

Lesson Learnt Report 2018

**Lessons from the Trainings on Ending Child Marriage
conducted for Gender Based Violence Watch Group**

Justice and Rights Institute-Nepal (JuRI-Nepal)

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Foreword

Although there is no universally accepted definition of marriage, Section 67 of the Country Civil (Code) Act 2074 provides that if a male person and a female person confess each other as husband and wife during a public occasion, function or any other formal programme, then they are considered to have married each other. Right to marriage is a person's inherent birth right. From the human rights point of view, every individual should be ensured the right to freely choose his/her life partner. Majority of the countries are found to have fixed a specific age limit for the marriage. The prevailing law of Nepal mentions that marriage cannot take place if the age of the male and female has not crossed 20 years.

In a society such as ours which is deeply rooted with patriarchal values and norms, there is no equality in terms of how society looks at men and women. The discrimination and violence faced by women because of their gender is still prevalent in our society. A female child is found to have married comparatively at an earlier age than a male child. The main reasons for this, among others, are the social norm that a man's age should be more than that of a women for the marriage, gender discrimination, lack of education, and poverty. Child marriage not only negatively impacts the reproductive health of women and girl children but also fosters sexual violence in the name of marriage and seriously affects the overall health, education and employment prospects.

In this context, in 2016-2017, Justice and Rights Institute-Nepal (JuRI-Nepal), in collaboration with the Government of Nepal, Department of Women and Children and in support of UNICEF, conducted trainings in Doti, Saptari, Dhanusha, Rautahat, and Bhajang district in 32 then VDCs that are most affected by the child marriage. This booklet has been prepared by incorporating the learnings from those trainings with participants' and trainers' experience, feelings and opinions with an aim to reduce the child marriage. This booklet is also expected to convey the experiences and important lessons from

the participants to the concerned agencies and those concerned. We also have a firm belief that this booklet will play a crucial role in helping concerned agencies and stakeholders end child marriages in the future.

I would like to extend my sincere thanks to Mr. Chun Gurung and Saraj Raj Thapa, Executive Members of the JuRI-Nepal who played a crucial role in preparing this booklet. Likewise, Ms. Tanuja Basnet, Mr Bishnu Prasad Pokharel and Mr. Bhim Pariyar also deserve special thanks for their contribution at different phases of the preparation of the booklet. Executive Director Mr. Basant Adhikari and Programme Associate Mr. Kamal Basel, who worked day-in and day-out for the publication of this booklet, also deserve special appreciation.

I would like to thank Ms. Pragya Shah Karki, Child Protection Specialist and Mr. Dipak Shrestha, Child Protection Officer of UNICEF Nepal who provided crucial support for the implementation of Support for Gender Based Violence Prevention and Child Protection Project and in the preparation of this booklet. Likewise, I would like to thank Child Protection Officers of UNICEF Ms. Annapurna Mishra, Mr. Megharaj Magar, Mr. Brijkishor Patel, Mr. Nabaraj Pudasaini and Ms. Selina Thapa who facilitated during the trainings and helped raise the quality of this booklet by providing feedback.

Finally, JuRI-Nepal expresses gratitude to Ms. Shanta Bhattarai, Director of the Department of Women and Children for the necessary direction, coordination and facilitation during the conduction of trainings on the gender-based violence and ending child marriage and for the preparation of this report. Likewise, we also express gratitude to Chief Women Development Officers, Women Development Officers, and other staff of the Office of Women and Children in Saptari, Dhanusha, Rautahat, Doti and Bajhang.

Sharmila Shrestha

Chairperson

Date: 2018 September

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Chapter - One

Introduction

1.1 Background

Although there is no universally accepted definition of marriage, Section 67 of the Country Civil (Code) Act 2074 provides that if a male and a female confess each other as husband and wife during a public occasion, function or any other formal programme, then they are considered to have married each other.

Right to marriage is an individual's inherent right. From the human rights point of view, every individual should be ensured the right to freely choose his/her life partner. Majority of the countries are found to have fixed a specific age limit for the marriage. The prevailing law of Nepal mentions that marriage cannot take place if the age of the male and female has not crossed 20 years.

Child marriage is also a form of gender-based violence. Hence, Constitution of Nepal 2072 has, for the first time, taken it as the violation of the rights of the child and made a punishable offence.

In a society like ours which is deeply rooted with patriarchal values and norms, there is no equality in terms of how society looks at men and women. Data show that a girl child gets married earlier than a boy child. The main reasons for this, among others, are the social norm that a man's age should be more than that of a woman for the marriage, gender discrimination, lack of education, and poverty. Child marriage not only negatively impacts the reproductive health of women and girl child but also fosters sexual violence in the name of marriage and seriously affects the overall health, education and employment prospects.

