

# Chapter 3

## 3.5 Child Marriage and Violations of Child Rights in Karnali Province

### Background

Marriage is a legal, religious, and cultural practice for establishing social relationship between two persons. Paragraph 11 of Civil Criminal Code 2017 has specified 20 years as the marriageable age and marriages before the attainment of the age is illegal and punishable.

The Constitution of Nepal has recognized child marriage as violation of Child Rights. The Human Rights Watch in 2016 said 37 percent girls marry before 18 years of age in Nepal, which had been covered in a newscast by BBC Nepali Service. The Government's strategy against child marriage says that Nepal lies behind only India and Bangladesh among nations with highest number of child marriages. Similarly, another report by UNICEF (2017) said that 40 percent Nepali girls marry before their 18<sup>th</sup> birthday and seven percent before they turn 15 years. The reasons that lead to child marriage are gender discrimination, poverty, illiteracy, and insecurity, among others.

Nepal is among the 16 countries with the highest number of child marriages in the world. And more girls in Nepal are married before age compared to boys. The Population and Health Survey of Nepal, 2011, has shown that 41 percent of girls between 20 and 24 years of age were married. At the same time, according to UNICEF (2017), one in every 10 boys of marry before 18 years of age. Child mar-

riage deprives children of their basic rights and also from making decisions for aligning their path for future.

Rates of child marriage in Nepal vary by regions, settlement, economic and social status, ethnicity, religion and community and settlements. According to the UN Fund for Population, 43 percent girls from rural areas and 27 percent from urban areas marry before they turn 18. The data further revealed that the age of marriage of school going girls was 22 years and that for girls not going to school was 17 years. Likewise, girls with poor economic conditions married two years earlier than others. Reports and studies have demonstrated that child marriage prevalence is high in Karnali Province.

### Problems Resulting from Child Marriage

Children marrying before the age of 20 are deprived of education and the opportunities to engage in economic activities once they are entrusted with responsibilities that come with marriage. Child marriage affects the development of capacities for personal growth and lack of ability and missed opportunities traps such persons in a vicious cycle of challenges. Human Rights Watch said children are deprived of right to education due to early marriage and early marriage leads to premature pregnancy, which can be life threatening to both mother and child.

INSEC's Human Rights Yearbooks and the report of UNICEF have reported on the increase of sexual violence against children and particularly on those who marry early. Early marriage contributes to increase in poverty and other problems like the trafficking of girls, divorce, and violence against women. Analysis of divorce cases at the district courts shows the majority of those seeking divorce were under 25 years of age. Likewise, the report of Health Service Department in Salyan District showed that 25 percent of maternity admissions were girls under the age of 20 years.

**Objectives**

The objectives of this article are,

- To analyze the status child marriage in Salyan district and disseminate the information with the stakeholders.
- To strengthen the collaboration of human rights organizations for ending child marriage.

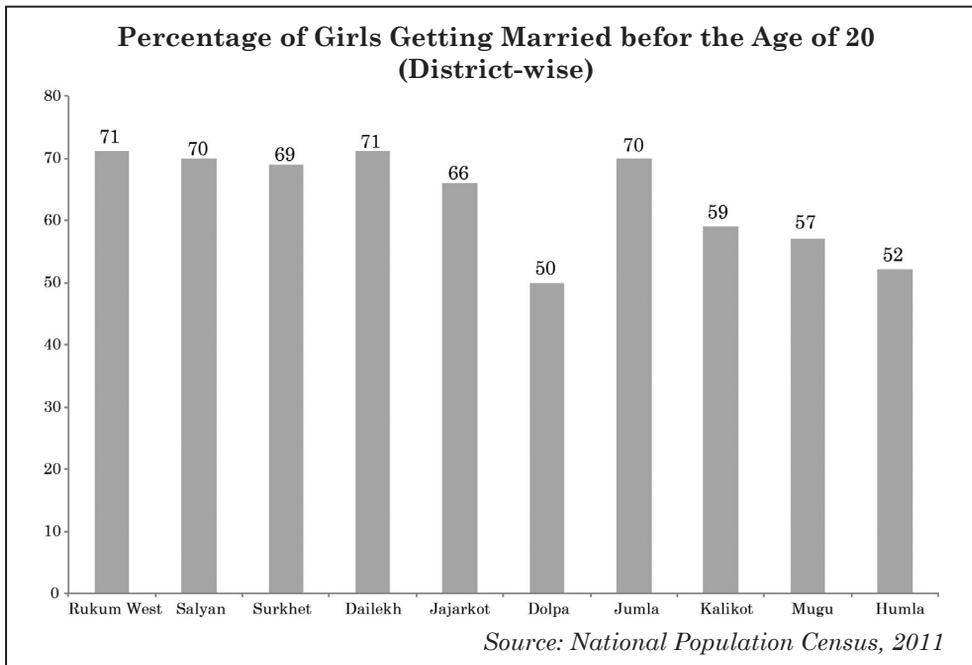
**Research Methods**

The writer reviewed commitments,

strategies, laws, and previous studies of the Government as part of the research for this article. Discussions on data on child marriage were done with stakeholders in Salyan District of Karnali Province. The participants included representatives of different organizations and political parties. The study has used data of the Health Service Department of Salyan, the District Police Office, provincial police, and the District Court of Salyan in the analysis. The researcher also consulted various publications on child marriage published nationally and at the international level. The study has also incorporated the views from the interviews, group discussions, and meetings with different stakeholders in Salyan district.

