**NEPAL**

**DEPRIVATION OF LIBERTY REPORT**

National Alliance of Women Human Rights Defenders



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**Background**

The Universal Declaration of Human Rights was adopted in 1993, after eight years CEDAW came into force, the UN World Conference on Human rights in Vienna confirmed that women’s rights are human rights. This was a step to recognize neglect of women’s rights as a human rights violation and it drew an attention to the relationship between gender and human rights violations. It is widely known that women around the world suffer violations of their human rights throughout their lives, and realizing women’s human rights has not always been a priority. Attaining equality among all sex requires a comprehensive understanding of the ways in which women and girls experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination.

International human rights instruments such as United Nations Charter, Universal Declaration of Human Rights (UDHR), and major human rights conventions, including International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as Vienna Declaration of Human Rights and Plan of Action, 1993 and Beijing Platform for Action, 1995 have assured women human rights.

The CEDAW states that "the rights set forth therein are applicable to all women and girls without distinction of any kind, such as race, language, religion, political or other opinion, national or social origin, property, birth or other status." Thus, it is a responsibility of the country to create conducive environment for women to enjoy basic human rights at home and workplace, create adequate security and establish protection mechanisms, particularly women from marginalized groups.

In the context of Nepal, the country has made strong commitment to human rights, and ratified almost all major international human rights conventions, including CEDAW in 1991. Therefore, it is an obligation of the Government of Nepal to implement the provisions of these conventions. Nepal has been making legal and institutional improvements for the promotion of women and girls rights, by establishing national human rights institutions such as National Human Rights Commission and National Women's Commission. However, the status of Nepali women still remains at risk 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 political will, infrastructure, resources and responsible governance, but mostly because of state's unwillingness to invest enough resources for the protection of women and their rights.The patriarchal mindset of the state and non-state actors perpetuates stereotypes on Harmful Traditional Practices, especially discriminatory norms and values perceive women as second class citizen resulting to gender based violence and discrimination against women and girls.

According to UNDP 2015 report, Nepal ranks in 115th position in global scenario in terms of Gender Inequality Index which indicates that there is inequality between men and women in achieving reproductive health, empowerment and economic activity. Similarly, the Gender Development Indicator (GDI) shows that Nepal falls under the category of low human development ranking 145th position in the world with lowest GDI among South Asian countries.

**Organizational Background**

National Alliance of Women Human Right Defenders (NAWHRD) is a vibrant, strong and active women's network working from feminist perspective. It is one of the largest loose network extended to seven provinces within principles of human right and democratic norms. The recognition of women's role for protection, promotion and security of women's rights and dignity as human rights, and creating and advocating for safety mechanisms for the WHRDs in private and public sphere are some of key principles of NAWHRD.

NAWHRD supports WHRDs by building their capacity, supporting them at time of distress, advocating collectively for recognition of their work as human rights defenders and create protection mechanisms for them. It also supports women whose rights gets violated, especially victims of different forms of violence and further advocates for required policy change to ensure rights of women, particularly women from marginalized groups. The primary mission of NAWHRD network is to advocate collectively and get engaged from grassroots to national level for creation of women right friendly environment and also advocate for recognition and security of WHRDs.

**Methodology**

This report has been prepared through research on the secondary sources of data available on the internet, books available and working experience of the National network in the focused issues. The report focuses on two major issues; Deprivation of Liberty of Women’s Right to mobility and Work and Child Marriage in Nepal.

Similarly, the government reports were also carefully read and reviewed, and analyzed government policies, programs and plan of action, as well as future strategies. Some of the undertaken processes include:

* Reviewed and analyzed Government's published reports, policies, strategies, Nepal’s constitution, and other laws and regulations
* Literature Review of different articles and journals

**Focused Issues**

**DEPRIVATION OF LIBERTY OF WOMEN’S RIGHT TO MOBILITY AND WORK**

Nepal is a member state of core human rights treaties. Nepal has ratified seven International Labour Organization (ILO) fundamental conventions out of eight. The country is a member of the Colombo Process, the Abu Dhabi Dialogue and was involved in regional SAARC consultative process on the management of overseas employment and contractual labour for countries of origin in Asia.