Keeping in mind the current state of child marriage in Nepal, Justice and Rights Institute Nepal (JuRI-Nepal) - which is working in the

field of human rights and justice - in collaboration with district-based Women and Children's Offices under the Government of Nepal, and with support of UNICEF, conducted a three-day training with an aim to enhancing awareness among the members of the Gender-based Violence Watch Group and strengthening coordination with the stakeholders in Bajhang, Doti, Saptari, Dhanusha and Rautahat, districts which are most affected by the child marriage. In order to find out about the state of child marriage in the then VDCs (now municipalities in restructuring of local level) where the trainings were conducted, the participants in each training spots were asked to tell about their age when they were married. The response reveals that around 90 percent of the participants were married before the age of 20. Although it is difficult to figure out the present situation of child marriage, it however depicts the situation of child marriage of a recent past. However, there has been a slight improvement lately in the data of the age in which participants get married.

It is expected that the learnings from this programme will assist those that are directly involved and concerned in the campaign toward eradicating the child marriage and gender-based violence including local government, Women and Children's Office, Ministry of Women, Children and Social Welfare, other concerned agencies, organizations, watch groups, women's co-operatives, among others.

The first chapter of this report is introductory in nature, and the second chapter deals with the prevailing situation and constitutional legal provisions relating to child marriage. The third chapter deals with learnings from the trainings, while the fourth and the final chapter deals with conclusions and recommendations.

1.2 Objective of the Report

The primary objective of the report is to document the experiences shared by the participants, including the difficulties faced due to child marriages and the learnings gained therefrom, in the course

of the training, on the reduction of gender-based violence and child marriage conducted in different districts. This publication is expected to facilitate and guide the stakeholders in the future.

1.3 Method of Analysis

As limiting this study on only one approach would not generate the required qualitative and quantitative information, knowledge, and data, multidimensional approach has been adopted. This report consists of both primary and secondary sources of information. Learnings mentioned in the reports prepared by sixteen trainers involved in this training; conclusions obtained from the discussions conducted with the trainers, written input received on the draft report from trainers, partner organizations and UNICEF; peer review; suggestions received from Women and Children Development Office and the staff and members of JuRI-Nepal, have been taken as the principal foundation of the report.

Likewise, Constitution of Nepal, various international covenants, resolutions and reports of United Nations Human Rights Council, Sustainable Development Goals (Goal 5), national laws on ending child marriage, Strategic Plan for ending Child Marriage, various work plans, among others have been the key reference materials.

1.4 Limitations of the Report

This report is not based on any survey or investigation and has been limited to drawing lessons from the training programmes conducted by JuRI-Nepal in 32 locations of five districts. In addition, data and information contained in the reports on this sector, Constitution of Nepal (2072), and other prevailing laws have also been included.

Chapter - Two

Nepal's Policy Commitment for Ending Child Marriage

2.1 International Commitments

Identifying child marriage as one of the barriers for the achievement of the Millennium Development Goals, its eradication has been listed as a priority in the workplan of the Sustainable Development Goals (2016-2030). By co-organizing the UN Human Rights Council's resolution on child, early and forced marriage in 2013, Nepal had shown its firm commitment against child marriage. In the high-level Girl Summit on Female Genital Mutilation (FGM) and Early, Forced and Child Marriage in the UK held on 22 July 2014, Nepal committed to ending child marriage by 2020.

Article 16 (1) of Convention on the Elimination of All forms of Discrimination Against Women 1979 ensures that men and women have the equal rights on the issue of marriage, that they can enter into a marital relationship with a free and full consent, and that they have the right to freely choose their life partners. Article 16 (2) of the Convention has provisioned that the legal validity of a child-marriage will be null. Likewise, Convention on the Rights of the Child 1989 has also ensured the rights of the children.

The report of the 31st meeting of the Human Rights Council on 16 March 2016 mentions that efforts toward eradication of gender disparity will be accelerated, that the national strategy toward ending the child marriage shall be implemented, that efforts will be consolidated toward controlling violence against children, prevention of the transfer of children and their forced marriage, and that sensitization and awareness-raising programmes to this effect will be taken with the families.

2.2 National Laws and Policies

In addition to the international legal provisions, Article 39 sub-article (5) of the Constitution of Nepal has ensured the rights of children by disallowing child marriages, Prohibiting illegal trafficking of children, and abduction or taking hostage of children. Likewise, sub-article 10 has made child marriage a punishable offense in the federal law ensuring the rights of the victims to obtain compensation from the perpetrators. Fixing the minimum age to marry as 20 years, the Country Civil (Code) Act 2020 has provided for the punishment to those engaged in forcing child marriage¹, compensation to the victims from the perpetrators and the voidance of the marriage. Likewise, the Penal Code 2017 (2074) which is coming into effect from the 17 August 2018, has provided that no one should marry or cause to marry under the age of 20, and that contrary to this provision will result in the automatic void of such marriage. Similarly, sub-section (3) of the Penal Code has provided for up to three years of imprisonment and a fine of rupees thirty thousand.