**Status of Child Marriage in Karnali Province**

According to the 2011 census, 52 percent of girls in the Karnali region married before the age of 18 years. Most of the child marriages took place in Rukum Paschim with 71 percent and the least number in Dolpa District (50%). The census



reported the following data on child marriage in the districts in the Karnali Province: Salyan and Jumla 70 percent each, Dailekh 71 percent, Jajarkot 66 percent, Kalikot 59 percent, Mugu 57 percent and Humla 52 percent.

Child marriage remains as the major child protection issue in Karnali Province. Different Government and non-government organizations (NGOs) have been working to reduce child marriages in the region. However, there has been no major decrease in the number of child marriages. Earlier, parents were the cause for early marriage as they wanted to marry off their children. This has changed and today, more and more children have begun opting for marriage, without consent of parents.

The Criminal Procedure (Code) Act, 2074 (2017), (Section 173), sub-section 1 has specified 20 years as the marriageable age but Nepal has cases of marriage even before the age of 10 years. Child marriage is most prevalent for children between ages of 15-19 years.

The highest percentage of child marriage was in age group 15-19 years, in Salyan District (62.88%). Overall Dailekh and Jumla had the highest percentage of child marriage in 2011.

### Status of Child Marriage in Salyan

Remote parts of Salyan District have high prevalence of child marriage. Even though no official data on child marriage in the District is available, data of maternity, polygamy, divorce and complaints at the Police office reveal a high number of child marriage.

According to data at Salyan District Hospital, it had provided maternity services to 777 women between April 2020 and November 2020 and among them, 192 (25%) girls were below the age of 20 years. Six girls unable to have a normal delivery and had to be operated. Similarly, there were other complications the position of the child in seven cases, three had excessive bleeding, two had respiratory issues, and in one case the baby had died in the mother's womb.

Child marriage is illegal and it takes time before the cases reach court. Many such cases reach court seeking divorce and complaints about polygamy only when the girls reach 20 years of age or more. Among cases registered for divorce at the District Court in 2019/20, there were women below the age of 25 years in 39 of the 102 cases. Majority of them had married when they were underage. Further, there were nine cases of

**Table 1: Child marriage by age in districts of Karnali Province (%)**

District	Below 10 years	10-14 years	15-19 years
Rukum West	0.08	9.71	61.27
Salyan	0.1	6.9	62.88
Surkhet	0.49	9.69	58.64
Dailekh	0.75	11.19	58.72
Jajarkot	0.22	7.53	58.11
Dolpa	0.11	4.11	45.73
Jumla	0.52	10.72	58.52
Kalikot	0.43	8.09	50.65
Mugu	0.14	5.07	52.18
Humla	0.12	6.15	46.11

Source: National Population Census, 2011

child marriage registered in the court in 2019/20. In most of these cases, the couple had married without the consent of the parents.

Another indication of the high prevalence were stickers that the Salyan Police Office had posted on the houses of people with messages against child marriages. The messages sought collaboration of local people to address the problem and had contact numbers of all local bodies, ambulance, administration, and judicial agencies that could be contacted to report about such marriages. The police said the campaign had been successful. INSEC documentation also showed that police had investigated 23 people in relation to five cases of child marriage, and had prevented 10 such marriages from taking place.

### **Impact of Child Marriage**

Child marriage can have a permanent effects and sometimes even result in lasting psychological problems. In cases where parents have prevented or annulled the marriage those concerned develop feelings of inferiority and unacceptance. Some may even begin looking at marriage as a problem and in some

case even resort to violent acts. There are both short- and long-term impacts of child marriage. The immediate impacts of child marriage are,

- Possibility of physical and mental disorder.
- Possibility of divorce at an early age.
- Loss of rights to health and education.
- Risk of death of mother and child during pregnancy and
- Deprivation of proper physical and mental development.

Similarly, the longer-term impacts are financial problems including the inability to run the family, effects on reproductive health, deprivation of education, likelihood of domestic violence and associated problems.

