on the lives of women as a result of child marriage?
33. How do the children affected by child marriage access justice and legal services?

Possible responses to child marriages

34. What type of life skills and education (for teachers, families, children and communities) can be useful to reduce child marriages?
35. What can parents and guardians do to prevent child marriages?
36. What type of activities should schools run for preventing child marriages?
37. What type of programs on adolescent health, gender-based violence should be conducted to reduce child marriage?

Annex 7: Lis of local governments with ECM policies, strategies

District	M/RM		An Specific ECM Policy Exist	A Policy Contains ECM policy	No Any ECM Policy/Strategy
1. Dolpa	1	1	Kaike RM		No
	2	2	Thulibheri RM		No
	3	3	Jagadulla RM	Strategy to end child marriage	
	4	4	Chharka Sang Tong RM		No
	5	5	Dolpo Buddha RM		No
	6	6	Mudkechula RM		No
	7	7	She Phoksundo RM		No
	8	8	Tripurasundari M		No
2. Humla	9	1	Simkot RM		No
	10	2	Namkha RM		No
	11	3	Adanchuli RM		No
	12	4	Sarkegad RM		No
	13	5	Tajakot RM		No
	14	6	Chankheli RM		Judicial Performance Act (Guideline), 2075 adopted
	15	7	Kharpunath RM		No
3. Jajarkot	16	1	Bheri M		No
	17	2	Chhelagad M	Guideline to Manage Expenses Related to Child Marriage, 2076	
	18	3	Nalgad M	Code of Conduct Related to Child Marriage (2075)	
	19	4	Kushe RM	i. Strategy to End Child Marriage (2077-2079); ii. Guideline to Operate Campaign End Child Marriage, 2078;	
	20	5	Shivalaya RM		No

	21	6	Barekot RM			
	22	7	Junichande RM			No
4. Jumla	23	1	Chandannath M			No
	24	2	Sinja RM			No
	25	3	Tatopani RM			No
	26	4	Guthichaur RM		Child Protection and Promotion Guideline 2078 adopted	
	27	5	Kankasundari RM		Child Protection Policy (2078) adopted	
	28	6	Patarasi RM		Child Grant Fund is established	
	29	7	Hima RM		i. Child Protection Policy and Child Marriage Reduction Three-Year Strategy (Fy-2076/077-2078/079); ii. Child Act (075)	
	30	8	Tila RM			No
5. Kalikot	31	1	Naraharinath RM			No
	32	2	Khandachakra RM	Child Protection Policy (2076) with provision (para 10 'A') to address child marriage and Emergency Child Relief Fund (Operating Guidelines)	i. Child Protection Policy (2076); ii. Emergency Child Relief Fund	
	33	3	Sanni Tribeni RM		Women, Children and Senior Citizen Act	
	34	4	Raskot M			No
	35	5	Mahawai RM			No
	36	6	Pachalijharana RM			No
	37	7	Shubha Kalika RM			No
	38	8	Palata RM			No

				Strategic Planning Against Child Marriage (2076)		
	39	9	Tilgupha M			
6. Mugu	40	1	Chhayanath Rara M			No
	41	2	Soru RM			No
	42	3	Khatyad RM			No
	43	4	Mugum Karmarong RM			No
7. Salyan	44	1	Bangad Kupinde M			No
	45	2	Sharada M			No
	46	3	Kapurkot RM			No
	47	4	Tribeni RM			No
	48	5	Bagchaur M			No
	49	6	Kumakh RM			No
	50	7	Siddha Kumakh RM			No
	51	8	Darma RM			No
	52	9	Chatreshwari RM			No
	53	10	Kalimati RM			No
8.Rukum W	54	1	Tribeni RM			No
	55	2	Musikot M			No
	56	3	Chaurjahari M	i. Strategy to Reduce Child Marriage (2075); ii. Guideline to Manage Expenses related to Child Marriage (2077)		
	57	4	Aathbiskot M			
	58	5	Banphikot RM			No
	59	6	Sani Bheri RM	i. Strategy to Reduce Child Marriage (2074)		
9. Dailekh	60	1	Narayan M		Social Protection Guideline for Orphans and to End GBV including Child Marriage	
	61	2	Bhairabi RM			No
	62	3	Dullu M			No

	63	4	Mahabu RM		i. Women, Children and Senior Citizen Act; ii. Guideline for Persons with Disability	
	64	5	Chamunda Bindrasaini M			No
	65	6	Dungeshwar RM			No
	66	7	Naumule RM			No
	67	8	Thantikanth RM			No
	68	9	Aathbis M			No
	69	10	Gurans RM	Child Marriage Act	Child Protection Policy	
	70	11	Bhagawatimati RM			No
10. Surkhet	71	1	Gurbhakot M	Five Year Strategy' to end child marriage (FY 2078/079 - 2082/083)		
	72	2	Birendranagar M			No
	73	3	Barahatal RM			
	74	4	Panchapuri Municipality		i. Child Protection Manual, ii. Act to Eliminate Violence against Women.	
	75	5	Bheriganga M			No
	76	6	Simta RM			No
	77	7	Chingad RM	Guideline to Operate Programme against Child Marriage (2076)		
	78	8	Lekbeshi M		Child Protection Manual	
	79	9	Chaukune RM			No