2.3 Present Situation of Child Marriage

Although child marriage is legally punishable, it is rampant everywhere. The situation in the five districts where JuRI-Nepal conducted the trainings is even more disappointing. However, child marriage varies in accordance with residential location, geographical region, level of education, the financial situation of the family, and ethnicity. The rate of child marriage is high especially in the rural areas and in marginalized communities. Bajhang, Dailekh, Baitadi, Kapilbastu and Saptari are the districts with the highest rates of child marriage. In a report in 2016, Human Rights Watch stated that Nepal ranks third in Asia in terms of the highest number of child marriages. According to the study of Human Rights Watch, 37.5 percent of women get married at the age below 18 and 10.5 percent women

¹ Country Code 2020, Chapter on Marriage

are married at the age below 15 years. Likewise, 11.5 percent men get married at the age below 18 years. It is estimated on the basis of JuRI-Nepal's trainings and an earlier mapping report on gender-based violence in Nepal that the data of child marriage in Nepal could be higher than what Human Rights Watch has documented.

According to UN Population Fund, 42.9 percent of women in the rural areas get married before they reach the age of 18 while this figure stands at 26.9 percent in the urban areas. According to the United Nations Population Fund (UNFPA) study conducted in 2012, child marriage stands highest at 53 percent in the mid-western region and it stands at 48 percent in the far western region. Likewise, child marriage in the central region is 40 percent, in the western region 36 percent and in the eastern region 34 percent. The UNFPA report also mentions that women of age group 25 to 49 who have passed SLC or pursued higher studies are found to have married five years later or at the age of 21.8 than other uneducated women (16.6 years).

Nepal Demographic Health Survey, 2016 has shown that 77 percent of women between the age 15 and 49 are married in Nepal. Likewise, it also shows that 27 percent of women are married within the age of 15 to 18 years of age.

The situation of child marriage in the Urban and Rural Municipalities where JuRI Nepal has accomplished the trainings is found to be very serious. Even prominent women, and a hundred percent of them, who were part of the trainings in the VDCs including Lalapatti, Rayapur, Chhinnamasta, Shisuwa Belhi in Saptari district, Rohanain Dhanusha district, Gamariyabirta, Rampur, Farhadawa, Pipariya Paroha, and Tejapakadin Rautahat district are found to have married at childhood. Although the present situation of child marriage cannot be ascertained based on this, it is conspicuous that child marriage has not been eradicated from our society as yet.

2.4 Foundation Paper of Fourteenth Plan (Fiscal Year 2073/74 - 2075/76) (2016/17-2018/2019 AD)

The foundation paper of Nepal's fourteenth plan also seems to aim for the protection of children and adolescents from all kinds of mental and physical violence, loss or abuses. And various strategies have also been designed with the same objective of ending all kinds of discrimination, exploitation, violence, negligence and abuses of children. Under this framework, a strategy has been fixed to undertake preventive measures for ending all kinds of violence against children and adolescents. Following sector-wise development policies have been designed in order to implement the above strategy. Sector-wise development polices:

- Identifying the various harmful social practices and the reasons of violence against children and adolescents and adopting necessary preventive measures.
- Providing legal aid and other necessary remedial services for the proper protection of children and adolescents affected from violence.
- Expanding the sensitization programmes at the community level against child marriages, early marriages and forced marriages.

2.5 National Strategy for Ending Child Marriage, 2072 (2015 AD)

The National Strategy for Ending Child Marriage, 2072 (2015 AD) has aimed to end child marriage in Nepal by 2030. Following objective have been set in order to achieve this aim:

- Effective implementation, amendment and reform of existing laws in order to end child marriage in Nepal.
- Incorporating and implementing within the government

programmes and action-plans with priority programmes targeted towards ending child marriage.

- Ensuring compulsorily the participation of children, adolescents and males in such programmes.
- Enhancing the capacity of children, adolescents, guardians, teachers, political and social pioneers, organizations etc. and mobilizing them to bring about changes in the mindset and practices that promote child marriage.
- Monitoring and evaluating such programmes.
- In collaboration with government and development partners, identifying and allocating sources, enhancing institutional capacity to help girl children access services and to address problems as well as for effective mobilization.

2.6 National Policy on Children, 2069 (2012 AD)

National Policy on Children 2069 (2012 AD) has identified child marriage as a barrier for the practical realization of children's rights. It has provided for, in collaboration with government and development partners, the mobilization of organizations at the community level, proactive complaints registration and conducting of various awareness-raising programmes.

2.7 Women Development Programme Guideline, 2072 (2015 AD)

Women Development Programme Guideline 2072 (2015 AD) has provisioned to focus more on child marriage in districts where child marriages take place. It has also provisioned for the various anti-child marriage related programmes and declaration of child-marriage-free zones. It has also provisioned for the formation of Gender Based Violence Watch Group whose responsibility is as described below.

It, however, requires to be amended in accordance with the new federal structure.