### **Social and Family Reunions**

Nepali law does not recognize marriage of couples below 20 years of age. There is need for psychosocial counselling in the cases of child marriage. There were no mechanisms for counselling underage couples and children in general in Salyan District. The counselling should be done separately for those minors trying to get married or parents who force for child

#### **Case 1**

A 21 years old girl of Triveni Rural Municipality-5 of Salyan had married on April 18, 2015 at the age of 16 to an 18-year-old boy of Sharada Municipality-7 as they loved each other. However, they had not reached an age where they could take decisions themselves and as result the marriage caused them to stop studies. They had a 2-year-old child in 2020. The halted study, daily household work, and increased responsibility of parenting soon began affecting their relationship. The resulting domestic disputes and violence caused the girl to file for a divorce. The case was registered at the District Court, Salyan on September 1, 2020. She was 21 years old at the time. The divorce was approved and the girl now lives with her mother who is staying with her parents.

#### **Case 2**

There is a police check point at the entry to Shital Bajar of Kapurkot Rural Municipality-5 of Salyan. The police stopped a vehicle (Bhe 1 Ja 384) for a regular check on July 27, 2020 and discovered that it carried people participating in a wedding of a minor.

Month	Fiscal Year 2017/18		Fiscal Year 2018/19		Fiscal Year 2019/20	
	Total number of women giving birth	Number of girls giving birth between 14 to 19 years	Total number of women giving birth	Number of girls giving birth between 14 to 19 years	Total number of women giving birth	Number of girls giving birth between 14 to 19 years
Jul/Aug	138	48	166	59	157	40
Aug/Sep	131	38	102	32	123	39
Sep/Oct	100	41	127	44	123	31
Oct/Nov	111	40	92	30	112	23
Nov/Dec	84	25	72	19	121	22
Dec/Jan	104	35	95	35	96	24
Jan/Feb	107	31	86	25	117	23
Feb/Mar	114	44	111	31	124	27
Mar/Apr	82	39	130	52	117	30
Apr/May	112	34	127	41	93	21
May/June	121	40	114	35	95	29
June/July	111	43	71	22	132	22
<b>Total</b>	<b>1315</b>	<b>458</b>	<b>1293</b>	<b>425</b>	<b>1410</b>	<b>331</b>
<b>percent</b>		<b>35 percent</b>		<b>33 percent</b>		<b>23 percent</b>

S.No	Particulars	FY 2018/19		FY 2019/20		FY 2020/21	
		Number	%	Number	%	Number	%
1	Divorce	119		102		85	
2	Divorce before 25-years of age	46	39	39	38	30	35
3	Polygamy	17		17		15	
4	Polygamy before 25-years of age	8	47	7	38	5	33
5	Child marriage	6		9		7	

S.No	District	FY 2017/18	FY 2018/19	FY 2019/20
		Child Marriage	Child Marriage	Child Marriage
1	Surkhet	0	7	1
2	Dailekh	3	7	2
3	Jajarkot	0	0	0
4	Rukum	1	0	2
5	Salyan	0	3	5
6	Jumla	0	2	2
7	Humla	0	0	0
8	Mugu	0	0	0
9	Kalikot	0	0	0
10	Dolpa	0	0	0
<b>Total</b>		<b>4</b>	<b>19</b>	<b>12</b>

Source: Provincial Police Office

marriage on difficulties in life and legal consequences that could occur due to child marriage and ways to resolve them. Forceful separation of couples based on law and tradition should be avoided and instead, they could be convinced about the problems they could face if the marriage was not annulled. After counselling and creating an environment for them to pursue education they could be convinced to marry when they reach marriageable age. One way to do this is to assure them of parental consent for marriage when they attain the right age.

### **Constitution, Laws and Status of Enforcement**

National policy on children, 2069 has identified child marriage as a barrier to child rights. Strategy 8.9 of the policy advocates engaging government bodies and aid agencies at community level for the reduction of child marriage, to effectively file and take action on cases of child marriage, and also provide this responsibility to the local bodies. Similarly, strategy 9.3 advocate's local awareness programs combat both child trafficking and child marriage. The implementation of such policies and constitutional guarantees is not ensured properly in Salyan district. Because of the gap in implementation of the law and policies and less engagement of the stakeholders in preventing child marriage, the problem is spreading in the recent years too.

### **Conclusion**

The situation of child marriage in Salyan District is alarming. Yet there was a lack of coordination between federal, provincial, and local government agencies for addressing the problem of child marriage. There were also indications

that the different programs for ensuring the law enforcement to reduce the child marriage is not effective and had not been adequate for addressing the problem. Further, there had been little change in traditional cultures and social group specific beliefs regarding child marriage. The local governments lacked effective strategies against child marriage.

### **Recommendations**

There is need for a nationwide campaign against child marriage in partnership with all agencies working on human rights, child rights, women's empowerment and government agencies. Ending child marriage would require cooperation at different levels starting with families, and communities. Another approach to ending child marriage would be strict local vigilance and commitments of local bodies to tackle the problem, aided by an appropriate strategy against child marriage.

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