

# Child Marriage in Nepal

(A report by Bahini Educare Foundation)



## Introduction

Child marriage remains a critical issue in Nepal, especially among girls and adolescents, with many exposed to marriages that are not legally registered. This phenomenon is exacerbated by increasing economic challenges in rural areas, which we can term "New Rural Poverty." Economic hardship, along with deep-rooted cultural norms and lack of educational opportunities, drives many families to marry off their daughters at a young age, often bypassing legal channels. The socio-legal implications of these informal unions are significant, particularly as they lack legal protection, leaving young women vulnerable to exploitation.

## Child Marriage and Legal Loopholes

Under Nepalese law, the legal age for marriage is 20, and any marriage conducted before this age is considered illegal. However, despite this legislation, child marriage remains prevalent. According to UNICEF, 40% of girls in Nepal are married before the age of 18 and 7% are married before the age of 15. A recent report highlights that many of these marriages are not formally registered, thus leaving young brides without legal standing or rights, especially if these marriages fail.

Increasing number of adolescents are opting for religious temple marriages, a simple ceremonial process performed in religious settings. These marriages may hold cultural significance but do not have legal recognition, leaving women in precarious situations without legal recourse in cases of domestic violence, divorce, or inheritance disputes. Should things go wrong, as often happens, these women have little or no protection under Nepal's legal framework.

## Social and Cultural Dimensions

Many want to choose their life partners and have a voice in decision-making. Yet, due to social norms and economic pressures, they are deprived of this opportunity. Despite this,

many families and communities continue to marry off girls early, viewing it as a solution to economic hardships and as a way to uphold cultural norms that prioritize girls' early marriage.

The gap between the aspirations of young women and the realities they face is further complicated by strict legal provisions that seem to restrict rather than protect them. The prohibition on legal marriages under the age of 20, combined with the cultural practice of early marriages, traps young girls in marriages that lack legal standing and protection.

### **Legal Framework and Complications**

Nepal's legal system stipulates that the legal age for marriage is 20 for both men and women, and the age of sexual consent is set at 18. Engaging in sexual relations with anyone under 18, regardless of consent, is classified as statutory rape. These legal stipulations, although created to protect minors, have inadvertently contributed to increasing rates of unregistered child marriages. Since formal marriages are prohibited under 20, many couples resort to informal unions, often initiated through temple marriages, which lack legal safeguards.

This legal framework is unique to Nepal, as few countries have such stringent laws that define consensual sexual relations with minors as rape under all circumstances. While the intention of the law is to protect minors from exploitation, in practice, it leads to criminalization of relationships between young couples, increases vulnerability to exploitation, and enables blackmail.

### **Economic Drivers and "New Rural Poverty".**

The concept of "New Rural Poverty" is an emerging phenomenon in Nepal, particularly in rural regions. Economic deprivation, coupled with limited access to education and healthcare, drives families to make decisions that seem practical in the short term but harmful in the long term. This new form of poverty creates a social environment where the education of girls is deprioritized, and early marriage becomes a coping mechanism for families to reduce the economic burden of raising daughters.

In these circumstances, young girls are married off not only to alleviate immediate financial strain but also to uphold social expectations. However, these marriages, conducted outside the legal framework, leave women with no rights, increasing their risk of exploitation and abuse.

## Consequences of Unregistered Marriages

Unregistered marriages leave young brides without legal recourse in case of separation, domestic abuse, or widowhood. Without official documentation, women often cannot claim property rights or alimony, and their children may be denied inheritance or access to services such as education and healthcare. Additionally, the absence of legal marriage registration makes it difficult for women to report domestic violence or seek legal protection.

The lack of protection also extends to issues of sexual and reproductive health. Child brides often face pressure to bear children early, leading to complications during childbirth and increased maternal mortality rates. Nepal's maternal mortality rate stands at 186 per 100,000 live births, and early marriage is a significant contributor to this statistic.

## The Role of Education and Empowerment

Despite the dire circumstances, education remains a powerful tool to combat child marriage. Studies show that girls who complete secondary education are six times less likely to marry before 18. However, access to quality education remains limited, especially in rural areas, and dropout rates are high among adolescent girls due to cultural expectations of marriage and household responsibilities.

Programs focused on girls' education, life skills training, and economic empowerment are essential to breaking the cycle of child marriage. Initiatives by NGOs, like the Bahini Educare Foundation, which support single mothers and provide educational opportunities for children, are crucial in providing alternatives to early marriage and fostering a generation of empowered young women.

## Conclusion

The issue of child marriage in Nepal is multifaceted, involving economic, legal, cultural, and social dimensions. While laws exist to protect young girls, the strict legal framework and cultural norms have resulted in unintended consequences, including the rise of unregistered marriages. Addressing child marriage requires a holistic approach that combines legal reforms, economic empowerment, educational opportunities, and community awareness. Only by tackling the root causes of poverty and providing young women with choices can Nepal hope to end the cycle of child marriage.