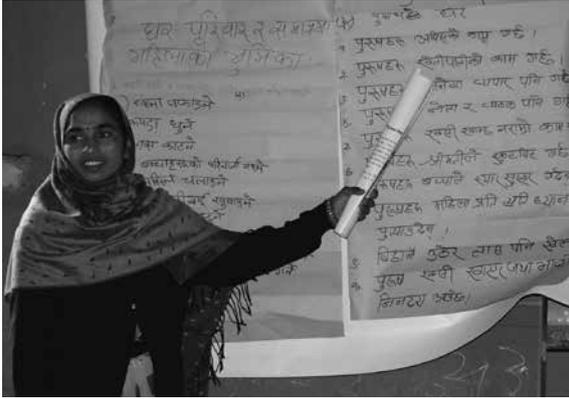
- Raising cases related to gender-based violence, women security, and child protection and exposing incidents hidden within family in at the ward level and undertaking measures to prevent such incidents,
- Making necessary arrangement for the immediate protection, medication and access to justice for the affected women together with Women's Group, Committee or organization; facilitating in granting livelihood grant from the fund created for the affected community; and ensuring child-friendly cares in case of the children as the affected community.

2.8 Role of JuRI-Nepal

JuRI-Nepal has been implementing various activities against child marriage in support with the Centre for Reproductive Rights (CRR) and UNICEF. With a view to enhancing the awareness among the members of the local Gender-based Violence Watch Group and strengthening collaboration with local actors to end the gender based violence and child marriage, JuRI-Nepal, with support of UNICEF and in collaboration with the Women and Children Office, provided a three-day training to (30 persons in each training session) a total of 32 locations of the then 31 VDCs in five districts. Trainings were accomplished in Arnaha, Paschim Pipara, Rayapur, Haripur, Nargo, Chhinnamasta, Daulatpur, Lalapatti, Inaruwafulbadiya, Kanchanpur and Shishuwanbelhi of Saptari; Rohana, Rupaitha, Govindapur, LaxmipurBagewa, SakhuwaMandranagar, Tarapatti, Bateshwar and Mahuwa of Dhanusha; Paurahi, Gedaiguthi, Bariyapur, Pipariya, Tejapakad, Gamariyabirta, Rampur of Rautahat; and in Sanagau, Bhumirajmandu of Doti; Syandi, Sunikot, Daulichaur, Chainpur of Bajhang. A total of 970 participants received these trainings.

Chapter - Three

Lessons Learnt from the Trainings



There are some common as well as some varied learnings of the trainings held by JuRI-Nepal in Bajhang, Doti, Saptari, Dhanusha and Rautahat districts that are of different geographical regions with different linguistic, social and cultural contexts. The learnings are mainly the procedural learnings and thematic learnings.

3.1 Procedural learnings

3.1.1 Preparation of the Training

Because the country has just transitioned to federalism, various national issues including the election overshadowed the campaign for ending child marriage. Due to election code of conduct, many government employees were not in a position to engage themselves in the predetermined programmes. Staffs deputed as resource persons from Women and Children Offices were not found to have been given a pre-briefing/orientation. Such orientation could have refreshed them on the knowledge of child marriage, experts who had arrived from Kathmandu could have understood the local realities thereby

getting an opportunity to mold the training content as required. Had the Women and Children Office, one of the organizers, been actively involved in the preparatory phase of the training, the training would have been even more effective.

3.1.2 Content of the Training

The content used in the training were very good. It was found that participants were provided with the conceptual understanding of gender as well the basic legal standards. During the training, advocacy plan was also prepared. Discussions were undertaken on the causes and consequences of the child marriage, which the participants themselves were part of. As the child marriage is considered as a culture and tradition, change in this is not feasible only form the trainings. Therefore, in order for the reduction of child marriage, Ministry, Department, District-based offices, NGOs, local government and other civil society organizations should also take themselves in important roles. Changing people's attitude is equally difficult and challenging. Therefore, during the course of the training, it is seen that there is need of a mindset that can dismantle the existing social ills.

3.1.3. Training Method and Materials

The method of training was left as a responsibility of the trainer. However, there had been a prior discussion between JuRI-Nepal and the facilitators on the content and method of the training. This brought about uniformity in the content. Presentation of materials, case study, group discussions, interaction, display of audio visual materials, sharing of experience from a woman who had suffered due to the child marriage are the methods that were mainly applied. In many places due to lack of electricity, the materials developed could not be fully utilized. It needs to be re-considered on the methods of

training in such places in the future. Linguistic competency makes a difference in the presentation and hence it was felt that presentations made in the local languages were more effective. In general, the training materials should be participant-friendly. In the districts where the trainings were undertaken, majority spoke three different languages. In Saptari and Dhanusha, people spoke Maithili, in Rautahat, people spoke Bhojpuri while in Doti, people spoke Dotel. However, most of the training materials were in Nepali. Most of the facilitators deputed from the Centre were not aware of the local languages, while the local facilitators lacked understanding of the subject matter. Therefore, attempt should be made toward employing participant-friendly method and approach in the days to come.

3.1.4. Selection of Training Venue

Some participants in the trainings carried out in some VDCs in Bajhang and Doti districts felt difficulties due to the geographical remoteness and lack of transportation facility. Participants had to walk 2-3 hours to arrive at the training venue. Some of them had to come with their children and their attention was more on how to commute and on the time to arrive and depart rather than on the content of the training. A residential training is more effective in areas with geographical remoteness, and this should be considered while organizing trainings in such places in the future.