The constitution of Nepal also ensures to protect and guarantees the constitutional rights of migrant workers. The Article 29 (3) of the Nepal’s constitution provides a preventive clause against trafficking, slavery, serfdom or any form of forced labor. Similarly, other articles such as 16, 17, 18, 20, 22, 33 and 34 states about the right to live in freedom with dignity and having access to justice in case of any forms of torture, right to equality and right to labor. The constitution also states to regulate the foreign employment sector free from exploitation and safe. It has also provided constitutional remedy if there is absence of effective remedy.

**Issues of Concern**

1. Women’s work has always been precarious, causal, informal, low-skilled, mostly unpaid, unrecognized, unvalued, undervalued and invisible. Women workers of informal sectors such as domestic sectors, garment, construction, entertainment, agriculture etc. are mostly vulnerable with limited access to collective bargaining, social security and health care. As a result, the Female Migrant Workers (FMWs) forced to work in difficult circumstances, forced sexual abuse and treated poorly and paid unfairly.
2. Nepal Government has adopted the Foreign Employment Act, 2007, and seems aware about the condition of foreign migrant workers. However, the condition of FMWs is much worse than men. They face number of discriminatory practices, including physical abuse and sexual assault, emotional violence, forced labor, limited incentives and unequal pay. They also receive limited pre-departure information, skill and training, and institutional support while at risk.
3. Data available from Department of Foreign employment (DOFE), 1,500 in an average Nepalese people officially leaves Nepal every day for foreign employment. It shows that international labor migration is an important form of the livelihood option for most of the Nepalese citizens. There are many reasons behind for Nepalese migrant workers to migrate on foreign land such as extreme difficult economic condition, lack of employment opportunity in the home country, no social security, debt, family illness, social and family discrimination, and to guarantee a better education/future for their children.
4. Human rights violations, and various forms of labor exploitation at every stage of the migration cycle, from pre-departure stage to the transit and as workers in the destination countries, and as returnees after coming back to their respective home countries is becoming a routine phenomenon. Among them, particularly affected are women migrant workers.
5. Women face discrimination both due to their status as migrant workers and due to their sex as women. Their lives has been made more complicated by Nepal government’s restrictive and inconsistent foreign labor migration policies for women. For example, in 2012, Nepal Government banned women under the age of 30 from travelling to some Gulf countries following reports of wide-spread sexual abuse and exploitation (AFP, 2012). Additionally, in 2014, Nepal government banned women of all age group to migrate to some to the Gulf cooperation Council (GCC) countries for domestic work. Further, in 2015, the Government of Nepal endorsed guidelines that require domestic women migrant’s workers to have reached the age of 24 and prohibit lactating women with a child below the age of 2 from taking up domestic work in foreign employment.
6. Most of the policies and programs developed by the Government of Nepal are dominated by the thoughts that women needs to be protected, controlled and taken care of. This denies women’s agency to take control over their decisions regarding their lives, work and mobility. This has given power to those, who want to control and exploit women’s labor and agency for the profit or to maintain the structure of dominance. This situation had put Nepali women who want to go outside their home, village boundaries to explore their aspirant, exercise their power of knowledge and make the difference in their economic and societal status in risk of being trafficked.
7. It has shown that around 71 % of the remittance received in Nepal in 2015 came from the countries of the Gulf[[1]](#footnote-1). Although Nepal has made significant progress in ensuring protection of the rights of its citizens who migrate for foreign employment, including by amending its legislation and developing corresponding policy measures. But there is an increased awareness on the part of the state of the need to address these issues in a comprehensive manner, including through enhances coordination between different ministries. The gaps exist in law and challenges remain in enforcement, implementation and monitoring.
8. As stated in the last census 2011 report, a total of 1921494 persons were registered as absent population, that may include internal migration and that of 12.4 per cent were women[[2]](#footnote-2). As mentioned in the report of Ministry of Labour and Employment, Labor Migration for employment, only 4.3 per cent of labor permits were issued to women in 2014/15 as bans led to escalation of women migration through India[[3]](#footnote-3).
9. While international migration has had a positive impact on the country’s economy, the migrant workers themselves are suffering from poor working and living conditions, including low wages, an unsafe working environment, a virtual absence of social protection, denial of the freedom of association and workers’ rights, discrimination and xenophobia while in their countries of destination.
10. In the absence of decent work opportunities at home, an increasing number of women feel that they have no choice but to look for work abroad. Women continue to migrate in search of employment, despite many reported cases of fraud perpetrated by recruitment agencies, abuse, exploitation, injury and even death during employment[[4]](#footnote-4).
11. Women are deprived of the liberty because of lack of transparency, government oversight, and accountability in the private recruitment and placement of migrant workers. It has become a matter of great concern that migrant women workers have been facing numerous challenges with regards to accessing justice.
12. Migrants are paying up to Nrs 180,000 (approximately $1,750) in recruitment fees. In 2015, the Government introduced “Free Visa Free Ticket” policy where ticket and visa costs are born by the employer. This policy legally permitted service fee charges to Nrs 10,000 (equivalent to $96) for placement in the seven major destination countries. This government policy is not effectively implemented and monitoring mechanism to address is not in place.
13. There is stigma and obstruction attached around the sexuality and bodily control of women migrant workers. Stigma such as “bad women”, “loose women” are some examples of vilification. Women face social costs and mental health problems while exercising their right to work and mobility. No effective measures and study has been done by the government to access the impact of women and migration. Female migrant workers are excluded from labour law protection, social reintegration mechanism and often lose family members due to allegation and discrimination.
14. Despite the government signing bilateral agreements or Memorandum of Understanding (MOU) with major destination countries, including Qatar and Jordan-BLA, United Arab Emirates, Republic of Korea and Japan G2G, and MOU with Bahrain, there are dozens of countries where the migrant workers are working either reached through employment agencies or human trafficking routes. Majorities of Female Migrant Workers are illegally arrived to these destination either through India or other third countries transported by the traffickers. These women face further threats and placed in high risk due to their legal status and absence of supporting employment agencies. They start facing risks from the point of departure to the destination, and then at the workplace, as well as they go through similar challenges after their return to home.