3.2 Thematic learnings

3.2.1 Child Marriage: Consequence of Gender Based Violence and Discrimination

Gender inequality, discrimination, unequal power relation between men and women prevalent in the society, among others, are the major causes of child marriages. Violence and discrimination have fostered because of the kind of social outlook that does not ensure



liberty, equality and identity of women but rather treats them as dependent, controlled, discriminated and to-be-protected class. In Nepali society, where patriarchal outlook and thinking are deeply rooted, there is still this tendency that views women as a second-class citizen and the other's property. There is this thinking in the society that not marrying off a daughter at an early age will mean that she will be the victim of different forms of violence and it is hence necessary to marry off the daughter in order to protect her from this violence. There has been no change as yet in the mentality that considers daughter as a burden. Marriage is considered a matter of social prestige and people get their daughter married before the marriageable age for fear of losing social prestige if the daughter marries without parents' consent. There still has not been any decline the tradition of taking it as a holy act to give the hands of daughter at an early age.

Tiuli Who was Married at the Age of Five

Tiuli Devi (name changed) of Sunnikot, Bajhang says: "My parents got me to marry at the age of five years. A five-year innocent girl would not know what marriage is. As time went by, I came to know that I was already married. I could not even think of the decision made by my parents let alone stand against it. It is not possible to tell the extent of hardships I faced due to the early marriage. I promise that notwithstanding the extent of the hardship I have

endured, I will not allow anyone in my family to suffer from the child marriage. I am also resolute that if child marriage is happening somewhere, I will take help of all and fight against this harmful practice."

Plan International's *Getting the Evidence: Asia Child Report* has pointed that the main reason why most parents or families marry off their daughters in early age is the wrong concept prevalent in society on sexuality and the role and position of women. It is seen that the Nepali society has accepted child marriage as a normal affair by overlooking its overall impact on children, family and society.

A study commissioned by UNICEF in 2013 stated that social pressure, cultural practices and the attitude of taking child marriage as a normal affair were the three main reasons for continuation of child marriage. Hence, even if training is one of the important measures to end child marriage, but until and unless gender-based violence, discrimination and inequality do not end in the society, it is impossible to end the child marriage. This has been a lesson learnt of these series of training.

3.2.2. Dowry as a Barrier to Ending Child Marriage

Social Behavior Reform Act, 2033 (1976 AD) has outlawed the dowry system making it as a punishable offense. However, dowry system is widespread in society. Terai region of Nepal is particularly more affected by the dowry system. Women have been physically assaulted, mentally tortured, burnt and even murdered for not bringing or bringing less amount of dowry. There is a compulsion to give dowry depending on the level of education, and nature of job of the bridegroom. No marriage is possible without dowry in the community. There is also a pressure as marriage after marriageable age means more dowry while early marriage could mean amount of dowry.

Asha Devi (Name changed) of Dhanusha district says that the dowry system in the society has not yet been eradicated. There is a tradition of a boy with higher education asking for more dowry. How could a common family like ours afford to pay more dowry? Even the land should be sold to pay for the dowry. It will be difficult to get a daughter married without paying dowry. Therefore, we are forced to marry off our daughters at small age. This training has boosted confidence in all of us. I call on all to move ahead unitedly against the dowry system and child marriage in the days ahead. I will also firmly stand against this.

Campaigns against dowry system launched by National Women Commission, Ministry of Women, Children and Senior Citizens, and various non-governmental organizations also have not brought about a positive change yet. Law enforcement agencies also have not been able to effectively play their roles. Thus it is visible that child marriage can be ended only if such campaigns against dowry system is continued even more effectively along with such trainings.

3.2.3 Ignorance of Reproductive Health and Lack of Gender and Children-friendly Curriculum

There is a lack of knowledge among adolescents and women on the reproductive and sexual health, contraceptives, safe abortion, sexual diseases, impact on health due to early marriage, the right age for marriage and the legal provisions relating to marriage.

Likewise, schools and curriculum have not yet been fully gender and children-friendly. Although projects run by development partners have few programmes for the community schools, there has not been any attention from the state on this issue. In Bajhang and Doti districts, most of the menstruating girls quit their schools and get married at an early age. The *Chhaupadi* system, in particular, and the

culture of taking menstruation as a matter of shame, has forced the girl children to discontinue their school education. The girl children are found to have quit the school as the schools are not friendly to girl children and there is also a discriminatory practice in the schools against the menstruating girl child. It is imperative to frame a plan at the State level in order to make both the community and privately-run schools girl-child friendly.

Gayatri Mahara who Married by Eloping at the Age of Fourteen

Gayatri Mahara (name changed) of Doti says, "I was studying at grade eight in a school in my village. I had my first menstruation when I was studying at grade eight. My parents put me at the Chhaugoth for seven days. All of my friends knew that I had the menstruation. My friends started teasing me calling me a "Chhau (a menstruating woman)". It would be difficult to go to the schools during the time of menstruation. My teacher also used to keep telling not to touch when I was menstruating. Once I started menstruating every month, I stopped feeling like going to school. Then, slowly I fell into the habit of not going to school, and I stopped going to school. I also felt I was being a burden to my family. I got married at the age of 14 by eloping. Now I have two kids. I now regret having left school to marry at an early age. But then what could I do? Nowadays, I am also involved personally in the campaign against the harmful social practice and helping to end the child marriage and other harmful social practices. I have felt that this training has provided me additional inspiration to be involved against the child marriage.

3.2.4 Participation of Men is Essential for Ending Child Marriage

Ending a grave crime such as child marriage in society is not possible only by a standalone attempt from women. For this, it is necessary to

dismantle and change the prevailing social, cultural and traditional values that promote child marriage. Such traditions have given right to men to make all kinds of decisions. However, in most of the programmes including the trainings, men are not found to have been included. Although Women Development Programme Guideline has included only women in the formation and organization structure of Gender Based Violence (GBV) Watch Group, it has encouraged the involvement of men in other sensitization trainings and campaigns. However, additional efforts are required on this direction. Due to the organizational structure and the programmatic limitation of this Project, only women were seen to have participated in the trainings conducted by JuRI. However, most of the participants in the trainings viewed that until and unless involvement of men, who decide every single family matters, are part of such trainings, the campaign to end child marriage in the society will be an incomplete one.

" Most men do not listen to women. They make all the decisions themselves. "

Sajana (name changed) from Saptari who was in the training says it is the decision of the male member of the family that is decisive in relation to the marriage of children." It would have been easier to translate the knowledge gained in this training if male members from our family had been part of this training", she says. Her suggestion, although sounds simplistic, is meaningful to the campaigners. She added that males in the family do not listen to the women. They make decisions themselves. Thus, the campaign to end child marriage would gain relevance if men could also be involved.

3.2.5 Lack of Accountability and poor implementation of Law is Barrier to Ending Child Marriage

Legally, child marriage is a punishable offense. The reason for continuation of child marriage is the lack of effective implementation

of law, policy and strategy for ending child marriage in Nepal. While on the one hand, responsible state institutions have failed to take effective steps to prevent child marriages, on the other hand, there has been a failure toward taking an interventionist role towards punishing the guilty on cases of child marriage and building a culture of accountability. Putting aside some exceptions, police intervention in the cases of children is extremely low. Impunity has been one of the main reasons why the crime of child marriage has not decreased. The straight forward meaning of this is that law has not been implemented and the concerned agencies are not accountable toward their responsibilities. Although the training conducted against child marriage is an important factor, this alone cannot end the child marriage, therefore it is imperative that there must be effective implementation of law and development of a culture of accountability among the responsible agencies.

"It is not known someone guilty of child marriage has been punished yet."

Sambita Bohora (name changed) who is active in a network of female adolescents says, "Child marriage is still considered a normal affair in the villages. In other words, child marriage has not yet ended in our villages. Beside some exceptional cases, neither have the child marriages been restricted, nor a couple married at childhood separated, nor the guilty of child marriage punished and/or fined. Campaigners like ourselves who have been raising voices against violence against women and child marriages have also not been able to obtain reliable support and solidarity from the law-enforcement agencies. All the concerned agencies should be serious on this issue. We are always ready to extend our support in this".

3.2.6. Lack of Coordination, Collaboration and Sensitization as a Barrier to Ending Child Marriage

Many government and non-government agencies are directly or indirectly working for the prevention and control of gender-based violence and child marriage. Working in this sector, in particular, are the Ministry of Women, Children and Senior Citizens and other offices under the Ministry, various women's and female adolescent groups, Children Welfare Committee, Nepal Police, National Women Commission, and the local government. However, most of the women in the trainings are ignorant of these agencies. And they continue to tolerate the child marriage happening in and around their society.



Since child marriage is aligned with livelihood and all other societal realities, only with an integrated approach could this be ended. Joint and collaborative roles of all the concerned government agencies, development partners, civil society and other organizations working in this sector is essential for the ending of the child marriage. In addition, it is necessary to move forward by strengthening some of the past paralegal committees and the newly formed watch groups. Because of lack of coordination and collaboration, there has been

duplication in some of the programmes while in many locations the required programmes could not have been operationalized.

Therefore, it is evident that only an integrated approach of coordination and collaboration with various agencies during designing and conducting of programmes could be meaningful for ending child marriage.

3.2.7 Campaign to End Child Marriage Incomplete without the Active Involvement of Local Government

Constitution of Nepal has provided for three tiers of government: Federal, Province and Local. Nepal government has promulgated Local Government Act 2074 for the purpose of running the local government. Section 12 (2) (c) 32 of this Act has the provision of ending social ills and superstitious beliefs including child marriage, polygamy, violence against women, untouchability, dowry system, *haliya*, *chhaupadi*, *kamlari*, child labour, human trafficking, among others.²In order to achieve the goal of ending child marriage in Nepal by 2030, it is imperative that the local government should play an effective role. Otherwise, it will be almost impossible to end the child marriage. It is obvious that while planning and organizing such activities and programmes, it will be more effective if it is done in coordination, collaboration and leadership of the local government.