**Recommendations**

1. The government should set up an effective mechanism that regulates foreign employment sectors and the agencies associated with it, which should investigate if any misconducts are reported.
2. Government should withdraw the discriminatory restrictions and age limitation imposed on women migrant workers and establish a standard contract for domestic workers, to be included in all bilateral agreements, which should include provisions on, standard living wages, working hours, working conditions, overtime pay, annual leave and effective remedies, as set out in ILO Convention No. 189.
3. The government should focus on creating life skill trainings, income-generating opportunities for women, including in rural areas and also establish a sustainable social reintegration policy and enhance the services provisions for the reintegration of returned migrants, including psychosocial services and livelihood opportunities,
4. The government should adopt a comprehensive information and orientation program that covers pre-employment and post arrival orientation services. This package should also include legal awareness about foreign employment, and rights of migrant workers in particular country, including Foreign Employment Act.
5. GON should take steps to ratify the Decent Work for Domestic Workers Convention 189; Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime.
6. Develop bilateral agreements on labour migration with destination countries that are based on international standards and prioritize the full implementation of the human rights and labour rights of migrants.
7. Continue dialogue through the regional consultative processes, ensuring that it is conducted by the long-term, holistic thinking that is needed to achieve the wholesale transition to an ethical recruitment system.
8. The government should closely work with diplomatic offices for the enforcement of minimum wages provision entitled for migrant workers in specific countries, and deploy more Labor Liaison Officers in remaining destination countries of FMWs.
9. The government should introduce resettlement package for returnees, particular FMWs, which should provide support to those returned with disability and the families of deceased one. This fund should provide legal services to those who are confined to prison while they are working as foreign migrant workers.
10. Establish a sustainable reintegration policy and enhance the services provided for the reintegration of returned migrants, including psychosocial services and livelihood opportunities, particularly for those who have experienced abuse during their migration process. Women migrants and domestic workers.
11. The state must be vigilant in open border areas by mobilizing more numbers of police and monitoring groups of civil society, thereby providing counseling services to potential trafficking victims.
12. Proper statistics of foreign migrant workers, including Female Migrant Workers must be documented, and the data should be available for necessary action.

**Child Marriage in Nepal**

**Issues of Concern**

1. Child marriage is a practice that occurs across regions, cultures and religions. Every year approximately 15 million girls under the age of eighteen get married. That is around 41,000 girls every day[[5]](#footnote-5). The practice often has serious impacts on the lives of the girls themselves, and child marriage threatens the progress in six out of eight development goals related to education, health, poverty and gender equality. The main drivers have been identified as tradition, poverty, gender norms, security and weak law enforcement.
2. Child marriage has been practiced in Nepal since the time immemorial. Nepal is one of the top 25 countries with 40% of 20-24 years old women married by the age of 18 years. Child marriage is found most prevalent among non-literate, *Janajati* and *Dalit* castes of Nepal. However, the situation varies widely according to geographical regions and ethnic groups. According to religious leaders urged fathers to marry off their daughters at a very young age, 8–10 being the ideal, since an unmarried daughter represents shame for the family. Because parents are able to give a smaller dowry for younger girls, the practice has persisted.[[6]](#footnote-6)
3. According to the census report of 2012, the total population under age 18 is 11,525. The median marriage age for girls in Nepal is 17.2, a figure that masks the true extent of child marriage in the country. The population married by age 15 is 10 % while, married by age 18 years is 41 %. Likewise, the adolescent fertility rate (per 1,000 girls aged 15–19 years) in between the years 2007 to 2012 AD is 87[[7]](#footnote-7).
4. Child marriage varies widely in Nepal depending on a girl’s level of education, wealth, geographic location, religion and ethnicity. A UNICEF discussion paper determined that 79.6% of Muslim girls in Nepal, 69.7% of girls living in hilly regions irrespective of religion, and 55.7% of girls living in other rural areas are married before the age of 15[[8]](#footnote-8). Likewise, girls who were born into the highest wealth quintile marry about two years later, on average, than those from the lower wealth quintiles.
5. The main reason for child marriage is social, cultural, economic, political, geographical and educational aspects in Nepal. In many cases, a mixture of these grounds traps children in marriages without their consent. Marrying girls under 18 years old is deep-rooted in gender discrimination, encouraging premature and continuous child bearing and giving preference to boys’ education. According to the UNICEF, child marriage is also a strategy for economic survival as families marry off their daughters at an early age to reduce their economic burden.
6. Child marriage is prohibited in Nepal through various legislations such as the *Children’s Act*, 2048 (1992), the *Marriage Registration Act*, 2028 (1971), *Muluki Ain*, 2020 (1963) and *The Birth, Death and Other Personal Events* (*Registration*) *Act*, 2033 (1976); *Domestic Violence (Crime and Punishment Act)* 2066 (2008), *Child Labor (Prohibition and Regulation) Act*, 2056 (2000), *State Case Act*, 2049 (1992), etc. which are likely to maintain conformity with the series of international agreements and conventions to which Nepal is a party.
7. Nevertheless, the law in Nepal has defined child marriage as a crime[[9]](#footnote-9). Also, under international human rights forum, the child marriage has become increasingly recognized as a traditional practice of human rights violation. Meanwhile, Nepal is the only South Asian country with a high incidence of child marriage that has co-sponsored the Human Rights Council Resolution on “Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps[[10]](#footnote-10)”. The Resolution recognizes child marriage as a violation of human rights and calls for strengthened efforts to prevent and eliminate child marriage and support married girls[[11]](#footnote-11). Despite disseminating the message that child marriage is harmful, the practice continues pervasively in various part of the country.
8. Child marriage creates multiple rights violations including the right to personal integrity, education, health, freedom from violence and discrimination, and sexual and reproductive health rights and fundamental freedoms set out in the CEDAW and CRC[[12]](#footnote-12).
9. The Constitution of Nepal, 2072 (2015) is promising in protection of human rights of people. It has exclusively guaranteed the rights of children[[13]](#footnote-13). In *de jure* it provides the rights on the major issues raised by child marriage such as birth registration of child, the rights of children to have education, health, maintenance, proper care, sports, entertainment and overall personality development from the families[[14]](#footnote-14) and the State, right to child participation, prohibition of child on hazardous work, prohibition on child marriage where the perpetrator gets punishment and the victim is provided entitlement to compensation, prohibition on the physical, mental or any other form of torture in home, school or other place and situation whatsoever, the right to juvenile friendly justice, special protection of the helpless child by the State[[15]](#footnote-15).
10. The constitution of Nepal 2072 provides that women and girls can obtain citizenship from either of their parents at the age of 16[[16]](#footnote-16)or from their husbands after marriage.[[17]](#footnote-17) In child marriage, if a girl is married before the age of 20 (the legal age of marriage) without obtaining a citizenship certificate through her father or mother, and opts to leave her marriage, she may encounter enormous practical difficulties in obtaining citizenship, especially if her parents do not support her decision to leave the marriage. Cases have been reported where biological family members have refused to support the citizenship applications of married daughters including child brides as they do not want them to have a legal claim to family property and inheritance.[[18]](#footnote-18)Since, child marriage is not registered if the girl wants divorce she would have obstacles to claim for property of her husband. However, law has stated even the child born out of void marriage can claim the property for partition.[[19]](#footnote-19)
11. The use of law as a means of punishing the child marriage is in no way sufficient in Nepal. It is because; marriages typically take place according to customary rites and remain unregistered. The situation is exacerbated by the fact that birth registration is so irregular that age at marriage may not be known. In lack of registration, if there are problems in the marriage, the wife has no means of legal redress. Thus, there should be interventions to promote legal literacy and support paralegal services can be important prevention efforts. Legal and other support services must exist for those who want to escape child marriages and for those who are facing the prospect of early marriage.
12. Early marriage blights the lives of millions of children, locking them into a vicious circle of servitude, isolation and poverty. Robbed of their childhood, cheated of their right to an education, and exposed to grave health risks, these children – the vast majority of them young girls – are consigned to a world of restricted opportunity from which they have little hope of escape. For those most immediately affected – the children themselves – early marriage is a one-way ticket to a life of poverty, illiteracy and powerlessness. There are also wider consequences. Early marriage is destroying on a vast scale the most precious asset held by the world’s poorest nations – the human potential of their children. For countries as well as people, the early marriage epidemic is a barrier to prosperity and poverty reduction.
13. In Nepal child marriage falls into what amounts to a sanctions limbo. It is exclusively prohibited in the *Muluki Ain* 2020 (1963), while it is overlooked by customary practice in society. Also, there is fault in both design and implementation in law such as:

* Child marriage taken as social evil and not the crime, while the criminal approach is not sufficient: Neither is the law being implemented by the concerned authorities as child marriages continue to be seen as a social evil instead of a crime, and indeed child marriages continue to take place. Inability to treat child marriage as a crime is evident in the existing crime records. Also, the criminal approach has provided less redress to victim, in the matter of prevention, protection and compensation. For applying the human rights based approach on the incidence of child marriage we need to refer to various legislations. There is no comprehensive legislation to provide redress on the human right violation due to child marriage.
* Under the chapter on Rape on *Muluki Ain* 2020 (1963), sexual activity with children below the age of 18 years has come to be treated as a rape, the question of consent has no meaning in the case of children, and even in a case of a child marriage with the consent of the children. However, still there is confusion on the question of consent and sexual activity between minors in a valid marriage. These confusions must be removed to ensure that protections required by young people are not denied because of confusion in existing laws. Even though child marriage often exposes young girls to forced initiation into sex, it is generally not reported as rape in the cultural context where wives are expected to submit themselves to their husbands. Even when cases of rape are reported, since the marriage remains legally in effect until it is annulled by the court, punishment for marital rape is generally applied, which is trivial in comparison to the punishment for statutory rape or rape of a girl below the age of 20.
* The provision of *Muluki Ain* 2020 (1963), makes it mandatory to file the case of child marriage within three months of the incidence. This is inadequate time given that the reporting of cases in Nepal takes a long time due to poor communication and general lack of awareness of the illegality of child marriage.
* In Nepal, for registering the marriage it require the confirmation of age and of a woman’s consent, but marriage registrars rarely seek such consent or make efforts to determine the bride’s age. Prosecutions are seldom brought against perpetrators of child marriage and judicial authorities can be reluctant to pursue the issue. This contributes to a belief that such marriages are acceptable and that punishment is unlikely.