3.2.8 Continuity of Trainings Essential for Ending the Child Marriage

Child marriage is neither a male-only nor a female-only problem. It is a problem of the whole country. Although there have been various activities and programme carried out by different stakeholders for ending child marriage, lack of continuity to these programmes has remained a major issue. Child marriage is limited not just in one

² Local Government Act, 2074, Section 12 (2) C, 32

place. However, programmes against child marriage are mostly either urban-centric or more focused in a specific area. There is also lack of continuity in these programmes. Likewise, there has been no study on what impact the trainings have brought about in places where the trainings were run. It has impacted in the campaign to end the child marriage. Therefore, it is essential, for ending the child marriage, that the trainings are continued and that the impact of the trainings be also monitored.

Kalawati Devi of Rautahat says:

Kalawati Devi (Name changed) of Rautahat says, "Many incidents of child marriage and violence against women take place in the district. Probably because of this many government agencies and other organizations come to this district with training programmes against the child marriage and violence against women. However, I have not seen any of those trainings given continuity. All come, teach something, and go. I also do not see such programmes being conducted in all villages affected by child marriage. I feel that these programmes should be continued for a long while to end this problem of society which has deeply rooted. Likewise, it would be better if these organizations come to the places where the trainings were held at times to study the impact created by these trainings".

Chapter - Four

Recommendations and Conclusions

Following are the conclusions and recommendations in relation to the role of the concerned agencies toward ending child marriage:

4.1. Recommendation

- One of the lessons learnt from the training has been ending child marriage is impossible until and unless gender-based violence, discrimination and disparity is addressed in the society. Therefore, in addition to such sensitization trainings, there must be other programmes aimed at ending gender-based violence and discrimination.
- Since dowry or *Tilak* system is one of the impediments toward ending child marriage, campaign against dowry should be undertaken together with the campaign against child marriage.
- There must be better coordination and collaboration with the Curriculum Development Centre in order to include a range of issues in the school curriculum such as gender sensitivity, impartiality, comprehensive sexual education, and child rights.
- Sensitization programmes should be conducted on the impacts of child marriage and the law relating to the child marriage.
- In addition to women, men should also be involved in the trainings.
- Developing a culture of accountability by making efforts toward bringing under the legal action to the politicians involved in causing child marriage, and the civil employee

and security personnel showing disinterest or uncooperating towards law enforcement.

- Making coordination, collaboration and communication links effective among the agencies that enforce laws to end child marriage, schools, health institutions, civil society and GBV Watch Groups.
- Effective implementation of the provisions in the Local Government Act 2074 in relation to ending the harmful social practices and superstitious thoughts and beliefs such as gender-based violence, child marriage, dowry, chhaupadi, among others.
- Developing action plan to make every local government units child marriage free and implementing the policy and strategy toward this end.
- As the participants present in the trainings said the training was very useful, such trainings should also be conducted in other Municipalities and Rural municipalities.
- Prioritize the programmes focused against child marriage, and continue mobilizing Gender Based Violence Watch Group, Child Club, male and female adolescent groups; also do regular monitoring and supervision of the programmes accomplished.
- Create a pool of resource persons at the local level, and jointly mobilize the local resource persons and the ones from the Centre for the facilitation of the trainings.
- UNICEF and JuRI-Nepal should plan a follow-up programme to analyze how the participants of the trainings in the districts have been utilizing the knowledge and skills gained, and to address the challenges during this and identify further opportunities.

4. 2 Conclusion

The complexity of child marriage in Nepal is evidenced on the basis of the data as obtained in the trainings in five districts recently held by JuRI-Nepal, 2016 Human Rights Watch Report and Nepal Demographic Survey 2016. The impact of this has been in the reproductive health of the girl child, violence against the girl child that is caused in the name of marriage, education, employment and the overall development of the country. Keeping in mind the situation of child marriage in Nepal, the Government of Nepal has implemented Strategy to End Child Marriage 2072 (2015 AD) aiming to end child marriage in Nepal by 2030. In addition, the government has also provisioned for various legal, policy and structural mechanisms. Notwithstanding these important steps, due to lack of effective implementation of the prevailing laws and the prevalence of patriarchal thoughts and values in our society, and the religious and cultural tradition harbored by this, there has not been a significant change in how women are viewed in our society, and this in turn has led to a situation whereby there has not been a change as desired towards addressing gender based violence and discrimination.

Child marriage should not be viewed separately, rather it should be viewed in an integrated manner addressing together the problems that is attached with child marriages. In the future, it is a common responsibility of all to take forward in a holistic manner all the problems concerning children by strengthening the coordination and collaboration between the government and non-governmental stakeholders, development partners, local government in order to translate into reality the goal of ending child marriage by 2030.

Capacity of 970 women has been enhanced by the training programmes conducted by JuRI-Nepal in five districts. It is essential that the three parties who were directly involved during these trainings - JuRI-Nepal, UNICEF and local governments - should

continue the collaboration and bringing in the local government together to combat child marriage. As child marriage prevails in many parts of the country, the trainings should be continued and expanded to other districts affected by child marriage by building on, developing and updating the content and method of the trainings so far. Likewise, it is also necessary that JuRI-Nepal, UNICEF and local governments should monitor, supervise and study the impact of the trainings in the five districts where trainings were recently accomplished.