1. Besides the content of legislation, there are the problem of lack of legal awareness and failure to enforce legislation. The study reports have shown, some families in rural area of Nepal who arrange marriage for their young daughters are unaware that they are breaking the law. Many children are often unaware of their human rights or legal protections; they are concerned about the repercussions of reporting their parents or caregivers for forcing them to marry; or they cannot access formal legal systems for a variety of reasons. In many cases, child marriages are not formally registered, making it difficult to enforce existing child protection legislation. In addition, there are economic and social barriers to monitoring and applying legislation i.e.in registering the case against child marriages the people or the victim child may have to travel significant distances alone to access justice. Likewise, the legal system at local level does not have sufficient resources, including trained staff, to ensure the implementation of existing laws**.**

***Recommendations***

1. The government must be vigilant for enforcement of existing laws, policies and programs. So that the people are not bound to agitate for the purpose of seeking justice. Moreover, the government and the parliament should play effective role to introduce fresh laws and develop policies to address heinous crimes such as murder after rape. The purpose of introducing such fresh laws should be aimed to serve victims without prejudice, and provide security to victims and witnesses.
2. The government must accumulate statistical data and cases of the child marriage. It should prioritize those sectors in which programs should run to end discriminatory and harmful practices.
3. While local governments are autonomous and can exercise certain legal power through Judicial Committee under the leadership of Deputy Mayor of Municipalities or Deputy Chief of Village Municipalities, they should be well resourced in terms of human and logistic resources to handle cases of child marriage, VAW/G and GBV. These entities should also document such cases, and provide legal counseling services to the victims and safe housing if necessary.
4. The government must take effective steps to stop traditional and harmful practices through introduction of laws and guidelines, and mobilizing state mechanisms, as well as conducting public awareness campaign, and dissemination of information through Public Service Announcements. Such activities should include outreach activities through mobilization of religious elders/leaders and local traditional leaders.
5. Public awareness activities focusing for students combining with educational programs can play vital role for dissemination of information and sensitize local populations, and helps to change attitude, perception and mindset of the society can be instrumental.
6. Require free and full consent as a prerequisite to solemnize marriage and penalize forced marriages, including in cases where consent is obtained under threat, duress, fraud, or misrepresentation.
7. Revise the statute of limitations for filing a complaint against a child marriage with no explicit timeline.
8. Exclude the use of mediation as a remedy in cases of child marriage and related criminal cases, as provided under the *Domestic Violence Act*.
9. Review and amend the definition of human trafficking in anti-trafficking legislation to explicitly include child marriage for the purpose of trafficking and trafficking for the purpose of child marriage.
10. Launch a mass media initiative to promote awareness about the legal age of marriage and available legal protections against child marriage, especially in communities where girls are at increased risk.
11. Address existing social barriers that impede women’s and girls’ access to legal remedies and launch targeted legal awareness-raising programs with particular focus on the districts and communities where the practice of child marriage remains pervasive.
12. The government should provide age-specific, rights-based and evidence based Comprehensive Sexuality Education (CSE) to boys and girls in both public and private, rural and urban schools, to enable them to make informed choices and decision, control over their sexuality and adopt safe and responsible sexual behaviors.
13. Strengthen and implement a vital registration system and create an integrated database to avoid falsification of marriage and birth certificates.
14. Recognizing child marriage as a fundamental rights violation, take *suo moto* action to address poor enforcement of legal prohibitions and to harmonize legal gaps and inconsistencies between child marriage and other related laws
15. Monitor implementation of the government’s obligations in line with concluding observations of United Nations, Treaty Monitoring Bodies and under the Universal Periodic Reviews.