Finally, this report, which has been prepared by incorporating the lessons learnt from trainings held in the five districts which were different in terms of geography, language and other aspects, will greatly assist in the method and content of the future trainings. It is also hoped that it will be an important reference material for JuRI-Nepal, local governments, ministry of Women, Children and Senior Citizen UNICEF and all others that are involved in the campaign to end child marriage.

Annex 1

Districts and locations where trainings on the Ending Child Marriage were held

Districts	VDCs	Training Date	Number of participants
Saptari	Arnaha, West-Pipra, Rayapur, Hariपुर, Nargho, Chhinnamasta & Daulatpur VDCs	December 2016	210
Doti	Sanagaun & Bhurirajmandu VDCs	12-14 Feb 2017	67
Bajhang	Daulichour, Sunikot, Chainpur & Syandi VDCs	16-18 Feb.2017	120
Dhanusha	Rohana, Rupetha, Govindapur, Laxmipur Bageda	3-5 Apr 2017	123
Rautahat	Purai, Gedaiguthi, Bariyarpur	4-6 Apr 2017	92
Rautahat	Pipriya, Tejapakad, Gamriya Birta & Rampur	13-15 Nov. 2017	120
Dhanusha	Sakhuwa Mahendranagar, Tarapatti, Bateswor & Mahuwa	5-7 Nov. 2017	119
Saptari	Lalapatti, Inarphulbadiya, Kanchanrupi & Sisuwabelhi	31 Oct-2 Nov 2017.	119
			970

Annex 2

Ending Child Marriage Training Schedule

First Day			
Time	Content	Methodology	Resource Persons
10:30-10:50	Opening Session Welcome and Objectives of training	Short remarks	JuRI-Nepal and Guests
10:50-11:10	Introduction and collection of expectation	Game (Role of women)	Local Resource Person and JuRI-Nepal
11:10-12:10	First Session Conceptual Clarity of GBV <ul style="list-style-type: none"> • Gender & sexuality • Violence and gender based violence • Types of GBV, Causes and Consequences 	<ul style="list-style-type: none"> • Game • Interaction • Audio-Visual, Pictures • Story telling 	Women and Children Office
12:10-1:00	Lunch		
1:00-1:45	Second Session Gender socialization and Power Relations	<ul style="list-style-type: none"> • Group work • Pictures 	JuRI-Nepal
1:45-3:30	Third Session Child marriage a form of GBV in Nepali context	<ul style="list-style-type: none"> • Audio-Visual, Pictures • Group work 	Women and Children Office
3:30-3:45	Review of the day	Oral discussion	Local Facilitator
3:45-3:50	Closing of the first day		
Second Day			
Time	Content	Methodology	Resource Persons
10:30-10:50	Review of the first day	Oral presentation	Local facilitator and JuRI-Nepal

10:50-11:35	Fourth Session Legal standards to prevent GBVs with focus on child marriage <ul style="list-style-type: none"> National policies, laws, mechanisms and strategies. International standards and State Obligations 	<ul style="list-style-type: none"> Role-play Success stories Group work (gallery walk) 	JuRI-Nepal
11:35-12:25	Fifth Session Role of GBVWG to prevent GBV	<ul style="list-style-type: none"> Interaction 	Local Facilitator
12:25-1:25	Lunch break		
1:25-2:25	Sixth Session Actions to be taken before, during and after incidents <ul style="list-style-type: none"> Precautions before incident Documentation, reporting and referral of incident Protection of victim and witnesses 	<ul style="list-style-type: none"> Role play Interaction Video show 	JuRI-Nepal
2:25-3:25	Seventh Session Accountability of stakeholders Prevention from child marriage local level protection mechanisms	<ul style="list-style-type: none"> Interaction Presentation 	JuRI-Nepal
3:25-3:40	Review of the day	Oral discussion	Local Facilitator and JuRI-Nepal
3:40-3:45	Closing of the second day		
Third Day			
Time	Content	Methodology	Resource Persons
10:30-10:50	Review of the first day	Oral presentation	Local facilitator and JuRI-Nepal

10:50-12:25	Eighth Session Case studies and Recording Exercise	<ul style="list-style-type: none"> • Group division & form fillup exercise 	WCO (Local facilitator)
12:25-1:25	Lunch break		
1:25-2:25	Ninth Session Advocacy and awareness on the causes and consequences of child marriage	<ul style="list-style-type: none"> • Questio/Answer • Group work • Presentation and discussion 	JuRI-Nepal
2:25-3:25	GBV Free Schools: Concept and Role of schools	Presentation and Interaction	Restless Development
3:25-3:40	Evaluation of the training	Check list in Chart paper	Local facilitator and JuRI-Nepal
3:40	Closing of the training	Short Remarks	JuRI-Nepal and Guests