**Annexes**

**Table -1 (Data of Child Marriage, Trafficking and Attempted Trafficking reported)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Types of Violence** | **Year 2015** | **Year  2016** | **Year 2017** | **Year 2018** |
| Child marriage |  | 16 | 14 | 92 |
| Trafficking | 6 | 26 | 24 | 11 |
| Attempted Trafficking | 15 | 26 | 24 | 11 |
| Suicide | 13 | 17 |  | 10 |
| Other | 6 | 17 |  | 10 |
| Total | 1930 | 1775 | 1150 | 1739 |

*Source: Women's Rehabilitation Center (WOREC)*

**Table – 2 (Nepal Police Data on Child Marriage, Trafficking and Attempted Trafficking)**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Trafficking | Abortion | Child marriage |
| **70/071** | 185 | 18 | 15 |
| **071/072** | 181 | 17 | 23 |
| **072/073** | 212 | 22 | 20 |
| **073/074** | 227 | 22 | 26 |

*Source: https://cid.nepalpolice.gov.np/index.php/cid-wings/women-children-service-directorate*

1. Ministry of Labor, Employment and Social Protection, “Labour migration for employment. A status report for Nepal: 2014/2015”. [↑](#footnote-ref-1)
2. Government of Nepal, National population and Housing Census 2011. [↑](#footnote-ref-2)
3. Ministry of Labour and Employment, Labor Migration for employment. [↑](#footnote-ref-3)
4. Ministry of labor and employment, labor migration for employment: A status report for Nepal 2014/2015’, 2016 p. 23 [↑](#footnote-ref-4)
5. United Nations, *Joint General Recommendation/General Comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*. New York (NY), 2014, CEDAW/C/GC/31/CRC/C/GC/18. [↑](#footnote-ref-5)
6. Inter-Parliamentary Union (IPU) and World health Organization (WHO), *Child, early and forced marriage*, *legislation in 37 Asia-Pacific countries,* IPU, 2016 [↑](#footnote-ref-6)
7. Central Bureau of Statistics, „National Population and Housing Census‟, 2011, available at. cbs.gov.np/image/data/Population/National%20Report/National%20Report.pdf [↑](#footnote-ref-7)
8. CWCD*, Situational Analysis of Early/Child Marriage in Plan program Unit Area*, Nepal, Kathmandu, 2000. [↑](#footnote-ref-8)
9. *Muluki Ain* 2020 (1963), Chapter on Marriage, num 2(9). [↑](#footnote-ref-9)
10. Center for Reproductive Rights, *Ending Impunity for Child Marriage in Nepal A review of normative and implementation gaps*, Center for Reproductive rights, Kathmandu, 2016 [↑](#footnote-ref-10)
11. UN Human Rights Council, *Strengthening efforts to prevent and eliminate child, early and forced marriage : challenges, achievements, best practices and implementation gaps : resolution*, adopted on 9 October 2013, A/HRC/RES/24/23. [↑](#footnote-ref-11)
12. Brett, R. „Rights of the Child‟ in C. Krause & M. Scheinin (eds.), *International Protection of Human Rights: A Textbook,* ÅboAkademi University Institute for Human Rights, Turku, 2009 [↑](#footnote-ref-12)
13. *The Constitution of Nepal* 2072 (2015), art. 39. [↑](#footnote-ref-13)
14. *The Constitution of Nepal* 2072 (2015), art. 39. [↑](#footnote-ref-14)
15. *The Constitution of Nepal* 2072 (2015), art. 39. [↑](#footnote-ref-15)
16. *The Constitution of Nepal*, 2072 (2015), art. 11(3) (5) (7). [↑](#footnote-ref-16)
17. *The Citizenship Guidelines*, 2063 (2006), num.4 (5). [↑](#footnote-ref-17)
18. Forum for Women, Law and Development (FWLD), *Acquisition of Citizenship Certificate in Nepal: Understanding Trends, Barriers and Impacts*, FWLD, Kathmandu, 2014, [↑](#footnote-ref-18)
19. *Muluki Ain* 2020 (1963), Chapter on Partition, [↑](#footnote-ref-19)